Wednesday
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# HOUSE OF COMMONS
## OFFICIAL REPORT

# PARLIAMENTARY DEBATES

## (HANSARD)

**Wednesday 12 March 2025**

# House of Commons

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

**PRAYERS**

[Mr Speaker *in the Chair*]

# Oral Answers to Questions

## WALES

*The Secretary of State was asked—*

### Employer National Insurance Contributions: Impact on Employment

1. **Rebecca Smith** (South West Devon) (Con): What assessment she has made of the potential impact of the rise in employer national insurance contributions on employment in Wales. [903058]

**The Secretary of State for Wales (Jo Stevens):** I am sure the whole House will wish to join me in sending our deepest sympathy to the family, friends and neighbours of Joanne Penney, who was callously murdered in Talbot Green on Sunday. It is a shocking and horrific crime.

We have protected the smallest businesses and more than doubled the employment allowance to £10,500, meaning that over half of small and micro businesses will pay less or no national insurance contributions at all. In Wales, small and medium-sized companies account for 99.3% of total enterprises.

**Rebecca Smith:** Businesses across Wales, like those across my constituency of South West Devon, are being hit not only by Labour's job tax but by the increasing minimum wage, rising costs and other business tax increases. Each of those alone would force many to reduce their workforce, but the combination of all three means that businesses are thinking twice about filling job vacancies or creating new posts. What reassurances can the Minister give to businesses across Wales, and to companies such as Serpells in my constituency, that their business has a promising future between now and the next election, when the Labour Budget shows them the complete opposite?

**Jo Stevens:** If the Conservative party cares so much about employment and business in Wales, perhaps the hon. Lady should explain why her colleagues in the Senedd voted last week to block thousands of new apprenticeships and more than £300 million of support for businesses in Wales. Her party voted against that.

**Mr Speaker:** Let us go to the shadow Front Bench. I call the shadow Secretary of State for Wales.

**Mims Davies** (East Grinstead and Uckfield) (Con): Who is the Secretary of State battling for, Kazakhstan or Wales? Labour's political choices mean countless jobs in Wales are at risk due to the national insurance rise. The damaging impact that is having in the Minister's back yard is clear, with more than 1,800 jobs reportedly at risk at Cardiff University—in one of the many sectors that are desperately trying to stay afloat due to the Welsh Government's jobs tax and the Labour Government's impact on the Welsh economy. With Cardiff University ploughing on with its Kazakhstan campus, can the right hon. Lady be happy with the offshoring of those roles in that sector and many others because of the continued fallout from the autumn Budget?

**Jo Stevens:** I am not sure where the hon. Member has got the idea about outsourcing jobs. It was her party that told our universities across the country to go out and recruit international students, which they did. Now, because of that and because of what happened under her Government's watch, those international students are not coming any more. She should, again, look to her colleagues in the Senedd. There is the education budget; her party voted against it. She needs to talk to her colleagues in the Senedd.

**Mr Speaker:** I call the Liberal Democrat spokesperson.

**David Chadwick** (Brecon, Radnor and Cwm Tawe) (LD): The national insurance increase is set to hit high streets in Wales hard, with many traders saying that they will lay off staff as a result. Last week, the Government announced £100 million of funding to be spent on reinvigorating Welsh high streets, but no towns in the Swansea, Neath or Amman valleys were on that list. Will the Secretary of State clarify the criteria used to select the successful towns and whether areas such as Ystalyfera can expect to benefit from future funding? That is one high street that is certainly worth investing in.

**Jo Stevens:** The criterion for the announcement last week is publicly available; I suggest the hon. Gentleman has a look at it.

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): Diolch yn fawr iawn, Lefarydd. I am sure the House will join me in remembering the Llandow air disaster in which 80 people lost their lives 75 years ago.

Elaine's Hair and Beauty Salon in Llanrug, Pitian Patian Nursery in Llanwnda and care homes and GP surgeries across Dwyfor Meirionnydd tell me that national insurance hikes coming in just a few weeks will stop them hiring new staff. The Secretary of State's Government say they are cutting welfare to get people into jobs. What jobs?

**Jo Stevens:** Plaid Cymru's manifesto for the general election had £5 billion of unfunded commitments. If the right hon. Lady's party were in power, we would be facing the same legacy that we had from the Conservative party: a £22 billion black hole that has meant that we have had to take difficult decisions. Her constituents will want more investment in our NHS, more investment in our public services and more investment to support businesses; her party voted against all that in the Welsh budget.

**Liz Saville Roberts:** If the Government agreed with the Secretary of State's counterpart in Cardiff, we would have the money from the Crown Estate as well. Back in 2015, the Secretary of State and I walked through the same Lobby to vote against what she then described as

despicable Tory welfare cuts, and she dared the break the Labour Whip to do so. Given the evidence of her strong convictions on the issue, how can she justify remaining in a Cabinet that is intent on implementing Tory-style welfare cuts?

**Jo Stevens:** We inherited a Tory welfare system that is the worst of all worlds: it has the wrong incentives; it discourages people from working; the people who really need a safety net are still not getting the dignity and support that they need; and the taxpayer is funding an ever-spiralling bill. It is unsustainable, indefensible and unfair. Our principles for reform are clear: supporting those who need support, restoring trust and fairness in the system, fixing that broken assessment process and the disincentives and supporting people to start, stay and success in work. The right hon. Lady should support that.

### Crown Estate: Devolution

2. **Stephen Gethins** (Arbroath and Broughty Ferry) (SNP): What recent discussions she has had with the Welsh Government on devolving the Crown Estate. [903059]

**The Secretary of State for Wales (Jo Stevens):** I recently met the Deputy First Minister to discuss a wide range of issues, including the Crown Estate. The UK and Welsh Governments are focused on taking maximum advantage of the opportunities that floating offshore wind in the Celtic sea presents for Wales, which could create over 5,000 jobs and £1.4 billion of investment to the UK economy in the coming years.

**Stephen Gethins:** In the 2011 Scottish National party manifesto, we committed to have the equivalent of 100% of Scotland's electricity generated from renewables. The SNP met that target and then some, thanks to the devolution of the Crown Estate and to working with industry. It is now delivering jobs and clean, green energy to Scotland and throughout the UK. Why should Wales not have the same opportunity?

**Jo Stevens:** I will not take any lectures on the Crown Estate from the hon. Member, whose party's mismanagement of the Scottish seabed resulted in Scottish assets being sold off on the cheap. We are focused on doing whatever it takes to secure more than 5,000 jobs in Wales and the billions of pounds of investment that the Crown Estate can unlock for Wales.

**Tonia Antoniazzi** (Gower) (Lab): Does the Secretary of State agree that the Government's priorities should be ensuring that the Crown Estate can unlock thousands of new well-paid jobs in Wales that will come with floating offshore wind, rather than being distracted by calls to devolve the organisation in the middle of this national mission, which would risk the investment, jobs and lower energy bills that Wales desperately needs?

**Jo Stevens:** My hon. Friend is absolutely right. Like her, I want people in Wales to benefit from those 5,300 new jobs, particularly young people, so that they do not have to leave Wales, where they have grown up, to earn or learn. I want that £1.4 billion boost to the economy. We are not prepared to put all that at risk of market fragmentation, undermining or potentially destroying developer confidence in FLOW, and have to watch that investment go elsewhere in the world.

### Changes to APR and BPR: Number of Farms Affected

3. **John Cooper** (Dumfries and Galloway) (Con): What estimate she has made with Cabinet colleagues of the number of farms affected by changes to agricultural property relief and business property relief in Wales. [903060]

8. **Charlie Dewhirst** (Bridlington and The Wolds) (Con): What estimate she has made with Cabinet colleagues of the number of farms affected by changes to agricultural property relief and business property relief in Wales. [903066]

**The Parliamentary Under-Secretary of State for Wales (Dame Nia Griffith):** I have spoken to the farming unions in Wales, and I understand their strength of feeling. These changes are expected to affect around 500 claims across the whole UK, with very few in Wales. Meanwhile, most importantly, the Welsh Government and this Government have protected the farming budget at its current level, while the Welsh Conservatives tried to block that money from reaching farmers by voting against the Welsh Government's budget last week.

**John Cooper:** The Scotland Office is conducting a series of agricultural roundtables, talking directly to farmers and putting together statistics to push back against the orthodoxy that only a tiny number of very wealthy estates will be affected, which is simply not the case. This increasingly looks like a war on farmers by the Treasury. What part is the Minister playing in fighting back against it?

**Dame Nia Griffith:** The Treasury is confident in its figures. Specific questions on the methodology are a matter for the Treasury, but I repeat that the changes to APR are expected to affect only 500 claims across the whole UK, with very few in Wales. As the hon. Member knows, we are committed to our farmers, through keeping the £337 million block grant, which the Welsh Government have passed on to farmers directly.

**Charlie Dewhirst:** Farmers across the UK have already been rocked by the changes to APR and BPR, and yesterday we had shock news that the Department for Environment, Food and Rural Affairs will take no new sustainable farming incentive applications in England. What reassurances can the Minister give farmers in Wales that the sustainable farming scheme will be delivered in full and on time on 1 January next year?

**Dame Nia Griffith:** As the hon. Gentleman knows, my good friend the Deputy First Minister of Wales has spent a lot of time talking to farmers. We have absolutely protected the budget for farmers, as have the Welsh Government, so the full £337 million will go directly to farmers, despite his colleagues in the Senedd trying to block it last week.

**Mr Speaker:** I call the Chair of the Welsh Affairs Committee.

**Ruth Jones** (Newport West and Islwyn) (Lab): The Welsh Affairs Committee is launching its inquiry into farming in Wales this week, because we know that farming is a cornerstone of the Welsh economy. The Welsh Government budget contained over £300 million to support Welsh farmers. Does the Minister agree that it is a shame that the Opposition parties are playing fast and loose with farmers' livelihoods by voting against the Welsh Government budget last week?

**Dame Nia Griffith:** Indeed, my hon. Friend is absolutely right. It is an utter disgrace that Opposition parties decided to vote against the budget last week. They were effectively trying to block money going to farmers—what a disgrace.

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

**Mims Davies** (East Grinstead and Uckfield) (Con): The Government have said that they are concerned, as we all are, about our future security, so why is food security expendable in Wales and beyond? That is the message from farmer Stella Owen of the National Farmers Union Cymru, who has said that the Government's actions are "destructive" and

"threaten the future of family farms"

across Wales. How many of those family farms is the Minister prepared to see go under before she and the Secretary of State step up and act in the interests of that key sector by helping the men and women who are livid, worried and fearing for their livelihoods?

**Dame Nia Griffith:** As I am sure the shadow Secretary of State has been reminded many times, difficult decisions had to be made to fund our public services, but the changes still leave a significant amount of relief in place. Farming parents will typically be able to pass on up to £3 million to their children without paying any inheritance tax at all, and above that amount inheritance tax will be paid at a reduced effective rate of up to 20%, rather than the standard 40%. Estates have up to 10 years to pay any tax due, and it will be interest-free. Those terms are not available to others. That fair and balanced approach maintains support for family farms while also fixing the public services on which we, including farmers, rely.

## Cancer Strategies

4. **Clive Jones** (Wokingham) (LD): Whether she has had recent discussions with the Welsh Government on the implementation of cancer strategies. [903061]

**The Parliamentary Under-Secretary of State for Wales (Dame Nia Griffith):** I have regular discussions with my Welsh Government colleagues about health. I am pleased to see clear progress in cancer services in Wales. In December, performance against the 62-day cancer target was the best we have seen since August 2021, but no one should ever be complacent about cancer, which is why our two Governments are committed to working closely on cancer, sharing best practice and delivering better outcomes for patients across England and Wales.

**Clive Jones:** Since August 2020, not a single health board in Wales has met its cancer target, leaving patients waiting months for their referral to start treatment, and despite recommendations to implement screening programmes properly, the standard for uptake is not being achieved, leading to poorer health outcomes. As the Department of Health and Social Care embarks on developing a strategy for England, how will the Secretary of State for Wales ensure that those issues are not repeated there?

**Dame Nia Griffith:** I can tell the hon. Gentleman that there is now positive progress on waiting lists. Both Governments are working together in a spirit of genuine collaboration to cut NHS waiting lists and build an NHS fit for the future. The Welsh Government have committed more than £600 million in extra funding to health and social care in their budget for 2025-26. They are also setting up a national cancer leadership board to improve cancer care. Thanks to those investments, Welsh NHS services are improving, including for cancer, and waiting lists are falling.

**Mr Alex Barros-Curtis** (Cardiff West) (Lab): Will my hon. Friend outline how she is working in partnership with the Welsh Government to improve cancer and health outcomes? Could she try to help me understand why on earth, in the Welsh budget vote last week, the Conservatives and Plaid Cymru voted against £600 million more for our Welsh NHS?

**Dame Nia Griffith:** I really cannot explain why Conservative colleagues in the Senedd voted against that budget. Not only are the Welsh Government delivering £600 million; they are also delivering a specific package on cancer care. The initial phase, which is going to focus on breast, skin, gynaecological, lower gastrointestinal and neurological cancers, will improve productivity and efficiency in how health boards deliver care. This includes sending people straight to tests without an out-patient appointment. Alongside this, the Welsh Government are implementing a wider range of service improvements, from reducing smoking and tackling obesity to HPV vaccination and diagnostic and generic strategies.

## Welsh Tourism Industry

5. **Joe Robertson** (Isle of Wight East) (Con): What discussions she has had with the Welsh Government on steps to support the Welsh tourism industry. [903063]

**The Secretary of State for Wales (Jo Stevens):** Wales has a world-class tourism offer. I fully support the Welsh Government's support for the tourism sector through Visit Wales and other initiatives. Last month, the UK Government announced a £15 million investment for Venue Cymru in Llandudno and the Newport transporter bridge. These are two key projects that will help to boost the tourism and culture sector in Wales.

**Joe Robertson:** The tourism and hospitality sector in the UK is one of the most heavily taxed in Europe. Will the Secretary of State press the Chancellor to reduce the tax burden in this area to help drive local economies that rely on tourism in Wales and in constituencies such as mine on the Isle of Wight?

**Jo Stevens:** I would gently remind the hon. Gentleman that his party in government put the highest tax burden in 70 years on the people and businesses of this country, leaving a £22 billion black hole that we have had to try to sort out.

**Henry Tufnell** (Mid and South Pembrokeshire) (Lab): More than 40 countries and holiday destinations around the world have introduced a form of visitor levy, including Greece, Amsterdam, Barcelona and California. What work is the Secretary of State doing with the Welsh Government to support our vital tourism industry?

**Jo Stevens:** My hon. Friend has one of the most beautiful constituencies in Wales, and I know that tourism is critical to his local economy. Indeed, tourism probably remains the only way to see a Conservative MP in Wales after the general election. The visitor levy is set to raise up to £33 million for the tourism sector across Wales. Last week, Conservatives in the Senedd voted to block £15.6 million of support for Welsh tourism.

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

**Mims Davies** (East Grinstead and Uckfield) (Con): Sadly, there will be no more Easter family fun at Oakwood, which has made it clear that its final demise, after covid, is due to Labour's looming tourism tax, the job tax and sky-high business rates from the Senedd, meaning that it is all over. How many more tourist and hospitality businesses need to tell the UK Government that their "closed" signs will be going up and staying up due to decisions made by the Treasury? Will the Secretary of State stand up for the businesses and jobs in Wales who know that they are being taken for the worst ride possible—frankly, even more vomit-inducing than Megafobia—by this Government of broken promises?

**Jo Stevens:** Last week, the hon. Lady's colleagues in the Senedd voted against extra money for tourism—*[Interruption.]* They did! Maybe she should have a conversation with Darren Millar, her colleague in the Senedd, but I do not think they are having that sort of conversation at the moment because they are still arguing about who is leading the Tories in Wales.

## NHS Waiting Lists

6. **Douglas McAllister** (West Dunbartonshire) (Lab): What recent discussions she has had with the Welsh Government on NHS waiting lists. [903064]

**The Secretary of State for Wales (Jo Stevens):** I regularly meet the First Minister to discuss a wide range of matters, including NHS waiting lists. The latest data shows positive progress in reducing long waiting times and the size of the waiting list, thanks to investment by both the UK and Welsh Governments.

**Douglas McAllister:** I am appalled to hear that Plaid Cymru voted against £600 million of extra investment to bring down NHS waiting list in Wales, but I am afraid that this is a familiar story for our Scottish Members. Does the Secretary of State agree that nationalist parties will always prioritise niche constitutional distractions over delivering priorities for working families and what they need and deserve?

**Jo Stevens:** I could not agree more with my hon. Friend. Plaid Cymru Members will have to explain to their constituents why they voted against £600 million extra for the NHS last week, blocking crucial funding from reaching our hospitals, NHS staff and patients in Wales.

**Jim Shannon** (Strangford) (DUP): One of the issues with waiting lists in Wales, as is the case all across the United Kingdom, concerns those who have been waiting first for diabetes diagnosis and then for treatment. There used to be a strategy in Westminster that encompassed not just England, but Scotland, Wales and Northern Ireland. Would the Secretary of State support a similar strategy for the four regions together to address diabetes and what it is doing to this country?

**Jo Stevens:** We are talking about nations and regions, rather than just regions, but I would be happy to have a discussion with the hon. Gentleman outside the Chamber about that matter.

## Strength of the Union

7. **Graham Leadbitter** (Moray West, Nairn and Strathspey) (SNP): What recent assessment she has made of the strength of the Union. [903065]

**The Parliamentary Under-Secretary of State for Wales (Dame Nia Griffith):** Our United Kingdom is going from strength to strength and is underpinned by a transformed relationship between the UK and devolved Governments. In Wales, that means a partnership between our two Governments delivering on the issues that matter most to people: reforming the NHS and public services, and attracting investment and new jobs through freeports, investment zones and our industrial strategy.

**Graham Leadbitter:** Today the Senedd will vote on a motion to redesignate High Speed 2 as an England-only project. Previous calculations suggest that Wales missed out on around £4 billion from the project. Welsh Ministers have now claimed that the amount is £431 million—quite the difference. With the Welsh Government abandoning their ambitions and the UK Government refusing to budge on full consequential funding, is the Labour party now waving the white flag on Wales's missing billions?

**Dame Nia Griffith:** The Government absolutely acknowledge that the previous Conservative Government short-changed Wales for years on rail investment, including because of HS2. One of our top priorities is to reverse those years of historic underfunding in Wales's infrastructure. The Secretary of State met the Transport Secretary and the Welsh Government Transport Minister Ken Skates immediately before Christmas, when they agreed on a direction of travel that we hope will deliver new rail investment in Wales. The UK and Welsh Governments have agreed a prioritisation of rail improvement projects developed by the Wales Rail Board. That would inform our respective Departments' work in the run-up to the spring spending review.

**Andrew Ranger** (Wrexham) (Lab): Investment in Wales by the UK Government demonstrates the strength of the Union. I was therefore delighted to see the UK Labour Government announce their plan for neighbourhoods, which will see a £100 million investment in Welsh communities, with £20 million of that going into my constituency, straight into vital local resources such as high streets and youth clubs. Does the Minister

that this Labour Government are committed to bringing growth to areas of Wales that were previously ignored by the Conservatives?

**Dame Nia Griffith:** Indeed. With the UK and Welsh Governments working together, we have secured more than £1.5 billion in investment and hundreds of jobs in Wales. Of course, we have established investment zones in Cardiff, Newport, Wrexham and Flintshire to provide a rocket-boost to sector strengths, such as advanced manufacturing.

### School Standards in Wales

9. **Sir Ashley Fox** (Bridgwater) (Con): What discussions she has had with the Welsh Government on school standards in Wales. [903067]

**The Parliamentary Under-Secretary of State for Wales (Dame Nia Griffith):** The UK Government have delivered the biggest Budget settlement in the history of devolution, with £21 billion of new money for the Welsh Government. The Welsh Government are investing almost £200 million this year to support school standards across Wales, plus a further almost £170 million next year. The hon. Member's Welsh Conservative colleagues tried to block that funding by voting against the Welsh Government Budget last week.

**Sir Ashley Fox:** Children in Wales have the lowest PISA —programme for international student assessment— scores in the United Kingdom and are significantly below the OECD average. Does the Minister believe that that could be related to 26 years of Labour government in Wales?

**Dame Nia Griffith:** I will take no lectures from the Conservatives. Their attacks ring hollow given the chronic underfunding of education and public services over the 14 years they were in power. Now, the UK and Welsh Governments are working together to ensure that every young person has the opportunity to succeed, by investing over £260 million extra in education and more than £260 million in local government, which sets school budgets in Wales. In spite of the shenanigans of Plaid and the Conservatives voting against the Welsh Government's Budget, Labour is getting on and delivering certainty and support for teachers across Wales through increases to education and local authority budgets.

**Gill German** (Clwyd North) (Lab): Does my hon. Friend welcome, as I do, the additional £20 million announced by the Welsh Government last week to improve education standards, on top of the £262 million extra in total for education in Wales? Is she as perplexed as I am as to why the Conservatives and Plaid Cymru voted against extra money for education in the Welsh budget?

**Dame Nia Griffith:** Like my hon. Friend, I am absolutely astounded by the way that Plaid Cymru and Conservative Senedd Members voted against the budget, but the important thing is that this year the Welsh Government will be investing an additional £1.1 million in literacy, numeracy and science support in schools. The Welsh Government have also announced a £10 million investment package for literacy and numeracy in the coming year, increasing local capacity to support schools, national support programmes and interventions to support budding learners.

## PRIME MINISTER

*The Prime Minister was asked—*

### Engagements

Q1. [903143] **Mike Martin** (Tunbridge Wells) (LD): If he will list his official engagements for Wednesday 12 March.

**The Prime Minister (Keir Starmer):** I welcome the progress of talks between Ukraine and the United States. We must now redouble our efforts to get a lasting, secure peace. On Saturday, I will convene international leaders to discuss how we can make further progress.

I pay tribute to the bravery and dedication of all those responding to the ship collision off the east Yorkshire coast. Our thoughts and, I am sure, the thoughts of the whole House are with the family of the crew member who is sadly presumed dead.

This week we introduced landmark legislation to get Britain building, paving the way to restoring the dream of home ownership for working people across the country. We are also driving forward our Employment Rights Bill, the biggest boost to workers' rights in a generation. That is our plan for change in action.

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

**Mike Martin:** Russia has abducted at least 19,000 Ukrainian children and transferred them to Russia. They have been told that their parents do not love them, placed in Russian homes and been re-educated. For that despicable crime and others, the International Criminal Court has issued six arrest warrants for Vladimir Putin and his gang. I note the Prime Minister's previous fulsome support for the ICC and his comments just last night about the support that the UK will offer to Ukraine in achieving a just and lasting peace. Will the Prime Minister confirm to the House that British peacekeeping troops will be deployed to Ukraine only if the peacekeeping deal includes both the return of Ukraine's children and Putin's prosecution?

**The Prime Minister:** I thank the hon. Member for raising that issue, because it is an absolutely terrible case of abduction and kidnapping. When we say a lasting, just settlement for peace in Ukraine, it must of course involve dealing with that issue. As he would expect, we are raising it continually with our allies.

Q2. [903144] **Shaun Davies** (Telford) (Lab): Telford and Britain voted for change in July, yet this week we saw the bizarre spectacle of the Conservatives attempting to bring back the Rwanda policy, clinging on to a gimmick that cost British taxpayers £700 million yet sent only four volunteers to Rwanda. As Labour works to secure our borders through our plan for change, does the Prime Minister agree with me that it is quite clear that the Conservative party has learned absolutely nothing?

**The Prime Minister:** My hon. Friend is quite right. The Conservatives ran an open borders experiment that saw numbers go up to almost 1 million, and the Leader of the Opposition was the cheerleader, thanking herself for the lobbying that she did. The Rwanda scheme cost £700 million of taxpayers' money to remove four volunteers. What a contrast: we have got the flights off and removed 19,000 people who should not be here. As with the NHS, prisons, the economy and everything else, we are clearing up the mess that they left.

**Mr Speaker:** I call the Leader of the Opposition.

**Mrs Kemi Badenoch** (North West Essex) (Con): Later today, the Prime Minister is meeting the family of Sir David Amess. Sir David gave this House and our country 40 years of service. I hope the Prime Minister will agree that getting the response to his murder right is vital not just to his family but to our democracy.

Every week, I speak to businesses that are letting go of staff or closing. Has the Prime Minister been given an estimate of how many people will lose their jobs because of his Budget?

**The Prime Minister:** On the question of Sir David, he was a deeply loved and respected colleague—behind me is his plaque, and there is the plaque in front of me for Jo Cox. I know that this was deeply felt by the House, but particularly, as I acknowledged at the time, by the Conservative party, which lost a colleague and a friend in the most awful of circumstances. I am meeting the Amess family later on today, and I will make sure that they get answers to the questions that they ask.

In relation to businesses, I am really pleased to say that we have thousands of new jobs in the economy. We have got more investment in than in the last 20 years—an absolute record. Wages are up higher than prices, and there have been three interest rate cuts—the best boost for the cost of living for a very long time.

**Mrs Badenoch:** The Prime Minister needs to get out more. Inflation is up, and estimates of job losses are between 130,000 and 300,000. His tax rises are hurting every sector of the economy. Things are getting worse for nurseries, which are writing to stressed parents right now telling them that fees will go up because of his jobs tax. Can he explain how more expensive childcare is good for the economy or for working families struggling to make ends meet?

**The Prime Minister:** We are putting in childcare—look at the breakfast clubs; there are two in the right hon. Lady's constituency. She is rather forgetting the £22 billion black hole that the Conservatives left, which we had to deal with. That is why we had to take the necessary but right measures that we did in the Budget. What is her response? It is not that she would reverse them—oh no, she does not say that. She attacks what we have done, but she does not say that she would reverse it, because she wants all the benefits of our Budget in terms of investment, but does not want to pay for it. That is how we got into the mess in the first place.

**Mrs Badenoch:** The Prime Minister is out of touch. He should know that nurseries are charging more than £2,000 for full-time care—that is £24,000 a year after tax—and he is talking about 60p breakfast clubs. He has no idea what people out there are experiencing.

It is not just families: even councils must pay the Prime Minister's jobs tax. To cope with that, the average council tax bill is increasing by more than £100 in April, after he promised to freeze it. Hard-working families' money is going to the Chancellor instead of to social care and fixing potholes. Why should these families pay more for less?

**The Prime Minister:** The right hon. Lady really should not denigrate what I think she called "60p breakfast clubs". She should be welcoming them. She asks about council tax. The Tories put up council tax every year for 12 years. Their Local Government Association manifesto says that Government should:

"Remove the caps on Council Tax".

Hampshire county council, which is Tory, wanted a 15% increase, and we said no. Slough borough council, which, again, is Tory, wanted 3%, and we said no. Windsor and Maidenhead council, which was Tory and is now Lib Dem, wanted 25%, and we said no. We are the ones doing the right things to get this country on the right track.

**Mrs Badenoch:** The point is that the Prime Minister promised to freeze council taxes, and they are going up. If he wants to talk about councils, let us look at Liverpool, or maybe Birmingham, where the rubbish is piling up so high. People vote Labour, and all they get is trash—just like what he is saying at the Dispatch Box.

People all over the country are suffering, not just in Birmingham. Millions of elderly people have had their winter fuel payments snatched away. At the same time, care home fees are set to go up by a devastating £3,000 because of the Prime Minister's jobs tax. How does he expect pensioners on a fixed income to make ends meet?

**The Prime Minister:** This is why it is so important that wages are up higher than prices. It is why it is so important that interest rates are coming down. This is the biggest boost for the cost of living for a very long time. What we are doing is picking up and fixing the mess that the Tories left.

**Mrs Badenoch:** The Prime Minister is not looking at what is happening out there. Every day, I speak to businesses that are telling us that they think they are going bust, and as if businesses and families did not have enough to worry about, supermarkets say that food prices will increase by over 4% because of the jobs tax. That is before we get to the immoral family farm tax on the very farmers who work so hard to produce our food. What does the Prime Minister have against farmers, anyway? Does he not see that his Budget is killing farming in this country, and that he is making life so much harder for everyone else?

**The Prime Minister:** The Budget provided £5 billion for farming over the next two years—that is a record amount. We have set out a road map for farming, which has been welcomed by farmers, and many thousands of farms have benefited from the farming schemes. The right hon. Lady talks about prices; wages are going up higher than prices. It is the first time in a long time that that has happened, so families across the country are better off under Labour.

**Mrs Badenoch:** The Prime Minister has got no answers today. What the farmers are complaining about is the sustainable farming incentive, which he has just scrapped, or withdrawn.

The Government are making mistakes with this Budget, which is why in two weeks, the Chancellor will come to this House to present an emergency Budget that the Prime Minister said we would not need. They will try to make out that it is because of global events, but the truth is that the Government trashed the economy with their bad choices. They said that they would look after pensioners, then they snatched away winter fuel payments. They said that they would be pro-business, but they hiked taxes on jobs, and the Prime Minister promised to freeze council tax, but it is going up by £100. This is a high-tax, low-growth, job-killing Government. Will he use the emergency Budget to fix the mess he has made?

**The Prime Minister:** Under the Tories, inflation was 11%, with a £22 billion black hole and a mini-Budget that made us the laughing stock of the world, and they want to give us lectures on the economy? No, thank you very much.

Q4. [903146] **John Slinger** (Rugby) (Lab): With one in eight young people across the country not in education, employment or training, people in Rugby are worried about a wasted generation. Too many people with disabilities and health conditions are not getting the help they need to get into work, so will the Prime Minister set out how this Government will give everyone who is able to work the support they need, provide compassion to those who cannot work, and fix the broken welfare system left behind by—you guessed it—the Conservatives?

**The Prime Minister:** I thank my hon. Friend for raising this issue. I come from a family that dealt with disability through my mother and brother over many years, so I understand the concerns he has raised. We inherited a system that is broken. It is indefensible, economically and morally, and we must and will reform it. We will have clear principles: we will protect those who need protecting, and we will also support those who can work back to work. Labour is the party of work, and we are also the party of equality and fairness.

**Mr Speaker:** I call the leader of the Liberal Democrats.

**Ed Davey** (Kingston and Surbiton) (LD): I would like to begin by giving a shout-out for Young Carers Action Day, which is today, but I promise the House that I will not sing.

The Prime Minister has rightly spoken about the need to get more people into work—he has repeated that today—so that people have more dignity, we can get the economy going, and we can cut the benefits bill after the disgraceful legacy left by the Conservatives. Does the Prime Minister recognise that the best way to help many disabled people into work is to support them properly, through more special equipment, training, better healthcare and so on? Will he also today calm anxieties that he himself has raised for many of us by saying that disability benefits for people who simply cannot work will not be cut?

**The Prime Minister:** As I have just said, we will support those who need support, but help those who can work into work. Those will be the guiding principles. What we have inherited is shocking—*[Interruption]*—and those on the Opposition Benches ought to be silent. One in eight young people is not in education, work or training—that is a lost generation. That is the inheritance. *[Interruption.]* They have plenty to say now, but they did nothing for 14 years, and that was a terrible inheritance.

**Ed Davey:** Turning to international issues, can I congratulate the Prime Minister on helping to secure the restoration of US military and intelligence support for Ukraine? Can I press him on progress to persuade President Trump against the damaging metal tariffs that are already hitting British industry? The Prime Minister knows that we on the Lib Dem Benches believe that we must be more robust with President Trump, like the Europeans and the Canadians. Will the Prime Minister fly out to Canada as soon as possible to show its new Prime Minister and the Canadian people that Britain stands with its Commonwealth allies against Trump's threats and Trump's tariffs?

**The Prime Minister:** Canada is an ally, and a very important ally, too. I have spoken to our allies on many occasions about the situation in Canada. On the question of tariffs, like everybody else, I am disappointed to see global tariffs on steel and aluminium, but we will take a pragmatic approach. We are, as the right hon. Gentleman knows, negotiating an economic deal, which covers and will include tariffs, if we succeed, but we will keep all options on the table.

**Claire Hanna** (Belfast South and Mid Down) (SDLP): Lá Fhéile Pádraig shona daoibh agus Seachtain na Gaeilge daoibh. Deis lenár dteanga agus ár gcultúr a cheiliúradh ar fud an domhain. Happy St Patrick's day, everybody, and happy Irish Language Week. It is an opportunity to use Irish language and celebrate Irish culture across the world.

It is an increasingly turbulent world, and relationships and norms have been turned upside-down over recent weeks, which is why I congratulate the Prime Minister and the Taoiseach on re-establishing a warm and firm relationship at their summit last week. It is reassuring for all of us to know that whatever our constitutional future, that bond is lasting and refreshed. Will the Prime Minister join me in wishing a happy St Patrick's day to all who value our shared bonds? May I take this opportunity to invite him, in August 2027, to Belfast, which was announced this week as the host of the Fleadh Cheoil na hÉireann for the first time?

**The Prime Minister:** I join the hon. Lady in wishing everybody celebrating a very happy St Patrick's day. She is right that we need a strong and settled relationship between the United Kingdom and Ireland, and the need for that has never been greater. That is why I was delighted to host the Taoiseach in Liverpool last week at our first annual UK-Ireland summit. We have turned the page and started a new era in our relationship with Ireland. I would be happy to go to Belfast in 2027, but I want to go much sooner than that.

Q3. [903145] **Mr Andrew Snowden** (Fylde) (Con): In just 20 days' time, new sentencing guidance will come into effect that the Justice Secretary has already conceded will be two-tier in its nature. It will mean that the colour of a person's skin or their religion can mean that they

are viewed with leniency in the eyes of the law. It will plunge public confidence in the judiciary into crisis, but it is avoidable. We Conservatives have tabled a Bill that, if backed on Friday, can stop this guidance in its tracks. Will the Prime Minister overrule his Justice Secretary, and confirm here and now that he will back that Bill, or will he simply step aside and prove that he has been two-tier Keir all along?

**The Prime Minister:** Everyone should be equal before the law, and that is why the Lord Chancellor has taken up the issue with the Sentencing Council, but the hon. Gentleman needs to do his homework. The proposal that he complains about was drafted in 2024, and the last Government were consulted. When they were consulted, what did they say? They said they welcomed the proposal. I understand that the shadow Justice Secretary, the right hon. Member for Newark (Robert Jenrick), is taking the Sentencing Council to court. Perhaps he should add himself as a second defendant, so that he can get to the bottom of all this.

Q5. [903147] **Tulip Siddiq** (Hampstead and Highgate) (Lab): I am proud to represent a constituency with eight synagogues, a thriving Jewish population and the United Kingdom's largest Jewish cultural centre, JW3, but this week, I was horrified to read reports of rising antisemitism on NHS wards, and in particular about a shocking incident in which a Jewish NHS staff member was called a baby killer by a colleague. The NHS that I know and love is open to everyone, regardless of background. What is the Prime Minister doing to ensure that my Jewish constituents can safely use our beloved national health service?

**The Prime Minister:** I thank my hon. Friend for raising the subject of those deeply concerning reports. It is completely unacceptable for anyone to experience racism, discrimination or prejudice in the health service, and I know that my right hon. Friend the Health Secretary takes such reports extremely seriously, because it is a fundamental principle that the NHS provides care and treatment for everyone, regardless of race, faith or background.

**Andrew Griffith** (Arundel and South Downs) (Con): But it's okay in the justice system?

**The Prime Minister:** This is a really serious issue. The hon. Gentleman has let himself down, and he knows it. I expect all trusts and healthcare providers to take necessary action against any staff who have expressed views that do not reflect the views and values of the NHS.

### Durability of UK-US Relations

Q9. [903151] **Dave Doogan** (Angus and Perthshire Glens) (SNP): If he will make an assessment of the durability of UK-US relations.

**The Prime Minister:** As the hon. Gentleman knows, and as the House knows, I am committed to strengthening those relations. The United States is an indispensable ally, and we are working together to try to secure a just and lasting peace in Ukraine. I have spoken to the President on a number of occasions, including this week.

**Dave Doogan:** I agree with those sentiments. This week's ceasefire negotiations are a cause for great optimism, and I welcome the efforts of the Prime Minister's national security adviser, Jonathan Powell, in leading on that priority. However, last week the Prime Minister said at the Dispatch Box, in answer to my right hon. Friend the Member for Aberdeen South (Stephen Flynn), that he had no knowledge of the United States' planning to withdraw military aid from Ukraine, which the United States did the following day. It is against that backdrop that I ask the Prime Minister—because I know he wants a just and lasting peace in Ukraine that respects Ukraine's borders and territorial integrity—what reassurance he can give the House that when he is impressing that priority on the President of the United States, the President is actually listening.

**The Prime Minister:** Let me give this reassurance. As soon as that step was taken, my team and I started work to try to ensure that we could return to a situation of full support for Ukraine. I will not detail everything that was involved over the last week, but I can assure the hon. Gentleman and the House that a huge amount of hard work, discussions and diplomacy was used with all our allies, and others, to ensure that we could get yesterday to go as well as we hoped it would. I am pleased that we made progress—I think that is very important for Ukraine—and I am extremely pleased that support has been put in, backed by the UK. So that is what I did once I understood what had happened. I am pleased with where we have got to, but, as ever, we must go further.

### Engagements

Q6. [903148] **Richard Burgon** (Leeds East) (Lab): Disabled people in my constituency are frightened because they are again hearing politicians use the language of "tough choices". They know from bitter experience that when politicians talk about tough choices, it means the easy option of making the poor and vulnerable pay. Instead of cutting benefits for disabled people, would not the moral thing—the courageous thing—to do be to make a real tough choice, and introduce a wealth tax on the very wealthiest people in our society?

**The Prime Minister:** The Conservative party left a broken welfare system that locks millions out of work, and that, in my view, is indefensible, economically and morally. Of course we must support people who need support; we must help those who want to work to get back into work, and I think there is a moral imperative in that. My hon. Friend talked about a wealth tax. We have raised money through the energy profits levy, taxing non-doms and air passenger duty on private jets, but this is not a bottomless pit, and we must kick-start growth to secure the economic stability that we need.

Q13. [903155] **Sir Geoffrey Clifton-Brown** (North Cotswolds) (Con): Most people would accept that we need more housing in this country, yet so often it is not accompanied by the necessary infrastructure. In my constituency, thousands of houses are proposed, yet without £250 million to upgrade junction 12 of the M5, the inspector is likely to rule our plan unsound. Will the Prime Minister use his upcoming Planning and Infrastructure Bill to see how developer and landowner

contributions can more effectively build this vital infrastructure, which would benefit communities up and down the country?

**The Prime Minister:** The hon. Gentleman is right: we have to get the houses that we need built in his constituency and elsewhere—something that the Conservative party failed to do. That is why we have introduced the infrastructure Bill, which I think he welcomes. That Bill will get Britain building, so that we can deliver on those 1.5 million new homes through our plan for change. On the issue he raises, he and my hon. Friend the Member for Stroud (Dr Opher) have been working together to try to resolve this issue, as I understand it, and I am happy to ensure that he gets a meeting with the relevant Minister, if that would help in taking it further.

Q7. [903149] **Sojan Joseph** (Ashford) (Lab): May I commend this Labour Government's landmark reforms to get Britain building through our plan for change? I look forward to working with Ministers to ensure that developers deliver what they promise to local residents, so that those in new homes have access to roads, GP surgeries and dentists, and do not create an extra burden for hospitals such as the William Harvey hospital in my Ashford constituency. What is the Prime Minister's message to the blockers who are standing in the way of our building the homes and vital infrastructure that our country needs?

**The Prime Minister:** My hon. Friend is a dedicated campaigner for his constituents. We know who has been standing in the way for the past 14 years: the Conservatives, and they have learned absolutely nothing. The Leader of the Opposition claims that she has never opposed growth or development, but that is not what she is telling her constituents. Only last month, she wrote in her newsletter that she will

"keep working with Conservative colleagues"

to block a vital energy infrastructure project in her own backyard. She is not alone; the shadow Foreign Secretary, the shadow Defence Secretary, the shadow Environment Secretary—they are all at it. What a bunch of blockers!

Q14. [903156] **Sir Ashley Fox** (Bridgwater) (Con): The Employment Rights Bill will grant union equality representatives the right to paid time off work. Will the Prime Minister grant special constables the right to take unpaid leave to perform their duties?

**The Prime Minister:** I am grateful to the hon. Gentleman for raising the question of special constables, who play a very important role in our communities in keeping us safe. The number of special constables dropped under the last Government. We support the existing employer-supported policing scheme, and we will support our special constables, but the number dropped under the last Government.

Q8. [903150] **Andy McDonald** (Middlesbrough and Thornaby East) (Lab): I recently visited Middlesbrough's James Cook university hospital, and learned of the brilliant work in the neurosciences department for the survivors of stroke, brain and spinal injuries, and many other conditions. It has only 18 rehabilitation beds to serve a population of some 1.4 million people, whereas the guidelines say it needs 80 beds, meaning that patients in the Tees valley do not get the rehabilitation they need. Will the Government remedy the position by ensuring that resources are allocated for meeting the ambition of developing a world-class neuro-rehabilitation centre, serving the Tees valley and beyond?

**The Prime Minister:** I thank my hon. Friend for his question; it is important to hear about the important work that the James Cook hospital is doing in his constituency. We are investing £350,000 in research on interventions that support people with functional neurological disorders, in order to rehabilitate them within the community. Of course, our plan for change invested £25 billion to cut waiting lists, speed up treatment and shift more care into the community. In relation to the hospital, I will make sure that he gets a meeting with the Minister to see what further can be done.

**Sir John Whittingdale** (Maldon) (Con): Will the Prime Minister look at the case of my constituents Mr and Mrs Adrian Fenton, who returned home from visiting France in their motorhome to discover an illegal immigrant concealed in the bike rack? They reported the matter immediately to the police, only to receive a fine of £1,500 from Border Force. Does he agree that my constituents ought to be thanked, rather than punished, and does he accept that this action will deter anybody from acting responsibly in the future?

**The Prime Minister:** I thank the right hon. Member for raising this important case on behalf of his constituents. I have seen some of the details, and I am concerned about it. I do think it is important, as he says, that the Home Office look into it, and therefore we will do so. I will ensure that he is updated in relation to that in due course.

Q10. [903152] **Peter Dowd** (Bootle) (Lab): Veterans in Sefton, one of the many remarkable charities in my constituency, states that

"Statistics can only partly measure the price paid by…servicemen and women. Incidences of broken marriages, suicides, alcoholism, deep depression, and homelessness among veterans remain largely unquantified."

Given that, will my right hon. Friend restate Labour's commitment to providing our veterans with the holistic support they need and deserve?

**The Prime Minister:** We owe an extraordinary debt to our veterans. We are committed to renewing the nation's contract with those who have served, and that includes the guarantees of homes for heroes for those who have served, dedicated mental and physical healthcare pathways in the NHS and dedicated support to help those leaving service using their skills to find new and fulfilling careers.

**Sarah Dyke** (Glastonbury and Somerton) (LD): Yesterday, with no notice, DEFRA closed sustainable farming incentive applications, leaving thousands of farmers who want to deliver public goods waiting for a year without support. Can the Prime Minister assure British farmers that they will not be left stranded and unable to support environmental and food resilience goals due to lack of Government support?

**The Prime Minister:** As the hon. Member knows, the SFI schemes have operated to provide quite considerable support so far. There have been a number of schemes: they have closed and then a new scheme has been put in place. In 2022 and 2023, the Conservatives closed them without the six weeks' notice. But we do support farmers and we will be putting forward more details at the spending review. The difference in this Government is that we are funding the farmers, whereas the Conservatives failed to spend part of the budget.

Q11. [903153] **Zarah Sultana** (Coventry South) (Ind): In October 2023 in an interview with LBC, the Prime Minister said:

"I think Israel does have that right",

when asked whether cutting off power and water to Gaza was appropriate. For 11 days now, Israel has blocked the entry of vital goods and aid into Gaza, subjecting over 2 million people to collective punishment and starvation. Israel's decision to cut off electricity to a plant supplying drinking water to half a million people is yet another blatant violation of international law, and further evidence of genocide against the Palestinian people. In the light of these facts, does the Prime Minister still maintain that Israel is not committing genocide?

**The Prime Minister:** I am really appalled by Israel blocking aid when it is needed at greater volume and speed than it has ever been needed. Blocking goods, supplies and power entering Gaza risks breaching international humanitarian law and it should not be happening, and we are doing everything we can to alleviate that situation.

**Sir Julian Lewis** (New Forest East) (Con): In his extremely important upcoming discussions with other nations about Ukraine, will the Prime Minister focus on the fact that it was standard Russian procedure to take over other countries by having bogus elections and installing puppet Governments? Will he therefore impress on other colleagues the need to be very wary of calls to hold elections in Ukraine during a wartime situation, which could result in the subversion and takeover by Russia of the entire country?

**The Prime Minister:** I thank the right hon. Member for raising a really important point. The track record is there for all to see. On top of that, we in this country did not hold elections when we were at war. That is a perfectly reasonable and normal course of behaviour. That must be part of our discussions as we go forward, including the meeting that I am convening on Saturday.

Q12. [903154] **Lloyd Hatton** (South Dorset) (Lab): South Dorset is ready to play its part in making Britain a clean energy superpower, but after 14 years of Conservative failure, there are many untapped opportunities on our doorstep. Green investment opportunities such as Portwind, Morwind and a hydrogen storage hub are all coming down the track, so can the Prime Minister reassure my constituents that the Government will work with the Crown court on these projects, invest in key infrastructure and ensure that South Dorset's green energy potential is hardwired into our plan for change?

**The Prime Minister:** My hon. Friend is absolutely right about making Britain a clean energy superpower. We are committing £2.3 billion to support hydrogen projects, and I recognise the huge potential of South Dorset to become home to a storage hub. We are ensuring that public and private investment work together, which is exactly what the Crown Estate Act 2025 does, unlocking significant investment, boosting offshore wind and kickstarting economic growth.

**Andrew Rosindell** (Romford) (Con): As the Leader of the Opposition has mentioned, the Prime Minister will meet today the family of our dear late colleague, Sir David Amess, who was so brutally murdered at his constituency surgery three and a half years ago. I plead with the Prime Minister to reverse the decision to deny the family a public inquiry, despite similar inquiries being held into other tragic instances. Will he please stop this shameful saga and heed the call from the Amess family—a heartbroken family—for a judge-led public inquiry into David's death and the related failure of the Prevent programme?

**The Prime Minister:** May I acknowledge just how heartbroken they are? It is difficult to imagine what they have gone through and what they continue to go through. That is why it is very important that I meet them this afternoon, which I will, to discuss all the questions they want to raise with me. Sir David was a colleague respected and loved across the House. As I say, I absolutely understand how his family must feel about the tragic circumstances in which he died and everything that followed thereafter.

**Mr Speaker:** Final question.

**Chris Kane** (Stirling and Strathallan) (Lab): Tomorrow marks 29 years since 16 children and their teacher were murdered at Dunblane primary school. In recent weeks, my constituents have raised with me the alarming fact that adverts offering handguns for sale are appearing on technology platforms such as Google and YouTube. Does the Prime Minister agree that technology companies have an obligation to all of us to do everything proactively possible to prevent such illegal advertising, and not to rely on a reactive, "We will remove it when it is reported," approach, which is simply not good enough?

**The Prime Minister:** The thoughts, I am sure, of the whole House are with the victims of the Dunblane massacre, 29 years after the tragic event. The Online Safety Act 2023 will require online services to proactively remove such content from their platforms and prevent it appearing there in the first place. Those duties fully take effect from Monday and then we will ensure that all companies meet their obligations.

## Sustainable Farming Incentive

12.38 pm

**The Minister for Food Security and Rural Affairs (Daniel Zeichner):** With your permission, Mr Speaker, I would like to update the House on the sustainable farming incentive.

We stand on the edge of an unprecedented global transition for British farming. From leaving the European Union to the challenges of climate change and geopolitical events, we are asking more of farmers than ever before: to continue to produce the food that feeds the nation and to protect the environment on which our long-term food security depends. We are determined to create the conditions for farm businesses to be profitable and succeed. We are proud to have secured £5 billion for farming over two years: the largest budget for sustainable food production in our country's history. That is £1.8 billion for customers already in agreements, £1 billion for farmers now in SFI agreements and a further £150 million for farmers in the SFI pilot.

Labour has got that money out of the door and into farmers' pockets. We have invested it to bring thousands more farmers into environmental land management schemes, which were vastly underspent by the previous Government, to make a record number of capital items available for the coming year to help farmers carry out actions under the SFI and countryside stewardship, with £600 million available for productivity, animal health and welfare innovation, and other measures to support agricultural productivity, as well as 50 landscape recovery projects across the country. We have responded directly to calls from the sector to roll out a new higher-tier scheme, and to increase payment rates so that higher-level stewardship agreement holders—many of them upland farmers—are fairly rewarded for their work.

More than half of all farmers are now in schemes, with 37,000 live SFI agreements and 50,000 farmers in ELM agreements. Under the SFI, 800,000 hectares of arable land are being farmed without insecticides, 300,000 hectares of low-input grassland are managed sustainably, and 75,000 km of hedgerows are being protected and restored, which is a huge success for nature. I thank all farmers involved and reassure them that all existing SFI agreements will be honoured.

Farmers will continue to be paid under the terms of their agreement for its duration. If they entered into a three-year SFI agreement earlier this year, they will be paid until 2028. If they submitted an SFI application but this has not yet started, that will also be honoured. All farmers who took part in the SFI pilot will be able to apply for an agreement.

With the high uptake of the scheme, however, the fact is that it is now fully subscribed. This Government inherited SFI with no spending cap, despite a finite farming budget, and that cannot continue. We will continue to support farmers to transition to more sustainable farming models including through the thousands of existing SFI agreements over the coming years and a revamped SFI offer. But this is an opportunity to improve how we do that under a fair and just farming transition, which supports farms to be profitable businesses in their own right through fairer supply chains, better regulation and greater market access, and directs public funding in a fair and orderly way towards the priorities that we have set out on food, farming and nature. We will be strategic in how we design our schemes, and responsible within the available budget. This is about using public money in a way that supports food production, restores nature and respects farmers as the business people they are.

SFI can and must work better for all farms and for nature, and I will set out the details of the revised SFI offer following the spending review, including when it will open for applications. We will work closely with the sector to design an improved scheme so that they can tell us what works best for their businesses. We will also put in place strong budgetary controls so that SFI is affordable to the public purse. The revised offer will align with our land use framework to better target SFI actions fairly and effectively, focusing on helping less productive land contribute to our priorities for food, farming and nature.

The underlying problem facing the sector, however, is that farmers do not make enough money. The Government are changing that. *[Interruption.]* Opposition Members may laugh but businesses do need to make money; they might need to know that. We announced a new set of policies at the National Farmers Union conference last month aimed at improving farm profitability, securing our food security, and protecting nature. Through our farming road map, we are creating the conditions for farmers to run profitable businesses that can withstand future challenges.

This decision is about investing in long-term stability. It is about a future where farmers are supported to run profitable businesses, and where public money is used in a better way to better restore nature and to secure long-term food security.

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

12.43 pm

**Victoria Atkins** (Louth and Horncastle) (Con): I thank the Minister for an advance copy of his statement, which I am going to pull apart in a moment. I thank you as well, Mr Speaker, for granting the urgent question that forced the Minister to the Dispatch Box, because the Government sneaked this statement out last night, presumably hoping nobody would notice; but, guess what, the countryside has noticed, because the question we are all asking ourselves is: what have this Government got against farmers and the countryside?

They sneaked out this announcement that they were halting the sustainable farming incentive scheme immediately. The scheme replaced the EU's common agricultural policy scheme when we left the EU. We set up this scheme with our Brexit freedoms to establish a farming policy that works for farmers, the environment and food production, yet Labour pulled the plug without warning last night.

The SFI scheme is popular with farmers, but the Minister does not have to take my word for it. To quote one:

> "The…schemes have the potential to be the most progressive and environmentally responsible schemes of their kind anywhere in the world."

Those are the words of the former president of the Country Land and Business Association, and father of the hon. Member for Mid and South Pembrokeshire

*[Victoria Atkins]*

(Henry Tufnell), who I am sure will agree with his father's analysis. Why, then, would this city-dwelling Government stop such a successful scheme? In the words of the CLA president, Victoria Vyvyan:

"Of all the betrayals so far, this is the most cruel. It actively harms nature. It actively harms the environment. And, with war once again raging in Europe, to actively harm our food production is reckless beyond belief."

Does the Minister think she is wrong?

The Secretary of State, by the way, is missing in action. This is a significant statement, yet he is sending out his junior Minister to take the heat. Perhaps it is because the Secretary of State did not want me to remind him of his own words in November, when he said that farmers

"feel ignored, alienated and disrespected".

I do hope the Minister will tell us how that is going.

This Government's farming policy can be summarised in three sentences. First, they will halt any farming and environmental scheme on which farmers rely without warning or consultation, using criteria they have never before defined. Secondly, the state will seize their farmland at will through the compulsory purchase orders that were announced yesterday in the Planning and Infrastructure Bill. Thirdly, if families have managed to cling on to their farms despite all that, then Labour will tax them for dying. However, I am delighted to hear that the Minister for farming himself can see that farmers do not make enough money—I hope he will be changing the family farm tax.

It all adds up to nothing less than an outright assault on the countryside. As a proud rural MP—someone who actually likes the countryside—I am already being contacted by constituents and farmers across the United Kingdom who have had the door slammed in their face with no notice, asking how they are meant to diversify, make a living and protect our countryside.

The Prime Minister has said he understood the significance of losing a farm, acknowledging that it "can't come back", and warned against "constantly moving the goalposts" for the agricultural sector, yet that is exactly what his Government are doing. The statement issued by the Government last night was a masterclass in Orwellian doublespeak. It says that the SFI scheme has "reached completion". What criteria have they used? They have not set those criteria out before. The Government's own website stated that up to six weeks' notice would be given for the withdrawal of SFI. Why was that disregarded last night? Does the Minister recognise that, in doing so, this Government have betrayed the trust of the farming community yet again? How many farmers does his Department believe will now be caught out without an SFI agreement during the transition period of at least a year? Just as with the family farm tax, Labour has got its figures wrong.

The CLA has asked me to ask the Minister some questions. What are his Government's ambitions for the two thirds of farmers in England who are not currently in environmental schemes? How much have the vast cuts to payments under the basic payment scheme saved his Department, and where has that money gone? How will the Secretary of State support upland farmers who were intending to move on to the sustainable farming incentive scheme?

Then, of course, there are the legal problems cause by last night's announcement. How will the Government meet their legally binding environmental targets, given that they rely so heavily on the SFI scheme? I do hope that the Minister will be able to give us a good, clear legal analysis on the impact of the changes to SFI on internal market competition law between England and other devolved authorities.

Any words that the Minister uses about food security are meaningless in the face of this policy, particularly as we all know that this Government have been delaying consideration and grants of these applications since the general election. The figures that the Minister is using are wrong and the theory behind this policy is very questionable, yet the Government would have us all believe that he understands farming and the impact that this measure will have on farmers. Farmers are in despair.

My message to farmers is clear: we have got your back; we will help you, so please hang on in there for the next four years; we will axe the family farm tax; and we will sort out this shocking mess of SFI, to help build a bright future for British farming with British farmers.

**Daniel Zeichner:** Well, really! I had hoped that the shadow Secretary of State would understand how the schemes that her own Government created actually work. Let me explain the problem that we inherited—there are some on the shadow Front Bench who, I think, understand this better than her. This time last year, these schemes were undersubscribed; they are now oversubscribed. It is not a complicated thing to say that, when the budget is spent, a responsible Government responds to that. The budget is spent. *[Interruption.]* The budget has been spent and what we are doing in a sensible, serious way—*[Interruption.]* Conservative Members should actually be celebrating the fact that so many farmers are now taking up these schemes. I am confident that we will be able to sort out the mess that we have inherited. Basically, if you set up schemes without proper budgetary controls, you end up in this kind of position. We have had to take the hard decisions that the previous Government ducked.

**Jayne Kirkham** (Truro and Falmouth) (Lab/Co-op): Can the Minister confirm that environmental land management scheme agreements will remain in place under this Labour Government, including SFI, and that there will be a new and better targeted SFI on offer as soon as possible, with details to follow in the spending review?

**Daniel Zeichner:** I thank my hon. Friend for her question. She makes absolutely the right point. We should be reassuring people out there that farmers who are in schemes are absolutely safe and are carrying on as before, but the basic point is that when a scheme is full, it is full.

**Mr Speaker:** I call the Liberal Democrat spokesperson.

**Tim Farron** (Westmorland and Lonsdale) (LD): I thank the Minister for advance sight of his statement. The closure of the SFI from 6 o'clock last night came without warning or consultation, and it constitutes the breaking of the Government's word to farmers. Farmers

are already losing their basic payment this year, but they are now excluded from the very scheme designed to replace that. Has the Minister not broken his word to farmers and to all who care about nature? Will he clarify how much money he will save from the BPS cuts this year and say that it is not true that SFI is overspent? Is it not true that when the BPS cut is taken into account, more than £400 million of the £2.5 billion farming budget will remain unspent? A bigger budget is pointless if we do not spend it. This money was supposed to reward farmers for nature restoration and sustainable food production. Does this not damage both?

There are 6,100 new entrants to SFI this year, yet only a mere 40 of them are hill farms. Because of the failure of the Conservatives in the previous Administration, the big landowners and the corporates are already comfortably inside the tent, but the farmers who are outside and now locked out without warning are Britain's poorest farmers in beautiful places, such as mine in the lakes and the dales. As the Tories oversaw a 41% drop in hill farm incomes in just five years, is this not a bitter and unbearable blow for our upland farmers?

This betrayal will outrage everyone who cares for our environment, our upland nature and landscapes and it will outrage everyone who cares about food security and it will outrage everyone who cares about our tourism economy. It will also outrage everyone who clings to that old-fashioned expectation that Governments should keep their word. On Monday, the Secretary of State came to my beautiful constituency to pose for pictures by Windermere. I wonder whether he might come back tomorrow and face up to the farmers who steward the stunning landscapes around our beautiful lakes, and who he has abandoned so shamefully. Will he reopen SFI and honour his promises, or turn his back on the very people who feed us?

**Daniel Zeichner:** Again, I am disappointed in the hon. Gentleman's comments. He is a thoughtful person, and he and I have debated these issues many times. I am sorry that he did not welcome the uplift in higher level stewardship payments, which he and many others have been asking to see for a long, long time and which will benefit upland farmers. I take him back to the many discussions that we have had about the importance of getting the farm budget out to farmers. That is what has happened. The full budget is actually being spent and that should be celebrated.

**Alex Sobel** (Leeds Central and Headingley) (Lab/Co-op): The fruit and vegetable aid scheme is an important lifeline for our producers. Collaboration between producers has meant that we have had a huge increase in our tonnage of various fruit and vegetables. Given that the scheme finishes on 31 December 2025, what plans do we have to support further collaboration between fruit and vegetable producers in 2026 and beyond?

**Daniel Zeichner:** My hon. Friend asks an important question. This is, of course, an EU legacy scheme, and we are considering the best way of taking that forward in the future, but we are absolutely committed to supporting and working with the horticultural sector.

**Madam Deputy Speaker (Ms Nusrat Ghani):** We have around 35 minutes remaining. Questions must be short and the Minister's response must be on point and tight. I call the Father of the House.

**Sir Edward Leigh** (Gainsborough) (Con): Will the Minister leave for a moment the hallowed cloisters of Cambridge and accept my invitation to take a rural ride through Lincolnshire, the breadbasket of England, to meet my farmers? Does he agree that sustainable farming is the key to food security, and therefore will he take up with his colleagues in the Department for Energy Security and Net Zero why they are covering 15% of Lincolnshire with solar farms in addition to taking away this grant?

**Daniel Zeichner:** I am grateful to the right hon. Gentleman for his question. I am always happy to visit Lincolnshire; I have done it on a number of occasions. But on the question of how we allocate our land, it is important that we ensure that the new land use framework works effectively, as that is the most rational way of making those decisions.

**Ms Julie Minns** (Carlisle) (Lab): It is extremely welcome that, under this Government, more money is being spent on schemes and that more farmers are in schemes than was the case under the previous Government. However, there are smaller farms, such as those in my constituency in north Cumbria, that would not have had their plans as far advanced as their larger neighbours and their consultants. Can the Minister outline what support will be available to those small farms going forward?

**Daniel Zeichner:** My hon. Friend touches on the critical point. The schemes that we inherited had no way of prioritising properly; it was a first-come, first-served scheme. Therefore, the kind of farmers she describes were disadvantaged. We have had to work with a scheme that we inherited. I was very clear when I took over that we would not immediately overturn the existing system; we wanted to give people confidence about the future. However, when we come to redesign the scheme, we can design it better to address the issues that she has raised.

**Mr Alistair Carmichael** (Orkney and Shetland) (LD): I note the Minister's complaint that he inherited an uncapped budget. Can he tell the House whether that was something that he just noticed on Monday, which meant that he had to close the scheme without warning on Tuesday? On 14 January, the director general from his Department in charge of food biosecurity and trade told my Select Committee:

> "I do not think we can expect that every single farm will be viable but if we are talking about 92%, 93% having the opportunity of productivity improvement, that is what we are aiming for."

In other words, the Government's aim is to lose 7% to 8% of our farms. What will that figure be after today's announcements?

**Daniel Zeichner:** I am always grateful to receive questions from the right hon. Gentleman, who chairs the Environment, Food and Rural Affairs Committee. Those figures on future farm viability go all the way back to the Agriculture Act 2020, when a serious attempt was made to assess future farm viability. That is why the Secretary of State and I are so determined to address those problems around farm viability. Farmers will not be supported forever by the public purse—we know that—so it is very important that we address the whole range of issues, but I am very happy to have a further conversation with him.

**Sam Rushworth** (Bishop Auckland) (Lab): I am sure that the Minister shares my wish to see a bit more humility from Conservative Members, given their failure to get the agricultural budget out of the door. *[Interruption.]* I would ask the Minister—if I could hear myself think—to ensure that every penny in SFI arrangements will be paid to farmers, and also that those who have already applied and who are eligible for the scheme will have their applications taken forward.

**Daniel Zeichner:** I thank my hon. Friend for that question. I very much enjoyed visiting his constituency and talking to farmers there about these issues. I can absolutely give him that commitment.

**Wendy Morton** (Aldridge-Brownhills) (Con): How does the Minister expect those who have farming businesses to plan for the future when he sneaks an announcement out like his Department did last night, despite a message on his website saying that they would give six weeks' notice of any closure? What does the Minister have against our farmers and food producers?

**Daniel Zeichner:** The only thing I have anything against is the previous Government, who set up the scheme in the first place. They set it up in a way that meant that SFI '22 and SFI '23 were closed in exactly the same way. SFI '24 is only different in one sense, in that it is now oversubscribed rather than undersubscribed. As a consequence, it would not have been possible to give notice because it would have led to a further spike in applications.

**Alex Mayer** (Dunstable and Leighton Buzzard) (Lab): As the Minister has just alluded to, the scheme is called SFI '24. Might there be a clue in the title that makes this less surprising than people are saying, given that it is now 2025?

**Daniel Zeichner:** I am grateful to my hon. Friend. She makes a sensible point, which is that we saw a succession of schemes announced by the previous Government. I want to get to a scheme that will work for the long term. My hon. Friend is absolutely right; the way the scheme was set up by the previous Government meant that it was first come, first served.

**Mike Wood** (Kingswinford and South Staffordshire) (Con): The overnight withdrawal of the funding is yet another blow to many of my farmers in Kingswinford and South Staffordshire. The Minister still has not answered the question as to why he has broken his word, which was clearly set out on the Government website, to give at least six weeks' notice, nor the one asked by the Chair of the Select Committee, the right hon. Member for Orkney and Shetland (Mr Carmichael), which was that if the reason for doing so was because the budget had become exhausted, when that first came to the Minister's attention. Was it really yesterday afternoon?

**Daniel Zeichner:** It first came to my attention five years ago during the passage of the Agriculture Act 2020, when I warned that exactly that would happen. If we move from a basic payments system, where everyone has an entitlement, to a system that is based on bidding, that is what happens. Perhaps the hon. Gentleman should have woken up five years ago.

**Cat Smith** (Lancaster and Wyre) (Lab): I thank the Minister for coming to the House to make a statement. However, I woke up this morning to many emails in my inbox from farmers across Lancaster and Wyre. I invite the Minister to join me, because I am going to accept the invitation from my constituent Cath to visit her farm. Her SFI application was ready to go as she was coming out of the countryside stewardship agreement. She has therefore been left in limbo. Will the Minister join me in meeting farmers across Lancaster and Wyre?

**Daniel Zeichner:** As I have said to many hon. Members, I am always happy to try and meet farmers whenever I can, and I will add my hon. Friend to my list. I absolutely understand her point, but there was a fundamental problem with the schemes as designed, which we inherited. We need to do better in future. That is what we will do as we redesign them.

**Andrew George** (St Ives) (LD): What assurance can the Minister give farmers in my constituency? A site of special scientific interest has recently been designated in the Penwith area, which is supported by a recent designation of landscape recovery. We now seem to be in a position where there will be no support for that at all. How will my farmers adjust to the new regime, and what assurance can the Minister give them that the funding will be in place to support their actions in the SSSI?

**Daniel Zeichner:** There is some complexity in that question that I might need to address directly with the hon. Gentleman. Landscape recovery is absolutely not affected, so it depends on the exact nature of the application.

**Markus Campbell-Savours** (Penrith and Solway) (Lab): Can the Minister confirm more about the timetable for SFI '25 to provide some reassurance to my farmers in Penrith and Solway that we will deliver? Will he also explain a little more about how we can ensure that more of my hill farmers get into the SFI scheme, which the last Government failed to deliver on?

**Daniel Zeichner:** My hon. Friend's question is important. We will work with farmers and organisations to redesign the schemes, and that addresses that very question. That will take place over the summer this year, and once we have had those conversations we will be able to announce exact timings. My hon. Friend is right to raise the point that there has been no fair allocation of resources; it has just been done on a first come, first served basis.

**Charlie Dewhirst** (Bridlington and The Wolds) (Con): The Minister's statement says,

"This decision is about investing in long-term stability."

First, we had the body blow of the family farm tax, the reduction in BPS and the pulling of capital grants, and now we have the cancellation of SFI. How is any farming business expected to invest in the long term?

**Daniel Zeichner:** The hon. Gentleman is a sensible person and I have had many discussions with him over the years. When he says "pulling", what he means is that the budget was completed. It is exactly the same in this case. I think it is important that Conservative Members understand that we cannot spend the same money

twice. They lived in a world of cakeism; we do not. Once the money is spent, we have to move to a new set of schemes when the money is available.

**Andrew Pakes** (Peterborough) (Lab): I thank the Minister for bringing the statement to the House and for showing such honesty about the challenges in the scheme. May I urge him not to take any lectures from the Conservative party, which oversaw chaos in the Department for Environment, Food and Rural Affairs and a £300 million underspend? That is a shameful record. Will the Minister assure the House that he will outline details to ensure that future schemes get the money out the door and into farmers' pockets and stop the waste and bureaucracy that we saw under the previous Government in DEFRA?

**Daniel Zeichner:** My hon. Friend is absolutely right. I am afraid I was genuinely dismayed, but perhaps not entirely surprised, by what I found when I came into the Department. We have spent the last six or seven months trying to get control of the situation because if we have a scheme that is not capped or managed, or has no budgetary control, there is a problem. The figure of £5 billion overall is the biggest amount for farming that we have had. We will make sure the money gets out to farmers.

**Sarah Dyke** (Glastonbury and Somerton) (LD): Coming at a time of record low confidence in farming, many farmers in Glastonbury and Somerton will feel that the sudden closure of the SFI scheme will bring them closer to closing their farm gates for the very last time, and at a time when food security is at an all-time low. What communications will go to affected farming businesses and what support will DEFRA give to those who are dealing with vulnerable farmers at the sharp end?

**Daniel Zeichner:** I do not agree with some of the hon. Lady's question, because the food security report published at the end of last year did not bear out her analysis. The Rural Payments Agency has written to farmers today setting out exactly the situation to give people reassurance.

**Perran Moon** (Camborne and Redruth) (Lab): Meur ras, Madam Deputy Speaker. Is the Minister surprised that the Conservative party is now crying crocodile tears when it failed to get £350 million of SFI out and into farmers' hands and failed to stop speculative acquisition of farmland by tax dodgers?

**Daniel Zeichner:** My hon. Friend is absolutely right. I am afraid that, as on so many other issues, we have to clear up the mess that we inherited. That will take time. We are setting out a clear path to the future that, I hope, over time people will come to support.

**Simon Hoare** (North Dorset) (Con): I do not know how to break this to the Minister: I do not know if he realises this, but when the thousands of farmers come to Westminster, they do not come to thank him or the Secretary of State. Yesterday, we had the sustainable farming incentive announcement. Today, there is an announcement that there is to be no extension to the fruit and vegetables aid scheme, as was mentioned by the hon. Member for Leeds Central and Headingley (Alex Sobel). That, of course, follows the family farm tax.

The Minister's announcement today speaks very ill of the financial management of his Department. I make no apologies for repeating the questions asked by my right hon. and hon. Friends. When did the Minister know that he was hitting his budget ceiling? When had he set that as a criterion? What discussions has he had with the Treasury to increase the budget? Why was he deliberately, I presume, misleading farmers by pledging a six-week notice period, when it was not even six seconds?

**Madam Deputy Speaker (Ms Nusrat Ghani):** Order. Just before the Minister responds, the hon. Member knows that he cannot use the term "deliberately misleading". I ask him to withdraw that statement.

**Simon Hoare:** Inadvertently misleading.

**Daniel Zeichner:** I will take the hon. Gentleman back to the origins of this debate. When we moved from basic payments to these schemes, there was always going to be a point when the budget was spent.

**Simon Hoare:** When did he know?

**Daniel Zeichner:** We have known it for five years.

**Terry Jermy** (South West Norfolk) (Lab): Having spent several weeks and months encouraging farmers to access the scheme, naturally I am disappointed with the closure and hope that there will be a replacement in short order. However, is the fact that so many farmers in my constituency were not accessing the scheme not evidence that the Conservative party failed farmers over many years?

**Daniel Zeichner:** Many farmers are now in these schemes and are benefiting from them. We are also getting the environmental benefits that the whole transition away from basic payments to the environmental land management schemes was designed to achieve. Let me give some credit to the Opposition—they set this train in motion, but what they did not do was set up the schemes in a way that could properly be managed. That is what we are now doing.

**Ellie Chowns** (North Herefordshire) (Green): Yesterday, the Government shamefully pulled the rug out from underneath thousands of farmers by cancelling the SFI with zero notice, despite saying that they would give six weeks' notice, and without putting in place anything to support farmers in future. This morning, my inbox was full of emails from despairing farmers who were on the point of submitting an application, had no way of planning for this and now are utterly left in the lurch. How does the Minister expect the UK to make the vital transition to nature-friendly farming and boosting UK food production if this is how he treats farmers?

**Daniel Zeichner:** I am astonished by the hon. Lady's contribution. She should be celebrating the fact that so many farmers are now farming in an environmentally sensitive way. I invite her to help us ensure that these

*[Daniel Zeichner]*

schemes work better in future. This is actually a cause for celebration of the benefits of the environmental land management schemes.

**Chris Hinchliff** (North East Hertfordshire) (Lab): I have also been contacted by concerned and impacted farmers in North East Hertfordshire. Will the Minister assure me that, for the remainder of this Parliament, the revamped SFI that he alluded to will allow farmers to plan seasons ahead, as they need to?

**Daniel Zeichner:** Clearly, over the past five years we have all known that this transition was happening. There was always going to be a point in the transition from basic payments to environmental land management schemes where it would be down to people applying for these schemes. I understand my hon. Friend's concerns. I encourage farmers to apply early to these schemes. It was a first come, first served scheme before. In future, we will try to ensure that there is a better allocation process, but that is the system we inherited.

**Adam Dance** (Yeovil) (LD): One of the key messages from farmers at the that forum that I held in my constituency was that they have lost trust in this Government and in investing in sustainable farming. Does the Minister recognise that ending SFI with no warning has only worsened the loss of trust? What plans do the Government have to restore Yeovil farmers' confidence in this Government?

**Daniel Zeichner:** I hear the hon. Gentleman, but the fact that we have so many people in agreements, and so much land being farmed within them, shows that many people in this country have absolute confidence in what we are doing.

**Greg Smith** (Mid Buckinghamshire) (Con): How on earth does the Minister correlate his statement that he wants to work with the sector with the Government last night giving just 30 minutes' notice to the NFU—the sector—of this shameful cut to the SFI budget? What does that say about DEFRA's previous commitment to transparency, co-operation and co-design?

**Daniel Zeichner:** This process has been going on for five years now. Perhaps the hon. Member should have looked a bit more closely at what was about to happen.

**Carla Lockhart** (Upper Bann) (DUP): Trust between farmers and this Government is well and truly broken. Farmers feel betrayed and let down, and many are at breaking point. The closure of the SFI is a bitter and, I believe, calculated blow on top of the family farm tax grab. It will be the final straw for many British farmers—the people who feed us. How can the Minister justify sending over £500 million to farms in Africa, Asia and South America, while stripping support for our home-grown farmers?

**Daniel Zeichner:** I am grateful to the hon. Lady for her question, but I point out to her that this scheme relates to England. The different devolved Governments have different schemes. She asked about international aid. The key thing for us is to ensure that we support our farmers here, which is why we are spending a record £5 billion on farming over the next two years.

**Martin Vickers** (Brigg and Immingham) (Con): The one thing in the Minister's statement that farmers in my constituency would agree with is that they are not making enough money. When, as I hope, the Minister takes up the invitation from the Father of the House to visit Lincolnshire, will he meet my farmers face to face and explain to them exactly what his Government are doing to increase their profitability?

**Daniel Zeichner:** The hon. Gentleman and I have had many exchanges across the Chamber over the years. I would be very happy to speak to his farmers and to talk to him about the important work that we are doing on supply chain fairness.

**Helen Morgan** (North Shropshire) (LD): Farmers in North Shropshire are really keen to improve the environment and farm in a friendly way, but they are also running businesses and they need to plan. There are farmers in my constituency who were hoping to apply for grants to raise the water table in peat soil areas, but had not yet applied because those grants were not yet open. Now, the opportunity is gone. What will the Minister do to enable farmers to plan, and what will the replacement scheme look like?

**Daniel Zeichner:** The hon. Lady raises an important point. SFI is only one part of the set of Department's schemes to work with farmers on nature restoration. The Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Coventry East (Mary Creagh), has told me that £300 million is available for peat restoration, so other schemes are available.

**Dr Luke Evans** (Hinckley and Bosworth) (Con): No notice and the scheme immediately closed. The Minister says it is full. When did he know that? Why did he not tell the farmers that it was going to happen?

**Daniel Zeichner:** I think there is still a misunderstanding about how these schemes work. If there is a first come, first served scheme and people have known for weeks and weeks—months—that it would be full at some point, there comes a time when we have to make a decision. If the Department is working within its budgets properly, it can hardly say a week or two before that suddenly it will close, because there will be a spike in applications. It is like a run on a bank. Basically, when the scheme is finished, it is finished.

**Dr Roz Savage** (South Cotswolds) (LD): Nature, food, farming and farmers are the foundation of British life in every sense. This change is deeply regrettable. Can the Minister assure the House that every support will be given to farmers to adapt to these changes and to give them help with the technology that they do not have? They are already on their knees. Will the necessary support be given to stop them from buckling under the load of these successive changes?

**Daniel Zeichner:** I hear the hon. Lady, but I repeat that we have 50,000 farmers in ELM agreements. The majority of farmers are already working with us to make that change to environmentally friendly farming. It was never clear how many farmers overall would make the transition into the new schemes. Obviously, it

is not a matter of compulsion. We invite people to apply, and they were invited last year. When the new scheme comes along, I will invite people to apply.

**Mr Andrew Snowden** (Fylde) (Con): The Minister is ducking and dodging questions like a Poundland Alastair Campbell. He started out with, "We knew five years ago," but that very quickly it turned to "just weeks ago". He said that this is "cause for celebration". I do not think that any of my farmers will be celebrating this. Will he come and say these things directly to my farmers' faces and see the response that he gets? Does he really want to be a Minister that much that he is willing to say such ridiculous things? He can find money for lots of other projects. He should come to Fylde and speak to the farmers.

**Daniel Zeichner:** I was going to say that I was grateful for the hon. Member's question, but I am not sure that I am. I invite him to come and talk to people who are engaged in nature-friendly farming, who benefit from these schemes and who are undertaking the transition, for which I give the previous Government credit for starting. We wanted to move away from the common agricultural policy to a new system. That is what we are doing. The schemes were not designed well enough, and we are now addressing that.

**Vikki Slade** (Mid Dorset and North Poole) (LD): I was contacted by members of the Great Big Dorset Hedge initiative three weeks ago, who told me that capital grants under SFI had already been frozen. Can the Minister confirm when the decision to close was actually made, whether applications submitted will be granted and how long applicants will have to wait? As farmers are already obliged to improve hedges with more than 10% gaps under their agreements, how will they access funding to do so to enable their existing funding to be maintained?

**Daniel Zeichner:** The hon. Lady raises an important set of points. We now have 75,000 km of hedgerow within these schemes. The basic point is that we have a fixed budget and, just as with the capital grants, when they are spent, they are spent. Another set of grants will be available, and I invite her constituents to apply at that point. We cannot get away from the fact that there is not an endless supply of money. We have to work within the budgets.

**Sir Julian Lewis** (New Forest East) (Con): I understand the Minister's point that it has been known all along that at some point the fixed budget would be exhausted. A simple question for him: on which day were Ministers first informed that that budget had been exhausted?

**Daniel Zeichner:** We made the decision yesterday because we reached that point.

**Caroline Voaden** (South Devon) (LD): It is beginning to feel a little like a game of Top Trumps in who can cause the most financial unpredictability to farmers, be it through the botched ELMS roll-out or the cancellation of this scheme at a moment's notice. Half of Britain's fruit and veg farmers expect to go out of business. The Minister says that he will support farmers to be profitable through fairer supply chains, but will he explain what that will look like?

**Daniel Zeichner:** I am grateful to the hon. Lady for that very big question. I point her to the fair dealing powers in the Agriculture Act 2020, some of which have already been brought forward in the dairy sector, and we will be working on the pig sector soon. Basically, sector by sector, we are trying to sort out the improvements that are needed to get fairness throughout the supply chain. That is a big, difficult and complicated question, but it is essential for the future.

**Sir Geoffrey Clifton-Brown** (North Cotswolds) (Con): The announcement was sneaked out with no notice last night. If the Minister knows anything about farming, he will know that it takes months, if not years, to plan. Farmers had no notice of this. Will he tell us what will replace the SFI, when he will consult, and when it is likely to come into operation?

**Daniel Zeichner:** Over the next few months, through the spending review, we will review how we can improve the scheme to avoid the very point that the hon. Gentleman has just made, and I will report back to the House later in the summer.

**Ben Maguire** (North Cornwall) (LD): I met young farmers at Duchy College in North Cornwall last week, and it was clear that confidence in the farming sector is at an all-time low, with many looking for alternative careers. In the light of the Government's hammer blow to SFI payments, on top of the family farm tax, how does the Minister plan to incentivise young people to get into farming, now that they face huge tax bills upon inheriting their family farms and will no longer be incentivised to undertake environmental stewardship and sustainable farming?

**Daniel Zeichner:** I completely disagree with the premise of the question, as the hon. Gentleman will probably realise. He is right to say that we need generational change in farming, and there are a number of ways in which that can happen—

**Ben Maguire:** It is not funny.

**Daniel Zeichner:** I am not laughing. This is a very serious point. I am genuinely concerned about the future of the farming sector if we do not get generational change. We will look closely at how we can do that. The £5 billion budget that we secured was a very good first step for stability.

**Jess Brown-Fuller** (Chichester) (LD): Farmers in Chichester are exhausted by the ever-changing schemes and the time it takes to apply for them. Imagine their surprise when they found out that the SFI scheme had been closed, not with no notice—I think that is unfair—but with the NFU given 30 minutes' notice, as opposed to the six weeks that it was promised. At a time when BPS schemes are being significantly reduced, what communication and support will be provided to the family farms that have missed out on this round of SFI funding?

**Daniel Zeichner:** It should have been clear to people for a long, long time that this transition was coming. It was the move away from a system based on entitlements for every farmer through the basic payment scheme to a system that relied on people applying to what was essentially a fixed budget. I agree with the hon. Lady

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and many other Members that the way the system was set up did not allow for proper prioritisation or fairness in allocation. That is what we would like to change in future, but it is the system that we inherited, and I am afraid that that is where we are at the moment. The House should remember that the majority are already in schemes, and to those who have not yet come forward, I gently say for the future that the advice in these kinds of schemes is that it is better to apply early rather than to wait.

**Steff Aquarone** (North Norfolk) (LD): The sudden completion of the SFI scheme will be a worry for many farmers and local people. I am also very concerned by reports that the NFU was given only 30 minutes' notice on such a huge change. To give my local farmers the confidence that they need, can the Minister assure them that DEFRA will learn lessons from the poor communication and lack of clarity that have plagued this and past initiatives?

**Daniel Zeichner:** Let me repeat the point: this is not about communication. If we suddenly say that a scheme with a fixed amount of money in it will close in two or three weeks, we would get a surge in applications and have to close it the same day. That is a flaw in the way the scheme was originally designed, and we want to do better in future.

**Dr Danny Chambers** (Winchester) (LD): International events have pushed national security right up the agenda, and I am sure that we have cross-party acknowledgment that food security is a vital part of national security. Given the changing geopolitical situation, has an impact assessment been undertaken on changes to and stressors for farming budgets and cash flow, such as the removal of SFI, and their effect on food security?

**Daniel Zeichner:** The hon. Gentleman makes an important point. I refer him to the food security report. There has been no change to the amount of money available. The £5 billion budget is there; this is a discussion about who gets it.

**John Milne** (Horsham) (LD): Will the Minister explain to farmers in Horsham why he did not feel any need to consult any farming stakeholders in advance of this announcement?

**Daniel Zeichner:** Again, I refer the hon. Gentleman to the point that I made earlier. If we started a consultation on a first come, first served scheme, everybody would apply that day and we would have to shut it at that point. That is a flaw in the way the scheme was designed.

**Jim Shannon** (Strangford) (DUP): The Minister is much liked in this Chamber, as we all know. However, it is disappointing to hear that new applications for the sustainable farming incentive have been paused in England. It is understandable that that is seen as a betrayal by so many farmers. Agricultural support is different in Northern Ireland, but the funding comes none the less from central Government. Will the Minister assure me that funding for Northern Ireland farmers, which comes from here, will not be reduced or falter as a result of today's announcement, and that steps will be taken to protect our agriculture industry and our farmers, who are the backbone of our economy?

**Daniel Zeichner:** I thank the hon. Gentleman for his kind words, and I suspect that we shall renew our acquaintance in Westminster Hall this afternoon. I can assure him that this announcement will make no difference to the funding arrangements for Northern Ireland.

# Points of Order

1.26 pm

**Victoria Atkins** (Louth and Horncastle) (Con): On a point of order, Madam Deputy Speaker. The Minister for Food Security and Rural Affairs, the hon. Member for Cambridge (Daniel Zeichner), has been asked repeatedly why no notice was given to farmers of the closure of the SFI scheme. He has given a range of answers, including that "people have known for weeks and weeks—months". He even stretched it to five years ago. This is important, not least because business decisions are having to be made on the fly today, but also because there may be legal consequences to the answer that the Minister has given. How can we encourage the Minister to correct the record and state the fact that no notice was given to farmers?

**Madam Deputy Speaker (Ms Nusrat Ghani):** I am grateful to the right hon. Member for giving notice of her point of order. The Chair is not responsible for the accuracy of Ministers' statements in the House, but she has put her point of order on the record. I do not believe that the Minister wishes to respond—

**The Minister for Food Security and Rural Affairs (Daniel Zeichner)** *indicated dissent.*

**Madam Deputy Speaker:** Then I will end that there.

**Dr Marie Tidball** (Penistone and Stocksbridge) (Lab): On a point of order, Madam Deputy Speaker. I would like to correct the record and make a declaration of interests. In my excitement while making my first intervention during proceedings on the Employment Rights Bill yesterday, I did not point Members to my entry in the Register of Members' Financial Interests or mention my proud membership of the Community, GMB and Unison unions. I would like to ensure that that is on the record as well as in the register.

**Madam Deputy Speaker:** I thank the hon. Member for advance notice of her point of order. I know that she has been diligent in seeking advice on how and when to declare an interest. That is now on the record.

**Sir John Hayes** (South Holland and The Deepings) (Con): On a point of order, Madam Deputy Speaker. On 21 May 2024, the former Defence Minister, my right hon. Friend the Member for South West Wiltshire (Dr Murrison), published records of blood and urine tests relating to nuclear test veterans. He said at that time that there were 150. It has now become clear from the correspondence of a court case brought by the British nuclear test veterans that there are 370 documents mentioning blood and urine. That includes 265 that were previously unseen and unreleased. That raises the possibility, as you will appreciate, Madam Deputy Speaker, that the Atomic Weapons Establishment misled Ministers about the number of records, and that, inadvertently and entirely innocently, the Minister brought the wrong information to this House. I seek your guidance on how the Government can correct the record and publish those extra records. The nuclear test veterans deserve nothing less.

**Madam Deputy Speaker (Ms Nusrat Ghani):** I am grateful to the right hon. Member for giving notice of his point of order. The Chair is not responsible for the accuracy of ministerial statements in the House, but he has put his point on the record and no doubt those on the Treasury Bench are taking note and listening.

# Mother and Baby Institutions Payment Scheme (Report)

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

1.30 pm

**Liam Conlon** (Beckenham and Penge) (Lab): I beg to move,

That leave be given to bring in a Bill to require the Secretary of State to report to Parliament on the potential merits of disregarding payments received under the Mother and Baby Institutions Payment Scheme operated by the government of Ireland for the purposes of taxation, means-tested social security payments and social care capital limits; and for connected purposes.

Philomena Lee was 18 years old when she became pregnant in 1952 and was sent to the Sean Ross Abbey mother and baby home in Roscrea, County Tipperary, in Ireland. There Philomena gave birth to her son Anthony, and there they both lived until Anthony reached the age of three and Philomena was cruelly forced to give him up for adoption. Anthony was sold to a couple in the United States. Philomena would never see him again. Almost 60 years on, Philomena's story reached a global audience when it was made into the Oscar-nominated film "Philomena", starring Dame Judi Dench and Steve Coogan. The film chronicled the time Philomena spent in Sean Ross Abbey and her painstaking search for her long-lost son decades later, with the help of author Martin Sixsmith.

I wish Philomena's story was an isolated one. Sadly, it is not. Philomena is one of tens of thousands of women and their infant children who spent time in mother and baby homes across Ireland for the perceived sin of becoming pregnant outside of marriage. The women were regularly used as unpaid labour, and infant mortality was alarmingly high. They experienced harsh conditions, mistreatment and abuse, both physical and psychological. In certain homes, women were routinely separated from their children, with some being adopted against the wishes or even without the knowledge of their mothers, as happened to Philomena Lee and her son Anthony.

As a direct result of the abuse and trauma they experienced, many mother and baby home survivors moved to England. In some cases, they came here because they thought that disappearing from their home country was the only way to protect their family's reputations, and so for decades thousands of survivors lived in secrecy and shame, including here in Britain. It was not until 2021 that they finally received an apology from the then Taoiseach, Micheál Martin, for what he described as a

"profound generational wrong visited upon Irish mothers and their children".

That was followed by the mother and baby institutions payment scheme, which opened to applications last March. The scheme represents a measure of accountability for what happened, recognising the lifelong impact that time spent in those institutions will have had. The impact will be felt in all corners of a survivor's life, from earning potential and financial security to physical and mental health and wellbeing.

Ultimately, the scheme aims to acknowledge the suffering and improve the circumstances of former residents of mother and baby homes, which is why it is wrong that up to 13,000 survivors living here in Britain today risk losing their benefits if they accept this compensation. Under our current rules, any money accepted through this payment scheme would be considered savings and could see them lose means-tested benefits and financial support for social care. For some, it is deterring them from making any application at all. It is one of the reasons that only 5% of survivors in Britain have applied so far.

For others, having received a compensation offer, they are now having to weigh up whether it is worth accepting the money, or whether to do so would sink them into a worse financial situation overall. Among them is a survivor from the north of England who has shared her story with me. This woman, who experienced harrowing abuse over several years, applied to the payment scheme in September last year and received an offer soon after. She told me:

"When I first heard about the payment scheme, I thought that it was marvellous and I was excited. I couldn't take it in—I had never had money at any point in my life. I was going to use this money to visit a half-brother in America—he had been born less than 16 miles away, but I did not know that him or his brother and sister existed until we did some family tracing. It would have been lovely to meet him, but I do not feel that I can use the money for this as my benefits would be affected."

The whole point of the payment scheme was to recognise the suffering that survivors experienced while resident, but for many it has become an additional burden, a process that has forced them to revisit their most traumatic experiences, seemingly to no avail.

Fortunately, there is a solution and it is a relatively simple one. The introduction of an indefinite capital disregard, which my Bill proposes, would remove any risk to an applicant's benefits. There is strong precedent for such a disregard; the same arrangements have been applied to similar special compensation schemes in the recent past, including those introduced for the victims of the 7/7 London bombings and for payments made under the Windrush compensation scheme.

I want to pay tribute to some of the many incredible organisations in Britain that continue to support mother and baby home survivors. They include: Rosa and the team at Irish in Britain; Séan and the team at the London Irish Centre in Camden; the Irish Cultural Centre in Hammersmith; the Fréa network supporting the Irish community in Leeds, Manchester, Merseyside and beyond; Coventry Irish Society; Luton Irish Forum; Irish Network Stevenage; and many more.

I would also like to pay tribute to the mother and baby home survivors here in Britain, in Ireland and elsewhere, who summoned the courage to share their personal experiences and to recount their most traumatic years in the name of justice. Their bravery not only secured the apology from the Irish Government and subsequently brought about the payment scheme, but perhaps more importantly contributed enormously to the hard and crucial work of dismantling the stigma and secrecy that has long been associated with time spent in mother and baby homes. That, of course, includes Philomena Lee, whose own story brought this injustice to a global audience. I am delighted that Philomena's daughter Jane and her grandson Joshua are here in the Gallery with us today.

Ireland's mother and baby homes were cruel institutions. Over seven decades, tens of thousands of Irish women were sent there for the perceived sin of becoming pregnant

outside of marriage. They were subjected to the most horrific mistreatment and abuse, physical and psychological. Women were used as unpaid labour. They had their children forcibly adopted, sometimes overseas, never to be seen again. The women and children fortunate enough to leave the institutions often came here to Britain. They came here to escape the stigma and shame and build a new life, and there are more than 13,000 survivors living here today.

Last year, the Irish Government opened a long-awaited compensation scheme for those survivors. It is a small but important mark of accountability and redress for what happened to them, but thousands of survivors in Britain today cannot access this compensation without being penalised for it. If they access it, they lose any means-tested benefits or financial support for social care. Just as we did for the Windrush families, we must now change the law to ensure that compensation payments for victims and survivors are ringfenced. This Bill, Philomena's law, named after the inspirational and courageous Philomena Lee, will achieve that. I am proud to bring it to the House today, and I hope in the months ahead we will see a change in the law so that we can deliver justice for survivors and show them the kindness and respect they have so often been denied in life.

*Question put and agreed to.*

*Ordered,*

That Liam Conlon, Claire Hanna, Colum Eastwood, Deirdre Costigan, Lola McEvoy, Damien Egan, Uma Kumaran, Sarah Coombes, Helena Dollimore, Florence Eshalomi, Rachel Hopkins and Tom Rutland present the Bill.

Liam Conlon accordingly presented the Bill.

*Bill read the First time; to be read a Second time on Friday 28 March, and to be printed (Bill 198).*

# Employment Rights Bill

2nd Allocated Day

*Further consideration of Bill, as amended in the Public Bill Committee*

*[Relevant documents: Third Report of the Business and Trade Committee, Make Work Pay: Employment Rights Bill, HC 370; Second Report of the Women and Equalities Committee, Equality at work: Miscarriage and bereavement leave, HC 335.]*

## New Clause 39

Trade union recognition

"Schedule (Trade union recognition) amends Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 (collective bargaining: recognition)."—*(Justin Madders.)*

*This new clause would introduce NS2.*

*Brought up, and read the First time.*

**The Parliamentary Under-Secretary of State for Business and Trade (Justin Madders):** I beg to move, That the clause be read a Second time.

**Madam Deputy Speaker (Ms Nusrat Ghani):** With this it will be convenient to discuss the following:

Government new clause 40—*Political funds: requirement to pass political resolution.*

Government new clause 41—*Industrial action ballots: support thresholds.*

Government new clause 42—*Notice of industrial action ballot and sample voting paper for employers.*

Government new clause 43—*Period after which industrial action ballot ceases to be effective.*

Government new clause 44—*Power to give notice of underpayment.*

Government new clause 45—*Calculation of the required sum.*

Government new clause 46—*Period to which notice of underpayment may relate.*

Government new clause 47—*Notices of underpayment: further provision.*

Government new clause 48—*Penalties for underpayment.*

Government new clause 49—*Further provision about penalties.*

Government new clause 50—*Suspension of penalty where criminal proceedings have been brought etc.*

Government new clause 51—*Appeals against notices of underpayment.*

Government new clause 52—*Withdrawal of notice of underpayment.*

Government new clause 53—*Replacement notice of underpayment.*

Government new clause 54—*Effect of replacement notice of underpayment.*

Government new clause 55—*Enforcement of requirement to pay sums due to individuals.*

Government new clause 56—*Enforcement of requirement to pay penalty.*

Government new clause 57—*Power to bring proceedings in employment tribunal.*

Government new clause 58—*Power to provide legal assistance.*

Government new clause 59—*Recovery of costs of legal assistance.*

Government new clause 60—*Power to recover costs of enforcement.*

New clause 8—*Prison officers: inducements to withhold services—*

"In section 127 of the Criminal Justice and Public Order Act 1994 (Inducements to withhold services or to indiscipline)—

(a) in subsection (1), omit paragraph (a);

(b) omit subsection (1A);

(c) omit subsection (7)."

*This new clause would repeal provisions in the Criminal Justice and Public Order Act 1994 that prohibit inducing a prison officer to take (or continue to take) any industrial action.*

New clause 9—*Inducement of prison officers: exempted persons—*

"After section 127A of the Criminal Justice and Public Order Act 1994 (inducements to withhold services or to indiscipline), insert—

*"Section 127B: Prison officers and trade unions: exempted persons*

Section 127 (inducements to withhold services or to indiscipline) does not apply to—

(a) Any listed trade union representing prison officers, or

(b) any person acting on behalf of a listed trade union representing prison officers.""

*This new clause would repeal, with respect to trade unions representing prison officers, provisions that prohibit the inducement of industrial action or indiscipline by a prison officer.*

New clause 19—*Right to be accompanied—*

"(1) Section 10 of the Employment Relations Act 1999 (right to be accompanied) is amended as follows.

(2) In subsection (3), after paragraph (b) insert—

"(ba) person who has been reasonably certified in writing by a Professional Body as having experience of, or as having received training in, acting as a worker's companion at disciplinary or grievance hearings, or"

(3) After subsection (7) insert—

"(8) In this section, "Professional Body" means any organisation which is authorised by a regulation made by the Secretary of State pursuant to subsection (9).

(9) The Secretary of State may make a regulation or regulations authorising any organisation as a Professional Body for the purposes of this section.""

*This new clause would expand the right to be accompanied by a certified companion at disciplinary and grievance hearings.*

New clause 28—*Enforcement against companies subject to insolvency or voluntary liquidation—*

"(1) A Labour Market Enforcement Strategy under section 81 must include—

(a) the Secretary of State's assessment of—

(i) the scale and nature of non-compliance with employment tribunal awards due to insolvency or voluntary liquidation during the period of three years ending immediately before the strategy period;

(ii) the scale and nature of such non-compliance involving phoenixing during the same period; and

(iii) the likely scale and nature of such non-compliance during the strategy period;

(b) a proposal for the strategy period setting out how enforcement functions of the Secretary of State are to be exercised in relation to such non-compliance.

(2) An annual report under section 82 must include

(a) an assessment of the effect of the applicable strategy on the scale and nature of non-compliance with employment tribunal awards, including non-compliance due to insolvency or voluntary liquidation, and

(b) an assessment of the effect of the applicable strategy on the scale and nature of non-compliance involving phoenixing.

(3) For the purposes of this section, "phoenixing" means the practice of dissolving or otherwise closing a business and establishing a new one with a similar purpose, with the effect of avoiding the enforcement of employment tribunal awards or other debts."

*This new clause would require the Secretary of State to include, in the Labour Market Enforcement Strategy and annual reports under this Bill, information about non-compliance with employment tribunal awards by, and enforcement against, companies ordered to pay such awards that have been subject to insolvency or voluntary liquidation, including in instances in which the directors go on to set up a similar company to avoid enforcement.*

New clause 29—*Trade union representatives: right not to suffer career detriment—*

"(1) In Part V of the Employment Rights Act 1996 (Protection from suffering detriment in employment), after section 47(1A), insert—

"(1B) This section applies where the detriment in question relates to matters of internal promotion or progression."

(2) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended in accordance with subsections (3) to (6).

(3) In the italic title before section 137, after "Access to employment", add "and career progression".

(4) After section 138, insert—

*"138A Career progression*

(1) An employer must ensure that any employee undertaking trade union representative duties does not experience detriment in matters of internal career progression as a result of the employee's trade union activities.

(2) Where an employee who is a trade union representative has not been appointed to a more senior role, in circumstances in which the employee met the minimum criteria for the role and demonstrated that criteria through the application, the employer must provide a written statement.

(3) The written statement under subsection (2) must include evidence to demonstrate that the decision not to appoint the employee was not affected by the employee's trade union activities.

*138B Career progression: support for trade union representatives*

An employer must have in place a policy to support the career progression of employees who are trade union representatives. The policy must set out

(a) how the employees will be supported in matters of internal progression and promotion; and

(b) how the employer will consider trade union experience in assessing applications for more senior roles.""

(5) In section 140(1), after "section 138" insert "or 138A".

(6) In section 142(1), after "section 138" insert "or 138A"."

*This new clause would enhance protections to trade union representatives, extending them to cover detriment in matters of career progression, and would require employers to demonstrate that they have not denied promotion to trade union representatives as a result of their trade union activities. It would also require employers to have a policy in place to support the career progression of employees who are trade union representatives.*

New clause 31—*Removal of secondary action provisions—*

"In the Trade Union and Labour Relations (Consolidation) Act 1992, omit section 224 (secondary action)."

New clause 64—*Duties of trade unions*—

"(1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.

(2) In section 219 (protection from certain tort liabilities), after subsection (4) insert—

"(5) But subsection (4) does not have effect in relation to any act in contemplation or furtherance of a trade dispute which relates wholly or mainly to proposals by an employer to vary terms and conditions of employment of two or more employees accompanied by the threat (explicit or implied) of dismissal if that variation is not agreed.""

New clause 65—*Personal Liability for breach of tribunal orders*—

"(1) Where, in relation to a body corporate—

(a) a financial order made by an employment tribunal or agreed by the claimant and the body corporate; or-

(b) an order of reinstatement or re-engagement made by an employment tribunal or agreed by the claimant and the body corporate

has not been fulfilled by the date specified in the order or agreement, without reasonable excuse, and that failure is proved—

(a) to have been committed with the consent or connivance of an officer of the body, or

(b) to be attributable to any neglect on the part of such an officer,

that officer shall be personally liable to reimburse the claimant in whose favour the order had been made or agreed.

(2) An officer found liable for reimbursement under subsection (1) may be disqualified as a director or prevented from becoming a director."

New clause 66—*Public sector contracting: trade union recognition*—

"(1) The Procurement Act 2023 is amended as follows.

(2) In Part (2) (principles and objectives), after section 14A insert—

*"14B Obligations of contractors to recognise trade unions*

(1) The Secretary of State has a duty to ensure that any contract entered into by a—

(a) government department;

(b) executive agency of government;

(c) non departmental public body; or

(d) non Ministerial department,

is compliant with the requirements set out in subsection (2).

(2) A contract under subsection (1) must

(a) recognise an independent trade union for the purposes of collective bargaining, and

(b) take steps to ensure that any sub-contractor to the contractor which carries out any obligation under the public contract recognises an independent trade union for the purposes of collective bargaining.

(3) For the purposes of this section, "recognises", "independent trade union" and "collective bargaining" have the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992.

(4) An independent trade union may make a complaint against a contracting authority, which is a party to a public contract, that it or a contractor or sub-contractor which carries out any obligation under the public contract is in breach of the term in subsection (2).

(5) The complaint may be made to the Central Arbitration Committee.

(6) If the Central Arbitration Committee finds the complaint to be well founded, it shall grant a declaration to that effect.

(7) Where the Central Arbitration Committee makes a declaration in accordance with subsection (6), it shall order that the respondent contracting authority shall take whatever steps appear to the Central Arbitration Committee as necessary to ensure that the contracting authority and every contractor or sub-contractor which carries out any obligation under the public contract comply with the implied term in subsection (2).

(8) The steps that may be taken under subsection (7) include termination of the contract, which shall not be regarded as a breach of contract by the contracting authority concerned if a principal reason for the termination is compliance with an order of the Central Arbitration Committee under (7).

(9) An appeal lies on a point of law to the Employment Appeal Tribunal by either party to proceedings brought under subsection (5).""

New clause 67—*Sectoral collective bargaining: 80 per cent coverage*—

"(1) The Secretary of State must, within six months of the passing of this Act, lay before Parliament an action plan to achieve, within five years, that the principal terms and conditions of employment of at least 80 percent of workers in the United Kingdom are determined by collective agreement.

(2) The action plan under subsection (1) must be informed by consultation with organisations representing employers and trade unions."

New clause 68—*Sectoral collective bargaining: other sectors*—

"(1) Regulations under this Act may include regulations for collective bargaining in other sectors of the economy.

(2) Regulations made under subsection (1)—

(a) may only be made following consultation with representatives of workers and employers in those sectors; and

(b) may provide that agreements reached by such collective bargaining shall apply to the workers and employers in the relevant sector save to the extent that a previous or subsequent collective agreement has provided a more favourable term or condition."

New clause 69—*Statement of trade union rights*—

"Every employee, worker and self-employed person has the right—

(a) to join an independent trade union of his choice, subject only to its rules;

(b) to take part in the activities of an independent trade union at an appropriate time, subject only to its rules."

New clause 70—*Right of Trade Unions to Access Workplaces*—

"In part 1 of the Trade Union and Labour Relations (Consolidation) Act 1992 (trade unions), before Chapter 5A, insert—

"Chapter 5ZA

RIGHT OF TRADE UNIONS TO ACCESS WORKPLACES

*70ZA Right of access*

(1) A designated official of an independent trade union shall have a right to enter premises occupied by an employer in order to access a workplace or workplaces, subject to the conditions set out below.

(2) An employer shall not—

(a) refuse entry to a designated trade union official seeking to exercise his or her right of access under sub-section (1), or

(b) otherwise obstruct such an official in the exercise of his or her right of access under sub-section (1).

(3) A "designated trade union official" means a person nominated by the trade union to exercise the right of access on its behalf.

*70ZB Access purposes*

(1) The right of access may be exercised for the access purposes.

(2) The access purposes are to—

(a) meet, represent, recruit or organize workers (whether or not they are members of a trade union); and

(b) facilitate collective bargaining.

*70ZC Notice to employer*

(1) The right of access may be exercised only after the designated official of an independent trade union has given notice of an intention to do so to the employer whose premises it is proposed to enter for the purposes of access to a workplace or workplaces.

(2) The notice must be—

(a) in writing; and

(b) given at least 24 hours before it is intended to exercise the right of access;

(3) The notice required to be given under subsection (2) shall—

(a) specify the purpose for which entry is sought; and

(b) identify the workers or categories of workers the designated official intends to meet, represent, recruit or organize.

(4) The right of access may be exercised without giving notice where there are exceptional circumstances such as to justify access without prior notice.

(5) Whether circumstances are exceptional shall be determined by having regard to the relevant provisions of a Code of Practice issued by ACAS.

*70ZD Access conditions*

(1) The right of access is subject to the following conditions.

(2) The right of access may be exercised—

(a) only at a reasonable time, and

(b) subject to reasonable conditions imposed by the employer.

(3) What is reasonable for the purposes of subsection (2) shall be determined by having regard to the relevant provisions of a Code of Practice issued by ACAS.

*70ZE Dwellings*

(1) The right of access does not apply to any part of premises which are used exclusively as a dwelling.

(2) Where sub-section (1) applies and only where sub-section (1) applies, the employer shall provide a reasonable, suitable, and alternative venue to enable the right of access to be exercised.

(3) What is reasonable and suitable for the purposes of subsection (2) shall be determined by having regard to the relevant provisions of a Code of Practice issued by ACAS.

*70ZF Enforcement of right of access*

(1) Where an employer refuses or obstructs access contrary to section 70ZA, a complaint may be made to the CAC by the trade union of which the designated official is a representative.

(2) Where the CAC finds the complaint to be well-founded it shall make a declaration to that effect and may make an order requiring the employer to comply with section 70ZA, subject to such conditions as the CAC may determine.

(3) If the CAC makes a declaration under subsection (2) the trade union may, within the period of three months beginning with the date on which the declaration is made, make an application to the Employment Appeal Tribunal for a penalty notice to be issued.

(4) Where such an application is made, the Employment Appeal Tribunal shall issue a written penalty notice to the employer requiring the employer to pay a penalty to the trade union in respect of each refusal or obstruction of access unless satisfied, on hearing representations from the employer, that the refusal or obstruction of access resulted from a reason beyond the employer's control or that the employer has some other reasonable excuse.

(5) If the CAC makes an order under subsection (2) the order shall be recorded in the High Court and on being recorded may be enforced as if it were an order of the High Court.

*70ZG Penalty notice*

(1) A penalty notice issued under section 70ZF(4) shall specify—

(a) the amount of the penalty which is payable;

(b) the date before which the penalty must be paid; and

(c) the failure and period to which the penalty relates.

(2) A penalty set by the Employment Appeal Tribunal under section 70ZF(4) may not exceed a prescribed amount.

(3) Matters to be taken into account by the Employment Appeal Tribunal when setting the amount of the penalty shall include—

(a) the gravity of each refusal or obstruction of access;

(b) the period of time over which each refusal or obstruction of access occurred;

(c) the number of occasions on which each refusal or obstruction of access occurred;

(d) the reason for each refusal or obstruction of access;

(e) the number of workers affected by each refusal or obstruction of access; and

(f) the number of workers employed by the undertaking.

(4) The Employment Appeal Tribunal shall also take into account any previous refusal or obstruction of access to a designated official of the independent trade union to which the application relates.

(5) If the specified date in a penalty notice for payment of the penalty has passed and—

(a) the period during which an appeal may be made has expired without an appeal having been made; or

(b) such an appeal has been made and determined, the trade union may recover from the employer, as a civil debt due to it, any amount payable under the penalty notice which remains outstanding.

(6) The making of an appeal suspends the effect of a penalty notice pending the outcome of the appeal.

*70ZH Other provisions relating to trade union access*

(1) Sections 70ZA-70ZG are in addition and without prejudice to any other provisions relating to trade union access to workers.

(2) For the avoidance of doubt, the latter include but are not confined to—

(a) Section 188(5A) of this Act

(b) Sections 198A and 198B of this Act;

(c) Schedule A1, paragraphs 26 and 118 of this Act;

(d) ACAS Code of Practice on time off for trade union duties and activities issued under section 199 of this Act, for the time being in force; and

(e) Any collective agreement which makes more favourable provision.""

New clause 82—*Fair Work Agency: review of resourcing*—

(1) The Secretary of State must conduct a review of the resources available to the Fair Work Agency.

(2) The review must be published and laid before Parliament within six months of this section coming into force."

*This new clause asks the Secretary of State to review the resources available to the Fair Work Agency to ensure that enforcement of provisions in the Act are effective.*

New clause 88—*Rules as to political fund*—

(1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.

(2) In subsection (1) of section 84 (Contributions to political fund from members of the union), after subsection (1), insert—

"(1A) An opt-in notice under subsection (1) must include the member of the trade union's consent to annual renewal of the contribution to the political fund (a "renewal opt-in").

(1B) The renewal opt-in must be sent by the member of the trade union (a) within six months of the initial opt-in and every six months thereafter, or (b) each time payment is due, at least 28 days before payment is taken, whichever is longer.

(1C) If the member of the trade union does not provide a renewal opt-in, the trade union must provide a date by which the member must notify the trade union of their consent to continued contribution towards the political fund, which must be no earlier than 28 days before the next payment to the political fund is due.

(1D) If the member has not—

(a)opted into an arrangement under subsection (1A) or (1B), or

(b) given notification of their consent to continued contributions by the date specified under subsection (1C),

their payments to the political fund must cease before the renewal date.""

*This new clause will ensure that trade union members are asked whether they wish their contribution to the political fund to renew automatically and would require that, if the member does not wish to renew their contribution, the union must provide a date by which the member has to confirm they wish to continue to contribute.*

New clause 89—*Certification Officer: growth duty*—

"(1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.

(2) In section 254 (The Certification Officer), after subsection (2), insert—

"(2A) In discharging the functions of the Certification Office, the Certification Officer must, so far as reasonably possible, act in such a way as to advance the following objectives—

(a) the international competitiveness of the economy of the United Kingdom; and

(b) economic growth of the United Kingdom in the medium to long term.""

*This new clause would require the Certification Officer to advance the objectives of the international competitiveness of the economy and its growth in the medium to long term.*

New clause 90—*Regulations under Part 4*—

"When making regulations under Part 4 of this Act, the Secretary of State must have regard to the following objectives—

(a) the international competitiveness of the economy of the United Kingdom; and

(b) the economic growth of the United Kingdom in the medium to long term."

*This amendment would require the Secretary of State, when making regulations under Part 4 of the Bill, to have regard to the objective of the international competitiveness of the economy and its growth in the medium to long term.*

New clause 98—*Pressure to impose union recognition requirement*—

"In the Trade Union and Labour Relations (Consolidation) Act 1992, omit section 225 (Pressure to impose union recognition requirement)."

*This new clause would remove section 225 from the Trade Union and Labour Relations (Consolidation) Act 1992 on pressure to impose union recognition requirement.*

New clause 99—*Electronic balloting*—

"(1) The Secretary of State must, within six months of the passing of this Act, lay before Parliament a statutory instrument containing an order under section 54 of the Employment Relations Act 2004.

(2) That order must specify that—

(a) permissible means may, in the case of any description of ballot or election, include (or consist of) electronic voting; and

(b) any ballot or election including (or consisting of) electronic voting must be conducted pursuant to section 230 (Conduct of ballot) of the Trade Union and Labour Relations (Consolidation) Act 1992.

(3) The Secretary of State must not make an order under this section until a consultation with the Trades Union Congress and the Certification Officer has been conducted.

(4) An order under this section may not be made unless a draft has been laid before and approved by resolution of each House of Parliament."

*This new clause requires the Secretary of State to make an order for electronic voting in a ballot or election pursuant to section 54 of the Employment Relations Act 2004 within six months of the passing of this Act, and following consultation with the TUC.*

New clause 100—Notice to employers of industrial action: amendment—

"In section 234A of the Trade Union and Labour Relations (Consolidation) Act 1992, omit subsections (3) to (9) and insert—-

"(3) For the purposes of this section a relevant notice is one in writing which—

(a) identifies—

(i) the day or the first of the days on which, at the time of the service of the relevant notice, the union proposes to call industrial action; and

(ii) the categories of employee the union intends to call on to take industrial action; and

(b) must be provided to the employer as early as practicable after the ballot result is known and the decision to take industrial action in furtherance of it has been taken.

(4) If the industrial action relates to an event which has already taken place, no relevant notice shall be required.""

*This new clause replaces the provisions in section 234A of the Trade Union and Labour Relations (Consolidation) Act 1992 to define a relevant notice for industrial action, when one must be provided and when one is not required.*

New clause 103—*Public sector contracting: trade union recognition*—

"(1) The Procurement Act 2023 is amended as follows.

(2) In Part (2) (principles and objectives), after section 14A insert—

*"14B Obligations of contractors to recognise trade unions*

(1) The Secretary of State has a duty to ensure that any contract entered into after the coming into force of this Act by a—

(a) government department;

(b) executive agency of government;

(c) non departmental public body; or

(d) non Ministerial department,

is compliant with the requirements set out in subsection (2).

(2) A contract under subsection (1) must require the contractor to such a contracting authority to—

(a) recognise an independent trade union for the purposes of collective bargaining, and

(b) take steps to ensure that any sub-contractor to the contractor which carries out any obligation under the public contract recognises an independent trade union for the purposes of collective bargaining.

(3) For the purposes of this section, "recognises", "independent trade union" and "collective bargaining" have the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992.

(4) An independent trade union may make a complaint against a contracting authority, which is a party to a public contract, that it or a contractor or sub-contractor which carries out any obligation under the public contract is in breach of the term in subsection (2).

(5) The complaint may be made to the Central Arbitration Committee.

(6) If the Central Arbitration Committee finds the complaint to be well founded, it shall grant a declaration to that effect.

(7) Where the Central Arbitration Committee makes a declaration in accordance with subsection (6), it shall order that the respondent contracting authority shall take whatever steps appear to the Central Arbitration Committee as necessary to ensure that the contracting authority and every contractor or sub-contractor which carries out any obligation under the public contract comply with the implied term in subsection (2).

(8) The steps that may be taken under subsection (7) include termination of the contract, which shall not be regarded as a breach of contract by the contracting authority concerned if a principal reason for the termination is compliance with an order of the Central Arbitration Committee under subsection (7).

(9) An appeal lies on a point of law to the Employment Appeal Tribunal by either party to proceedings brought under subsection (5).""

*This new clause is designed to ensure that all public contractors comply with the duty to recognise a trade union for the purposes of collective bargaining and that such contractors take steps to ensure that any sub-contractors do the same. The terms "contracting authority" and "public contract" are defined in section 2 and 3 of the Procurement Act.*

New clause 106—*Collective bargaining*—

"(1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.

(2) In section 209, after "industrial relations" insert—

"and in particular to encourage the extension of collective bargaining and the development and, where necessary, reform of collective bargaining machinery.""

*This would add duties around collective bargaining to the general duty of ACAS.*

New clause 107—*Whether agreement intended to be a legally enforceable contract*—

"(1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.

(2) For section 179, substitute—

*"179 Whether agreement intended to be a legally enforceable contract*

(1) A collective agreement shall be conclusively presumed to have been intended by the parties to be a legally enforceable contract unless the agreement—

(a) is in writing, and

(b) contains a provision which (however expressed) states that the parties do not intend that the agreement shall be a legally enforceable contract.

(2) A collective agreement which satisfies those conditions shall be conclusively presumed not to have been intended by the parties to be a legally enforceable contract.

(3) If a collective agreement is in writing and contains a provision which (however expressed) states that the parties intend that one or more parts of the agreement specified in that provision, but not the whole of the agreement, shall not be a legally enforceable contract, then—

(a) the specified part or parts shall be conclusively presumed not to have been intended by the parties to be a legally enforceable contract, and

(b) the remainder of the agreement shall be conclusively presumed to have been intended by the parties to be such a contract.

(4) A part of a collective agreement which by virtue of subsection (3)(a) is not a legally enforceable contract may be referred to for the purpose of interpreting a part of the agreement which is such a contract.""

*This new clause replaces Section 179 on whether agreement intended to be a legally enforceable contract in the Trade Union and Labour Relations (Consolidation) Act 1992*

New clause 108—*Industrial action: workers' rights*—

"(1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.

(2) After section 219, insert—

*"219A Right to strike*

Every worker shall have the right to take industrial action, whether or not in breach of any contract, subject to the provisions of this Part."

(3) Omit section 223 (Action taken because of dismissal for taking unofficial action)."

*This new clause would establish a clearer right to strike and remove provisions from the Trade Union and Labour Relations (Consolidation) Act 1992 that make strike action unlawful on the grounds that it turns out (retrospectively) that the action the worker took was unofficial.*

New clause 109—*Industrial action and ballots*—

"(1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.

(2) Omit—

(a) section 224 (Secondary action)

(b) 225 (Pressure to impose union recognition requirement)

(c) 226A (Notice of ballot and sample voting paper for employers)

(d) 228 (Separate workplace ballots), and

(e) 228A (Separate workplaces: single and aggregate ballots).

(3) In section 234 (Period after which ballot ceases to be effective), omit subsections (1) to (5) and substitute:

"(1) Industrial action that is regarded as having the support of a ballot shall cease to be so regarded when

(a) the dispute which gave rise to it ceases, or

(b) the union has taken no steps to pursue the dispute for a period of six months."

(4) In subsection (1) of section 244, (Meaning of "trade dispute" in Part V)—

(a) omit "a dispute between workers and their employer" and substitute "a dispute between workers and one or more employers".

(b) omit "which relates wholly or mainly to" and substitute "connected with".

(5) In subsection (5) of section 244, omit "a worker employed by that employer" and substitute "a worker employed by an employer"."

*This new clause would remove provisions that ban all forms of secondary action; make changes to the definition of "trade dispute"; enable industrial action to be taken to achieve recognition for collective bargaining; remove obligation on a TU to provide a ballot paper to the employer; give TUs more freedom to choose which constituencies they will ballot; and remove an obligation on the union in a long running dispute to re-run the ballot every six months.*

New clause 110—*Review into the impact on small businesses*—

"(1) The Secretary of State must, within three months of the passage of this Act, lay before Parliament a review on the impact of Part 4 (Trade Unions and Industrial Action, etc) of this Act on small and medium-sized enterprises.

(2) The review under subsection (1) must have regard to—

(a) administrative costs;

(b) legal costs; and

(c) tax changes affecting small and medium-sized enterprises taking effect from the 2025-26 financial year.

(3) For the purposes of this section, small and medium-sized enterprises are businesses employing 250 or fewer employees."

*This new clause would require the Secretary of State to publish a review on the impact of Part 4 of this Bill, on Trade Unions and Industrial Action, on SMEs within 3 months of the passage of this Act.*

New clause 111—*Legal aid in employment tribunals*—

"(1) The Secretary of State must, within three months of the passage of this Act, lay before Parliament a report on the options for expanding the right to legal aid in employment tribunals.

(2) The report under subsection (1) must consider—

(a) the impact employers' compliance with measures contained within this Act; and

(b) the impact on employees' personal finances."

*This new clause would require the Secretary of State to report on the impact of expanding the right to legal aid in employment tribunals within 3 months of the passage of this Act.*

New clause 112—*Review of single enforcement body*—

"(1) The Secretary of State must, within three months of the passage of this Act, lay before Parliament a review on the impact of a single enforcement body as provided for under Part 5.

(2) The review under subsection (1) must assess the impact of the single enforcement body with the impact between 2019 and 2025 of the following four enforcement bodies—

(a) Gangmasters and Labour Abuse Authority (GLAA)

(b) Employment Agencies Standards Inspectorate (EAS)

(c) His Majesty's Revenue and Customs (HMRC)

(d) Health and Safety Executive (HSE)

(3) The review under subsection (1) must have regard to—

(a) business compliance costs

(b) Employers' compliance with employment law

(c) the number of employees seeking support in relation to employment disputes."

*This new clause would require the Secretary of State to review the impact of a single enforcement body compared with separate enforcement bodies within 3 months of the passage of this Act.*

Amendment 270, page 61, line 14 leave out clause 50.

*New clause 70 is intended to replace clause 50.*

Government amendments 162 to 164.

Amendment 282, clause 50, page 61, line 31, after "workplace" insert, or

"(b) the right to use to any digital communications tools used by workers in the workplace."

*This amendment aims to ensure that access for unions to workplaces includes digital means of communication with workers.*

Government amendments 165 to 185.

Amendment 271, clause 51, page 69, line 18, at end insert—

"(2A) In paragraph 22 (collective bargaining: recognition)—

(a) leave out sub-paragraph (1)(b) and insert—

"the CAC has evidence, which it considers to be credible, that a majority of workers constituting the bargaining unit want the union (or unions) to conduct collective bargaining on their behalf'."

(b) leave out subparagraphs (3), (4) and (5).

(2B) In paragraph 25 (collective bargaining: recognition)—

(a) in sub-paragraph (3)(a) leave out "20 working days" and substitute "10 working days", and

(b) leave out sub-paragraph (3)(b).

(c) after sub-paragraph (4)(a) insert "(aa) by secure electronic voting,"

(d) in sub-paragraph (4)(c) leave out "and b" and substitute "to (c)"

(e) after sub-paragraph (4)(c) insert—

"(d) only amongst those who are employed in the proposed bargaining unit and were so employed at the time the application was made".

(2C) In paragraph 26 after sub-paragraph (4) insert—

"(3A) In the event that the union (or unions) consider that such access has been unreasonably refused, it (or they) may apply to the CAC for a declaration and order that access be granted and in the event that such a declaration or order is made and the union (or unions) consider that such a declaration or order has been breached it (or they) may apply to the High Court for relief."

(2D) In paragraph 26 after sub-paragraph (4B) insert—

"(4BA) The sixth duty is to refrain from any act or omission, direct or indirect, likely to encourage a union member or members to resign from union membership or likely to discourage a person from joining a union or any particular union.

(4BB) It shall be unlawful to compel a worker or workers by threat of detriment or dismissal to attend any meeting in which the employer, its servants or agents expresses the view directly or indirectly that—

(a) membership of a union or any union; or

(b) recognition for the purposes of collective bargaining of a union or any union by the employer,

is undesirable."

(2E) In paragraph 27B(2) leave out "must be made on or before the first working day after" and substitute "must be made within 20 working days after".

(2F) In paragraph 29 (collective bargaining: recognition) leave out sub-paragraph (3)(b).

(2G) In paragraph 35(1) leave out "a collective agreement under which a union (or unions) are recognised as entitled to conduct collective bargaining" and substitute "a collective agreement under which an independent union (or independent unions) are recognised as entitled to conduct collective bargaining".

(2H) In paragraph 35(1) after "in the rules" insert "'in relation to all pay, hours and holidays".

(2I) In paragraph 39(2)(a) leave out "years" and substitute "months".

(2J) In paragraph 40(2)(a) leave out "years" and substitute "months".

(2K) In paragraph 41(2)(a) leave out "years" and substitute "months".

*This amendment makes changes to the Trade Union and Labour Relations (Consolidation) Act 1992 regarding union recognition and balloting.*

Amendment 291, page 71, line 1, leave out clause 52.

Amendment 292, clause 52, page 71, line 6, at end insert—

"(2A) In subsection (1) of section 82 (Rules as to political fund), after paragraph (d) insert—

"(e) that trade union members who have not opted out of the political fund must signal, in writing, their agreement to continue contributing to the fund at the end of a period of 12 months after last opting into the fund, and

(f) that trade union members must be given an annual notice about their right to opt out of the political fund.

(1B) A notice under subsection (1)(f) must include a form that enables the member to opt out of the fund.""

*This amendment would require trade unions to notify their members every year of their right to opt out of the political fund, and to obtain an annual opt-in to the political fund from their members.*

Government amendments 186 to 191.

Amendment 293, page 73, line 6, leave out clause 54.

Amendment 294, page 74, line 14, leave out clause 55.

Amendment 296, clause 55, page 75, line 3, after "employee", insert—

", and

(c) in relation to a public sector employer, the performance condition is met.

(3A) The performance condition is met if the Secretary of State is satisfied that the public sector employer is meeting any performance standards set out in a relevant enactment."

*This amendment prevents facility time for equality representatives from being provided unless the relevant public sector organisation is meeting its statutory targets for performance.*

Amendment 295, page 78, line 5, leave out clause 56.

Amendment 299, page 78, line 30, leave out clause 58.

Government amendments 192 to 199.

Amendment 315, page 79, line 28, leave out clause 60.

*This amendment would leave out Clause 60 on electronic balloting for industrial action. NC99 is intended to replace clause 60.*

Government amendments 200 to 201.

Amendment 297, clause 61, page 80, line 6, leave out "seventh" and insert "fourteenth".

*This amendment would increase, from seven to 14 days, the notice period that trade unions are required to adhere to when notifying employers that they plan to take industrial action.*

Government amendment 202.

Amendment 348, page 80, line 9, at end insert—

"(3) The Trade Union and Labour Relations (Consolidation) Act 1992 is also amended as follows.

(4) In section 231 (Information as to result of ballot), omit from "shall" to after "told" and insert—

"display, reasonably prominently on its website, on a webpage reasonably easy to find and which is freely accessible to the general public—"

(5) Omit section 231A."

*This amendment would change the requirements for notification about the results of a union ballot.*

Amendment 346, clause 62, page 80, line 19, at end insert—

"(3) In section 220 (Peaceful picketing)—

(a) in subsection (1), after "attend", insert "a place of work";

(b) omit subsections (1)(a) and (1)(b); and

(c) omit subsections (2) to (4)."

*This amendment, along with amendment 348, would remove the restriction confining pickets to a worker's place of work.*

Amendment 300, clause 63, page 83, line 9, at end insert—

*"236E Actions short of a strike: exemption*

(1) The right of a worker not to be subjected to detriment under section 236A does not apply in cases where the worker is involved in one or more of the following activities—

(a) intimidation at picket lines;

(b) protests organised by trade unions in furtherance of a dispute—

(i) at the premises of a company;

(ii) at the private residences of senior managers; or

(iii) at the premises of other organisations that are connected with the dispute;

(c) harassment or bullying of non-striking workers, or those who are covering for striking workers;

(d) victimisation or harassment of senior managers; or

(e) action aimed at damaging property or disrupting business contingency planning.

(2) The Secretary of State must ensure that the circumstances under subsection (1), in which the right of a worker not to be subjected to detriment do not apply, are set out in a code of practice."

*This amendment would disapply the right not to suffer detriment as a result of industrial action in certain circumstances.*

Government amendments 203 to 226 and 236 to 239.

Government new schedule 2—*Trade union recognition.*

Government amendments 247, 249, 251 to 261.

New clause 77—*Employment Law: Scotland Act*—

"(1) The Scotland Act 1998 is amended as follows—

(2) In Schedule 5 of the Scotland Act 1998, omit section H1 (Employment and industrial relations)."

*This new clause would remove matters related to employment from the list of the reserved matters that remain the responsibility of the UK Parliament alone and would enable the Scottish Parliament to legislate on those matters.*

1.40 pm

**Justin Madders:** I refer to my entry in the Register of Members' Financial Interests and declare my membership and financial interests in trade unions, as I have done throughout the passage of the Bill.

I thank Members from both sides of the House for their contributions to yesterday's debate. I look forward to another good debate today as we work together to ensure that the Bill works in practice for workers and businesses of all sizes across the whole country. Similarly to yesterday, I will use my opening remarks to explain to the House the amendments put forward by the Government in parts 4 and 5 of the Bill.

The Government are moving a number of amendments that represent a significant step forward in modernising our industrial framework. Amendments to clause 50 will strengthen the provisions of trade union access rights. They will ensure that the framework functions effectively and delivers on our commitment to modernise working practices. They will streamline access provisions by allowing a single Central Arbitration Committee member to make a fast-track decision on whether access should take place. In making a decision about whether it is a single person or a panel that will consider the application, the CAC will be required to have regard to the complexity of the case, as well as whether the

proposed terms of the agreement are model terms. Various criteria will be prescribed in secondary legislation following consultation.

The amendments will also clarify that supporting a worker is a legitimate purpose for access, and they will provide a power to bring forward secondary legislation to make further provision as to how the CAC is to determine the level of penalty fines for non-compliance with access agreements. They will expand access rights, enabling access agreements to cover communicating with workers in ways that do not involve entering premises—for example, connecting digitally using technology—therefore modernising our antiquated industrial relations framework.

New clause 39, new schedule 2 and associated amendments insert new provisions into the Bill, replacing clause 51, and will address unfair practices and access arrangements in the recognition and derecognition process. The amendments will extend the application of unfair practice protections to the point at which the CAC accepts an application for recognition or derecognition, and will ensure that employers cannot increase the size of the bargaining unit for the purposes of the recognition application after the application is made. That will end the deliberate gaming of the system that we have seen in recent years.

The amendments will also delete the second test for determining an unfair practice complaint, which currently requires the CAC to consider how an alleged unfair practice may have affected workers' votes in the recognition, or derecognition, ballots. They will extend the time limit in which unfair practices can be reported after the ballot closes to five working days. They will ensure that an employer cannot recognise a non-independent trade union after receiving a request for voluntary recognition from an independent trade union as a means of thwarting the independent trade union's subsequent application to the CAC for statutory recognition.

We will bring forward and formalise the process for agreeing access arrangements between the employer and the union during the recognition and derecognition process. These amendments will streamline the recognition process, reduce opportunities for unfair practices to occur, and ensure that unions that seek recognition have a fair and transparent statutory route to enable them to do so.

Today's amendments on industrial action rules will reduce the costly, complex and bureaucratic requirements on unions in relation to industrial action and ballot notices, while ensuring that employers have the necessary notice and information to prepare for industrial action. New clause 42 will simplify notice to employers of industrial action ballots and industrial action, reducing the chance of spurious challenge and making the information required more proportionate. New clause 43 will extend industrial action mandates from six to 12 months, reducing the need for repeated ballots. Amendments to clause 61 will mean that the notice period for industrial action will be set at 10 days, giving businesses time to prepare and safeguarding workers' rights. Amendments to clause 58 will mean that the 50% ballot turnout threshold repeal will be subject to commencement on a date to be set in secondary legislation.

Turning to political fund ballots, new clause 40 and associated amendments remove the requirement for unions to hold a ballot every 10 years on maintaining a political fund. Instead, unions will provide reminders about members' right to opt out every 10 years, ensuring transparency without imposing costly and time-consuming ballots.

The Bill will bring together the various agencies and enforcement bodies that enforce employment rights in the new Fair Work Agency, so that where employers are not doing what is right, a simplified and strengthened enforcement system will protect workers and ensure justice in the workplace. The Fair Work Agency needs the right tools to do the job. A series of amendments form a package that will give the Fair Work Agency the tools that it needs to hold all employers to account more effectively. That is fair for workers and businesses.

The Government are moving amendments to introduce new powers that are key to the Fair Work Agency's core enforcement role. New clauses 44 to 56 create a civil penalty regime. Under the regime, enforcement officers will be able to issue notices of underpayment, and impose a penalty on employers who have underpaid individuals, in breach of statutory pay rights that are within the remit of the Fair Work Agency. As a result, the agency may be able to help workers get the money they are owed more quickly than if they had to go through an employment tribunal. Where proceedings before the tribunal are necessary, we want the Fair Work Agency to be able to support individuals and ensure that the tribunal's time is used as effectively as possible. New clause 57 does that by enabling the agency to bring proceedings before the employment tribunal if individuals are unwilling or unable to. Under clause 58, the agency can also offer advice and assistance to individuals bringing employment-related cases before the courts or tribunals.

The Government are also moving amendments to upgrade the powers that the Fair Work Agency will need to tackle labour abuse effectively. The Bill Committee heard from stakeholders, including Eleanor Lyons, the UK Independent Anti-Slavery Commissioner, about bad practices in the social care sector. The Gangmasters and Labour Abuse Authority is prevented from investigating many cases because they do not meet the modern slavery threshold. The Fraud Act 2006 covers situations that amount to labour abuse but fall short of being modern slavery. Today we are bringing forward two amendments that will deliver the Government's commitment to give the Fair Work Agency the strong powers that it needs to tackle labour exploitation. We will enable Fair Work Agency enforcement officers to use their powers to investigate such cases, helping the agency to protect the most vulnerable in the workforce. We will also give enforcement officers the ability to issue special warnings following arrests. In practice, that means telling suspects that if they refuse to answer questions about certain items or their whereabouts, that could be used against them in court.

**Liam Byrne** (Birmingham Hodge Hill and Solihull North) (Lab): Only 21 employers have been prosecuted for national minimum wage violations since 2007. The measures that the Minister is bringing forward will improve enforcement. He touched on the Modern Slavery Act 2015, but he did not address the points made in the debate yesterday. Will he use this opportunity to say more about the Government's intention to update the Modern Slavery Act?

**Justin Madders:** I am grateful for the Chair of the Select Committee's intervention. We accept that there are gaps between the modern slavery network enforcement processes and current employment rights enforcement. We are working with the Home Office and the GLAA to improve that. These are things we can continue to work on as we develop the scope and remit of the Fair Work Agency.

As well as reforming and strengthening the powers, the Government are moving amendments to expand the remit of the Fair Work Agency to ensure effective enforcement of statutory sick pay and holiday pay. Today's amendments will bring Northern Ireland SSP legislation into the scope of the Fair Work Agency, and will introduce a requirement for the Secretary of State to obtain the consent of the Northern Ireland Executive before bringing any further devolved legislation in scope. Further amendments will bring within the agency's scope the duty in the working time regulations for employers to retain records relating to holiday pay and annual leave for six years. It is the Government's intention for the Fair Work Agency to take on enforcement of new protections relating to zero-hours contracts. That is subject to a consultation on the detail, and to the outcome of the spending review.

New clause 60 gives the Fair Work Agency the power to recover the cost of taking enforcement action from businesses that are found to be non-compliant with the law. That is in recognition of the "polluter pays" principle. It is similar to how other regulators operate, such as the Health and Safety Executive. We will consider carefully and discuss the matter with businesses as appropriate before exercising that power, but it is an important principle that where there is wrong, the person in the wrong makes some contribution towards the cost to the taxpayers of enforcing the law.

To sum up—I know many people are eager to speak in the debate—the Bill will ensure that workplace rights are fit for a modern economy, empower working people and contribute to economic growth. I urge hon. Members to support the Bill and the amendments that we are moving today, which show that we are pro-business, pro-worker, pro-family and pro-growth.

**Madam Deputy Speaker (Ms Nusrat Ghani):** I call the shadow Minister.

**Greg Smith** (Mid Buckinghamshire) (Con): Ahead of getting into the detail of the many amendments before us, which the Minister rattled through in just 10 minutes, let me say that overnight we learned that the Government are moving the responsibilities of one quango to another. They are moving the responsibilities of the Payment Systems Regulator to the Financial Conduct Authority, putting one quango into another. Conveniently, they already share a building. The Prime Minister has hailed that as "the latest step" in the Government's attempt to "kick-start economic growth", though the amendments we are discussing do the very opposite.

The Chancellor said:

"The regulatory system has become burdensome to the point of choking off innovation, investment and growth",

but that is precisely what the Bill does. I do not know how the Government can say that with a straight face when, as we stand here today, blocking regulatory burdens cost every business in the land—small, medium or large—£5 billion.

**Wendy Morton** (Aldridge-Brownhills) (Con): In the Chamber yesterday, it was quite clear that the Minister and his team did not fully understand the definition of a small business. I am sure that my hon. Friend the shadow Minister does understand it. Does he agree that that is fundamental to understanding why the balance of this legislation is wrong?

**Greg Smith:** My right hon. Friend makes a superb point, as she always does. Every single small business that I have talked to in my constituency is very concerned about the measures in this—

**Justin Madders:** On that point, will the shadow Minister give way?

**Greg Smith:** I will if, 24 hours on, he can name a small business that supports the Bill.

**Justin Madders:** I am asking the shadow Minister to give way, but the right hon. Member for Aldridge-Brownhills (Wendy Morton) could have intervened on me during my speech. One of the reasons why there is so much confusion about the definition of a small business is that the shadow Minister moved an amendment in Committee that said that a small business

"means an organisation or person employing 500 or fewer employees".—[*Official Report, Employment Rights Public Bill Committee,* 3 December 2024; c. 177.]

So if there is any confusion, it is on the Conservative Benches.

**Greg Smith:** Twenty-four hours later, the Minister still cannot name a small business that supports the Bill. That shows how out of their depth this trade union Government are when it comes to supporting businesses in this land. In the words of the Chancellor, this Bill is

"choking off innovation, investment and growth."

To pretend otherwise would be taking the public for fools.

On new clauses 89 and 90, almost everything this Government have done is contradictory to the objective of growth, if that remains their objective this week. Whether it is the national insurance jobs tax, the changes to business rates or this Bill, everything they do seemingly goes against growing the economy. It is little surprise that, under Labour, the economy is flatlining.

The Prime Minister said earlier this year that everything the Government do will be subject to a "growth test". However, the details of that test have been sparse, at best—so sparse, in fact, that people may well think it does not exist.

**Mike Martin** (Tunbridge Wells) (LD): Could the shadow Minister describe Liz Truss's growth test?

**Greg Smith:** Well, cut red tape for a start. We see from Lib Dem Members that "The Orange Book" tradition of the Liberal Democrats is well and truly dead; they now position themselves firmly to the left of the Labour party.

There is no greater evidence that the growth test does not exist than the Bill, because if such a test did exist, this Bill would fall at the first hurdle, but today I come with good news: I have two amendments that the Government can back this afternoon to help them to grow the economy. Those amendments are, of course, new clause 89 and new clause 90.

New clause 89 would require the certification officer to advance the objective of the international competitiveness of the economy, and new clause 90 would require the Secretary of State, who is again not in his place, to have regard to international competitiveness when passing regulations under part 4 of the Bill concerning the trade unions. The Government have been asking regulators for ideas to boost growth—it is a contradiction in terms to ask the regulator to boost growth—but we are happy to help them with their quest. The Government should be able to support these amendments. If they cannot, it shows that they are not serious about economic growth and, more tellingly, that they do not intend to use the powers in part 4 of the Bill to achieve growth or international economic competitiveness, because they do not intend to exercise them in a way that is compatible with those objectives.

New clause 88 on trade union political funds will, I am sure, get the Government a little bit hot under the collar. This is a "Labour party first, country second" Government. Nowhere is that clearer than in the changes that the Government are making to the political fund through the Bill. Let us be in no doubt that the changes have one simple purpose: to bolster the coffers of the Labour party.

Clause 52 will mean that members of trade unions will automatically contribute to their trade union's political fund without being asked about it first. Members will have to opt out, rather than opt in, as they do at present. *[Interruption.]* Did someone want to try to defend that? No? Okay. If trade union subscriptions are to be used for party political campaigning, it should be a conscious decision of the trade union member to endorse such campaigning.

**Sir Ashley Fox** (Bridgwater) (Con): The shadow Minister may recall that in Committee, every single Labour member of the Committee declared sponsorship by the trade union movement. Does he agree with me that this clause is simply payback for the trade union movement, after its financial support for the Labour party?

**Greg Smith:** My hon. Friend served assiduously on the Committee, raising many good points, including the one that he just made, which I absolutely agree with. The public will be asking serious questions about this.

**Gareth Snell** (Stoke-on-Trent Central) (Lab/Co-op) *rose—*

**Greg Smith:** If the hon. Gentleman wants to try to defend that, I will give him the opportunity.

**Gareth Snell:** I am happy to declare my interest as a member of three trade unions, but I got less from them than the shadow Minister got from a small business—I think his declaration is £12,500. Does he feel the need to declare that, given that he is now making a case against legislation that would impact that company?

**Greg Smith:** I am making a point about the trade union movement, which I have never been a part of, and certainly never received any money from. I am happy for the hon. Gentleman to look at all my declarations in the Register of Members' Financial Interests.

**Gareth Snell:** On a point of order, Madam Deputy Speaker.

**Madam Deputy Speaker (Ms Nusrat Ghani):** Is it really a point of order?

**Gareth Snell:** We can find out, Madam Deputy Speaker; I believe it is. Can you advise whether Conservative Members who received money from businesses affected by this legislation should make a declaration in the same way that we trade unionists do?

**Madam Deputy Speaker:** This is going to end up in a back and forth on things that are not a matter for the Chair. Declarations are the responsibility of individual Members to make appropriately through the right processes.

2 pm

**Greg Smith:** For the avoidance of all doubt and in all transparency, I declare all my entries in the Register of Members' Financial Interests for all to look at. They are all there for anybody to see.

**Sir Julian Lewis** (New Forest East) (Con): This argument about opting in and opting out of trade union levies goes back to at least the 1970s—probably beyond—when I remember arguing about it as an undergraduate. If there are to be levies that people have to opt out of, a defensible case can be made for them provided that the process of opting out is easy and advertised to every member. Does my hon. Friend know whether the Government propose to institute mechanisms to make it known to every member how easily they can opt out?

**Greg Smith:** My right hon. Friend makes an incredibly important point. If we look at the detail of this Bill, it is very clear and obvious that the Government are trying to make it as difficult as possible for people to opt out of the trade union political fund. That is the very point of them changing this legislation.

**Mrs Sarah Russell** (Congleton) (Lab): Will the shadow Minister give way?

**Greg Smith:** I will make a bit of progress, then I will come to the hon. Lady.

An opt-in is the default under consumer protection law and information law. Combined with the 10-year reminder change, it is highly likely that many trade union members will not be aware that their subscriptions are being used in this way or that they are eligible to save money on their trade union fees by not being a member of the political fund. Despite all the talk of supporting working people, it is clear that that concern simply does not apply when working people's money is being taken to fund the Labour party and other political causes. We have tabled amendment 291 because we believe fundamentally that people should consent explicitly to what is, in effect, a subscription trap. Amendment 291 would simply maintain the status quo; it is the right thing to do.

**Mrs Russell:** I draw attention to my entries in the Register of Members' Financial Interests: I am a member of Community and the Union of Shop, Distributive and Allied Workers. Can the hon. Gentleman tell us how many times such a ballot has actually resulted in the closure of a political fund? I think he will find that the answer is none.

**Greg Smith:** The hon. Lady is putting up a smoke-and-mirrors argument to try to cover the fact that the Government are changing the status quo from an opt-in system to an opt-out system. To me, it is just straightforward common sense that people would expect to have to opt in rather than, in this particularly egregious case, being casually reminded every 10 years that they could save a bit of money by opting out of a cause that they perhaps did not even agree with in the first place.

In fact, the Secretary of State for Business and Trade, the right hon. Member for Stalybridge and Hyde (Jonathan Reynolds), pledged to end auto-renewal subscriptions. When the Conservatives were in government, we passed the Digital Markets, Competition and Consumers Act 2024, which contained two significant proposals on subscription contracts that are notable here. One of those was reminder notices. Businesses need to provide notices to consumers to remind them that their subscription contract will renew and payment will be due unless the consumer cancels. The second proposal was to allow consumers to be able to exit a subscription contract in a straightforward, cost-effective and timely way. Businesses need to ensure that the process for terminating is not unduly onerous and that consumers can signal their intent to end the contract through a single communication.

The Labour party, which was then in opposition, supported those aims—in fact, the Bill did not go far enough for Labour at the time. On Report, the hon. Member for Pontypridd (Alex Davies-Jones) tabled new clause 29, which the Labour party voted to add to the Bill. The new clause had a two-pronged approach. It required traders to ask consumers whether they wished to opt into subscriptions renewing automatically either

"after a period of six months and every six months thereafter, or…if the period between the consumer being charged for the first and second time is longer than six months, each time payment is due."

The second aim of the new clause, which the Labour party used to support, would have required that if the consumer did not opt into the arrangement described, the trader had to

"provide a date by which the consumer must notify the trader of the consumer's intention to renew the contract, which must be no earlier than 28 days before the renewal date."

If the consumer did not provide a notification, the subscription contract could not renew.

Where am I going with this? *[Interruption.]* Government Members are chuntering too early, because there has been a considerable shift in the Labour party's policy position on subscription traps. It seems to believe that consumers should be given every possible opportunity to cancel subscription contracts with businesses, but that it should be as hard as possible to cancel a subscription to the trade union political fund. Under amendment 292 and new clause 88, trade union members would have the same rights, pushed for by Labour, as other individuals with a subscription.

New schedule 2 could be used to give sweeping powers to Labour's trade union paymasters, as the Secretary of State could reduce the threshold for trade union recognition to as little as 2% of the workforce. Trade unions could easily be imposed on workplaces across the country, with small employers being particularly vulnerable. In a workplace of 200 workers, fewer than five of them would be required for workplace recognition. Paired with the other measures in this Bill, that will strike fear into business owners across Britain, who could now be forced to deal with all-powerful trade unions as part of Labour's return to the 1970s. The way in which Labour has gone about this is just another example of the shoddy nature of this Bill and of Labour's approach to workplace regulations. The Attorney General has said that

"excessive reliance on delegated powers, Henry VIII clauses, or skeleton legislation, upsets the proper balance between Parliament and the executive. This not only strikes at the rule of law values I have already outlined,"—

I am quoting him—

"but also at the cardinal principles of accessibility and legal certainty."

On facility time, amendments 293 and 295 would remove clause 54, "Facilities provided to trade union officials and learning representatives", and clause 55, "Facilities for equality representatives". They would remove the requirement to provide reasonable time off for facility time, the creation of facility time for equality representatives and clauses that will reduce transparency requirements over facility time, respectively. Together with amendment 296, they would prevent facility time for equality representatives from being provided unless the relevant public sector organisation is meeting its statutory targets for performance. Trade union facility time already costs the Government nearly £100 million a year. Under the last Labour Government, the civil service spent 0.26% of its annual pay bill on facility time, compared with 0.04% in the private sector. Under the last Conservative Government, in 2022-23, the average for the civil service was 0.05%.

Labour councils are still the worst culprit. The transparency data collected by the Government in '22-23 shows that Transport for London under the Mayor of London, Sadiq Khan, has 881 full-time equivalent union officials on the books, costing £8 million a year. Bankrupt, Labour-run Birmingham city council has 30 full-time equivalent union officials on its central books, costing £1.2 million—no wonder that it went bankrupt. Furthermore, the council had 12 full-time equivalents in its maintained schools, costing £583,000.

Clauses 54 and 55 will increase that cost by giving more time off to public sector union officials at the taxpayer's expense. That is not right when the Chancellor is asking Ministers to make cuts to their Departments across the board. Public services will be worse and the taxpayer will be expected to contribute more.

Furthermore, the Bill extends the right to facility time to equality representatives, who will now be allowed paid time off work to carry out activities for the purposes of

"promoting the value of equality in the workplace…arranging learning or training on matters relating to equality in the workplace…providing information, advice or support to qualifying members of the trade union in relation to matters relating to equality in the workplace…consulting with the employer on matters relating to equality in the workplace"

and

"obtaining and analysing information relating to equality in the workplace".

Those are all noble goals, but that should not be done at the taxpayer's expense.

**Sir Ashley Fox:** Does the shadow Minister agree that the only jobs that will be created by these Bills are for people employed by trade unions?

**Madam Deputy Speaker (Ms Nusrat Ghani):** Before Mr Smith responds to that intervention, I must add that we have just shy of 40 people hoping to contribute to this debate, and I want to get them all in.

**Greg Smith:** As ever, Madam Deputy Speaker, I take your advice and will speed up. *[Interruption.]* The Minister urges me to carry on, but of course I would not ignore your advice—never say never again.

I make no comment on the value that those activities will add to public sector employers and their productivity. What I will say is that we have already seen this Government being happy to hand over large pay increases to trade unions with no guarantee of anything in return. That is why we have tabled amendments 293, 295 and 296, in an attempt to ensure that the taxpayer gets something out of this latest concession to the trade unions.

On amendment 297, trade unions can create significant disruption in the economy, whether by stopping work from taking place or preventing people from getting to work, school, hospital appointments or many other activities. We must strike a fair balance between the ability of trade unions to strike and the public whom we all serve.

Our amendment 297 will mean that vital public services such as the NHS can better plan and prepare for strikes. It simply seeks to keep the status quo of two weeks' notice. Without adequate warning, constituents of Members from across the House are more likely to miss hospital appointments, not be able to travel to see loved ones or get to work, or suffer greater disruption when schools close due to strikes. That is part of the reason why, in the consultation on thresholds, 58% of those who responded supported retaining the 14-day period as it currently is, with 7% preferring a longer period. Two thirds of respondents therefore wanted the period to stay the same or be longer. Labour promised that it would work with business on this Bill, but its response to that consultation is just another example of the Government having their fingers in their ears and simply not listening. The reduction to 10 days is against the wishes of business and will do harm to all our constituents. That is why we have tabled amendment 297 to retain the notice period of 14 days.

On amendment 299, strikes should only take place when there is a clear mandate for them, but clause 58 will mean that strikes can happen with low thresholds by removing the 50% turnout requirement and the 40% support requirement. Combined with Government amendments to extend the mandate for strikes from six months to 12 months, this Bill allows unions to unleash waves of low-support, rolling strikes. Those costs will come on top of the national insurance jobs tax and changes to business rates—mistakes that the Government are already making—making it more difficult to run a business. That is why we have tabled amendment 299, which will remove clause 58.

There is much in this Bill to speak to, Madam Deputy Speaker, but I will not test your patience or the patience of the House further by going into those things. I look forward to a thorough debate that will further point out—not least through Conservative Members' contributions—why the amendments to this Bill that the Government have tabled this afternoon will harm our economy, destroy jobs, and just give more power to the trade unions.

**Several hon. Members** *rose—*

**Jerome Mayhew** (Broadland and Fakenham) (Con): On a point of order, Madam Deputy Speaker.

**Madam Deputy Speaker (Ms Nusrat Ghani):** Is it pertinent to the actual debate?

**Jerome Mayhew:** Yes, Madam Deputy Speaker. As we all know, Members are required to draw attention to any potential conflicts of interest prior to speaking, in order to avoid any impression of, among other things, paid advocacy. Given that clause 52 will lead directly to increased payment of money from unions to Labour Members of Parliament, I ask for guidance on the proper declaration of interests. Most Labour Members due to speak this afternoon have received thousands of pounds from the unions—totted up, I make it £283,974.86. In addition to a general reference to their entry in the Register of Members' Financial Interests, in this instance, where there is a direct link, should they not also set out the actual amount of money they have received?

**Madam Deputy Speaker:** Obviously, further clarity on this issue is required, as it was raised earlier. It is the responsibility of individual Members to ensure that they declare their interests properly. The procedure for raising a complaint of this sort is by writing to the Parliamentary Commissioner for Standards. The guide to the rules sets out the rules relating to the declaration of interests in debates. This is not otherwise a matter for the Chair. I hope that brings some further clarity to the issue.

I call the Chair of the Business and Trade Committee.

2.15 pm

**Liam Byrne:** Thank you, Madam Deputy Speaker. I will start with my declaration of interests, as a former member of the Confederation of British Industry and a current member of the trade union Unison.

I will try to introduce a few points of consensus to the debate. I am old enough to remember when Conservative Members such as the former Member for Harlow were writing pamphlets for think-tanks such as Demos with titles like "Stop the union-bashing; why conservatives should embrace the trade union movement". Of course, that was an echo of something that Harold Macmillan famously used to say in the 1950s: "We used to think that we could not have a modern industrial society without trade unions. I still think that."

I think we would all benefit from a little acknowledgment that industrial relations in this country have not been in a good place. In 2023 more days were lost to strikes than at any point in the past 30 years, and the Office for National Statistics calculated at the back end of 2022 that 2.5 million days had been lost to strike action. That is not a record that any one of us in this House should

*[Liam Byrne]*

be proud of. It is incumbent on all of us to modernise industrial relations in this country, so that we are not divided in the workplace in this way.

As such, I welcome the measures in this Bill. I hope that the Minister will seize the moment—not only the fact that we have the Bill, but the advent of an industrial strategy that will introduce governance arrangements that get businesses and unions around the table to talk about economic growth in our country. That is a big opportunity; it is a big moment in which we can bring our country together around a modern industrial strategy. I hope that once the Minister has got this Bill done and has had a little bit of a rest—maybe gone on holiday for a bit—he will think about how the Government will then publish a modern industrial strategy for the future, backed by the restoration of some of the data that we used to have in this country, such as the workplace employee survey. We had that until about 2012, when it was stopped. We need to be more thoughtful about harmony in the workplace, because that is in the interests of the constituents we serve.

**Gregory Stafford** (Farnham and Bordon) (Con): The right hon. Member used the term "modernising industrial relations", which sounds a little like a euphemism. Taking him at his word, however, is he not therefore surprised that the pay rises that have been given to doctors, train drivers and a number of other unions since this Government came in have not been accompanied by any requirement for increased productivity? If we are to have modernised industrial relations, surely the increased pay that unions want should be combined with the productivity gains that this country needs.

**Liam Byrne:** The hon. Member will no doubt have heard the remarks made by the Chancellor of the Duchy of Lancaster at the weekend. I suspect that the hon. Member, like every Member of this House, will see some pretty radical steps taken in the comprehensive spending review to improve the efficiency of the civil service. Of course, the civil service grew very significantly in the years after covid, and now it has to be reinvented for new times. I am confident that those productivity gains will come.

My second point was to draw the House's attention to some of the evidence taken by our Select Committee. That evidence is contained in our report, which I commend to all hon. Members. What struck me about the evidence we heard from the most productive firms in the country, such as Jaguar Land Rover, Rolls-Royce and BAE Systems, was that those are world-beating companies—some of the most productive companies in our country—and what characterises the workplace arrangements of all of those companies is that they have very long-standing, robust and deep partnerships with good trade unions. Those trade unions help make decisions, help de-conflict things and help businesses thrive and succeed. That is why stronger collective rights are important.

We also took evidence from companies where, I am afraid to say, there was not that harmony, such as Amazon. It has had to call ambulances to its warehouses 1,400 times in just five years. We on the Committee received whistleblower evidence from workers who were literally having to urinate into bottles because they did not dare take time out from their tasks to go to the bathroom and back. We heard all kinds of whistleblower complaints about injuries being sustained, and pay is rising much more slowly than sales.

When we had executives from that company in front of us, they could not—or would not—tell the Committee why strike action had been taken by workers in their firm. If a company executive cannot explain to a Select Committee of this House why so many of their workers are on strike, that is not a story of harmony or a recipe for success. That is why the measures that the Minister has brought forward in this Bill to improve the opportunities for trade unions to organise—in a way that was recommended by the former Member for Harlow, actually—are a good thing.

The Minister has gone some way in recognising recommendations made by our Committee, such as improving the window in which complaints can be heard beyond 24 hours, bringing in template access agreements and strengthening the role of the Central Arbitration Committee in dispute resolution. There is just one further step that I suggest, which is the subject of amendment 282. We suggest that access rights for trade unions should include digital access rights, because in the modern workplace, of which Amazon is a case in point, there simply is not an opportunity for workers to get information about the opportunities to join a trade union and make a fair choice one way or the other in the way that there could be in the modern economy.

My final point is about enforcement. The first factory Act passed by this House was the Health and Morals of Apprentices Act 1802. It was celebrated in parliamentary history as an Act that failed because there was no enforcement attached to it. Enforcement of this Bill is essential if it is to succeed, but labour market enforcement today is much too weak. Just 21 employers have been prosecuted for minimum wage enforcement since 2007, despite the fact that we all know that abuses of this sort are taking place in our constituencies.

Spending on labour market enforcement has been flat since 2014, and we are well off the International Labour Organisation target of one labour market inspector for every 10,000 workers. New clause 82 in my name would require the Secretary of State to set out a road map for reaching that ILO target, for ensuring there is greater use of penalties where appropriate, and for much stronger partnerships between the Home Office, the police and the Fair Work Agency. We cannot have a situation in this country where the best of British firms are being undercut by the worst labour market practice.

In conclusion, I welcome this Bill. Some of the amendments that have been tabled would improve it, but ultimately we have to remember that if we want to create a genuinely pro-business, pro-worker economy, the measures in this Bill are long overdue.

**Madam Deputy Speaker (Ms Nusrat Ghani):** I call the Liberal Democrat spokesperson.

**Daisy Cooper** (St Albans) (LD): I rise to speak to parts 4 and 5 of the Bill, and specifically to new clause 19, tabled by my hon. Friend the Member for Torbay (Steve Darling), and new clauses 110, 111 and 112, which stand in my name. I wish to put on record my thanks to my two Liberal Democrat colleagues, my hon. Friends the Members for Torbay and for Chippenham (Sarah Gibson), for their work in the Public Bill Committee, alongside many other Members of the House.

Overall, throughout its passage, we Liberal Democrats have indicated our support for many aspects of the Employment Rights Bill, such as those we debated yesterday, including boosting statutory sick pay, strengthening parental pay and leave, and giving people on zero-hours and low-hours contracts more certainty. However, a lot of crucial detail has been left to secondary legislation, to lots of new Government amendments and to continuing consultations, which makes it impossible to explicitly endorse the Bill as a whole at this stage. Even with 264 amendments in Committee and 457 Government amendments on Report, major issues are still yet to be determined, especially in part 4. Even after all those amendments, the Government say that they intend to

"consult further on modernising the trade union landscape following Royal Assent"

of this Bill, including on admissibility requirements, a code of practice and secondary legislation. It is therefore clear that part 4, which we are debating today, is still far from finalised.

We Liberal Democrats believe that employee participation in the workplace is vital, but we also believe that it should go hand in hand with wider employee ownership. That is so important for diffusing economic power, promoting enterprise, increasing job satisfaction, improving service to customers and getting long-term economic stability and growth. The Government's proposals on trade unions are aimed at strengthening employee rights in what can often be a combative and confrontational working environment, and we Liberal Democrats see this Bill as a missed opportunity to improve employee engagement and ownership to provide collaborative working environments and long-term growth, whether by reforming company purpose rules or putting a duty on employers to encourage employee ownership in large listed companies. However, given what we have before us, we have tabled a few amendments.

First, new clause 19 is about the right to be accompanied, and it does what it says on the tin. It would expand the right for staff to be accompanied by a certified companion at disciplinary and grievance hearings. That is a long-standing Liberal Democrat policy, and I hope it is not too controversial, as it simply rectifies an anomaly. The current law allows only trade union representatives or colleagues to accompany an employee, and that leaves many without proper support. Some sectors, such as the medical profession, already allow accompaniment by non-union companions, yet that is not reflected in law. Our targeted amendment would fix that anomaly, and I urge the Government to accept it.

New clause 110 simply requests that the Government conduct a review on the impact on small business. Throughout the Bill's passage, we have expressed concern about the cumulative impact of all the Government's work in this area and the impact it will have on small businesses in particular. Just the other day, the Federation of Small Businesses told me that it spends thousands and thousands of hours giving advice to small businesses on employment matters, and these new obligations will create a huge amount of extra law for them to understand, interpret and apply.

Small businesses do not have the same resources as big business. They often have no legal department, no compliance team and perhaps no human resources specialist. Because small businesses are often rooted in their community, they are conscious of their reputation. They know their employees and they want to get things right. That means it will take extra time, effort and cost for them to navigate and comply with this part of the Bill, and that is before we get to everything else that the Government are seeking to introduce.

Small businesses are telling me that, taking the measures of the employment Bill together with the changes to national insurance and business rates and everything else, they feel overwhelmed. All that new clause 110 does is ask the Government to conduct an impact assessment. We know that small businesses are passionate about their employees. Small businesses are often the ones to give people their first job. They are often the companies that give people a second chance. They provide part-time, flexible working and opportunities to return to work, so I encourage the Government to look at the impact of part 4 on small businesses.

New clause 111 is about introducing legal aid in employment tribunals. When legal aid was first introduced, the intention was for it to become the NHS of the justice system, but we know that today legal aid is far from that. Our amendment would require the Secretary of State to report on options for expanding the right to legal aid in employment tribunals. We already know that many employees cannot afford legal representation, and that creates an imbalance of power when facing well-resourced employers. The amendment simply asks the Government to look at the options that might be available in that regard.

New clause 112 asks for a review of the single enforcement body. We Liberal Democrats positively support the Government's efforts to create a single point of contact, rather than four. A similar measure was in our manifesto, where we called for a powerful new worker protection enforcement authority. As a matter of good practice, when putting different organisations together, it is important to make sure that no gaps are created in that protection. The review we ask for is not just a formality, but an important safeguard to ensure that employment rights enforcement is effective, fair and fit for purpose.

There is much in the Bill that we Liberal Democrats welcome, but there are many parts of it that we simply cannot support because it is not yet clear what the Government's intentions are. We urge the Government, in the strongest possible terms, to look at the impact on small business, as it is an area about which we are deeply concerned.

2.30 pm

**Ian Lavery** (Blyth and Ashington) (Lab): It is a pleasure to speak in the debate, following the speech from the shadow Minister, the hon. Member for Mid Buckinghamshire (Greg Smith). I have to remind him that trade unionists are the bedrock of our communities. They are the producers of the wealth in this country. They are taxpayers, and they are ordinary, hard-working people. They should not be described as, basically, the dirt on the shoes of other people. The shadow Minister could hardly hide his disdain for ordinary working people; he could not hold himself back from opposing everything in the Bill.

I begin by declaring my interest as a proud trade union member—a member of the National Union of Mineworkers and Unite the union, and an honorary

*[Ian Lavery]*

member of the Prison Officers Association—and as the chair of the trade union group of Labour MPs.

It is a pleasure to speak about a piece of legislation that turns the tide on decades of anti-trade union laws—laws that have restricted the power of workers and seen the wealth of those at the top grow exponentially. On a personal note, let me say that it is fitting that the Bill should be before the House this week. Last Wednesday marked 40 years since I—along with my father, who has sadly passed on, my brothers and thousands of my colleagues—marched back to work at the end of the miners' strike. The fact that, although bruised and battered, I am still here today speaking about the Bill proves that while the party of vulture capital may have won a victory in 1985, they did not win the war. This is a good Bill, but it could have been a lot better. Through further time, further discussion and further legislation, it will prove to be a great Bill, and I believe that the new clauses and amendments that I have tabled would strengthen and enhance it.

Workers in the UK have never, ever had the right to strike, but since 1906 their unions have had protection against common-law liability, subject to the meeting of statutory conditions. New clause 108 would establish a positive right to strike, bringing the UK into line with most of the democratic world. It would also remove provisions that make strike action unlawful if it turns out, retrospectively, that the action the workers took was unofficial. That is important, because workers currently have to take it in good faith that the union has managed to navigate the bureaucracy of taking action, and that unscrupulous bosses cannot summarily dismiss them if it has not.

New clause 109 is wide-ranging. The UK's ban on secondary action is almost unique in the world, condemned on every occasion when the International Labour Organisation has considered the position since 1989. When P&O Ferries flouted its legal obligations by not consulting over mass dismissals and by dismissing people unfairly, the unions were unable to react by calling on dock workers, lorry drivers and workers in other industries on the dockside to boycott the vessels in dispute. That was outrageous: we need to bring back solidarity action. I want to support people in industrial disputes, and new clause 109 would put situations like that right by ending the ban on secondary action. It would remove the need to provide a ballot paper to the employer, remove the obligation on unions in long-running disputes to rerun the ballot every six months, and enable industrial action to achieve recognition for collective bargaining.

Amendments 347 and 348 would change the requirements for notification about the results of a union ballot, meaning that they could be displayed online with easy access for the public. Amendments 345 and 346 would remove the restriction confining pickets to the worker's workplace. The reason secondary picketing was banned in the first place was the fact that it was a tool that benefited workers and advanced their cause. Solidarity action should be an important part of seeking the resolution of disputes.

The Bill brings measures that aim to end discrimination and place equality at the heart of the workplace. It gives key workers in social care and school support more say in pay and conditions through their unions. It brings measures to tackle exploitative zero-hours contracts, gives protection against unfair dismissal from day one, and extends sick pay rights. It repeals minimum service level laws and the majority of the reactionary Trade Union Act 2016, provides greater rights for workers to organise collectively through their trade unions, and reduces bureaucracy affecting trade unions during industrial action processes.

The howls of derision from Opposition Members show that the Labour Government are doing the right thing. This is a good Bill that should mark the start of a process. I hope that my hon. Friend the Minister, who has done a fantastic job, understands that we are all just trying to strengthen the Bill through our amendments. While we accept those howls of derision from the Conservatives, it is worth reminding the House, and indeed the country, that the turquoise Trumpian Tories in Reform have also opposed the Bill at every step of the way. Perhaps it is because, as a company—for that is what they are—they want to ensure that their workers, such as the hon. Member for Great Yarmouth (Rupert Lowe), are limited in how they can address workplace bullying by the owner; or perhaps it is because, while they masquerade as a party for the ordinary men and women of this country, in reality they are simply a Margaret Thatcher tribute act with a sprinkle of bigotry, determined to advance her destructive agenda at all costs, regardless of its impact on working people across our country.

**Several hon. Members** *rose—*

**Madam Deputy Speaker (Ms Nusrat Ghani):** Order. More than 30 Members wish to speak. I do not want to set a time limit, but if Members can police themselves and keep their speeches to just shy of eight minutes, everyone will definitely get in.

**Charlie Dewhirst** (Bridlington and The Wolds) (Con): I wish to develop some of the detailed and eloquent arguments advanced by my hon. Friend the Member for Mid Buckinghamshire (Greg Smith), and to speak in particular about the amendments relating to part 4 of the Bill and the trade union movement.

Before he leaves, let me thank the right hon. Member for Birmingham Hodge Hill and Solihull North (Liam Byrne) for his very measured comments. I enjoyed his referral back to the industrial relations of the 1950s, although I should point out that we have moved on a little since then; I will say more about that shortly. I also thought that he simplified the Opposition's position. We are not here to bash the unions. We support a progressive, modern trade union movement in which the balance is struck correctly between employer and employees. Unions should not and do not run businesses, but they are an important part of our industrial relations landscape.

There can be little doubt that this is, unfortunately, a Bill drafted by the few to the detriment of the many, and the numerous provisions that will largely abolish the Trade Union Act 2016 threaten to drag the country back to the dark days of the 1970s. The very enjoyable speech that we have just heard from the hon. Member for Blyth and Ashington (Ian Lavery) perhaps illustrates that return to the 1970s. I am pleased to see a number of his friends from the rebellious left on the Government Benches, and I look forward to hearing their comments in due course.

The Trade Union Act 2016 was brought in by the last Conservative Government to reflect the modern British economy and workplace. It moved the trade union movement into the 21st century and ensures that hard-working people are not disrupted by little-supported strike action.

**Mrs Russell:** In my constituency of Congleton, we have been blighted by approximately seven years of strike action by Northern. Does the hon. Gentleman agree that the key to modern industrial relations is to have good industrial relations, not to pull apart Bills that make things better?

**Charlie Dewhirst:** I think the best solution would be proper privatisation of our railways, including nationalised services like Northern, which is constantly on strike. I would use Hull Trains, which serves a lot of constituents in my area and is very rarely, if at all, on strike, as an example of an excellent, private open-access firm. Rail franchises that have been nationalised have a far greater problem with strike action than those that have not.

I wish to go back briefly to the '70s—the height of the trade union movement. The number of trade union members peaked in 1979, at around 14 million. Since then, the number has declined considerably to around 6 million, the majority of whom are in the public sector. It is often for good reason that people in the public sector are members of a union, but it means that the landscape has changed. We have moved away from being a society and an economy of heavy industry and large manufacturing, and of towns that may have been built on one or two industries, or one or two factories, where everybody in that area was largely employed, either directly or indirectly, in those places. That was where the trade union movement was required, where it was strong and where it was needed.

The modern workplace is very different. We are now largely a services-based economy, and the relationship between employer and employee is much more modern and much more flexible. We have heard about the need for the traditional trade union movement, and about a return to secondary action, flying pickets and so forth. Clearly, there is no place at all for that in the UK now.

**Jerome Mayhew:** The hon. Member for Blyth and Ashington (Ian Lavery) suggested that we should have a return to secondary action. What is my hon. Friend's view?

**Charlie Dewhirst:** I do not want to speak on behalf of the hon. Member for Blyth and Ashington (Ian Lavery), but he made his views very clear. I am sure that we will hear more in that tone as we go through the afternoon.

It is really important that the Bill does not take us back to a place where growth is stifled. The Government talk about the importance of growth but, taken together, this Bill and the Budget will cause us a very severe problem, because there is very little point in having extra trade union representation if unemployment is going through the roof. Those who are unemployed will not be represented.

My big fear is that, overall, this Bill is an act of economic sabotage. It protects the dinosaurs from extinction, it damages the UK economy and it ensures only that trade union donations continue to flow into the Labour party.

**Katrina Murray** (Cumbernauld and Kirkintilloch) (Lab): My membership of Unison, and of the national executive of Unison prior to my election, is well documented. I draw the House's attention to my entry in the Register of Members' Financial Interests.

What people on this side of the House probably do not know is that I am also an associate member of the Chartered Institute of Personnel and Development, the professional body for the people profession, and I have spent over 20 years as a manager and an employer. I have therefore spent most of my career working with people, managing people and employing people. I have ensured that staffing levels are maintained on the hours that people are contracted and available to work, and I have managed their flexibility without having to resort to bank or agency staff every week. However, as a trade union rep, I have prepared for and worked on consultative ballots, statutory industrial action ballots and—oh yeah—political fund ballots. I have done the hard yards: I have walked the wards at 3 o'clock in the morning to speak to the night shift, and I have gone out to remote workplaces to engage with people. But I have also met management to agree on what essential levels of service are.

I pay tribute to all of those who have worked on this Bill to get it to the place where it is today, and I welcome its coming back to the House. I believe in fair work; a relationship between the employer and the worker that is based on equality; a fair day's pay for a fair day's work; and the right of an individual to withdraw their labour should workers collectively vote to do so. We discussed yesterday what a healthy employment relationship looks like, and it is about more than just pay. It is about how people are treated at work, and it is about ensuring that work pays and that people have not only a job but guaranteed hours, if that is what they want. If someone wants to work full time, they should not have to work two or maybe three contracts with the same employer to make up those hours, or to work the same excess hours every week for months and months—until they want to take an annual leave day, when they lose their entitlement to that.

Today's amendments focus on two main aspects of the Bill: the rights of trade unions to organise in a way that we recognise in the 21st century, and how this vital piece of legislation is enforced. As we have been reminded, the world of work has changed fundamentally in the last 20 years, and so has the world of trade unions. I listened very carefully, and with great respect, to the hon. Member for St Albans (Daisy Cooper), who spoke of the combative and adversarial nature of trade unions, but that is not the world that I recognise.

**Daisy Cooper:** I am grateful to the hon. Member for addressing some of my concerns, and I look forward to hearing what she says. Just to be clear, I was talking about what can be a combative working environment for employees and employers, and I said there was a missed opportunity to create more collaborative environments. I was not necessarily accusing the trade unions, but working environments can be combative.

**Katrina Murray:** Thank you very much for your intervention. I have 20 years' experience of working in a partnership arrangement, and staff-side trade unions

*[Katrina Murray]*

have been the agreed and recognised bodies for staff in the NHS. It is natural to sit down together and say, "These are our issues. How do we resolve them?" It is a lot more financially advantageous if we do not end up in a situation that is adversarial.

Electronic balloting has long been common practice, but not for statutory trade union ballots. This is not just about public votes on "Strictly Come Dancing" or "I'm a Celebrity…Get Me Out of Here!" I noticed that the Conservative leadership election in 2024 made great use of electronic balloting. It is absolutely time for trade union ballots to be brought into line with society, so I welcome the measures in the Bill to widen the methods of voting in industrial action ballots.

While I am on the subject of balloting, let me also say that I support the extension of the period of time before a re-ballot takes place to extend the mandate for strike action. The ultimate aim of any form of industrial action is for disputes to be resolved by all of the parties involved, ideally before any action is taken, before labour is withdrawn, before individuals lose their money and before the public are affected. The role of the Government should be to ensure that intransigent parties get round the table and talk in order to resolve any issues. Conservative Members have reminded us that when faced with that opportunity, they did exactly the opposite. They introduced the Strikes (Minimum Service Levels) Act 2023, a piece of legislation that is so useless that it has stopped precisely zero strikes. It was used precisely zero times and is rightly being repealed as part of this legislation.

What Conservative Members do not recognise is that trade unions and trade union members do not take action lightly. I do wonder what the shadow Minister, the hon. Member for Mid Buckinghamshire (Greg Smith), was thinking, because he has obviously never talked to trade union members. People know their rights, they want to belong to things and they want to be involved. People collectively make such decisions, and they individually make decisions about their subscriptions—and by golly they know, because they have told me. These provisions have not been brought in with businesses kicking and screaming. Most businesses that work well with people know exactly what is going on.

2.45 pm

In the interests of time, let me say that I completely endorse this Bill and every aspect of its enforcement. Everybody knows somebody who is being exploited at work. The Bill will prevent that happening. It is time to rebalance the employment relationship.

**Madam Deputy Speaker (Ms Nusrat Ghani):** Miss Murray, you used the term "you". If it makes it easier, you can speak focused on the Chair, and that way you will not make such a mistake. Saying "thank you" means thanking me, and it gets very complicated for *Hansard*, so it is best not to do that. Just focus on the Chair, and that will help.

I need to make a correction. I should draw Members' attention to a printing error in Government new clause 52 as it appears in the printed version of today's amendment paper. The closing words at the end of subsection (1) should read:

"the Secretary of State may withdraw it by giving a notice of withdrawal to the person."

A corrected version of the amendment paper is available online.

**Jerome Mayhew:** This is a chaotic mess of a Bill, cobbled together in 100 days to satisfy a press release. We have the unedifying spectacle of an amendment paper that is 274 pages long, as the Government try to correct their many mistakes.

The main thing that I want to address in my short speech is the idea that Labour is beholden to the unions. That is often suggested, but let us just look at the facts, because we need to put this to bed. Between 2019 and 2024, Labour received only £31,314,589 from the unions, and in this Parliament more than 200 Labour MPs have been paid directly by the unions. The Ministers in the Department for Business and Trade have collectively received about £120,000 from unions. What are the unions paying for? Whatever it is, they have been handsomely repaid in the drafting of this Bill. To make it easier for Labour Members, who were all here to hear my point of order, perhaps they could put their hands up if they have not received any cash from the unions—oh dear, oh dear!

Clause 52 suggests that there should be a requirement to contribute to political funds when people join a union. It changes the rules on how union members should donate and how they should contribute political funds to the Labour party. Clause 52(2) changes subscriptions from an opt-in to an opt-out. That raises the question: why do we need this clause? What is the problem that the Labour party is trying to fix? Is £31 million just not enough? This clause encourages unions, when signing up members, to take advantage of their distraction, because members will not be focused on that and they will fall into what is in effect a subscription trap.

In other circumstances, the Labour party does not think that subscription traps are a very good idea. In fact, the Government sent out a press release on 18 November 2024 entitled, "New measures unveiled to crack down on subscription traps". That sounds good so far. It says:

"Consultation launched on measures to crack down on 'subscription traps' and better protect shoppers…Unwanted subscriptions cost families £14 per month per subscription and £1.6 billion a year in total".

It goes on:

"New proposals to crack down on subscription traps have been unveiled today…'Subscription traps' are instances where consumers are frequently misled into signing up for a subscription…It comes as new figures reveal consumers are spending billions of pounds each year on unwanted subscriptions due to unclear terms and conditions and complicated cancellation routes."

The Business Secretary says:

"Our mission is to put more money back into people's pockets and improve living standards across this country, tackling subscription traps that rip people's earnings away is an important part of that."

Clause 52 flies in the face of that press release.

**Mrs Russell:** Does the hon. Gentleman agree that there is a massive difference between major corporations wanting to take money out of people's bank accounts every month and trade unions wanting to represent people as effectively as possible in the workplace?

**Jerome Mayhew:** I do not accept that difference. Taking advantage of people's inattention, as this clause expressly sets out to do, is taking advantage of people for financial gain. The difference is that the people who gain in this instance are Labour Members. That begs the question: why have they drafted this clause and why, shamingly, will they vote for it later?

**Becky Gittins** (Clwyd East) (Lab): Will the hon. Gentleman give way?

**Jerome Mayhew:** I will in a moment.

Here we have it: a clause of direct financial interest to Labour Members. We have so far had two speakers who have both received very significant sums from the unions, to which they did not directly refer. The first was the hon. Member for Blyth and Ashington (Ian Lavery), who has received £20,000 from the unions, according to his entry in the Register of Members' Financial Interests. The second is the hon. Member for Cumbernauld and Kirkintilloch (Katrina Murray), who has received £14,000 directly from the unions. This is germane to this debate.

**Laurence Turner** (Birmingham Northfield) (Lab): As has been said already in this debate, trade union donations have been declared, but donations from employers who have a direct private interest in particular sectors that we have debated in this place have not been declared. If any of the hon. Member's colleagues have not drawn attention to such an interest, will he encourage them to do so? Does he agree with us on the Labour Benches that they were wrong not to make such a declaration?

**Madam Deputy Speaker (Ms Nusrat Ghani):** Order. There were two points of order on declarations earlier, and I think I made the situation quite clear. I just wish to let Mr Mayhew know that, if he is referring to Members directly with any form of criticism, he is meant to give them prior warning, so he should be mindful of that for what comes next in his speech.

**Jerome Mayhew:** The intervention from the hon. Member for Birmingham Northfield (Laurence Turner) is a classic distraction technique. This Bill addresses the unions and union membership, and clause 52 moves money from unsuspecting union joiners directly to the Labour party. There is no other explanation for the clause.

**Becky Gittins:** Will the hon. Gentleman give way?

**Gareth Snell:** Will the hon. Gentleman give way?

**Jerome Mayhew:** I will give way to the hon. Lady, and then I will make some progress.

**Becky Gittins:** The hon. Member is working incredibly hard to try to make a case for vested interests in relation to this Bill. Those vested interests are in the working people of this country. Nevertheless, I appreciate his efforts, and he certainly has earned his afternoon snack today. This precedes my time in this Chamber, and my hon. Friends may be able to help me, but was he as vociferous during the pandemic—a time of national crisis—when close relationships with senior Government figures secured contracts that produced no personal protective equipment when the country was in such desperate need?

**Jerome Mayhew:** I did not follow that, so I will just have to move on.

**Mr Louie French** (Old Bexley and Sidcup) (Con): The hon. Member for Clwyd East (Becky Gittins) has just made a point suggesting that working people are not impacted by the behaviours of trade unions, but does my hon. Friend agree that it is the working people of this country who are hammered the most when Labour Members' paymasters, the trade unions, go on strike?

**Jerome Mayhew:** I completely agree with my hon. Friend. I cannot add any more to that. He has hit the nail on the head.

I support amendment 291, in the name of the Opposition, which would remove clause 52. At the moment, this is a circular Bill of self-interest: Labour Members get money from the unions, the Bill increases union powers and that clause increases the amount of money from the unions. The clause is brazen and shaming, and it should be removed.

**Johanna Baxter** (Paisley and Renfrewshire South) (Lab): I draw Members' attention to my entry in the Register of Members' Financial Interests, and to my proud trade union membership—I am a member of the Communication Workers Union and the GMB. For too long, working families in Paisley and Renfrewshire South have been let down by outdated employment laws unfit for a modern economy, leaving too many workers trapped in insecure, low-paid jobs. When the Conservatives crashed the economy, who bore the brunt? Not them. People in insecure, low-paid roles were left to bear the brunt of their economic incompetence.

3 pm

Everyone watching this debate will remember, on the previous Government's watch, the dread of opening their bills and mortgage statements, and seeing just how much their costs had skyrocketed. They will remember being at the supermarket check-out and being forced to put essentials back on the shelf because they cost much more than they did the week before. Some parents will remember sitting at the dinner table and watching their children eat while they went without. For too long, too many people in our communities have gone to work not to build a better future, but simply to scrape by. They worked very hard for the poverty they then experienced.

As a former trade union negotiator, I spent more than 20 years of my working life standing up for people in low-paid jobs. As a former head of local government for UNISON Scotland, I was proud to represent the bin collectors, the carers and the school support workers, all of whom are the bedrock and the backbone of our local communities, and on whom we relied so much during the covid pandemic. When their bills went up, they turned to their trade unions, asking us to negotiate for nothing more than a fair day's wage for a fair day's work. Yet under laws introduced by the previous Government, fighting for those workers too often felt like fighting with one arm tied behind our back, within a legal framework that allowed bad businesses to ignore trade unions and the voice of workers; allowed businesses to flood a bargaining group to prevent trade union recognition and weaken workers' voices; and allowed employers to impose minimum service levels—an attack on workers' rights that did nothing to address the reasons why our public services were struggling.

Let me be clear: Labour Members have no problem with businesses. The problem is that the previous Government allowed exploitation to thrive. Most businesses want to do right by their workers. They know that fair pay and good conditions lead to happier workers and a more productive economy. They know that treating workers fairly is not a burden, but a benefit. That is why the Bill is so important. It fixes these issues. It expands statutory sick pay to help people improve their health and wellbeing and get back to work. It improves industrial relations and will give workers stronger protections with regard to their holiday pay. It introduces a new Fair Work Agency to enforce those new rights, because, frankly, there is no point in having those rights unless they can be enforced.

What the Conservative party just does not get is that being pro-worker is being pro-business and pro-growth. When they introduced burdensome red tape on trade unions, they introduced burdensome red tape on businesses and their ability to engage in the bargaining and negotiation process that settles disputes quickly. Negotiation with trade unions means fewer disputes, fewer days lost to industrial action, and greater economic stability.

At the general election, Labour pledged to make the biggest upgrade to workers' rights in a generation, restoring dignity to work and putting more money in families' pockets. Today, we take another step towards delivering that promise. I want us to be more ambitious—we on the Labour Benches are always ambitious—and draw the Minister's attention to the potential issue in the Bill regarding the lower earnings limit for statutory sick pay. I hope that can be resolved when the Bill goes to the other place.

I finish with a quote from Paisley's own Robert Tannahill:

"Through summer and winter so dreary
I cheerily toil'd on the farm,
Nor ever once dream'd growing weary,
For love gave my labour its charm."

Good work is good for people. It provides dignity. Work should provide security, not uncertainty. It should be a source of pride, not precarity. It should be a means of building a good life; it should not just allow people to scrape by. That is what the Bill stands for, and what this Labour Government stand for and will fight for, and I am proud to support it.

**Saqib Bhatti** (Meriden and Solihull East) (Con): I would like to address the hon. Lady's point that being pro-worker is pro-business. We Conservative Members believe that. The only problem is that this legislation is not pro-worker or pro-business. It will drive up unemployment and the regulation of businesses. The workers whom she purports to represent and support are exactly the people who will suffer as a result of this legislation. We Conservative Members absolutely get that.

I will talk in favour of amendments on the political fund, new clause 88 and amendments 291 and 299, and will refer to access to the workplace. I refer Members to my entry in the Register of Members' Financial Interests, not least because I worked in a small family business and retain an interest in the family business. Also, before being elected, I was president of the Greater Birmingham chamber of commerce, one of the largest and oldest chambers of commerce in the country and the world, representing thousands of small businesses.

Let us be in no doubt: this is a terrible piece of legislation. It is a love letter from the Labour Government to trade unions, and it will lead to a trail of socialist carnage and destruction that will leave the country reeling for many, many years to come. It harms business, undermines employment, will drive up unemployment and will do nothing to increase growth or investment in the United Kingdom, the purported aims of the Government. In fact, the Government's original impact assessment, when the Bill was first introduced, talked about the cost to business being about £4.5 billion, reaching almost £5 billion. We are yet to see the impact of the new amendments—a further move to a more socialist version of the Bill—and their cost to businesses.

The right hon. Member for Birmingham Hodge Hill and Solihull North (Liam Byrne), who is a friend and neighbour, talked about the modern workplace. I agree that the workplace has changed since the 1950s and even the 1970s, but the Bill will take the workplace back to the 1970s. It fails to achieve a balance between working people and businesses, and a relationship between trade unions and businesses. In fact, it goes way, way down the line in favouring trade unions, and it makes it much harder for people to run businesses. When I was president of the chamber of commerce, I was perfectly fine with trade unions and having good relationships with them. I had friends who joined trade unions, even though they were not in a unionised workplace. I encouraged it. They needed representation, and I thought it was a good thing to do. I have no problem with trade union relationships in the modern workplace, but a balance must be achieved.

A comment was made about economic units. Economic units are the businesses that create economic growth. Of course workers are really important. My employees were really important to me, because my business could not run without them. The majority of business owners recognise that. Conservative Members recognise that there is a symbiotic relationship between the people who run businesses and the employees who work in them. Those individuals running businesses are drivers of economic change. They are innovators who come up with the ideas. They are the risk takers who turn a profit, which pays the taxes that fund our public services. Unfortunately, the Bill does not recognise any of that. In fact, businesses are anxious and are worried about what it is introducing.

**Perran Moon** (Camborne and Redruth) (Lab): No, they are not.

**Saqib Bhatti:** They are absolutely are. The Deputy Prime Minister, when challenged to name a business that supported the Bill, could not do so. *[Interruption.]* I am sure the hon. Member will have an opportunity to speak on the matter in his own way.

**Joe Robertson** (Isle of Wight East) (Con): Does my hon. Friend agree that the Bill is also badly drafted? Even if Members support the content, it is a badly drafted Bill that was brought before the House far too quickly. Such a huge Bill of this nature should have had time. It is hardly surprising that the Government are tabling so many amendments, because they are still writing it.

**Saqib Bhatti:** I could not have made the point better. The number of amendments, and the cost and regulatory burden being placed on businesses, large, medium and small, have worried many businesses, not just in my constituency but across the country. This will do immense harm, and it will take a long time to fix the mess that has been created.

**Lincoln Jopp** (Spelthorne) (Con): There are 24 Members sitting on the Government Benches. Would my hon. Friend like to issue an open invitation to them to name a single small business that has been in touch to say that it supports this legislation?

**Saqib Bhatti:** I am more than happy to extend that invitation. Madam Deputy Speaker may get annoyed with me if I take 24 interventions, although I do not see anyone jumping to their feet, so we will take that for what it is.

There is also anxiety about the clauses on access to the workplace. The Government have now gone further and talked about digital access. This is a huge burden to put on small businesses, and it is shameful of the Government wilfully and blindly to ignore their concerns. Labour Members will have to answer many questions from businesses in their communities. Those same businesses contribute to the Treasury coffers and pay for the public services that Labour Members champion. This will be really important, and the burden will of course increase.

Before—and after—the election, and during the passage of this legislation, Labour has said time and again that it was listening to businesses. Clearly that is not the case. Businesses continue to feel that they have been led up the garden path by this damaging Labour Government.

**Johanna Baxter:** We in Labour have listened to business. Ann Francke of the Chartered Management Institute has gone on record as saying:

"The Employment Rights Bill represents a significant step forward in improving conditions for the UK's workforce."

**Saqib Bhatti:** The hon. Lady should speak to the Deputy Prime Minister, who failed to name a single supportive business when challenged to do so.

In the short time I have left, I will make a couple of quick points. Labour Members keep saying that the Bill will lead to fewer strikes. It will not; it makes it easier to strike. In fact, the Transport Secretary today said that strikes will be necessary in the areas covered by her portfolio. The Bill will make it easier to strike, not harder. *[Interruption.]* Labour Members are exercised; I am sure that they will get a chance to comment. The country is at risk of being turned into a 1970s-style striking country. This Bill should be a wake-up call for all working people and businesses that will be undermined. As we have heard from Members from across the House, only the Conservatives will stand up for businesses.

I have questions for all Labour Members. People ask what this Labour Government stand for. They undermine businesses and working people, so that is a legitimate question. I fail to see who, other than trade unions, the Labour party now stands for. When people asked what we Conservatives stand for, Margaret Thatcher had a very good answer. She said that the Labour party—*[Interruption.]* The hon. Member for Paisley and Renfrewshire South (Johanna Baxter), who spoke before me, read out a quote; I think I should do so as well. Margaret Thatcher said:

"The Labour Party believes in turning workers against owners; we believe in turning workers into owners."

**Antonia Bance** (Tipton and Wednesbury) (Lab): I proudly draw attention to my membership of the Unite union and my declaration in the Register of Members' Financial Interests, and I thank my friends at the GMB and ASLEF for their support of my election campaign.

I am in this place to stand up for working people, and that is what I will do. The best protection anyone can have at work is the support of their workmates, organised together in a union, and bargaining with management, sitting down with them as equals at the table, and making sure that the business grows and thrives, and that everyone takes home a fair wage. This Bill and the Government amendments will make it easier for working people to choose their union, be represented by their union, and get all the benefits of being in a recognised union, so that we have an economy where better terms and conditions at work go hand in hand with the growth that we need. Let us be clear: this Bill supports growth. It could add £13 billion to the economy through improvements to employee wellbeing, reduced stress, improved national minimum wage compliance, reduced workplace conflict, and increased labour market participation. That is the type of growth that we want.

3.15 pm

**Joe Robertson:** I invite the hon. Lady to acknowledge the £5 billion cost to businesses that the Government's own analysis says will be caused by the Bill.

**Antonia Bance:** I do acknowledge that, every single of which will go into the pocket of a working person in improved rights and higher wages, alongside £13 billion of increased productivity, reduced stress, better employee wellbeing and reduced conflict in the workplace.

On the amendments, I will start with access to workplaces, which are the key to getting more workers into unions. I strongly welcome provisions to give unions the right to access workplaces for meeting, representing, organising, recruiting and collective bargaining. I am glad the Government amended the rules to ensure they cover digital as well as physical access, and I am glad to see the Central Arbitration Committee oversight and penalties when employers do not comply, as is sometimes the case.

Once a union has established membership in a workplace, it will want to seek recognition. Most employers do not have to be forced to recognise a union—it is just what they do as a responsible employer—but where employers refuse, statutory recognition can be triggered. Until now that process has been absolutely mad and totally dysfunctional, and the cards are stacked against the working people and their union at every turn.

The worst example of this in recent years is at BHX4 in Coventry where a company dedicated to keeping unions out of its warehouses brought its US-style industrial relations to the UK, and took on its own workers who wanted no more and no less than for management to have to sit down and negotiate with their union, the GMB. Amazon is a £27 billion company in the UK yet

*[Antonia Bance]*

its sales are growing three times higher than its frontline workers' wages and it has had 1,400 ambulance call-outs in just five years. BHX4 in Coventry is not a safe workplace, with fulfilment centre workers getting injured, being asked to pick up too much, to load from the back of vehicles on their own, and to lift heavy weights above their heads. Those workers at that Amazon plant were forced to take 37 days of industrial action over poverty pay. At the Select Committee, the company's badly briefed, evasive executives could not bring themselves to acknowledge that.

Recognising the GMB is a modest request, something 1,000 companies would have accepted without question, but not Amazon. At the Select Committee, the GMB organiser, Amanda Gearing, told us that Amazon flooded the bargaining unit; there were 1,400 workers when the GMB first sought statutory recognition but, strangely, just 27 days after that application went in the number went up to 2,749. Amanda told us how Amazon delayed the access agreement— 52 days to agree access to the workplace, a chance for the company to swamp the workers with anti-union propaganda. All the screens in the warehouse and the app used for work allocation were anti-union, threatening to close the site if workers unionised. When the access scheme was finally agreed, the GMB got a tiny number of screens and one 45-minute session with each worker, while Amazon had five one-hour sessions and screens everywhere. It induced GMB members to leave the union and in every way impeded access.

I pay tribute to the GMB leaders at Amazon in Coventry: Ceferina Floresca, Garfield Hylton, Paramanathan Pradeep and Mohammednur Mohammed—heroes, all of them. Standing up to huge intimidation and under huge pressure, they ran a brilliant campaign, but the deck was stacked against them, and they lost the ballot by a heartbreaking 29 votes. The GMB's general secretary, my friend Gary Smith, is clear: if the legislation we are debating today had been in place, the GMB members at Amazon would have won their fight.

**John Cooper** (Dumfries and Galloway) (Con): The hon. Lady is a fearsome campaigner on the Business and Trade Committee. She talks about intimidation and paints a lovely picture of unions working actively for their workers, but how can we square that with the version of intimidation that the hon. Member for Blyth and Ashington (Ian Lavery) seems to be referring to with the return of flying pickets?

**Madam Deputy Speaker (Ms Nusrat Ghani):** Before the hon. Lady responds, she will no doubt realise that she is close to eight minutes. I know she will want to speak for a little while, but not too much longer.

**Antonia Bance:** Thank you, Madam Deputy Speaker. I thank my fellow member of the Business and Trade Committee for his intervention. As he will have seen from the amendment paper, the Government are not proposing the return of secondary picketing.

New schedule 2 will give unions greater protection from unfair practices during a recognition process and make winning it more likely. I wish that Ministers had gone the whole hog and deleted the three-year lockout; perhaps there will be an opportunity to take that forward.

In conclusion, as a whole, this package of modern industrial relations will lead to more sitting roundtables sorting out issues, fewer picket lines, fewer strikes, more productive relationships, more long-termism across our industrial base, better jobs, higher wages, higher skills and higher productivity. That is why the changes in this Bill to both collective rights and individual rights are so crucial, and so opposed by the Tories and the absent Reform party. This is the type of growth that my party stands for—the type of growth where proceeds are shared by all. It is time to make work pay.

**Lincoln Jopp:** It is a great pleasure to follow the hon. Member for Tipton and Wednesbury (Antonia Bance). She is such a compelling advocate that I am tempted to go on strike myself. I do sense a certain amount of antipathy between the two sides of the House, so, before I come on to make a fair point in support of amendment 292, I want to prepare the ground by doing two things.

First, I want to try to convince Labour Members that they missed an opportunity, because I am, at heart, a rabble-rousing potential motivator of people. When, about three Christmases ago, the ambulance drivers went on strike, it irked me that the soldiers who were going to stand in for them at no notice would have their Christmas ruined, so I started a campaign to try to get them an additional £20 for every day they stood in for the ambulance drivers. This plan was—the Chancellor would have loved this—net positive to the Treasury. Of course, the departments that employ the ambulance drivers and the arm's length bodies do not pay them on strike days, and the pay differential between them and the £20 bung to the soldiers meant that the Government still saved money. I managed to get *The Sun* on board and get a letter into the paper, and did a bit of television.

**Mrs Russell:** Is the hon. Gentleman not ashamed that, under his Government, hard-working ambulance drivers felt they had to go on strike?

**Lincoln Jopp:** I think the hon. Lady has slightly missed the point of what I was saying. Reading the body language of Members on the Government Benches, I think they all wanted to hear how this story ended up.

It did help that the then Secretary of State for Defence was a friend of mine, with whom I served in the Scots Guards. We did get the £20 bung for all the service personnel who stood in—regardless of the fact, interestingly, that all the generals, air marshals and admirals were against it, as were all the officials. There you go—I very much have the same values at heart.

Secondly, to win over the other side of the House to the very fair point I will come on to make, let me pay tribute to the remark of the right hon. Member for Birmingham Hodge Hill and Solihull North (Liam Byrne), in respect of union membership, that he wanted people to

"make a fair choice one way or the other".

I note that the hon. Member for Cumbernauld and Kirkintilloch (Katrina Murray) also referred to fair work. I want to come back to that theme of fairness in addressing amendment 292.

The Bill is, to put it politely, something of a cat's cradle of clauses, so I will briefly remind the House that the Bill seeks to place on employers an obligation to give their workers a written statement that they have the

right to join a union, and, if they do join, to contribute to the political fund. Amendment 292 would simply inject a bit of balance into the legislation by requiring trade unions to notify their members annually that they have a right to opt out of the political fund and to obtain an annual opt-in from their members.

This all puts me in mind of November 1988, when Mrs Thatcher was about to visit Poland. At Prime Minister's questions, just prior to her going, an Opposition Member stood up and asked whether she would raise with Lech Wałęsa the right to join a trade union. There may be some Members present who were there—I will not be so ungallant as to ask. A roar went up from the Labour Benches, and the redoubtable Mrs Thatcher replied that she would raise with the Poles the right to join a trade union, but that she would also raise the right not to be a member.

The Bill seeks to whack the pendulum pretty hard in favour of union power; our amendment would bring it back into balance somewhat. We all know someone, after all, who has fallen prey to one of those charity muggers who stop people in the street and try to sign them up to whichever charity they are being paid by that day. I have known people who have done that job, and it is not an easy one. Similarly, any Member of this House who stood in a precinct and tried to sell their political brand and get people to sign up will attest to that completely. Sometimes, the charity collectors are successful, and the all-important direct debit details are extracted. In fact, I remember hearing a number of Labour Members railing against this practice in the previous Parliament.

Amendment 292 would remind workers that they still have an off-ramp, if they want one—they still have agency, and they still have freedom of choice. We have heard Member after Member stand up over the past two days of debate and declare—in some cases sheepishly, in some cases more proudly—the money they receive from the trade unions. This is only right and proper. The public can make up their own minds as to whether this money has coloured the judgment of Labour Members, or whether it is simply support from an organisation that shares their values. But to turn down amendment 292 would, in my view, be a dreadful look. This is a totally measured, balancing amendment and, if Labour Members vote against it, the public would be right to conclude that the Government are being motivated not by a sense of equality, fairness and justice, but instead by something else. I urge hon. Members to vote for amendment 292 and to give power to the people.

**Andy McDonald** (Middlesbrough and Thornaby East) (Lab): It is a pleasure to be called to speak for a second time on Report. I proudly refer the House to my entry in the Register of Members' Financial Interests as a member of Unite the union.

Much has been said about trade unions and strike action, as if the only purpose of a trade union is to get workers out on strike. It is a mischaracterisation of unions, as was so eloquently described by my hon. Friend the Member for Tipton and Wednesbury (Antonia Bance). It is also a mischaracterisation of corporate Britain to think that everyone is exploitative and abusive. The majority of companies in our country adhere to environmental, social and governance principles, and they make that commitment; they want to demonstrate that they are responsible people. They want that for their investors and for long-term sustained investment, so we have to draw back on those views and step away from the disdain and the contempt for working people and for trade unions, which is not helpful.

3.30 pm

I shall now move on to the substantive issues. On Government amendment 250, I wish to express my support for the strengthening of the role of the Fair Work Agency, enforcing the decisions on pay by the new negotiating body for social care. Adult social care was the sector uppermost in our thinking when considering the concept of fair pay agreements negotiated through sectoral collective bargaining, as expressed in the new deal for working people.

I noted during the Bill's Committee stage that the TUC General Secretary, Paul Nowak, said:

"Bodies as disparate as the International Monetary Fund and the OECD have talked about the benefits of unions and collective bargaining in modern economies—benefits in terms of improved productivity and business performance, but also benefits for workers in terms of increased pay."—[*Official Report, Employment Rights Public Bill Committee,* 26 November 2024; c. 67, Q63.]

The TUC has said:

"We would like the Bill to include powers to extend Fair Pay Agreements to other sectors."

I wholeheartedly agree with that, but FPAs of themselves do not remedy the broader need for much greater sectoral collective bargaining.

Unite the union has said that

"we would like to see further measures in the Bill to extend collective bargaining".—[*Official Report, Employment Rights Public Bill Committee,* 26 November 2024; c. 70, Q66.]

The general secretary of the National Union of Rail, Maritime and Transport Workers said

that

"we would like it very straightforward that there is going to be provision—an amendment—for sectoral collective bargaining."—[*Official Report, Employment Rights Public Bill Committee,* 26 November 2024; c. 66, Q62.]

To ensure that the Government can establish new negotiating bodies supporting fair pay agreements elsewhere in the economy, I have tabled new clause 68.

A good starting point for the Government to demonstrate the benefits of sectoral collective bargaining would be in the civil service, and I hope that the plans to modernise the civil service will end the inefficient situation of hundreds of separate pay bargaining units and negotiations each year.

I wish now to consider private sector contracting. The Deputy Prime Minister and the Chancellor are among those who have committed to the biggest wave of insourcing in a generation, and I look forward to the national procurement policy setting that out. In the meantime, we have seen picket lines at Government Departments for months, as G4S, ISS and OCS Security fail to meet with representatives of the Public and Commercial Services Union to resolve pay and conditions disputes.

Under my new clause 66, the Secretary of State would have a duty to ensure that any Government Department contract, or similar public contract, recognises an independent trade union for the purposes of collective bargaining. I hope the Government will be addressing this issue outwith the Bill in the near future.

With regard to the right of access, a number of new Government amendments clarify the process relating to access, including the right to communicate with workers, including digital communication. But I remain concerned that the process creates a complicated framework that risks employers slowing the process, rather than providing for effective union access, and that the proposed model of financial penalties does not provide any remedy for the union.

I remain of the opinion that unions should always have a simple right of access to their members. My new clause 70 sets out how an

"official of an independent trade union shall have a right to enter premises, meet, represent, recruit or organise workers and facilitate collective bargaining".

I am clear that such access requires prior notification in writing, setting out the purpose of a meeting and which employees would join such a meeting. I fear the process set out may not work effectively and I hope the Government will be open to further simplification in the future.

On recognition, I note that the Government's new schedule 2 updates the original clause 51, with additional and welcome provisions on union recognition processes, including preventing an employer inflating the bargaining unit with transferred employees à la Amazon, where workers ascribed to that bargaining unit had no connection with it whatsoever. This was to prevent employers reaching a recognition agreement with a non-independent union to prevent recognition with an independent one.

The Government have been absolutely right to close off the sweetheart deal arrangements. More can be done regarding recognition, however, which is why I have tabled amendment 271, which seeks to reduce the need for a ballot and ensure that the Central Arbitration Committee grants automatic recognition in certain circumstances, or a simple majority of those voting in other circumstances.

I have also sought to lengthen the period for making a complaint about unfair practice in connection with the ballot from one to 20 working days—I know the Government have shifted that from one to five, but that is as many unions and the TUC have set out—and to remove the three-year barrier to a union that has lost an application for recognition, replacing three years with three months. It is unjust, particularly given the anti-union measures deployed, that the GMB cannot quickly pursue a recognition process at Amazon's Coventry warehouse, where the union lost, as we previously heard, by just 29 votes. It is unjust that they should be pushed out for such a long period, and I hope the Government will remain alive to the need to update that.

In conclusion, I am pleased to have been afforded the opportunity to speak for a second time on Report. We have, in this Employment Rights Bill, a momentous uplift in workers' rights and protections, which addresses the balance that has swung far too far in the opposite direction. However, the appetite remains for yet further improvements. I commend the Government for their work in bringing forward the legislation, which I wholeheartedly support. I look forward to working together further on the journey to delivering well-paid, secure and unionised employment.

**Chris Law** (Dundee Central) (SNP): Although I have broadly welcomed the Bill as it has progressed through the House, I have caveated that by stating that the Labour Government should be bolder and must go further in future for the rights and protections to become entrenched rather than rolled back. Indeed, on Second Reading I quoted the Scottish Trades Union Congress general Secretary, Roz Foyer, who summarised the Bill by saying:

"the Employment Rights Bill isn't the terminus. It's the first stop. This can be the foundations on which we can build."

I agree.

**Antonia Bance:** The hon. Member may not have had a chance to look at the Government website and encounter the document entitled "Next Steps to Make Work Pay", which sets out a programme of continuing work to improve rights at work and parental leave and the review of employment status to come. I am sure he will be glad to hear that.

**Chris Law:** No, I have not had the chance to look at the Government website, but I thank the hon. Member for raising that. As I have broadly said, I support the Bill, but there are reasons why I am contributing to the debate, not least because of a lack of devolution to the Scottish Parliament, which I will come to shortly.

On Second Reading, the shadow Secretary of State for Housing, Communities and local Government, the hon. Member for Thirsk and Malton (Kevin Hollinrake), made it explicitly clear that the foundations will not be built upon in the long term, as a future Conservative Government would simply repeal protections. He declared that

"many of the measures will be brought in through secondary legislation, therefore making it easier for a future Government to reverse some of the catastrophic changes."—[*Official Report*, 21 October 2024; Vol. 755, c. 58.]

Employment rights for workers in Scotland cannot be dependent on the merry-go-round of Westminster politics. They have seen their rights attacked and diminished by years of Conservative Governments, and where the Bill reverses some of the worst excesses of those Governments' policies, that must be protected and strengthened in the long term. Westminster cannot guarantee that for the people in Scotland, so I have tabled new clause 77, which would amend the Scotland Act 1998 to devolve employment and industrial relations to the Scottish Parliament.

Back in 2014, all Unionist parties, including the Labour party, promised maximum devolution for Scotland, as displayed on the front page of a national newspaper days before the independence referendum, in which Scotland voted no. This Labour Government have failed to devolve a single power to Holyrood since coming to power in July—not a single one—despite the Scottish Parliament voting for employment rights to be devolved.

In November, the STUC called on the UK Government to

"end the excuses and devolve powers over taxation, migration and, importantly, employment law from Westminster to Holyrood."

Moreover, Scottish Labour's 2021 election manifesto stated:

"We support further devolution of powers to Holyrood including borrowing and employment rights".

Here is a question for Scottish Labour MPs: will they respect the wishes of the Scottish Parliament?

**Antonia Bance** *indicated dissent.*

**Chris Law:** The hon. Member shakes her head, but I am speaking to Scottish Labour MPs.

**Antonia Bance:** I care about the people of Scotland.

**Chris Law:** I care about the people of Scotland and what they say. Will Scottish Labour MPs listen to trade unions and deliver on the promises made by their party by supporting the new clause, or will they continue to follow instructions handed to them from No. 10? Silence. I thought so. They are too scared to stand up for the people of Scotland.

**Johanna Baxter:** The hon. Gentleman says that he is a big supporter of workers' rights. Would he like to comment on the fact that for every year of the last nine years that I was lead negotiator for local government workers in Scotland, they had to have consultative ballots for industrial action just to get a decent pay rise out of the Scottish Government? Does that really mean standing up for workers in Scotland?

**Chris Law:** I thought I was asking a question of the Scottish Labour MPs, only to be asked another question. The hon. Lady will be well aware that the Scottish Government have worked collectively with both unions and other bodies to ensure that the living wage in Scotland is higher than in any other part of the UK. I remind her that it was Scottish Labour in November 2023 that voted with the SNP for employment rights to be evolved through the Scottish Parliament.

Throughout its existence, when powers are devolved to the Scottish Parliament, decisions are taken in the interests of the people of Scotland and outcomes improve: publicly owned rail and water, higher per-head education and health spend, free prescriptions, free tuition, a more humane welfare system and a progressive taxation system. Fair work practices are being delivered already by the SNP Scottish Government, such as supporting collective bargaining, achieving real living wage employer status and closing the gender pay gap faster than anywhere in the rest of the UK.

**Katrina Murray:** Does the hon. Member agree that it is an absolute failure of collective bargaining for the Scottish Government to have walked away from the commitments they made in a deal with health service unions two years ago on the reduction of the working week? They are failing to go through with reducing the working week by half an hour as of 1 April 2025.

**Chris Law:** I listened to the hon. Member with interest, but I suggest that she has that debate in the Scottish Parliament. After all, we are talking about the devolution of powers here in the UK Parliament.

A framework for collective bargaining in the adult care sector has been developed by the Scottish care unions—Unison, the GMB and Unite—along with the Scottish Government and care providers, with a Scottish social care joint council proposed. The Scottish care unions have intimated that the constitution, composition, remit and function of the Scottish social care joint council is preferable and should assume the role of the Adult Social Care Negotiating Body for England. Scotland already has a 10-year history of joint commitments to fair work, whereas England is only embarking on that journey. Furthermore, there is a need to extend sectoral bargaining to all sectors of the economy, not just adult social care.

Measures such as creating a single status of worker for all but the genuinely self-employed, strengthening protections for those with unfair contracts and increasing the minimum wage to at least the national living wage, and then in line with inflation, are all missing from the Bill. The SNP Scottish Government would support those measures if employment law were devolved, and they would be delivered if this Government respected the votes of the Scottish Parliament and the Scottish Labour manifesto.

Just as the Bill should be the first stop rather than the terminus, devolution is a process, not an event. Not only has devolution moved at a glacial pace, but we live in the world's most asymmetrical political union, where each nation has differing devolved powers. Why is it that employment law is devolved in Northern Ireland but not in Scotland? I want to see employment rights strengthened continually rather than in a cycle of piecemeal progress when Labour is in power, only to be reversed when the Tories next get their turn. The gains for workers' rights in the Bill must therefore be protected. That is why the SNP remains committed to advocating for, at a minimum, the urgent devolution of employment powers. That is the best way, short of independence, of protecting workers' rights in Scotland.

3.45 pm

**Baggy Shanker** (Derby South) (Lab/Co-op): I, too, refer the House to my entry in the Register of Members' Financial Interests. I have been a proud member of Unite the Union for over 35 years, although many Members may find that hard to believe given my youthful looks.

**Mr James Frith** (Bury North) (Lab): A member since you were five years old!

**Baggy Shanker:** Absolutely.

I welcome the measures in the Bill, which I know will make a real difference to the lives of working people and their families in Derby and across the UK. I will focus on how the Bill will, through Government amendment 163, transform employee access to trade unions, empowering more employees to act as a collective so that they can secure better pay and conditions. When I speak to business leaders in small and large employers, they all say that their biggest asset is their people. The Conservatives can harp on about trade unions as much as they want, but in practice the best solution is for employers to work with employees and trade union reps to create the best working conditions for businesses and individuals to succeed.

I know about the importance of union membership from first-hand experience. When I left school at the age of 16 and began work as an engineering apprentice, I joined the union on day two. I knew how important that would be in supporting me and my colleagues at work. Much later on, when campaigning to save Alstom in Derby last year, I saw how hard Unite and other trade unions fought to secure jobs at the Litchurch Lane facility. They stood up for working people in our local community when it mattered most.

*[Baggy Shanker]*

However, employees cannot access the benefits that union membership can bring if they do not know about the support offered by trade unions in the first place.

**Chris Vince** (Harlow) (Lab/Co-op): I congratulate my hon. Friend on his youthful appearance. Does he agree that, just as businesses are about the employees, trade unions are about their memberships and giving individual members their rights?

**Baggy Shanker:** My hon. Friend is absolutely right. This is about individual members coming together to do what is right for themselves, for their trade unions, and for the companies and businesses that they work for.

I welcome the Bill's introduction of a right of access for unions to meet with workers. Government amendment 163 expands union access agreements, so that unions can communicate with workers digitally as well as by entering the workplace. I urge meaningful implementation of those digital access rights to enable direct conversations between unions and workers, as would take place during in-person meetings in the workplace.

When we work together, we get more done. It is important that workers have access to union representatives and know how joining a union can support them in the workplace. I welcome the measures in the Bill to expand that access, which will further strengthen the rights of working people in Derby and beyond.

**Sarah Bool** (South Northamptonshire) (Con): There are 5,310 businesses registered in my constituency of South Northamptonshire. Of those, 99.6%—or specifically 5,245—are small businesses. This Bill, among many of the Government's policies, is a calamity for those small businesses. Not only are many of them rural, meaning that they will be affected by the family farm tax and now by the removal of the sustainable farming incentive, but as the chair of the Federation of Small Businesses has said, these small and medium-sized enterprises will struggle to adapt to the 28 major changes that the Bill makes to employment law.

First, it was the Government's jobs tax, then it was their cuts to rate relief for hospitality businesses, and now they are smothering SMEs with red tape. Analysis published by the Department for Business and Trade says that this will impose a cost on businesses in the low billions of pounds per year, but that is not money that many of my small businesses can afford right now. This is why the Opposition have called for small businesses to be exempt from the parts of the Bill that would heap unsustainable costs on them.

Why do the Government seem to hate small businesses so much? Perhaps it is because the majority of the Cabinet have spent their careers in the public sector and have zero understanding of what life is like for the many entrepreneurs with SMEs across the UK, including in my constituency. We learned this week that, for the first time since records began in 2012, the number of companies registered at Companies House has fallen. Growth forecasts have been downgraded and the number of vacancies has declined. All this is a result of the choices the Government have made and continue to make in this Bill.

With all of this, the UK risks becoming a globally uncompetitive economy, particularly when other countries such as the United States are slashing regulation and unleashing their businesses to grow their economies. The Opposition have tabled new clause 90 for exactly this reason. It would ensure that when the Secretary of State makes regulations under part 4 of the Bill, he has to have regard to growth in the medium to long term. I join the shadow Minister, my hon. Friend the Member for Mid Buckinghamshire (Greg Smith), in calling on the Government to support new clauses 89 and 90 to ensure that growth happens. Our economy is already struggling under the weight of Labour's tax rises. Why are the Government opposing our efforts to ensure that they consider how burdensome regulation might impact on businesses?

**Graham Stuart** (Beverley and Holderness) (Con): A lot of people outside this place might feel that the answer to that question is that the trade unions have funded Labour Members—*[Interruption.]* The hon. Member for Derby South (Baggy Shanker), who is talking from a sedentary position, received more than £27,000 from two unions in the latest year of declarations and did not think it appropriate in this debate even to mention that number, which may well have influenced his thinking and led to the dire outcomes that my hon. Friend is explaining to the House.

**Sarah Bool:** My right hon. Friend makes a powerful point, and I think all Labour Members must reflect on this because we need the public to understand truly why this legislation is going through.

That the Government have seen fit to table 87 of their own amendments at this stage alone is indicative of how uneasy they must feel about the Bill. We are even told by the media that the Treasury has warned the Deputy Prime Minister and the Secretary of State about the consequences for the economy of enacting these laws, yet they seem to have seen fit to plough them through anyway. As per usual, Labour is paying lip service to growth while sticking true to form with their socialist ideology. I was not born in the 1970s but it appears that I am going to live through the equivalent in the years ahead, as Labour plays Abba's 1976 hit "Money, Money, Money" for its trade union paymasters.

**Zarah Sultana** (Coventry South) (Ind): I refer the House to my entry in the Register of Members' Financial Interests. I am a proud trade unionist and a member of Unite the union. I have been supported from across the labour movement with the cleanest money in politics, which I do not think Conservative Members can say about themselves.

For over a year, Swedish Tesla workers have been on strike demanding the basic right to collective bargaining. Their struggle has inspired solidarity across industries. Postal workers, painters, electricians, cleaners and dock workers have all launched secondary action in support. Denmark's largest trade union, 3F Transport, has also joined the fight, preventing Danish dock workers and drivers from handling Tesla shipments bound for Sweden. This level of solidarity is possible because Swedish trade unions are not shackled by restrictive laws designed to suppress collective action. Unlike here in the UK, the legislative landscape in Sweden does not act against the

interests of organised labour. Almost 90% of Swedish workers are covered by collective agreements, and their labour laws ensure that workers have the right to negotiate and defend their conditions without undue interference.

As a result, Swedish trade unions are more than a match for billionaires like Elon Musk. When Tesla refused to sign a collective agreement, it was not just Tesla workers who fought back—the entire trade union movement did. That is what real industrial democracy looks like, and it is a powerful reminder of what British workers have been denied for too long by some of the most draconian anti-union legislation in the western world.

While I welcome the repeal of the Strikes (Minimum Service Levels) Act 2023 and much of the Trade Union Act 2016, the fact remains that many of the worst Thatcher-era anti-union laws are still in place. One of the most damaging is section 224 of the Trade Union and Labour Relations (Consolidation) Act 1992, which makes secondary action unlawful. That ban on sympathy strikes isolates workers, weakens their bargaining power and prolongs disputes—all to the benefit of exploitative employers. That is why I have tabled new clause 31 to repeal that restriction and return power to working people.

Secondary action built the trade union movement as we know it. It helped us secure the very rights that we all benefit from today. But in an era of outsourcing and subcontracting, the ban is even more harmful than it was three decades ago. Under current legislation, two workers performing the same job in the same workplace cannot take industrial action together if one is directly employed and the other is outsourced. Employers exploit that loophole to divide workers. They shift responsibility through complex corporate structures, like what we are seeing at Coventry University in my constituency, and undermine union action by transferring work or hiving off companies. Workers are even prevented from taking action against parent companies and suppliers during disputes.

In many ways, secondary action is more essential than ever in the fight for fair pay and conditions. Most European nations, including Denmark, Norway, Sweden, Belgium and the Netherlands, allow secondary action in some form. Even those with restrictions, such as Germany, France and Spain, stop short of imposing an outright ban. Labour's new deal for working people committed to repealing anti-union laws and ensuring that the UK's industrial action laws comply with international obligations, including those under the International Labour Organisation and the European social charter. Yet, as it stands, the Bill fails to deliver on that promise.

International bodies have repeatedly condemned the UK's ban on secondary action. The European Committee of Social Rights and the ILO criticised the UK for that restriction most recently in 2023 after the P&O Ferries scandal, when 800 crew members were sacked via video call and replaced with agency workers. P&O knew that it could get away with its disgraceful actions because the law prevents other workers from striking in solidarity.

I also support a number of amendments, including those tabled by my hon. Friend the Member for Middlesbrough and Thornaby East (Andy McDonald), such as new clause 61, which would define employment status in law to end bogus self-employment. That is long overdue. For too long, employers have exploited gaps in employment law to deny workers basic rights. Today, in our country, black and Asian workers are disproportionately trapped in precarious, low-paid jobs on bogus self-employment contracts and denied statutory sick pay, holiday pay and protection from unfair dismissal. This two-tier system must end.

Every single worker deserves dignity and respect in the workplace, and by strengthening the Bill with these amendments, we would be taking a step forward towards rebuilding the power of the working class. I urge Members across the House to stand on the right side of history and with the workers who keep this country running.

**Gregory Stafford:** I rise to speak again on the second day of Report stage to raise serious concerns about the role of the Bill in facilitating unprecedented and dangerous access for trade unions and the destruction of business, especially small businesses. I am glad the Minister is in his seat because yesterday he was challenged to name a small business that supported the Bill, and 24 hours later he still cannot. That is due not to the assiduity of the Minister, who I am sure is very assiduous, but to the simple fact that no small business supports the Bill.

**Andy MacNae** (Rossendale and Darwen) (Lab): Will the hon. Member give way?

**Gregory Stafford:** I have hardly started. There cannot possibly be anything that the hon. Gentleman wants to intervene on me for just yet, but I will come to him.

**Andy McDonald:** Will the hon. Member give way?

**Gregory Stafford:** I will come to the hon. Gentleman in a minute.

Yesterday, we heard that Labour clearly does not understand business, and today we get to what it really does understand: how it can support its trade union paymasters. Government Members have given us a masterclass in how to support trade unions. Opposition Members have mentioned the 1970s. When I heard Government Members speaking, especially the hon. Member for Blyth and Ashington (Ian Lavery), John Williams's score from "Jurassic Park" soared in my mind. But instead of Jeff Goldblum being savaged by the dinosaurs, the dinosaurs that walk among us today will be savaging our economy. We know that because the growing influence of the unions, especially under the Bill, impose a heavy burden on corporations, stifling their ability to operate efficiently. As new businesses struggle to adapt to the new regulations, which the Government's very own impact assessment predicts will cost £5 billion to implement, industry leaders have publicly shared their fears—

4 pm

**Andy McDonald:** On a point of order, Madam Deputy Speaker. We have had directions from the Chair on this matter, and I ask for your guidance. The hon. Member for Farnham and Bordon (Gregory Stafford) has just been immensely critical of my hon. Friend the Member for Blyth and Ashington (Ian Lavery), who has a history of standing up to defend his industry, and who had the courage to go on strike for 12 months. Was he given notice that he would be named in this debate in that way?

**Madam Deputy Speaker (Caroline Nokes):** I thank the hon. Member, but he will be aware that that was not a point of order. As the hon. Member for Blyth and Ashington (Ian Lavery) has spoken in the debate, it is perfectly in order to refer to the comments that he made.

**Gregory Stafford:** I return to what industry leaders are saying. They have shared their fear about

"union influence slowing down decision making and hindering flexibility",

making it harder for companies to remain competitive in global markets. The Chartered Institute of Personnel and Development's survey found that 79% of organisations expect measures in the Employment Rights Bill to increase employment costs, placing further strain on companies that are having to grapple with increases to national insurance contributions and the rising national minimum wage. It is also likely that the measures will lead to

"more strikes, more disruptions, and ultimately less productivity."

**Antonia Bance:** The hon. Member has referred a number of times to yesterday's proceedings. I am sad that he was not able to join us in the Division Lobby in voting against the amendments and in favour of the Bill, given that 73% of his constituents in Farnham and Bordon support statutory sick pay for all workers from day one, and 67% of his constituents support banning zero-hours contracts.

**Gregory Stafford:** I am sorry that I am such a disappointment to the hon. Lady, but maybe she will get over it.

The Bill is a roll-back of the most important changes that we made when we were in government. It is no surprise that trade unions have warmly embraced the legislation, over 200 amendments having been hastily shoehorned in to satisfy those who line the Government's pockets. Perhaps it is purely coincidental that their wishes have been granted, although one might wonder if the £5.6 million in donations the Labour party has received since July has something to do with it.

**Graham Stuart:** Despite her proud membership of trade unions, the last Labour Member to be called to speak, the hon. Member for Coventry South (Zarah Sultana), did not mention the more than £9,000 that she received just in the last year, any more than the Labour Member who spoke before her, the hon. Member for Derby South (Baggy Shanker), mentioned the £24,000 plus that he received. If Labour Members were truly proud of the way that they have been bought and paid for by the trade unions, perhaps they would be open about how much they have received.

**Gregory Stafford:** My right hon. Friend makes a key point. The change since yesterday has been interesting. Yesterday, Labour Members were clear about declaring that they were members of trade unions, but only today have they suddenly realised that they should be declaring the amount of money that they are receiving directly.

We heard yesterday from the shadow Secretary of State for Levelling Up, Housing and Communities, my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake), that the legislation will allow unions to bypass current rules, such as the rules on opting out of political donations. It must be fantastic news to the Labour party that it will now receive donations from workers by default, while businesses will face reduced notice periods for strikes, leading to even more disruption and economic damage. It is clear to me, and to the hundreds of businesses that have pulled their support for this Government, that this is not about protecting employment rights, but about consolidating union power.

Let us briefly look at some of the amendments. Amendment 292 would require trade unions to notify their members every year of their right to opt out of the political fund, and to obtain an annual opt-in. That change would ensure that unions do not continue to fill Labour's piggybank, and do not lock workers into automatic donations unless they actively opt out, which is as much a memory test as an admin task. Unamended, clause 52 is not about transparency, but about keeping the money flowing to the political party with the most to gain.

Likewise, there are new clauses and amendments that would have introduced transparency about the facilities provided to trade union officials, learning representatives and equality representatives. Clauses 54 and 56 are designed to reduce transparency and accountability for union spending, allowing union officials to continue to benefit from facility time without proper scrutiny.

**Sir Gavin Williamson** (Stone, Great Wyrley and Penkridge) (Con): Will my hon. Friend give way?

**Gregory Stafford:** I will, for the last time.

**Sir Gavin Williamson:** Does my hon. Friend agree that there is an interesting contrast in the Government's approach? They are quite happy to put extra burdens, responsibilities and work on businesses of all sizes, yet when it comes to any element of transparency or giving members of trade unions a real choice and understanding of where their money is going, they refuse to do that.

**Gregory Stafford:** The disparity—I will put it no stronger than that—that my right hon. Friend mentions is stark. Anybody watching these proceedings outside this House will absolutely agree that the Government want to put extra burdens and regulations on business, but when it comes to the trade unions, transparency goes out the window. Why is that happening? The answer is simple and clear: unions have significant influence over this Government. While the Deputy Prime Minister and her Cabinet colleagues are pushing for these changes, they do not even do what the measures state. Key figures including the Chancellor, the Foreign Secretary and the Home Secretary are all guilty of hiring under terms that are odds with the new regulations. Why would they introduce such a Bill when they themselves do not comply with it?

Just like the more than 200 Labour MPs who have taken union donations, the Deputy Prime Minister has her own interests to consider. In her opening remarks yesterday, she proudly disclosed her union membership while conveniently admitting to the £13,000 in union donations that she has taken. It is clear that union influence is driving this legislation and most likely writing the speeches of Labour Members. The Government claim to be

"pro-growth, pro-business and pro-worker"—[*Official Report*, 21 October 2024; Vol. 755, c. 46.]

**Baggy Shanker:** Will the hon. Gentleman give way?

**Gregory Stafford:** I will not, because I have only a minute to go.

Perhaps it is time that the Government started listening to the real industry experts—those with practical experience in the sector—not just the trade unions or those within the confines of Whitehall. The Conservatives have tabled key amendments to support growth, in new clauses 89 and 90; international competitive duty, in new clause 87; and a limit on trade union influence on our business-driven economy.

We need to ensure that the Government's policies do not burden our businesses, stifle innovation or lead to long-term economic harm. This Bill is not just poorly thought-out, but a direct threat to the very fabric of our economy, and we must challenge it before it causes irreparable damage and crushes our already crippled economy.

**Dr Allison Gardner** (Stoke-on-Trent South) (Lab): I declare that I am a proud member of Unison, and I refer the House to my entries in the Register of Members' Financial Interests.

I rise to speak in support of this groundbreaking Employment Rights Bill, which will deliver pro-business and pro-worker reforms. It will establish day one rights, such as rights to parental and bereavement leave for millions of workers, and, crucially, will put more money into people's pockets—people who have had to endure low pay, job insecurity and a cost of living crisis created by 14 years of Tory rule. By strengthening protections for the lowest-paid workers and preventing exploitative employment practices, the Bill will give our working people the solid foundations on which to build a better quality of life.

I will very briefly comment on a couple of topics debated yesterday, which are of personal relevance and relevant to my constituency. *[Interruption.]* No? I will skip it; I did not think I would get away with that. This Bill will give a voice to working people by tackling the exclusion of independent unions from workplaces. If anyone has experienced a management of change process—I once did, almost three weeks into joining a new job, which was not fun—or workplace bullying, they will know the value of having a union backing them. Unions are fab. I personally thank Unison, including the incredible Trudie, for supporting me in my workplace.

I have seen the impact on those who have experienced issues such as workplace bullying when they have not had the backing of a union, or a union in their workplace, and the stress and pressures on them were immense. Indeed, they ended up with the choice of either putting up with it, leaving—we then have worker turnover—or going off sick. I have known people to go off sick for quite a period of time, which is of course comes at great cost to the company.

When a person joins a union, I have seen the difference that backing and advocacy makes to them, and the voice it gives them. I have experienced that as a normal person who once had a proper job, who was not a union activist but felt the value of unions—I make that comment as an observer. The work that unions do with management for the workers, to provide a workplace that is productive and secure, benefits companies as well. It is not in the interests of unions for businesses to fail; everyone wants a productive working environment.

It would be remiss of me, however, to not acknowledge the concerns that many small business owners have raised with me in recent months. They have been worried about this Bill, and I am grateful to many businesses that have reached out, including 1882 and Crossroads Care. I also want to thank Rachel Laver of the Chamber of Commerce for her excellent engagement, and for giving a voice to local businesses—I have engaged with them regularly. Their concerns are noted, but I also note comments like that from Claire Costello, chief people and inclusion officer at the Co-op:

> "It's our belief that treating employees well—a key objective of this Bill—will promote productivity and generate the economic growth this country needs."

That comment has been echoed to me by local businesses.

My businesses in Stoke-on-Trent South have my word that I will support them and their workers, and so will this Labour Government, by delivering improved productivity and growth. I am sad that the Conservative party, which has tabled blocking amendments, does not want to support the working people of this country. This Bill's comprehensive set of impact assessments show that the Bill will have a positive impact on growth, with vital measures such as those on sick pay boosting productivity and growth. Protecting the super-rich and relying on the myth of trickle-down economics have failed. It is time for trickle-up economics, and empowering the working people of this country.

**Alison Griffiths** (Bognor Regis and Littlehampton) (Con): As has been said many times yesterday and today, this Bill is deeply flawed. The Government have ignored the serious concerns raised by business leaders and independent economists. The Federation of Small Businesses has warned that these rushed changes will lead to job losses and deter employers from hiring. The Institute of Directors found that 57% of business leaders will be less likely to hire because of the additional red tape imposed by the Bill, and incredibly, the Government's own impact assessments fail to account for the Bill's real economic consequences, simply dismissing them as too hard to calculate. Our new clause 90 would ensure that any regulations made under part 4 of the Bill must consider economic growth and international competitiveness, yet Labour has refused to accept even that common-sense measure, proving that its approach is anti-growth at its core.

Prioritising the interests of trade unions over economic stability makes it harder for businesses to hire, grow and compete. It is no surprise that trade unions have declared victory, as the Government have effectively handed them a blank cheque at the expense of businesses and workers alike. Our amendments seek to restore fairness and balance. Amendment 292 would require trade unions to notify their members annually of their right to opt out of political fund contributions, ensuring basic transparency and fairness. Labour has hypocritically opposed this measure, despite previously supporting similar provisions—during the passage of the Digital Markets, Competition and Consumers Act 2024, it called automatic renewals a "subscription trap". It seems that Labour only cares about consumer choice when it does not impact on its own funding.

The Government claim that removing this requirement is about cutting red tape for unions, while adding lots of other red tape. In reality, the change strips away individual

*[Alison Griffiths]*

choice and accountability. As several of my hon. Friends have said, trade unions donated over £31 million to the Labour party between 2019 and 2024. Workers should have the right to make an informed choice each year about whether they want to contribute to political causes, rather than being automatically signed up without clear consent. Labour Members' refusal to support the amendment reveals their true priority: protecting their own financial interests, rather than standing up for transparency and workers' rights.

4.15 pm

Equally troubling is the expansion of trade union access to workplaces, including digital access, under new clauses 163 to 181. Despite 59% of consultation respondents asking for more information or outright opposing the provision, the Government are pressing ahead regardless. These changes hand unions unchecked power, allowing them to disrupt businesses without adequate safeguards.

This Bill is not a modernisation of employment rights; it is a gift to the trade unions at the expense of economic growth, job creation and business confidence. The Government have failed to strike the right balance, and we will continue to oppose this legislation.

**Graham Stuart:** The impact assessment states that these measures could have a £5 billion impact, in addition to the £25 billion impact of the national insurance contribution changes. Does my hon. Friend agree that what the impact assessment is missing is how much union funding the measures will drive directly to the Labour party as a result? We ought to know how many hundreds of thousands or millions extra will come to the Labour party and to Labour Members to make them support this growth-killing set of measures.

**Alison Griffiths:** It is a fascinating question, and we wait to hear the answers from Government Members.

**Graham Stuart:** The Minister will tell us, we hope.

**Alison Griffiths:** Indeed, perhaps the Minister will give us the answer.

**Gregor Poynton** (Livingston) (Lab): It is a pleasure to speak on this vital Bill as it passes its remaining stages. I draw the House's attention to my declaration in the Register of Members' Financial Interests. I am a proud member of the GMB and Community trade unions. I am particularly pleased to speak in today's debate, because at one of my regular coffee mornings on Saturday, a constituent of mine, Phil, told me that I needed to be doing more to promote the benefits of this legislation. I am not sure that making a speech in the House of Commons meets Phil's expectation of promotion, but that conversation showed me how important this legislation will be for working people in the Livingston constituency.

The Government have rightly tabled amendments to the Bill to ensure that we deliver reforms that are both pro-business and pro-worker. Although Conservative Members have tried to make much of the number of Government amendments, we remember that they are still the party of "Eff business". With their opposition to the Bill, they show that they are "Eff workers", too.

What the amendments in fact demonstrate is the commitment of the Minister and the Government to listening and consulting with a huge range of stakeholders on these issues, delivering the largest upgrade in workers' rights in many decades, but in a way that does right by businesses and good employers, ensuring that they have the conditions and environment they need to encourage investment and create jobs.

This Bill will support the Government's critical mission for growth by increasing productivity and putting money back in people's pockets. It will deliver real-life improvements.

**Sir Gavin Williamson:** Can the hon. Gentleman set out five ways that the Bill will improve productivity for businesses?

**Gregor Poynton:** I will certainly come on to that, but one way is that the Bill will improve employment relations in workforces. In the past 14 years, we have seen strike after strike because of the Conservatives' approach to industrial relations. This change will improve productivity.

The Bill will deliver real-life improvements that will be felt across Britain. Key amendments that strengthen protections for the lowest-paid workers will ensure that all workers are treated with the decency they deserve. I welcome the vital steps that the Bill takes to extend protection, from exploitative zero-hours contracts, to protecting the voice of working people and strengthening statutory sick pay.

As a member of the Business and Trade Committee, I have been able to scrutinise large businesses that choose to have zero-hours contracts in place. In one evidence session, I heard from a company representative who revealed that employees can have their shift changed at 24 hours' notice, but not receive a single penny in compensation. The Bill is vital in addressing the challenges of financial planning faced by families who are dependent on zero-hours contracts. More than 1 million people on such contracts will benefit from the guaranteed hours policy. Crucially, the Bill will ensure that Governments work with businesses, and will support employers who endeavour to comply with the law. With the Government amendments, it will also expand and strengthen the powers of the fair work agency to bring civil proceedings against non-compliant employers at employment tribunals and to issue civil penalties, such as fines, to employers who breach pay-related rights and underpay their staff.

**Graham Stuart:** Given that the measures we are debating will give so much more power to the trade unions, why has the hon. Gentleman not felt it incumbent on him to declare the thousands of pounds that he has received from trade unions in the last year?

**Gregor Poynton:** I thank the right hon. Member for highlighting that, because I am proud of the money that I receive from unions. I am also proud of the fact that entrepreneurs and business people donate to my campaign as well. The right hon. Member neglected to mention that when he brought the subject up. Because I am both pro-business and pro-worker, I want to see growth in the economy. I am proud to receive donations from employers and people who have created wealth in this country, and I am also proud to receive donations from trade union members in my constituency.

**Daisy Cooper:** Is the hon. Member surprised, as I am, that there is so much support on these Benches for caps on political donations and greater transparency about them?

**Gregor Poynton:** We have mentioned that, of course, and it is certainly the case. I would love to see more transparency from the Conservative party.

It is right and proper that we reward the good businesses that contribute to good employment and sustainable growth, and it is right and proper that we take action against rogue employers that do not. With this Bill, the Government are also calling it quits on the Tories' scorched-earth approach to industrial relations, which led to the worst strikes chaos in decades. A new partnership of co-operation between trade unions, employers and Government will ensure that we benefit from more co-operation and less disruption.

North of the border, the Bill signals the largest upgrade of workers' rights in Scotland for a decade. It marks an end to exploitative zero-hours contracts and fire and rehire practices. It will establish day one rights to paternity, parental and bereavement leave for millions of workers. However, it will also be beneficial for employers in Scotland, helping to keep people in work and reduce recruitment costs by increasing staff retention and levelling the playing field on enforcement. It is both pro-worker and pro-business.

Members of the Scottish National party—including the hon. Member for Dundee Central (Chris Law) today—have been calling for the devolution of employment law for many years, but at no point have they explained how, beyond the banning of zero-hours contracts, those powers would be used to improve workers' terms and conditions, to increase productivity and to accelerate economic growth. Moreover, it might be nice if the SNP practised what it preached. During the Rutherglen by-election in 2023, it chose to use zero-hours contracts to employ people to deliver leaflets. In government, the same party has chosen to include zero-hour contracts in their definition of positive destinations for school leavers. Financial insecurity, anxiety and stress do not sound like my idea of a positive destination.

The SNP says that it wants to transform Scotland's economy for the better—to boost wages and productivity and grow key sectors—but the fact is that Scotland has a higher rate of zero-hour contracts among people in employment than any other UK nation. How are people supposed to plan financially and improve their quality of life when they wake up on a Monday morning to find out via text message whether this week they will have eight shifts, two shifts, or no shifts at all?

The reality is that the Scottish Government already have the powers to introduce changes to many workers' terms and conditions through public procurement, but they choose not to do so. They would always rather blame someone else, and further constitutional grievance, than use the extensive powers that they have to improve the lives of ordinary Scots. That is why the Bill is of such paramount importance. Across the UK, acute benefits will be delivered to the people who need them the most, and in Scotland the Bill will right the wrongs of the SNP's laissez-faire approach to regulating zero-hour contracts.

The tenure of this Labour Government is still measured in months and not years, but this Bill is yet another example of their delivering the new direction that the workers, businesses and people of Scotland and the wider United Kingdom deserve.

**Mr Louie French** (Old Bexley and Sidcup) (Con): As any sensible people would know, changes to business regulations need to strike a careful balance to not deter both business investment and job creation, but I am afraid that this Bill gets the balance wrong. Labour's weakening of a variety of trade union laws, particularly on the threshold for industrial action, is a recipe for disaster for both the public and businesses, particularly SMEs.

As a London MP, I have heard this fairytale from those on the Labour Benches before, because London has too often been paralysed by strikes under Mayor Sadiq Khan. Infamously, the London Mayor promised our city "zero days of strikes" in 2016, but he has comprehensively broken that promise. In Sadiq Khan's first two terms, there were more than 135 strikes, which is almost four times more than the number of strikes under his predecessor—a record that Mayor Khan labelled a "disgrace". If 35 strikes are a disgrace, the 135 under Mayor Khan represent a catastrophic failure. My fear is that this Bill and the Labour Government's amendments will make strikes even more common in London.

**Jayne Kirkham** (Truro and Falmouth) (Lab/Co-op): Does the hon. Member recall how many strikes there were under the last Conservative Government?

**Mr French:** As we have seen already—this is what I was talking about—the fairytale says that if we improve industrial relations and give trade unions all the money they want, suddenly there will not be any strikes. But what has happened in practice since the Labour Government came in? Trade unions have been given all the money, and they are still threatening to go on strike.

This Bill really does read like a militant trade union wish list. Strike mandates have doubled from six to 12 months, allowing trade unions to impose rolling strikes for a whole year without balloting their members. Turnout requirements have been abolished so that a minority can call strikes, and the Government have removed the requirement for 50% of members to vote and 40% to support industrial action. The Bill reduces the notice for strikes by four days and gives employers less information, making strikes even more damaging to businesses and disruptive to people's lives. It also allows unreasonable paid facility time for trade unions, making the taxpayer and companies pay out even more for trade union representatives at the same time that the Labour Government are raising everyone's taxes and cutting public services.

**Gareth Snell:** I guess that the hon. Gentleman has never been a member of a trade union or participated in an industrial ballot. Members choose to go on strike once the ballot has finished; no one forces them to go on strike. When members give up a day's pay to go on strike, they do so because they are fighting for improvements to their terms and conditions. He is making out as though they are somehow compelled to strike. When members turn out for a strike, they do so because of their strength of feeling about the conditions they face—nothing more.

**Mr French:** I would have some sympathy for that argument if the threshold for the percentage of workers voting for a strike was being maintained, but we are now clearly leaving the door open for a minority of militant trade union members to go on strike and cause

*[Mr French]*

mass disruption. I will be honest and say that I have never been a member of a trade union, but my experience of trade union bosses is that they live a life that I could never dream of as a working-class man, to be quite frank. As a working-class person from a working-class background, I learnt at a very young age that trade unions and the Labour party stopped representing working-class people many years ago, and this Government are proving it yet again.

**Becky Gittins:** Given the hon. Gentleman's comments about a small number of militant trade unionists taking industrial action if this Bill becomes law, it is worth noting that over the last 10 years, a small and militant group of Conservative party members have managed to choose successive Prime Ministers with fewer requirements than those applied to members of trade unions when they vote to take industrial action in their workplaces. Does he think that is fair?

**Mr French:** I thank the hon. Lady for her rather odd intervention. It has nothing to do with this Bill, but if more people had a chance to vote on issues such as who should be the Prime Minister today, I suspect that they would come to a completely different answer from the one they came to last July, because this Labour Government have broken every single promise that they made at the election. I cannot wait for the public to have the opportunity to vote out this shocking Labour Government, so I am all for people having more chance to do so.

As I and other Conservative Members have said already, this Bill was written by the trade unions and for the trade unions. Why are the Government granting this wish list to the trade unions? The simple answer is that the Labour party will benefit from these proposals. As I was taught as a young man, "Follow the money." *[Interruption.]* Yes, I did not follow it by coming into this place. Over the past five years, the Labour party has received more than £31 million in political donations from the unions. This Bill will remove the requirement for trade union members to opt in to those contributions; instead, they will have to opt out, which means more will unknowingly contribute to political causes that they do not support. The Government's amendment will mean that trade unions no longer need to renew their political resolutions every 10 years, and ultimately this will make it even easier for trade unions to divert cash to political causes, including the Labour party.

In short, this Bill means more strikes more often and more money for the Labour party, and strikes will be grinding business to a halt, shutting down public services and closing public transport systems again.

4.30 pm

**Daisy Cooper:** As I noted in my speech, there are problems with the Bill. The hon. Member has mentioned the problems on public transport. Does he recall that in 2022 the train unions and the train operating companies actually resolved their dispute, and does he regret that the Transport Minister at the time intervened to block that agreement to resolve the strikes?

**Mr French:** My experience as an MP is great frustration, particularly in outer London, about train companies constantly going on strike, with a very small minority of train drivers going on strike. What we saw from this Government was a load of money going straight to those same unions, without the productivity changes that we would like to see, and no adaptation in the system. My personal opinion on some of these proposals is that it is increasingly likely that automation and a loss of jobs will be direct consequences of the rigid trade union laws being forced on to more businesses. I suspect that the only thing that will rise in this Parliament is unemployment.

These strikes are costly, disruptive and damaging to Britain. They ought to be a last resort, but this Government's proposals will take us back to the 1970s—before I was born—when strikes were a political tool for division, damage and disruption. This is yet more evidence that Labour is not on the side of working people or of serious economic growth, as its own impact assessment—even partial—tells us. Londoners will not thank this Government if this results in yet more disruptive and longer rolling strikes that grind our city down even further than Mayor Khan has. Working people will not thank this Government for empowering their trade unions to bring our country to a standstill, especially as we pick up the Bill as they fill their pockets.

**Mr Frith:** I draw Members' attention to my entry in the Register of Members' Financial Interests—

**Graham Stuart:** How much?

**Mr Frith:** If the right hon. Member listens, he will hear.

From my entry, Members will see that I am a proud member of the GMB and that my donations include those from entrepreneurs and businesspeople alike who are collectively sick of the 14 years of the Conservative Government. I will take no lessons from that party, given its record over those 14 years, and none of the speeches by Conservative Members have defended any achievements that were made in 14 years relating to this Bill or anything to do with our economy. That is the party of "Eff business", of a striking NHS, of 60% furlough settlements for Manchester workers, of cash for covid contracts, of inflation highs, of Liz Truss, of the mini-Budget disaster, of zero growth, of the collapse of infrastructure, of public spending power disappearing, and of the state of our roads and of our prospects. It is for this reason that my entry includes a combination of GMB membership, given the members and the workers that we represent, and of the entrepreneurs who wanted rid of that lot over there.

**Graham Stuart:** Will the hon. Gentleman give way?

**Mr Frith:** I will make some progress. The right hon. Gentleman has said plenty already, and he came in only halfway through the debate.

I am proud to stand on the Labour side of the House as someone who has founded a business, run businesses for others and run my own business. Fifteen years ago, I made a commitment to be the voice of experience for good small businesses in the proud Labour movement that we now have in government, not least to challenge the claim of the Conservatives that they alone represent business interests. I am proudly pro-business and pro-worker, just as this Government are. Fixing the foundations of our economy means fixing the foundations of our

employment. Just as the Government are strengthening our economic base, they are now laying down stronger employment foundations.

Running a business is hard work. It requires an initial leap of faith, the courage to embrace risk, the ability to adjust, the resilience to overcome failure and the perseverance to celebrate success. The role of government is to improve life and living for everyone in this country. The role of good employment is exactly the same. Small businesses are at the heart of this effort. That is why the Government are right to focus on skills, value for money with public spending, opening up public sector commissioning to SMEs and challenger companies, and, crucially, the Bill making employment a more positive, rewarding experience. Insecure work leads to insecure living, and neither will improve life in Britain. We should highlight and support those employers who are already leading the way. Much of this legislation simply catches up to their high standards.

The weight of responsibility that comes with creating somebody else's payslip cannot be overstated. It is humbling, sometimes worrying and never easy. It requires teamwork and the skills of others, but also leadership—sometimes lonely leadership. It means shouldering risk and sharing rewards. That is why the Government's ambition for growth is the right one. The focus must be on net growth, locking in certainty for those in work by upholding rights for the many, while fostering new opportunities to expand our economy.

I want to salute those businesses and entrepreneurs for whom much of this legislation emphasises the good practices they already uphold. In Bury, businesses such as the Lamppost Café, where—a declaration of interest, Madam Deputy Speaker—my daughter works part time, Life Store in Ramsbottom, Wax and Beans record and coffee shop in Bury, Bloom, Avoira, MSL Solution Providers, Ernill's Bakery, Wallwork Aerospace Heat Treatment, and Hargreaves. These businesses, often family run, are the backbone of Bury, and so they build the backbone of Britain; rooted in their communities; providing stability, pride and good honest work for an honest day's pay. Many stand ready to do more to grow, invest and create more opportunities.

**Graham Stuart:** I am grateful to the hon. Gentleman for giving way. Could he tell us which of that fine list of businesses have said that they support the Bill?

**Mr Frith:** I have had conversations with the vast majority of them. They support the general emphasis—*[Interruption.]* Actually, if the right hon. Gentleman has been listening, he will know that the argument I am making is that on much of the proposed legislation—giving rights on day one, being fair minded, making work pay—they are already doing that. The point I am making—*[Interruption.]* I have just named several. The most recent conversation I had was with MSL Solution Providers. Its challenges and arguments are around R&D tax credits, an argument I will make in due course. But the Conservatives' claim of being the voice of small business and entrepreneurship is misguided, misrepresented and, frankly, out of date.

Once we have laid the new employment foundations, we must support them in building their businesses further. In particular, for some that means ensuring that AI enhances and expands prospects and prosperity in the employment market and the wider economy.

Lastly, I am proud to highlight my support for extending bereavement leave to those who experience a miscarriage—a compassionate and essential measure that I proudly support alongside my hon. Friend the Member for Luton North (Sarah Owen).

The Bill is not just about a legislative process; it is about our values. It is about recognising that a thriving economy and a fair society must go hand in hand with tackling our inequalities. It is about ensuring that whether employer or employee, the foundation on which our employment is built ensures strength for all.

**John Cooper:** I rise as a former member of a trade union, and the harsh lessons I learned then are what concern me about this Bill. As a low-paid journalist on a local paper, I had hoped that the union would go in to bat for me. Instead, it was more interested in Cuban socialism and collective bargaining, more concerned about traducing Mrs Thatcher's legacy than the tribulations of a junior reporter, more interested in funding the Labour party than supporting me and my newsroom colleagues. That is why I am backing amendments such as amendment 292, which seeks to defuse what has been called a subscription trap, where inertia is used to allow political donations taken from members to tick up year in, year out. Is this the clean money of which the hon. Member for Coventry South (Zarah Sultana) spoke?

In the Business and Trade Committee we have heard that good relations are possible between employers and trade unions. Of course they are—not all union reps are agitators, any more than all bosses are grasping exploiters of the workers. But stripping out existing protections, as this Bill does, risks tilting the law too far in favour of the unions, making strikes more frequent and more damaging thanks to, for example, lower notice periods.

We know that the unions are already restive; just ask the Secretary of State for Scotland, unable to attend an event with, ironically, the Scottish Confederation of British Industry in his own office because he would not cross a picket line, and he has had to cancel at least one other event as the pickets strike on. If a Cabinet Minister is already at the unions' mercy, what chance do the general public have?

We have heard about positive trade union benefits, but it is not all sunlit uplands. One rail union refuses to let bosses use email for rotas, insisting on fax machines—I imagine I am one of the few Members who remembers those. Another left passengers inconvenienced when it ordered members not to use a footbridge as it had a skim of snow on it no thicker than the icing on a cake. They must be licking their lips at clauses that remove previous thresholds for strike action such as the 50% turnout requirement and the 40% support requirement. I think the public will support amendments that would keep existing benchmarks as modest guardrails, not to crack down on unions but to limit the damage that hotheads might inflict.

This skimpy Bill, cobbled together with indecent haste to meet Labour's "first 100 days" deadline, bears all the hallmarks of a thank you note from Labour to its union backers. If it passes, the unions are going to party like it's 1979. However, Labour Members pocketing supposedly pristine union donations should have a care, because that 1979 winter of discontent saw the public lose patience with a Labour Prime Minister captured by the unions. History does not repeat precisely, but this does look awfully familiar.

**Mrs Russell:** This afternoon I want to talk about a point that I think many of us across the House would agree on: employment rights are quite useless without any sort of enforcement mechanism. I should first mention that I am a member of the Community union and the Union of Shop, Distributive and Allied Workers, and I refer everyone to my entry in the Register of Members' Financial Interests.

On enforcement, I am very pleased with clause 122 increasing the time for bringing employment tribunal claims from three to six months. It is a result of extensive campaigning by Pregnant Then Screwed and other organisations including the National AIDS Trust. They were very aware on behalf of their members of something I used to see regularly as a solicitor: a lot of people who have been very badly treated in their employment are so traumatised that they cannot come forward and make their claims within the three-month time limit. In addition, that reduces the potential time available for negotiation between former employees and their former employers, which is not in the best interests of either employees or employers. It is therefore really good news for both parties that we will have this increase in the amount of time available to bring those claims.

The other measure that I am particularly delighted about in the Bill is the creation of the Fair Work Agency. We absolutely need there to be accountability for employers that are not paying the national minimum wage. They are few and far between, and those that are not doing paying it need to be properly monitored and subject to enforcement, in order to create a fair playing field for all companies. I am sure that Opposition Members would completely agree that the national minimum wage is a fundamental part of our society and that everyone should be paying it.

The other matter I want to draw attention to is the Adult Social Care Negotiating Body. In my constituency, significant numbers of people need adult social care, and having a stable workforce is important in delivering that.

4.45 pm

Lastly, I want to speak about the attitudes towards trade unions that we have heard from Opposition Members today. When I worked as a solicitor advising trade union members some time ago, it was clear to me both that people really needed the advice they were getting via their trade unions, and that the trade unions would not continue to back their member with that advice if they did not have a claim with a reasonable prospect of success. That meant that disputes could be settled, which is in the best interests of both the employer and employee.

**Alison Griffiths:** I think the hon. Lady possibly misrepresents the intent of Opposition Members. We are not anti-trade union; we are anti the drafting of this Bill. I think it is important to make a clear distinction between the two.

**Mrs Russell:** I thank the hon. Lady for her point, but I think it is a very difficult distinction to make: that they are pro-trade union but anti things that make it easier for trade unions to effectively represent workers.

To return to my point, access to trade unions means access to good-quality advice, quicker resolution of disputes and a reduction in unrepresented litigants in person, which, in my experience, can make life genuinely difficult for well-meaning employers. Every single thing in this Bill will be good for workers, but it will also be good for employers, and I will be very pleased to vote for it later today.

**Jayne Kirkham:** I refer to my entry in the Register of Members' Financial Interests and declare my Unison membership, although I am also an ex-solicitor. I am going to address the Government amendments relating to enforcement, rather than trade union rights.

We have a large demand for social care in Cornwall, as is the case in the constituency of my hon. Friend the Member for Congleton (Mrs Russell). Our population tends to an older demographic and, with many people leaving friends and family to retire to Cornwall, the availability of care is very important. Our social care system is close to breaking point due to the combination of years of underfunding and a fragmented privatised system. Skilled care workers are chronically underpaid for what they do, often at minimum wage, and we struggle to get and retain care workers.

The Bill contains many provisions that will help: strengthened sick pay; parental leave; protection from unfair dismissal from day one; improved family-friendly rights and flexible working; measures to tackle zero-hours contracts, including for agency workers and workers at umbrella companies, as well as for direct employees; and strengthened redundancy rights. The Bill also specifically gives social care workers respect and recognition through a fair pay agreement, and reinstates the School Support Staff Negotiating Body. It will be a game changer for those low-paid workers—mostly women—who work in care and schools.

**Daisy Cooper:** The hon. Lady will be aware that there is a debate on the National Insurance Contributions (Secondary Class 1 Contributions) Bill next week, where we will debate whether health and social care providers should be excluded from national insurance contributions. Would she care to comment on whether Labour Members will support that amendment made in the House of Lords?

**Jayne Kirkham:** Local government funding will, of course, be increasing to take that into account, and funding for adult social care is rising and will rise further in the next three-year settlement under this Government.

To return to my speech, in Cornwall we have seen the rise of care workers coming from other countries to work on sponsorship visa schemes. These workers are often in a financially precarious situation, which increases their dependency. Some have been charged by their employers for induction, travel or training; in some cases, workers receive a salary below the minimum wage to make up the cost of their flights to the UK.

**Matt Rodda** (Reading Central) (Lab): I refer colleagues to my entry on the Register of Members' Financial Interests. My hon. Friend is making an excellent speech about the situation in her county. Does she agree that this is a national problem that affects all our constituencies? It is certainly the case in Berkshire, and in Reading in particular, that we need better pay for care workers and more understanding about the pressures they face in their very valuable work.

**Jayne Kirkham:** I agree with my hon. Friend. This matter affects the entire country. Unison, for example, has a campaign about migrant care workers, so, yes, this is a national issue.

In Cornwall, those care workers are often given the early morning and late evening shifts with no flexibility. Some sit on benches, stranded in Cornish villages that buses do not pass through, waiting from their morning shift to their first evening shift.

Many health and social care workers on sponsorship visas are afraid to raise concerns about their employment and living conditions for fear of losing their employer's sponsorship. Employers in turn can be aware of that, and some even use it as an explicit threat. That brings me to the enforcement provisions in the Bill. Enforcement of statutory pay and employment rights is poor in the social care sector. Pay enforcement relies on individual workers reporting breaches. His Majesty's Revenue and Customs investigates fewer than 1% of care providers each year. International workers and those from minority ethnic backgrounds are particularly vulnerable. For individual rights to become a reality, a collective voice in the workplace and effective enforcement are key.

The Law Society reports that the backlog in employment tribunal cases stands at 44,000, which is 18% higher than it was in 2023. This backlog needs clearing and investment needs to be made in employment tribunals.

The new Fair Work Agency will have a crucial role to play in reducing the burden on the employment tribunal system by providing a focal point for advice on enforcement under Government amendment 208, in enabling the disclosure of information under Government amendment 212 and in taking on some of those enforcement powers under Government new clauses 57 and 58 on behalf of those workers. Those powers could really help low-paid or migrant workers who do not have access to funds or to union representation to enforce their rights, or who fear dismissal if they take steps in that direction.

Government amendment 249 will allow the Fair Work Agency to investigate and combat fraud and exploitative employers, thereby tackling the kind of modern slavery of international workers in the care industry that we have seen recently.

Government new clause 60 will also give the Fair Work Agency the power to recover the cost of enforcement, which would help with the funding of the system. However, real investment will need to be made into enforcement for the new powers to have teeth, with a timeline, resourcing and fast-track procedure for the new Fair Work Agency. I welcome confirmation of the Government's commitment in this area.

**Madam Deputy Speaker (Caroline Nokes):** May I give Members a brief reminder that we are today talking to the new clauses and amendments on trade unions, industrial action, enforcement of labour market legislation, and miscellaneous and general provisions?

**John McDonnell** (Hayes and Harlington) (Ind): I draw the House's attention to my entry in the Register of Members' Financial Interests. I wish to deal with new clauses 8 and 9, which relate to recognition of the POA's right to strike. I therefore also declare that I am an honorary life member of the POA. The word "honorary" means that there is no financial relationship, and I am assured that I would not even get a south-facing cell or an extra pillow.

New clauses 8 and 9 try to restore the fundamental right of prison officers to take industrial action in its various forms. The union has existed for 90 years and, although organised as a trade union, it has never taken any form of industrial action that has endangered the prisoners the officers care for, other staff or the wider community. Through all of its long history, there was an industrial relations climate in which negotiations took place and disputes were resolved.

Then in 1994, the Conservative Government, under the Criminal Justice and Public Order Act 1994, made it a crime to induce any prison officer to take strike action, or even to work to rule. The trade union was told very clearly that that would be a criminal act and any trade union officer organising action, even a work to rule, could be prosecuted. What the Government then did—this was why people became extremely cynical at the time—was to plan increases in the pension age, make extensive salary cuts and cut staff numbers. There was no way the union could fight back in any form to protect its members.

Some hon. Members who were about at the time may recall that, in 2019, the POA faced high six-figure fines in the High Court. When it took action on health and safety grounds by convening meetings of members, it was threatened with legal action and the union leaders were threatened with imprisonment. Ironically, it would have been interesting to ask who would lock them up—but that is another question altogether.

When the police had their right to strike taken away, it was almost like a covenant and they were given very specific commitments around how they would be protected on pay, pensions and conditions of work. That was never offered to the POA and there was never any negotiation like that, where it would at least be given some security in return for the loss of that right. That was never given.

The POA took the Government to the European Court of Human Rights in 2024 and the case was accepted. The Court urged the Government to engage with the union in good faith over what remedies would be available. The then Government refused to engage and the current Government are still not engaging, so one of the reasons for tabling the new clauses is to urge the Government to start engaging with the union around that particular issue.

All the union is asking for is that its members be treated like any other workers and for the Government to engage. The right to strike in Scotland was restored 10 years ago and there has been no strike action since. That has created an industrial relations climate that is conducive to working together—not to entering into conflict but to negotiating problems out. I think that that is a result of both sides knowing that there is the alternative, if necessary, of taking part in industrial action.

As most people know, industrial action in public services is often not a strike; it is usually a work to rule to start off negotiations. I have been a member of a trade union for 50 years; I have been a trade union officer, a lay official and so on. Every union that I have known, where there is any form of industrial action that

*[John McDonnell]*

in any way involves a public service, always puts in place negotiated arrangements to protect the people that they are serving—that is not just life and limb protection, but often ensures a standard of service that is still acceptable to people. I therefore urge the Minister to get back round the table with the POA.

There was a debate in Committee on this matter, which angered people and angered me. I have gone over the debate. It showed a shameful disrespect for prison officers and an ignorance of the role that they play and the working environment that they work in. There are references to screws and guards and things like that, and about how, somehow, if the right were restored, the union would allow prisoners to run amok and put the whole community at risk. That is never the case—it never has been and never would be. There is a lack of understanding about what those workers put up with. As many hon. Members know, there is overcrowding. Prison officers deal with prisoners with huge mental health issues, drug problems and health problems overall. There are record levels of violence in prisons and prison officers are injured almost daily as a result of assaults.

I have to say that the disrespect demonstrated in the Committee was part and parcel of the demoralisation of even more of our workers in those key roles. I therefore ask the Minister to re-engage, to get back round the negotiating table and to recognise that the issue will not go away. These members want their basic trade union rights back and, if necessary, they will go back before the European Court. I believe they will win and that we will, unnecessarily, go through another period in which the demoralisation of workers continues because of people's lack of respect for their basic trade union rights. We are suffering real problems in recruitment and retention, so I urge the Government just to take that one step back to the negotiating table with the POA.

**Becky Gittins:** I rise in support of Government new clauses 57 and 58. I refer Members to my entry in the Register of Members' Financial Interests and my proud trade union membership.

I ask the Opposition to consider their comments today in what has proved to be a very ideologically driven debate on their part. I feel somewhat as if I have been transported back in time to a previous reforming Labour Government's last upgrade to employment rights—the minimum wage debate. This afternoon's fearmongering about productivity, growth and unemployment is reminiscent of it. We also have seen some crossover in the personnel who were part of the Conservative opposition. The then shadow Secretary of State for Work and Pensions, the right hon. Member for Chingford and Woodford Green (Sir Iain Duncan Smith), said that the minimum wage would

"negatively affect…not hundreds of thousands but millions of people."—[*Official Report*, 4 July 2017; Vol. 297, c. 526.]

5 pm

Unless the Opposition have since developed a policy to repeal the national minimum wage—let's face it, under their current leadership anything is possible—I must tell them that progress is coming. I am talking about work that pays, dignity and job security. I invite them to get on board with the upgrade to rights at work, rather than spending the coming decades pretending that they were on board in the first place.

**Laurence Turner:** My hon. Friend will remember that in 2017, when the Conservatives announced the employment Bill that was never produced, they said that it would represent the biggest upgrade of workers' rights by any Conservative Government ever. Would she care to speculate on why they set their ambitions so low?

**Becky Gittins:** Some comments from Opposition Members today have made it very clear to the public what the Opposition think about people's rights at work.

**Lee Anderson** (Ashfield) (Reform): The hon. Member is making a passionate and inspiring speech about the national minimum wage. Is she aware that just last year, the leader of the Scottish Labour party admitted that his family business was not paying members of staff the living wage? Does she think that is rank hypocrisy?

**Becky Gittins:** I think that everyone should be on board with the national minimum wage and the living wage. I hope that we can encourage all Members of all parties to get on board. I am very pleased to hear that commitment and concern from the Reform party. It is unexpected, but I respect it.

On Second Reading, I welcomed this legislation as a central tenet of this Government's policy of putting working people at the heart of our economy and making work pay. I am delighted to see the Bill return to the Chamber, and I pay tribute to those who served on the Public Bill Committee. The Bill modernises the UK's outdated employment laws, bringing in more than 30 much-needed and welcome reforms, including: day one rights of employment, banning exploitative zero-hours contracts, abolishing fire and rehire, establishing bereavement leave, increasing protections from sexual harassment, introducing equality menopause action plans, strengthening rights for pregnant workers and establishing the Fair Work Agency.

I am pleased that, during the scrutiny process, the Government have tabled amendments to strengthen protections for low-paid workers, including those relating to statutory sick pay. In real terms, 1 million people on zero-hours contracts will benefit from the guaranteed hours policy. Nine million people who have been with their employer for less than two years will benefit from day-one rights relating to the unfair dismissal policy. Because of the Fair Work Agency, holiday pay rights will be enforced for the very first time.

The measures before us strengthen the Fair Work Agency. New clause 57 will enable it to bring proceedings against a non-compliant employer in an employment tribunal, in place of the worker. New clause 58 enables the provision of legal advice or representation for those who have become a party to civil proceedings related to employment or trade union law.

Although the vast majority of employers across the country, including hundreds in Clwyd East, will certainly obey the law, there are still those that sadly do not. A Citizens Advice report states that higher-paid workers are 50% more likely than lower-paid individuals to bring an employment tribunal claim, despite the fact that lower-paid individuals are more likely to have their rights violated. As Unison points out, leaving the burden of challenging workplace injustice to individual workers

seeking redress at tribunal compounds inequalities of power in the UK labour market.

The Low Pay Commission figures highlight key reasons to implement these important measures. We know, for instance, that 20% of workers were paid less than minimum wage in 2023, and that nearly 1 million workers did not get any holiday pay. The agency will bring together existing state enforcement functions, and will be a single place to which workers and employers can turn for help. I am pleased that the agency will aim to resolve issues upstream by supporting employers that want to comply. I understand from evidence gathered by the Bill Committee that there was considerable support for a single enforcement body in place of what is currently quite a fractured system. On accountability, the Bill requires an annual report on the Fair Work Agency's enforcement actions, and will allow Parliament to monitor progress in protecting workers' rights.

I am encouraged to hear that, to produce its strategy, the Fair Work Agency will consult an advisory board made up of trade unions, businesses and independent experts. It is vital that we continue our collaborative approach in developing employment legislation and policy that is pro-business, pro-worker and, ultimately, pro-growth. I welcome the new clauses and the Bill as a whole. It is an important part of the Government's strategy to move our economy forward, improve work security and ensure greater productivity.

**Douglas McAllister** (West Dunbartonshire) (Lab): In speaking in support of the Bill, I declare that I am a Unison member.

The Bill and the Government amendments to it will deliver real-life improvements for working people across my constituency and across Scotland. Key amendments will strengthen protections for the lowest-paid workers in my constituency, extend protections from exploitative zero-hours contracts, boost the voice of working people in the workplace, strengthen statutory sick pay to 80% from the first day of sickness, extend sick pay to 1.3 million of the lowest earners across the country, and provide greater protection from unfair dismissal, with 9 million people benefiting from day one protection. That is the real change that we promised to deliver for real people—public service workers in West Dunbartonshire, such as frontline staff in the service industry, essential utilities, social care, transport or health.

The days of exploitation are now over. The Labour party is doing what we do best and will always do: protecting working people, promoting decent pay and work, and delivering meaningful change for so many. We are putting power in the hands of working people. The Government's commitment to growing the economy will be built on rebalancing rights at work and raising living standards in every part of this country; the two are interwoven. The Government's amendments will ensure just that by boosting the enforcement of rights and giving the new Fair Work Agency the power to bring civil proceedings against non-compliant employers that seek to underpay staff. In 2023, one in five workers was paid less than the minimum wage. That will stop. Almost 1 million workers in this country did not receive holiday pay in 2023. That will stop.

The amendments will level the playing field. They include measures on digital access to employment agreements, allowing independent unions to apply for recognition and stopping the practice of employer lock-out, a 20-working-day window for employers and unions to negotiate access, and a new right for unions to access the workplace, which could be transformative as it gives workers a fair voice to improve their pay and conditions.

It is time to turn the page on the combative and unproductive approach adopted by the previous Government, and it is time to modernise the industrial relations framework. The Bill and the amendments support a much-needed reset of industrial relations across Great Britain. This Government have a clear mandate to deliver real change that working people in my constituency of West Dunbartonshire can see and feel. That change cannot come soon enough. The Employment Rights Bill is the crucial first step on that path. It is the biggest uplift in workers' rights in a generation, and I am proud to vote for it and support it today.

**Laurence Turner:** I am grateful to be called twice on Report, and as is customary, I draw the House's attention to my entry in the Register of Members' Financial Interests and my membership of Unite. I am also the chair of the GMB parliamentary group.

I start with comments that I had not planned to make at the beginning of this debate. Much has been heard about registers of interests. As the shadow Minister, the hon. Member for Mid Buckinghamshire (Greg Smith), who is in his place, said at the end of the Bill's Committee, Labour Members have been assiduous in drawing attention to their membership of trade unions and their declarations in registers of interests, but I believe that the hon. Member for Meriden and Solihull East (Saqib Bhatti) was the first Conservative Member to draw attention to his own donations without being challenged first. Much of the tone of this debate has focused not on the substance of the Bill, but on ascribed motivations, which I believe has been demeaning to the standards and courtesies expected in this House.

There is much to welcome in the Government amendment. I wish to concentrate my remarks on new clause 40 and new schedule 2. On political fund ballots, the 10-year requirement dates to the Trade Union Act 1984. The requirement does not apply to any political funds that may be maintained by employers' associations; nor does a successful ballot in any way infringe on a trade union member's right to withdraw payments from the political fund at any time, so I think we can be confident about that policy's intention: it was to tie up trade union time and resources, and in that respect it was successful. These ballots are a massive abstraction of resources, which gets in the way of trade unions' and trade union members' core business of representing people at work. In 40 years, not one union member has voted to discontinue a political fund.

Trade unions are democratic organisations. If there is discontent in a union over political fund expenditure, any member is entitled to inspect the accounts, and that expenditure can be stopped in whole or in part through existing democratic structures. There is, I think, a contradiction when this House, a representative democratic institution, may seek to instruct other organisations to make decisions by referendum.

To those who have suggested that trade union political expenditure is somehow illegitimate, I would just like to remind Members that trade union political fund expenditure

*[Laurence Turner]*

is not synonymous with party political donations. In fact, many important campaigns that have won cross-party support in this place were made possible only because of trade union political fund expenditure. I draw Members' attention to one such campaign, which I was proud to be associated with. The Protect the Protectors campaign started with the campaigning work of GMB and Unison members in the ambulance service and resulted in the Assaults on Emergency Workers (Offences) Act 2018. If the measures that have been put forward at different stages in this process were successful in restricting that political fund activity, it would be harder to deliver that legislative change in this place on behalf of working people.

Much has been said in the debate and I do not wish to duplicate it, but I wish to say a few words about the situation at Amazon in Coventry. Much trade union work in the private sector in recent years has been focused on the warehousing and logistics sector, where a focus of trade union activity has been the increasingly intensive workloads, workers' employment being terminated on the basis of unclear and unaccountable target setting, and high rates of musculoskeletal injuries, which have contributed to a high rate of people being out of work in the wider economy. When the GMB, in response to approaches from its members, initially contacted Amazon to seek voluntary recognition at that site in December 2022, the company reported that there were 1,400 people working at the site. The company refused to engage meaningfully with the union or attend talks at ACAS to resolve the situation. As has been said, in the space of just a few months, the number of people at the site was increased dramatically by 93%. Some of them were temporary workers transferred from other sites. It has been reported that others were new workers on student visas who were worried about the potential implications for their studying and immigration status if union recognition was voted for. As a consequence of that increase, the union could still meet the 10% membership threshold, but could not meet the requirement of 40% of the bargaining group being likely to support recognition.

5.15 pm

New schedule 2 remedies that flaw by freezing the bargaining unit from the start of the application. Similarly, the schedule bars the use of unfair practices from the start of that process. That will address a loophole in the statutory code of practice that has been exploited to the full in Coventry. The union described a culture of fear born out of intimidatory tactics and a lack of equality of access, contrary to the principles that this House has already endorsed. The recognition ballot failed, as we have heard, by just 29 votes. I pay tribute to the GMB officers and, above all, the members who led the campaign. They came so close in the face of a concerted union-busting campaign. As one Amazon worker said, "I don't want Jeff Bezos's boat; I definitely don't want his rocket—I just want to live."

The Opposition argued in Committee that we should not legislate in response to individual cases, but I disagree. Once it has been proven that a system can be exploited, more will follow. Amazon's actions at Coventry are clearly contrary to the intention of the House of Commons when it established the statutory recognition regime 26 years ago. Freezing the bargaining unit is incredibly important, as is the extension of the code of practice.

I wish that in the time available I could say more about the trade union right of access, which builds upon successful international systems, particularly in Australia where, over the last 20 years, it has become an accepted and constructive part of their industrial relations framework, and has survived and, indeed, been enhanced throughout multiple changes of governing party. The digital right of access included in the amendments is important, particularly for those employers who do not have a traditional physical workplace. It is important that the digital right of access does not become the default when applications are made, and I am sure that Ministers will bear that in mind as the measures are implemented.

To close my remarks in what may be the last debate that Back Benchers can contribute to on this legislation, let me say that part of the reason we come to this place is to provide more freedom, more comfort at times of hardship and more protection against abuse to our constituents. That is as true at work as it is everywhere else. Of course, there will always be other causes, measures and changes that we individually would like to see, but this Bill and the changes and improvements we will make to it tonight are the reason our constituents sent us to this place. It has been said that this legislation represents the biggest advance in workers' rights in a generation. I think it is perhaps the biggest step forward since the Trade Disputes Act 1906. What we will do tonight is truly historic, and I will be proud to join the Lobby to vote it through.

**Jo White** (Bassetlaw) (Lab): I refer Members to my declaration of interests, which clearly states my positive relationship with the trade union movement. I am a member of Community and the GMB, and that is where I want to begin my contribution. My father, a proud USDAW member, recruited me to his union the very first day that I had a proper job, aged 16, drawing a real wage with a pay packet and a pay slip. I had stepped into the grown-up world, and joining a union was part of my graduation.

I was brought up to believe that a union has our backs and can help with issues like unfair dismissal, discrimination, harassment and bullying. As an MP, when I am approached by a constituent with a problem at work, my first question is, "Are you a member of a trade union?" In Bassetlaw, good companies and organisations like Cargill, Schutz, Cinch Connectors, Cerealto, Autism East Midlands and Bassetlaw hospital have good partnerships with unions like the GMB, and I welcome that.

As a small business woman, I served for 10 years on the national executive of the long ago merged Manufacturing, Science and Finance union. That is where I reinforced my values and belief that a trade union is a force for good in the workplace, where partnership working with the employer serves to increase productivity, pride and shared understanding. Such partnerships mean that many of the key employment measures in the Employment Rights Bill have already been adopted by many major employers, who regard good employee relations as a key element for their competitive success in the markets in which they operate.

When people go to work but have no certainty about the hours that they will work or what their weekly income will be, it is unfair. When they go to work with the fear that they may be sacked tomorrow for no reason, it is unfair. When they are paid below the minimum wage

for a day's work, it is unfair. And when they are ill and face three days without pay, it is unfair. This Bill is about putting fairness back into work and putting pride into our workplaces. We need to end the zero-hour contracts and the trickery of fire and rehire; deliver day one protections from unfair dismissal; and extend rights to sick pay to 1.3 million people.

**Dr Caroline Johnson** (Sleaford and North Hykeham) (Con): I am also a member of a union, the British Medical Association. I have found that union to be useful to me as it has represented me in the past, so I can see the benefit of unions. I am concerned, however, that the measures that the hon. Lady is talking about in relation to day one sick pay, for example, could make it more difficult for those with disabilities to get a job, particularly with the changes to zero-hours contracts as well. I talked to a local businessmen in my constituency about a gentleman he employs who has a disability, who comes and goes because his disability makes it difficult for him to work for long periods of time, but he says that he simply will not be able to continue to employ him once the legislation comes into force.

**Jo White:** That is what good, strong trade union partnership is about: ensuring that a worker has the interventions that they need in order to be able to work. I will be supporting the benefits Bill that we will be introducing in the future because that will ensure that workplaces are open and accessible to people with disabilities. It is important that people have the right to work and the capacity to work when they need to.

The Bill is backed by my constituents, who want to work hard but also want fairness in the workplace. Tonight, I will be voting for strengthening rights at work for millions of British people. We can all stand up and be counted to support our constituents who deserve fairness and justice at work. To the Reform MPs who are no longer in the Chamber, supporting the status quo is a betrayal for millions of British workers. We all have constituents who need better workplace rights and this is our chance to deliver change.

**Andy MacNae:** I am a member of Unite the union, but I rise to make my remarks from the perspective of a business owner and employer, in response to comments made by Conservative Members, who have now wandered off, about small and medium-sized businesses. These are personal comments and I will give my personal perspective, but I know many businesses, large and small, that share this point of view.

Before coming to this place, I was running businesses of various shapes and sizes for well over 20 years. I did my MBA at Manchester Business School, I have started and led several businesses, and I have served on the board of many others, so I have been about a bit. Throughout that time, it was always clear in my mind that whatever the business, the critical success factor is always the skills, drive and quality of the people that the business employs or contracts. To succeed, any business must attract the best possible people. That is why I have always felt that the selection and recruitment process was my key role in any organisation that I led. I will always argue that great businesses, by which I mean those with sustained success, will always be good employers.

When I look at the measures in this Bill, all I see are the things that good employers are already doing. We know that support for employees when they have children pays off in the long term. We know that giving employees job security increases their commitment and productivity. We support our people when they are sick, and we know that taking holidays is vital to maintain performance. We do not unfairly dismiss, whether someone has been with us for one day or for many years. We have rigorous recruitment processes, and we make it clear that employees must show they meet requirements for a job during the probationary period. We pay as well as we can, knowing that employees who feel valued will deliver for our businesses.

Up until now, good employers have always felt the risk of being undercut by unscrupulous and short-term disruptors looking to make a quick buck. This is a real and serious issue—I have experienced it in business, and many other business owners have raised it with me. Businesses doing the right thing should not be disadvantaged, yet weak and outdated employment legislation has left them exposed. This Bill levels the playing field. Good employers can keep on doing what they do, knowing that their competitors can no longer undercut them by, for instance, employing a majority of their staff on zero-hours contracts, not giving holiday pay, firing and rehiring or just underpaying.

This Bill is good for good businesses and good for workers. It is good for growth and for society. It will put more money in people's pockets and deliver real, tangible benefits for working people, and I am very pleased to support it.

**Sonia Kumar** (Dudley) (Lab): I draw attention to my entries in the Register of Members' Financial Interests, which include my membership of GMB, Unison and the Chartered Society of Physiotherapy.

When I spoke on Second Reading, I welcomed the advancements that this Bill would make on statutory sick pay, maternity and paternity pay and protections around pregnancy, as well as its values of fairness. I support new clauses 44, 47 and 48: it is only right that if someone has done a fair day's work and a business fails to pay them, the Secretary of State should have the authority to give notice of underpayment. No one in Britain should go home from an honest day's work out of pocket and worried about paying their bills. I also welcome the Secretary of State's interventions on imposing financial penalties on businesses that make underpayments.

I believe that poor practice in the workplace should be called out and that those responsible should be held accountable. However, we also need an adequately resourced fair work agency, so I support new clause 82, tabled by the Chair of the Business and Trade Committee, my right hon. Friend the Member for Birmingham Hodge Hill and Solihull North (Liam Byrne). The agency should be agile enough to tackle issues upstream by supporting businesses that want to comply with the law, as well as having enough resources to tackle meaningfully non-compliant businesses. On the Business and Trade Committee, we heard from several businesses, some of which were great employers and some of which were unable to justify their malpractice, with evidence of modern-day slavery in their supply chains.

We cannot have companies getting away with poor practice where workers cannot use the toilet, are not entitled to their breaks or fail to get their fair pay. Transparency, accountability and enforcement are key, but we must remember that most businesses do their

*[Sonia Kumar]*

best by their workers, and I have witnessed that. Since Second Reading, I have met with business owners in several sectors, from steelworkers and scaffolders to restaurant owners and retail. During my visits and roundtables in my constituency of Dudley, both workers and employers often tell me that they want the same thing: the stability to grow and a fiscally responsible Government who care about them and their future. Stability is not a zero-sum game. Research shows that when businesses look after their employees, they create a more loyal and productive workforce, which in turn strengthens businesses and helps them to grow the economy. In 2023, digital research by Deloitte found that "fostering trust, opportunities for growth, and employee well-being are the keys to increased workforce retention and satisfaction".

To reassure businesses, we know that the implementation of this Bill will be in phases. That approach promises to allow step-by-step upskilling of HR professionals and to update employment practices one step at a time; they will not be expected to be employed until 2026. I therefore ask the Minister to provide a road map outlining details of future consultations, with a two-year timeline to help to guide business owners to provide stability for businesses. A road map would undoubtedly help to ease growing pains, allowing small businesses time to plan the necessary administration, upskilling and ability to resource for the fair work agency. Both workers and businesses in Dudley would benefit greatly from that stability, and I wholeheartedly support this Bill.

**Steve Yemm** (Mansfield) (Lab): I rise to support the Bill, and in particular Government new schedule 2. I must also draw the House's attention to my entry in the Register of Members' Financial Interests and my membership of both the GMB and Unite trade unions. I should also make clear to the House my employment history, both as a chief executive officer and a managing director of companies in the United States, the UK and Israel, and my record as a company founder and employer.

5.30 pm

I am very proud of having been a union member since my first day at work, when I joined what was the Association of Scientific, Technical and Managerial Staffs. I can probably add a few years to the membership of my hon. Friend the Member for Derby South (Baggy Shanker), but it will be a few more years before I catch up with my right hon. Friend the Member for Hayes and Harlington (John McDonnell).

I am also very proud to be supporting this Bill and the Government amendments, so that we can deliver reforms that are rightly pro-business and pro-worker. The Bill will also put more money in people's pockets and deliver real-life improvements that will be felt by working people. Key amendments that have been tabled will strengthen protections for the lowest-paid workers, extend protections from exploitative zero-hours contracts, and boost the voice of working people in my constituency of Mansfield.

I particularly welcome the Government's new schedule 2, which will update frameworks for trade unions, reflect modern work practices and rebalance industrial relations. It will ensure that the size of a workplace bargaining unit will be frozen and cannot be increased during the recognition process. A recent example of where this new schedule would have supported workers occurred at Amazon. When my union, the GMB, first applied for statutory recognition there, Amazon reported that it had 1,400 employees working at the site and refused to have any discussion on trade union recognition. Amazon workers faced a David versus Goliath fight in having to prove that they had at least 40% support in the workplace for union recognition. As amended, the Bill will vastly simplify that process, with the new schedule freezing the bargaining unit at the point of application. We want to be able to bring good practice and good employers to our constituencies.

**Tom Hayes** (Bournemouth East) (Lab): In 2023, BH Live, a company based in my constituency, was named as not paying 130 workers—130 of the lowest-paid workers in my constituency—the national minimum wage. Ultimately, BH Live did make payments, but does my hon. Friend agree that it is wrong for anybody to be paid less than the national minimum wage, and that through the introduction of the new Fair Work Agency we are going to be able to right wrongs like that?

**Steve Yemm:** I absolutely agree; my hon. Friend has spelled out why enforcement is so important.

I would happily speak further in support of so many of the amendments that have been tabled, but I am acutely aware that we are at the end of the debate.

**Sir John Hayes** (South Holland and The Deepings) (Con): The hon. Gentleman is coming to his exciting peroration, so I just wanted to say that he is absolutely right about the feckless behaviour of corporate businesses that disregard the interests of their workers, and I share his view of trade unions. However, does he recognise that there is a world of difference between the burdens we place on those organisations that can happily deal with them and the effects that some parts of the Bill will have—perhaps unintentionally—on very small businesses? I imagine that the businesses he started were such business, at least at the beginning. This Bill has caused fear among small businesses and microbusinesses. There is a real distinction between those heartless corporates and the hard-working SMEs in the hon. Gentleman's constituency and mine, is there not?

**Steve Yemm:** As a small business founder and someone who has grown a business, I recognise the need for balance. I am grateful to the right hon. Member for raising that point. In my concluding remarks, I put on the record how proud I am of my unions, the GMB and Unite, for the work that they have done with this Government to help deliver this groundbreaking legislation. I will therefore be voting with pride to support the Bill in the Lobby later today.

**Justin Madders:** We have had another excellent debate. We might have to deal with a few misconceptions, but I am conscious that we need to move on to Third Reading, so I apologise if I do not address every single contribution we have heard today. I will start with the Chair of the Select Committee, my right hon. Friend the Member for Birmingham Hodge Hill and Solihull North (Liam Byrne), and his new clause 82. The Bill already requires the Secretary of State to produce an annual report for employment rights enforcement, as well as an enforcement strategy every three years. Both documents

will be laid before Parliament, allowing for parliamentary scrutiny. We are committed to giving the Fair Work Agency the resources it needs to do its job effectively. I agree with him that the number of prosecutions for minimum wage violations has been pitifully small in recent years. We should never tolerate lawbreakers in the business world. We should ensure that responsible and well-performing businesses are never allowed to be undercut by minimum wage violations.

My right hon. Friend's amendment 282 would include digital means of communication with workers in unions' rights of access to workplaces. I appreciate the good intentions behind the amendment, but the Government are already committed to modernising working practices and moving away from a reliance on ad hoc access arrangements. We recognise the importance of providing for a digital right of access, in addition to the physical access for which the Bill already provides. That is why we have amended the Bill to expand access rights, allowing for access agreements to include communication with workers other than by means of physical access to a workplace, such as digital means.

My hon. Friend the Member for Middlesbrough and Thornaby East (Andy McDonald) talked about procurement. His new clause would amend the Procurement Act 2023 to place a duty on the Secretary of State to ensure that any contract entered into by either a Government Department, an executive agency of Government, a non-departmental public body or a non-ministerial department must comply with certain requirements relating to the recognition of trade unions. We recognise that the recognition of trade unions for collective bargaining was an important feature of the previous two-tier code on workforce matters. The Bill contains powers to reinstate and strengthen the code by way of regulations and a statutory code, so I assure the House that the Government are committed to strengthening trade union recognition and collective bargaining rights.

New clause 77, in the name of the hon. Member for Dundee Central (Chris Law), would result in a change to the Scotland Act 1998 by removing employment law from the list of reserved matters, thereby bringing it within the competence of the Scottish Parliament. While his perseverance on this issue is not unnoticed, it would come as no surprise to him, were he here, that the Government have no intention of devolving employment law to the Scottish Parliament. Previous Scotland Acts have already created one of the most powerful devolved Parliaments in the world. When there were considerably more SNP Members here during the last Parliament, there was a ten-minute rule Bill on this very subject, and the SNP could not even get a majority of its own Members to support it, so why on Earth would we support such a measure now? I do not know.

I will turn to the amendments from my right hon. Friend the Member for Hayes and Harlington (John McDonnell) on prison officers' right to strike. I thank him for his persistence and his active engagement on behalf of prison officers. As he said, prison officers are prevented from taking industrial action under current legislation. Their pay is governed by the independent Prison Service pay review body process, which acts as a compensatory mechanism for that restriction. There is limited contingency to deal with industrial action, and during such incidents the reliance is on a narrow pool of operational managers with some potential for very limited support from the police and Army in limited circumstances. That creates operational risks and is not sustainable for any period of time.

My right hon. Friend the Member for Hayes and Harlington referred to what he classed as disrespect to prison officers during that debate in Committee. I just put on record that there was certainly no disrespect shown by those on the Government Benches; we value and respect the work that prison officers do. I know that he will continue to pursue this matter, and I suggest that he contacts the Ministry of Justice, which has the remit. I hope it will be able to engage on the matter in future.

Let me now deal with some of the Liberal Democrat new clauses and amendments. The hon. Member for St Albans (Daisy Cooper) spoke about new clause 19, which would give the Secretary of State the power to set out and define in regulations the professional bodies that could represent employees at disciplinary meetings. It is unclear to us where the demand for that would come from, and I would expect it to benefit some businesses that have raised the prospect with successive Governments. What is clear, however, is that expanding the types of organisations that could be involved in representing workers at such meetings could lead to hearings requiring legal representation for both the worker and the employer. That would increase the cost of holding a hearing, would escalate matters, and would potentially decrease the chance of an amicable resolution as both parties became entrenched in dispute. We believe that trade unions are best placed to represent employees in disciplinary and grievance hearings in the workplace, and statutory provisions are already in place to enable them to do that.

The hon. Member for St Albans also tabled new clause 111, which relates to legal aid for employment disputes. I am committed to ensuring that workers are able to enforce their employment rights, and we are working closely with the Ministry of Justice to ensure that happens, looking into what further improvements we can make to the way in which ACAS and employment tribunals operate. A key benefit of moving enforcement to the Fair Work Agency is that it will make it easier and quicker for workers to secure justice, without the need for additional legal representation or legal aid. I hope that gives the hon. Lady some reassurance that we are looking seriously at the issue.

New clause 110, also tabled by the hon. Member for St Albans,

"would require the Secretary of State to publish a review on the impact of Part 4 of the Bill…on SMEs within 3 months of the passage of this Act."

In the impact assessment, the Government have set out our initial plan for monitoring an evaluation of the impacts of the Bill, as well as some secondary legislation. I say this with the greatest respect to the hon. Lady: she has expressed concern about the burden on business, but if we had accepted all her party's amendments yesterday, that would have added several billion pounds to the costs of businesses. The Liberal Democrats will have to decide, ideally tonight, whether they are in favour of workers' rights or not.

Let me now deal with some of the amendments from the official Opposition. Amendment 297 seeks to

"increase, from seven to 14 days, the notice period that trade unions are required to adhere to when notifying employers that they plan to take industrial action."

*[Justin Madders]*

Our consultation on the creation of a modern framework for industrial relations sought views on what an appropriate notice period would be, recognising that the repeal of the Trade Union Act 2016 would reduce the notice period from 14 to seven days. The Government have listened carefully to the concerns expressed by respondents to the consultation who feared that a seven-day notice period would not provide enough time for unions to prepare for industrial action in some important sectors, such as transport, healthcare and education, with possible knock-on impacts on other services. The Government believe that employers should be given enough time to mitigate the most severe effects of industrial action, and acknowledge responses to the consultation arguing that seven days' notice was insufficient.

Of course, we did have seven days' notice between 2010 and 2016 under the Tory Government. The Tories' lack of understanding of the Bill is clear from the number of times we heard that it would take us back to the 1970s, whereas in fact it will take us back to 2015, when an earlier version of the Bill was introduced. The Government's view is that 10 days provides the appropriate balance in enabling employers to mitigate the impact of industrial action and reduce disruption and the knock-on impacts of strikes, while also respecting the right to strike.

Amendment 291 seeks to remove clause 52, which deals with political funds and which, I think, prompted the most heated debate. It is notable that when it comes to reducing Tory red tape, it is only trade unions that do not receive the same benefits as everyone else. There has, I think, been a fundamental misunderstanding of what a trade union is. It is a member-based, democratic organisation designed to protect those who are part of it. Comparisons with Netflix subscriptions and insurance contracts are bogus, because they are not the same thing at all. Membership of a trade union and a political fund is not a subscription that people sign up to for a fixed period; it is membership of a democratically organised and independent trade union, which they are free to leave at any time. Members have control of the organisation because it is democratically organised, and they can decide as a union whether to have a political fund at all. People cannot email the chief executive of Netflix and demand that it makes a programme starring their favourite actor, but if people are unhappy with a trade union, they have the opportunity to get involved and change it.

It should be noted that in the 40 years that we have had political fund ballots, no union has disaffiliated from the Labour party as a result of that. There has been no closure of political funds, so it is very clear that this is simply red tape. Of course, it is not all about funding the Labour party, because nearly half of all unions that have a political fund are not affiliated with the Labour party. If Conservative Members are not satisfied with that, they should read the Bill that is before them, because the clause that they want to remove—clause 52—sets out in subsection (3) how members can opt out of a political fund. It even sets out the ways they can do so: by post, email or electronic means. Some of the patronising comments we have heard about people being trapped into something that they do not wish to be in does not reflect the reality of the situation or the ability of trade union members to make up their own minds and exercise their democratic rights. Had any Conservative Members ever been members of a trade union, they would understand that.

The repeated insinuations from Conservative Members that I or any anyone else on the Labour Benches have brought forward this Bill because we have been paid by the trade unions to do so is offensive and wrong in equal measure. They might think money buys you the chance to write the law, but that says far more about their approach to legislation than it does about ours. On the Labour Benches, we do these things because we believe in them. We believe that everyone deserves fair treatment at work, and this Bill delivers that. It is delivering on our values.

In conclusion, the Bill represents a generational shift in protection, a long-overdue reinforcement of workers' rights in this country, and tangible proof of how a Labour Government can bring meaningful benefit to people's lives. For many of us, it is fundamental to why we are in the Labour party, so now is not the time to shy away from our efforts. Now is not the time to talk about what might have been; it is the time to be bold, to be loud and to be proud that this Labour Government are delivering by putting fairness, dignity and security back into the workplace.

*Question put,* That the clause be read a Second time.

*The House divided:* Ayes 337, Noes 98.

**Division No. 118]** **[5.47 pm**

**AYES**

Abbott, rh Ms Diane *(Proxy vote cast by Bell Ribeiro-Addy)*
Abbott, Jack
Abrahams, Debbie
Adam, Shockat
Akehurst, Luke
Alaba, Mr Bayo
Aldridge, Dan
Alexander, rh Mr Douglas
Al-Hassan, Sadik
Ali, Tahir
Anderson, Callum
Anderson, Fleur
Antoniazzi, Tonia
Arthur, Dr Scott
Asato, Jess
Asser, James
Athwal, Jas
Atkinson, Catherine
Atkinson, Lewis
Bailey, Mr Calvin
Bailey, Olivia
Baines, David
Baker, Alex
Baker, Richard
Barker, Paula
Barros-Curtis, Mr Alex
Baxter, Johanna
Beales, Danny
Beavers, Lorraine
Begum, Apsana *(Proxy vote cast by Zarah Sultana)*
Bell, Torsten
Betts, Mr Clive
Blackman, Kirsty
Blake, Olivia *(Proxy vote cast by Chris Elmore)*
Blake, Rachel
Blundell, Mrs Elsie *(Proxy vote cast by Chris Elmore)*
Bonavia, Kevin
Botterill, Jade
Brackenridge, Mrs Sureena
Brash, Mr Jonathan
Brickell, Phil
Buckley, Julia
Burgon, Richard
Byrne, Ian
Byrne, rh Liam
Cadbury, Ruth
Campbell, rh Sir Alan
Campbell, Irene
Campbell, Juliet
Campbell-Savours, Markus
Carling, Sam
Charalambous, Bambos
Charters, Mr Luke
Chowns, Ellie
Coleman, Ben
Collinge, Lizzi
Collins, Tom
Conlon, Liam
Coombes, Sarah
Cooper, Andrew
Cooper, Dr Beccy
Corbyn, rh Jeremy
Costigan, Deirdre
Cox, Pam
Coyle, Neil
Craft, Jen
Creagh, Mary
Creasy, Ms Stella
Crichton, Torcuil
Curtis, Chris
Daby, Janet

Dakin, Sir Nicholas
Dalton, Ashley
Darlington, Emily
Davies, Ann
Davies, Jonathan
Davies, Paul
Davies, Shaun
Davies-Jones, Alex
De Cordova, Marsha
Dean, Josh
Denyer, Carla
Dhesi, Mr Tanmanjeet Singh
Dickson, Jim
Dixon, Anna
Dixon, Samantha
Dodds, rh Anneliese
Dollimore, Helena
Doogan, Dave
Doughty, Stephen
Dowd, Peter
Duncan-Jordan, Neil
Eagle, Dame Angela
Eagle, rh Maria
Eastwood, Colum
Edwards, Lauren
Egan, Damien
Elmore, Chris
Eshalomi, Florence
Esterson, Bill
Fahnbulleh, Miatta
Falconer, Mr Hamish
Farnsworth, Linsey
Fenton-Glynn, Josh
Ferguson, Mark
Fleet, Natalie
Flynn, rh Stephen
Foody, Emma
Foster, Mr Paul
Foxcroft, Vicky
Foy, Mary Kelly
Francis, Daniel
Frith, Mr James
Furniss, Gill
Gardner, Dr Allison
Gelderd, Anna
German, Gill
Gethins, Stephen
Gilbert, Tracy
Gill, Preet Kaur
Gittins, Becky
Glindon, Mary
Goldsborough, Ben *(Proxy vote cast by Chris Elmore)*
Gosling, Jodie
Grady, John
Greenwood, Lilian
Griffith, Dame Nia
Gwynne, Andrew *(Proxy vote cast by Chris Elmore)*
Haigh, rh Louise
Hamilton, Fabian
Hamilton, Paulette
Hanna, Claire
Harris, Carolyn
Hatton, Lloyd
Hayes, Helen
Hayes, Tom
Hazelgrove, Claire
Hillier, Dame Meg
Hinchliff, Chris
Hinder, Jonathan
Hodgson, Mrs Sharon
Hopkins, Rachel
Hughes, Claire
Hume, Alison
Huq, Dr Rupa
Hurley, Patrick
Hussain, Mr Adnan
Hussain, Imran
Ingham, Leigh
Irons, Natasha
Jameson, Sally
Jermy, Terry
Jogee, Adam
Johnson, Kim
Jones, Gerald
Jones, Lillian
Jones, Louise
Jones, Ruth
Josan, Gurinder Singh
Joseph, Sojan
Juss, Warinder
Kane, Chris
Kane, Mike
Kaur, Satvir *(Proxy vote cast by Chris Elmore)*
Khan, Ayoub
Khan, Naushabah
Kinnock, Stephen
Kirkham, Jayne
Kitchen, Gen
Kumar, Sonia
Kyrke-Smith, Laura
Lake, Ben
Lamb, Peter
Lavery, Ian
Law, Chris
Law, Noah
Leadbeater, Kim
Leadbitter, Graham
Leishman, Brian
Lewell-Buck, Mrs Emma
Lewin, Andrew
Lightwood, Simon
Lockhart, Carla
Logan, Seamus
MacAlister, Josh
MacNae, Andy
Madders, Justin
Martin, Amanda
Maskell, Rachael
Mather, Keir
Mayer, Alex
McAllister, Douglas
McCarthy, Kerry
McCluskey, Martin
McDonagh, Dame Siobhain
McDonald, Andy
McDonald, Chris
McDonnell, rh John
McDougall, Blair
McEvoy, Lola
McGovern, Alison
McIntyre, Alex
McKee, Gordon
McKenna, Kevin
McKinnell, Catherine
McMorrin, Anna
McNally, Frank
McNeill, Kirsty
Medi, Llinos
Midgley, Anneliese
Minns, Ms Julie
Mohamed, Abtisam
Mohamed, Iqbal
Moon, Perran
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Mullane, Margaret
Murphy, Luke
Murray, Chris
Murray, rh Ian *(Proxy vote cast by Chris Elmore)*
Murray, Katrina
Myer, Luke
Naish, James
Naismith, Connor
Nash, Pamela *(Proxy vote cast by Chris Elmore)*
Newbury, Josh
Nichols, Charlotte
Norris, Alex
O'Hara, Brendan
Onn, Melanie
Onwurah, Chi
Opher, Dr Simon
Oppong-Asare, Ms Abena
Osborne, Kate *(Proxy vote cast by Kim Johnson)*
Osborne, Tristan
Owatemi, Taiwo
Owen, Sarah
Paffey, Darren
Patrick, Matthew
Payne, Michael
Peacock, Stephanie
Pearce, Jon
Pennycook, Matthew
Perkins, Mr Toby
Pitcher, Lee
Platt, Jo
Pollard, Luke
Powell, Joe
Powell, rh Lucy
Poynton, Gregor
Prinsley, Peter
Quigley, Mr Richard
Qureshi, Yasmin
Race, Steve
Ramsay, Adrian
Rand, Mr Connor
Ranger, Andrew
Rayner, rh Angela
Reeves, Ellie
Reid, Joani
Rhodes, Martin
Ribeiro-Addy, Bell
Richards, Jake
Riddell-Carpenter, Jenny
Rigby, Lucy
Roca, Tim
Rodda, Matt
Rushworth, Sam
Russell, Mrs Sarah
Rutland, Tom
Ryan, Oliver
Sackman, Sarah
Sandher, Dr Jeevun
Saville Roberts, rh Liz
Scrogham, Michelle
Sewards, Mark
Shah, Naz
Shanker, Baggy
Shanks, Michael
Shannon, Jim
Simons, Josh
Slaughter, Andy
Slinger, John
Smith, David
Smith, Jeff
Smith, Nick
Snell, Gareth
Sobel, Alex
Stainbank, Euan
Stevenson, Kenneth
Stone, Will
Strathern, Alistair
Strickland, Alan
Sullivan, Dr Lauren
Sultana, Zarah
Swallow, Peter
Swann, Robin
Tami, rh Mark
Tapp, Mike
Taylor, Alison
Taylor, David
Thompson, Adam
Tidball, Dr Marie
Timms, rh Sir Stephen
Toale, Jessica
Trickett, Jon
Tufnell, Henry
Turmaine, Matt
Turner, Laurence
Twigg, Derek
Twist, Liz
Uppal, Harpreet
Vaughan, Tony
Vince, Chris
Wakeford, Christian
Ward, Chris
Ward, Melanie
Waugh, Paul
Webb, Chris
Welsh, Michelle
Western, Andrew
Western, Matt
Wheeler, Michael
Whitby, John
White, Jo
White, Katie
Whittome, Nadia
Williams, David
Wishart, Pete
Witherden, Steve
Woodcock, Sean
Wrighting, Rosie
Yang, Yuan
Yasin, Mohammad
Yemm, Steve
Zeichner, Daniel

**Tellers for the Ayes:**
**Anna Turley and Kate Dearden**

**NOES**

Anderson, Lee
Anderson, Stuart *(Proxy vote cast by Mr Mohindra)*
Andrew, rh Stuart
Argar, rh Edward
Atkins, rh Victoria

Bacon, Gareth
Badenoch, rh Mrs Kemi
Baldwin, Dame Harriett
Barclay, rh Steve
Bhatti, Saqib
Blackman, Bob
Bool, Sarah
Bowie, Andrew
Brandreth, Aphra
Braverman, rh Suella
Burghart, Alex
Cartlidge, James
Clifton-Brown, Sir Geoffrey
Cocking, Lewis
Cooper, John
Costa, Alberto
Coutinho, rh Claire *(Proxy vote cast by Joy Morrissey)*
Cross, Harriet
Davies, Gareth
Davies, Mims
Davis, rh David
Dewhirst, Charlie
Dowden, rh Sir Oliver
Evans, Dr Luke
Farage, Nigel
Fortune, Peter
Fox, Sir Ashley
Francois, rh Mr Mark
Freeman, George
French, Mr Louie
Fuller, Richard
Gale, rh Sir Roger
Garnier, Mark
Glen, rh John
Griffith, Andrew
Griffiths, Alison
Harris, Rebecca
Hayes, rh Sir John
Hinds, rh Damian
Hoare, Simon
Holden, rh Mr Richard
Hollinrake, Kevin
Hudson, Dr Neil
Jenkin, Sir Bernard
Jenrick, rh Robert
Johnson, Dr Caroline
Jopp, Lincoln
Kearns, Alicia *(Proxy vote cast by Joy Morrissey)*
Kruger, Danny
Lam, Katie
Lamont, John
Leigh, rh Sir Edward
Lewis, rh Sir Julian
Lopez, Julia
Mak, Alan
Malthouse, rh Kit
McMurdock, James *(Proxy vote cast by Lee Anderson)*
McVey, rh Esther
Mohindra, Mr Gagan
Moore, Robbie
Morrissey, Joy
Mullan, Dr Kieran
Murrison, rh Dr Andrew
Norman, rh Jesse
Obese-Jecty, Ben
O'Brien, Neil
Paul, Rebecca
Philp, rh Chris
Raja, Shivani *(Proxy vote cast by Mr Mohindra)*
Rankin, Jack
Reed, David
Robertson, Joe
Rosindell, Andrew
Shastri-Hurst, Dr Neil
Simmonds, David
Smith, Greg
Smith, rh Sir Julian
Smith, Rebecca
Snowden, Mr Andrew
Stafford, Gregory
Stephenson, Blake
Stride, rh Mel
Stuart, rh Graham
Swayne, rh Sir Desmond
Thomas, Bradley
Timothy, Nick
Vickers, Martin
Vickers, Matt
Whately, Helen
Whittingdale, rh Sir John
Wild, James
Williamson, rh Sir Gavin
Wood, Mike
Wright, rh Sir Jeremy

**Tellers for the Noes:**
**Paul Holmes and Jerome Mayhew**

*Question accordingly agreed to.*

*New clause 39 read a Second time, and added to the Bill.*

## New Clause 40

POLITICAL FUNDS: REQUIREMENT TO PASS POLITICAL RESOLUTION

"In section 73 of the Trade Union and Labour Relations (Consolidation) Act 1992 (passing and effect of political resolution)—

(a) omit subsection (3);

(b) in subsection (4), for "before the end of that period" substitute "a political resolution ("the old resolution") is in force and"."—*(Justin Madders.)*

*This new clause would remove the requirement for a political resolution to be renewed every ten years in order for a trade union to maintain a political fund.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 41

INDUSTRIAL ACTION BALLOTS: SUPPORT THRESHOLDS

"(1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended in accordance with subsections (2) and (3).

(2) In section 226 (requirement of ballot before action by trade union)—

(a) in subsection (2)(a)(iii), for "the required number of persons (see subsections (2A) to (2C))" substitute "the majority voting in the ballot";

(b) omit subsections (2A) to (2F).

(3) In section 231 (information for members as to result of ballot)—

(a) insert "and" at the end of paragraph (e);

(b) omit paragraph (g) (and the "and" before it).

(4) In consequence of the amendments made by subsection (2), omit section 3 of the Trade Union Act 2016."—*(Justin Madders.)*

*See the explanatory statement for amendment 192 - this new clause contains provision omitted by that amendment and consequential amendments to section 231 of the Trade Union and Labour Relations (Consolidation) Act 1992.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 42

NOTICE OF INDUSTRIAL ACTION BALLOT AND SAMPLE VOTING PAPER FOR EMPLOYERS

"In section 226A of the Trade Union and Labour Relations (Consolidation) Act 1992 (notice of ballot and sample voting paper for employers)—

(a) in subsection (2)(c)—

(i) in sub-paragraph (i), for the words from "figures" to "arrived at" substitute "number mentioned in subsection (2B)";

(ii) in sub-paragraph (ii), for "figures and that explanation" substitute "that number";

(b) for subsection (2B) substitute—

"(2B) The number is the total number of employees concerned.";

(c) in subsection (2C)—

(i) in paragraph (b), omit the words from "and the number" to "categories";

(ii) in paragraph (c), omit the words from "and the number" to "workplaces";

(d) in subsection (2D), for "figures" substitute "the number"."—*(Justin Madders.)*

*This new clause would remove the requirements for a trade union to provide information to an employer ahead of an industrial action ballot as to the number of employees concerned in each category or workplace and to provide an explanation of how the total number of employees concerned was determined by the union.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 43

PERIOD AFTER WHICH INDUSTRIAL ACTION BALLOT CEASES TO BE EFFECTIVE

"In section 234 of the Trade Union and Labour Relations (Consolidation) Act 1992 (period after which industrial action ballot ceases to be effective), in subsection (1), for the words from "period" to the end substitute "period of 12 months beginning with the date of the ballot"."—*(Justin Madders.)*

*This new clause would increase the time period for which an industrial action ballot has effect from 6 months (or up to 9 months by agreement between the employer and trade union) to 12 months (without the possibility of extension).*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 44

POWER TO GIVE NOTICE OF UNDERPAYMENT

"(1) Where it appears to the Secretary of State that—

(a) on any day ("the relevant day"), a sum in respect of—

(i) one or more periods ending before the relevant day, or

(ii) one or more events occurring before the relevant day,

was due from a person (the "liable party") to an individual (the "underpaid individual") under or by virtue of a statutory pay provision (see subsection (7)), and

(b) any period for payment of that sum to be made has ended without the sum having been paid to the underpaid individual,

the Secretary of State may give a notice of underpayment to the liable party.

(2) A notice of underpayment is a notice under this section requiring the liable party to pay the required sum to the underpaid individual before the end of the period of 28 days beginning with the day on which the notice is given. For the meaning of the "required sum", see section (Calculation of the required sum).

(3) Subsection (1) is subject to—

(a) subsection (6), and

(b) section (Period to which notice of underpayment may relate) (period to which notice of underpayment may relate).

(4) The Secretary of State may give a notice of underpayment to a person in respect of a sum that was due from the person on the relevant day whether or not the sum remains due at the time of the giving of the notice (see, in particular, section (Penalties for underpayment) (penalties for underpayment)).

(5) But where all or part of that sum has been paid before the giving of the notice, the requirement imposed by the notice is, to that extent, to be treated as met.

(6) The Secretary of State may not give a notice of underpayment in respect of any matter if—

(a) proceedings have been brought about the matter by virtue of section (Power to bring proceedings in employment tribunal) (power to bring proceedings in employment tribunal), and

(b) the proceedings have not been finally determined or discontinued.

(7) In this Part

"statutory pay provision" means a provision of relevant labour market legislation that—

(a) confers a right or entitlement to the payment of any sum to an individual, or

(b) prohibits or restricts the withholding of payment of any sum to an individual."—*(Justin Madders.)*

*Where an employer has failed to pay a worker an amount due to the worker under a provision of legislation listed in Part 1 of Schedule 5 (for example, the minimum wage or statutory sick pay), the Secretary of State may give the employer a notice of underpayment requiring the employer to pay the amount due.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 45

CALCULATION OF THE REQUIRED SUM

"(1) For the purposes of section (Power to give notice of underpayment)(2), the "required sum" is whichever is the greater of the following sums—

(a) the sum that was due to the underpaid individual on the relevant day;

(b) in a case where regulations under subsection (2) apply, the sum determined in accordance with the regulations.

This is subject to subsection (4).

(2) Regulations made by the Secretary of State may make provision for determining the sum required to be paid to an individual by a notice of underpayment in a case where the sum due to the individual on any day under or by virtue of a statutory pay provision would have been greater had that sum been determined by reference to the statutory pay provision as it has effect at the time of giving the notice of underpayment.

(3) But regulations under subsection (2) may not make provision in relation to any provision of the National Minimum Wage Act 1998 (see instead section 17 of that Act).

(4) If the required sum in respect of an underpaid individual would (in the absence of this subsection) be greater than the specified maximum for the statutory pay provision concerned, the required sum in respect of the underpaid individual is the specified maximum.

(5) For the purposes of subsection (4) "the specified maximum", in relation to a statutory pay provision, means an amount specified by, or determined in accordance with, regulations made by the Secretary of State.

(6) Regulations under this section are subject to the affirmative resolution procedure."—*(Justin Madders.)*

*This new clause provides for the calculation of the sum that is required to be paid. There is power to provide for the amount owed to be uprated in line with legislative changes occurring after the sum first became due. There is also power to set a cap on the amount that can be required to be paid by a notice of underpayment in respect of a single individual.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 46

PERIOD TO WHICH NOTICE OF UNDERPAYMENT MAY RELATE

"(1) A notice of underpayment may not relate to any sum that became due under or by virtue of a statutory pay provision before the beginning of the claim period.

(2) The "claim period", in relation to a notice of underpayment, is the period of six years ending with the day on which the notice is given.

(3) The Secretary of State may by regulations amend this section so as to alter the length of the claim period.

(4) Regulations under subsection (3)—

(a) may specify different claim periods in relation to different statutory pay provisions;

(b) may not provide for the claim period in relation to a notice of underpayment to be greater than the period of six years ending with the day on which the notice is given.

(5) Regulations under subsection (3) are subject to the affirmative resolution procedure.

(6) A notice of underpayment may relate to sums that became due before the coming into force of this section.

(7) But a notice of underpayment may not relate to any sum that became due before the day on which this Act is passed.

(8) Subsection (7) does not apply to a notice of underpayment so far as it relates to any sum due under section 17 of the National Minimum Wage Act 1998 (entitlement to additional remuneration for failure to pay at least the minimum wage).

(9) See also section (Replacement notice of underpayment)(3) (claim period for replacement notices of underpayment)."—*(Justin Madders.)*

*This new clause provides that a notice of underpayment may relate to sums that become due within the period of six years ending with the giving of the notice. There is power to alter the length of this period, but it cannot be more than six years. A notice of underpayment may also relate to sums that become due before the coming into*

*force of this clause, as otherwise the power to give notices of underpayment would not become exercisable to its full extent until six years after that time.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 47

NOTICES OF UNDERPAYMENT: FURTHER PROVISION

"(1) Where a notice of underpayment relates to more than one underpaid individual, the notice may identify the individuals by name or by description.

(2) A notice of underpayment must specify, for each underpaid individual to whom it relates—

(a) the relevant day in relation to the individual;

(b) the sum due to the individual on that day and how that sum was calculated;

(c) the period or periods, or event or events, in respect of which it was due;

(d) the statutory pay provision under or by virtue of which it was due;

(e) the fact that any period for payment of that sum to be made ended without the sum having been paid;

(f) the required sum in respect of the individual and (if different from the sum mentioned in paragraph (b)) how that sum was calculated."—*(Justin Madders.)*

*This new clause makes provision about the information to be included in a notice of underpayment.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 48

PENALTIES FOR UNDERPAYMENT

"(1) A notice of underpayment must require the liable party to pay a penalty to the Secretary of State. This is subject to section (Further provision about penalties)(1).

(2) The penalty must be paid before the end of the period of 28 days beginning with the day on which the notice is given.

(3) The amount of the penalty is the total of the amounts for each underpaid individual to whom the notice relates calculated in accordance with subsections (4) and (5) (but see subsection (6)).

(4) The amount for each underpaid individual to whom the notice relates is 200% of the sum specified in the notice of underpayment as the sum due to the individual on the relevant day (see section (Notices of underpayment: further provision)(2)(b)).

(5) But if the amount determined under subsection (4) for any underpaid individual would be more than £20,000, the amount for the individual taken into account in calculating the penalty is to be £20,000.

(6) If a penalty calculated in accordance with subsection (3) would be less than £100, the amount of the penalty is to be £100.

(7) The Secretary of State may by regulations amend this section—

(a) so as to substitute a different percentage for a percentage for the time being specified in this section;

(b) so as to substitute a different amount for an amount for the time being specified in this section;

(c) so as to specify different percentages or amounts for different purposes.

(8) Regulations under subsection (7) are subject to the affirmative resolution procedure."—*(Justin Madders.)*

*This new clause provides that a notice of underpayment must also impose a financial penalty on the person given the notice, and sets out how the penalty will be calculated. The maximum penalty in respect of an underpaid individual is £20,000, but a notice of underpayment may relate to more than one such individual.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 49

FURTHER PROVISION ABOUT PENALTIES

"(1) The Secretary of State may by directions specify circumstances in which a notice of underpayment is not to impose a requirement to pay a penalty.

(2) A direction under subsection (1) may be amended or revoked by a further direction.

(3) A notice of underpayment that imposes a requirement to pay a penalty must—

(a) specify the amount of the penalty,

(b) state how that amount was calculated, and

(c) specify the date by which the penalty must be paid.

(4) In a case where a notice of underpayment imposes a requirement on a person to pay a penalty, if the person, before the end of the period of 14 days beginning with the day on which the notice is given—

(a) pays (or has paid) the required sum specified in the notice of underpayment, and

(b) pays at least half the penalty,

the person is to be regarded as having paid the penalty.

(5) Any penalty received by the Secretary of State in accordance with section (Penalties for underpayment) is to be paid into the Consolidated Fund."—*(Justin Madders.)*

*This new clause enables the Secretary of State to specify circumstances in which a penalty is not to be imposed. It also enables a person who has paid the sum owed to the underpaid individual, and at least 50% of the penalty, within 14 days of being given the notice to satisfy their liability entirely.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 50

SUSPENSION OF PENALTY WHERE CRIMINAL PROCEEDINGS HAVE BEEN BROUGHT, ETC

"(1) Subsection (3) applies where—

(a) the Secretary of State is proposing to give a notice of underpayment that imposes a requirement on a person to pay a penalty, and

(b) it appears to the Secretary of State that—

(i) relevant criminal proceedings have been brought, or

(ii) relevant criminal proceedings may be brought.

(2) In this section "relevant criminal proceedings" means proceedings against the person for a labour market offence in respect of any act or omission to which the notice relates ("the relevant conduct").

(3) The notice of underpayment may contain provision suspending the requirement to pay the penalty until a notice terminating the suspension is given to the person under subsection (4).

(4) The Secretary of State may give the person a notice terminating the suspension (a "penalty activation notice") if it appears to the Secretary of State—

(a) in a case referred to in subsection (1)(b)(i), that the proceedings have concluded without the person having been convicted of a labour market offence in respect of the relevant conduct, or

(b) in a case referred to in subsection (1)(b)(ii)—

(i) that relevant criminal proceedings will not be brought, or

(ii) that relevant criminal proceedings have concluded without the person having been convicted of a labour market offence in respect of the relevant conduct.

(5) Where a penalty activation notice is given, the requirement to pay the penalty has effect as if the notice of underpayment had been given on the day on which the penalty activation notice was given.

(6) The Secretary of State must give the person a notice withdrawing the requirement to pay the penalty if it appears to the Secretary of State that the person has been convicted of a labour market offence in respect of the relevant conduct."—*(Justin Madders.)*

*This new clause enables a penalty imposed by a notice of underpayment to be suspended where the person given the notice is subject to criminal proceedings in respect of the conduct to which the notice relates.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 51

APPEALS AGAINST NOTICES OF UNDERPAYMENT

"(1) A person to whom a notice of underpayment is given may appeal to a tribunal against any one or more of the following—

(a) the decision to give the notice;

(b) any requirement imposed by the notice to pay a sum to an individual;

(c) any requirement imposed by the notice to pay a penalty.

(2) An appeal under this section must be made before the end of the period of 28 days beginning with the day on which the notice is given.

(3) An appeal under subsection (1)(a) may be made only on one or more of the following grounds—

(a) that no sum was due to any individual to whom the notice relates on the specified day under or by virtue of the specified provision;

(b) that, in the case of every sum specified in the notice as due to an individual to whom the notice relates, the sum had been paid before the end of the period mentioned in section (Power to give notice of underpayment)(1)(b);

(c) that, in the case of every sum specified in the notice as due to an individual to whom the notice relates, the sum was one to which a notice may not relate by virtue of subsection (1) or (7) of section (Period to which notice of underpayment may relate) (period to which notice may relate).

(4) An appeal under subsection (1)(b) in relation to an individual may be made only on one or more of the following grounds—

(a) that, on the specified day, no sum was due to the individual under or by virtue of the specified provision;

(b) that, in the case of any sum specified in the notice as due to the individual, the sum had been paid before the end of the period mentioned in section (Power to give notice of underpayment)(1)(b);

(c) that, in the case of any sum specified in the notice as due to the individual, the sum was one to which a notice may not relate by virtue of subsection (1) or (7) of section (Period to which notice of underpayment may relate);

(d) that the amount specified in the notice as the sum required to be paid to the individual is incorrect;

(e) that, in the case of a replacement notice given under section (Replacement notice of underpayment), the notice contravenes subsection (2) of that section.

(5) An appeal under subsection (1)(c) may be made only on one or more of the following grounds—

(a) that the notice was given in circumstances specified in a direction under section (Further provision about penalties)(1);

(b) that the amount of the penalty specified in the notice of underpayment has been incorrectly calculated (whether because the notice is incorrect in some of the particulars which affect that calculation or for some other reason).

(6) Where the tribunal allows an appeal under subsection (1)(a), it must cancel the notice.

(7) Where, in a case where subsection (6) does not apply, the tribunal allows an appeal under subsection (1)(b) or (c)—

(a) the tribunal must rectify the notice, and

(b) the notice of underpayment, as rectified, has effect as if it had been given on the day on which the tribunal makes its determination.

(8) In this section—

"the specified day" , in relation to an individual, means the day specified in accordance with section (Notices of underpayment: further provision)(2)(a) in relation to the individual;

"the specified provision" , in relation to an individual, means the statutory pay provision specified in accordance with section (Notices of underpayment: further provision)(2)(d) in relation to the individual;

"tribunal" means—

(a) an employment tribunal, in relation to England and Wales or Scotland;

(b) an industrial tribunal, in relation to Northern Ireland."—*(Justin Madders.)*

*This new clause provides for a right of appeal against a notice of underpayment.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 52

WITHDRAWAL OF NOTICE OF UNDERPAYMENT

"(1) Where—

(a) a notice of underpayment has been given to a person (and not already withdrawn or cancelled), and

(b) it appears to the Secretary of State that the notice incorrectly includes or omits any requirement or is incorrect in any particular,

the Secretary of State may withdraw it by giving a notice of withdrawal to the person.

(2) Where a notice of underpayment given to a person is withdrawn and no replacement notice of underpayment is given in accordance with section (Replacement notice of underpayment)—

(a) any sum paid by or recovered from the person by way of penalty payable under the notice must be repaid to the person with interest at the appropriate rate running from the date when the sum was paid or recovered;

(b) any appeal against the notice must be dismissed.

(3) In subsection (2)(a) "the appropriate rate" means the rate that, on the date the sum was paid or recovered, was specified in section 17 of the Judgments Act 1838.

(4) Where subsection (2) applies, the notice of withdrawal must indicate the effect of that subsection (but a failure to do so does not make the withdrawal ineffective)."—*(Justin Madders.)*

*This new clause enables a notice of underpayment that is incorrect in some way to be withdrawn. If a replacement notice is not given, then any penalty paid by the person must be repaid with interest.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 53

REPLACEMENT NOTICE OF UNDERPAYMENT

"(1) If the Secretary of State—

(a) gives a notice of withdrawal to a person under section (Withdrawal of notice of underpayment), and

(b) is of the opinion referred to in section (Power to give notice of underpayment)(1) in relation to any individual specified in the notice which is being withdrawn ("the original notice"),

the Secretary of State may at the same time give a fresh notice of underpayment to the person (a "replacement notice").

(2) The replacement notice may not relate to any individual to whom the original notice did not relate.

(3) The claim period for a replacement notice (see section (Period to which notice of underpayment may relate)(1)) is the period—

(a) beginning with the claim period for the original notice, and

(b) ending with the day on which the replacement notice is given.

Accordingly, the replacement notice may relate to sums that became due after the day on which the original notice was given.

(4) The replacement notice must—

(a) set out the differences between it and the original notice that it is reasonable for the Secretary of State to consider are material, and

(b) explain the effect of section (Effect of replacement notice of underpayment).

(5) Failure to comply with subsection (4) does not make the replacement notice ineffective.

(6) Where a replacement notice is withdrawn under section (Withdrawal of notice of underpayment), no further replacement notice may be given under subsection (1) as a result of the withdrawal.

(7) Nothing in this section affects any power that exists apart from this section to give a notice of underpayment in relation to any underpaid individual." *—(Justin Madders.)*

*This new clause enables a replacement notice of underpayment to be given where an earlier notice has been withdrawn. The replacement notice cannot relate to any underpaid individual to whom the original notice did not relate, but may relate to sums that have become due since the original notice was given.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 54

EFFECT OF REPLACEMENT NOTICE OF UNDERPAYMENT

"(1) This section applies where a notice of underpayment is withdrawn under section (Withdrawal of notice of underpayment) and a replacement notice is given in accordance with section (Replacement notice of underpayment).

(2) If an appeal has been made under section (Appeals against notices of underpayment) in respect of the original notice and the appeal has not been withdrawn or finally determined before the time when that notice is withdrawn—

(a) that appeal ("the earlier appeal") has effect after that time as if it had been made in respect of the replacement notice, and

(b) the person given the notice may exercise the right of appeal under that section in respect of the replacement notice only if the earlier appeal is withdrawn.

(3) If a sum was paid by or recovered from the person by way of penalty under the original notice—

(a) an amount equal to that sum (or, if more than one, the total of those sums) is to be treated as having been paid in respect of the penalty imposed by the replacement notice, and

(b) any amount by which that sum (or total) exceeds the amount of the penalty imposed by the replacement notice must be repaid to the person with interest at the appropriate rate running from the date when the sum (or, if more than one, the first of them) was paid or recovered.

(4) In subsection (3)(b) "the appropriate rate" means the rate that, on the date mentioned in that provision, was specified in section 17 of the Judgments Act 1838."*—(Justin Madders.)*

*This new clause sets out the effect of a replacement notice of underpayment.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 55

ENFORCEMENT OF REQUIREMENT TO PAY SUMS DUE TO INDIVIDUALS

"(1) In a case where it appears to the Secretary of State that the liable party has failed to comply with a requirement in a notice of underpayment to pay a sum to an underpaid individual, the Secretary of State may apply to the court for an order under this section.

(2) An application under this section may be made only if—

(a) the relevant 28-day period has ended, and

(b) the liable party's appeal rights are exhausted (see subsection (5)).

(3) If, on an application under this section, the court is satisfied that—

(a) the notice was given to the liable party and has not been withdrawn, and

(b) the liable party has failed to comply with a requirement imposed by the notice to pay a sum to an underpaid individual,

the court must order the liable party to pay the sum to the underpaid individual within the period specified in the order.

(4) This section does not affect any right of an underpaid individual to recover any sums owed by the liable party to the individual.

(5) For the purposes of this section, the liable party's appeal rights are exhausted if—

(a) the relevant 28-day period ended without an appeal being made under section (Appeals against notices of underpayment) in respect of the notice,

(b) any appeal made under that section by the liable party in respect of the notice has been withdrawn, or

(c) any such appeal has been finally determined and the notice has not been cancelled under subsection (6) of that section.

(6) In this section—

"the court" means—

(a) the county court, in relation to England and Wales;

(b) the sheriff, in relation to Scotland;

(c) a county court, in relation to Northern Ireland;

"the relevant 28-day period" means the period of 28 days beginning with the day on which the notice (or, where section (Appeals against notices of underpayment)(7)(b) applies, the rectified notice) is given."*—(Justin Madders.)*

*This new clause enables the Secretary of State to apply to a court for an order requiring a person who has not complied with a notice of underpayment to pay the sum required to be paid to the underpaid individual.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 56

ENFORCEMENT OF REQUIREMENT TO PAY PENALTY

"(1) In England and Wales, a penalty is recoverable as if it were payable under an order of the county court.

(2) In Scotland, a penalty may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

(3) In Northern Ireland, a penalty is recoverable as if it were payable under an order of a county court.

(4) Where action is taken under this section for the recovery of a penalty, the penalty—

(a) in relation to England and Wales, is to be treated for the purposes of section 98 of the Courts Act 2003 (register of judgments and orders etc) as if it were a judgment entered in the county court;

(b) in relation to Northern Ireland, is to be treated for the purposes of Article 116 of the Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (N.I. 6)) (register of judgments) as if it were a judgment in respect of which an application has been accepted under Article 22 or 23(1) of that Order.

(5) In this section "penalty" means a penalty payable under a notice of underpayment."—*(Justin Madders.)*

*This new clause provides for how the requirement to pay a penalty imposed by a notice of underpayment may be enforced.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 57

POWER TO BRING PROCEEDINGS IN EMPLOYMENT TRIBUNAL

"(1) In a case where—

(a) a worker has the right under any enactment to bring proceedings about a matter in an employment tribunal in England and Wales or Scotland, and

(b) it appears to the Secretary of State that the worker is not going to bring proceedings about that matter,

the Secretary of State may, in place of the worker, bring proceedings about the matter in an employment tribunal under the enactment.

(2) Subsection (1) does not apply to—

(a) any right to bring proceedings about a matter in respect of which a notice of underpayment under section (Power to give notice of underpayment) has been given;

(b) any right arising under or by virtue of the Agricultural Sector (Wales) Act 2014 (anaw 6) or the Agricultural Wages (Scotland) Act 1949.

(3) Where by virtue of this section the Secretary of State brings proceedings in place of a worker—

(a) the proceedings are to be proceeded with as if they had been brought by the worker, and

(b) for the purposes of dealing with the proceedings, and any proceedings arising out of those proceedings, references to the worker in any enactment are to be read as including a reference to the Secretary of State.

(4) But, despite subsection (3), any power which an employment tribunal dealing with the proceedings would have to make a declaration, decision, award or other order in favour of the worker if the worker had brought the proceedings continues to be exercisable in relation to the worker (not the Secretary of State).

(5) Any appeal arising out of proceedings brought by the Secretary of State in place of a worker by virtue of this section may be brought by the worker as well as by the Secretary of State.

(6) The Secretary of State is not liable to any worker for anything done (or omitted to be done) in, or in connection with, the discharge or purported discharge of the Secretary of State's functions by virtue of this section.

(7) For the purposes of this section—

(a) any reference to a worker includes—

(i) an individual who is not a worker as defined by section 230(3) of the Employment Rights Act 1996 but who is a worker for the purposes of Part 4A of that Act (see section 43K(1) of that Act), and

(ii) an individual seeking to be employed by a person as a worker;

(b) any reference to a right to bring proceedings under an enactment is to such a right however expressed, and includes any right to present a complaint or make any other description of claim or application;

(c) any reference to the Secretary of State includes an enforcement officer."—*(Justin Madders.)*

*This new clause would enable the Secretary of State, in a case where a worker has the right to bring proceedings about a matter in an employment tribunal, to bring proceedings about that matter in place of the worker. An employment tribunal hearing such proceedings may still make a financial award, etc in the worker's favour if, for example, the complaint about the matter is well-founded.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 58

POWER TO PROVIDE LEGAL ASSISTANCE

"(1) The Secretary of State may assist a person who is or may become party to civil proceedings in England and Wales or Scotland relating to employment or trade union law or the law of labour relations.

(2) In giving assistance under this section the Secretary of State may provide or arrange for the provision of—

(a) legal advice;

(b) legal representation;

(c) any other form of assistance.

(3) But the Secretary of State may not provide, or arrange for the provision of, facilities for the settlement of a dispute.

(4) Where proceedings relate or may relate partly to employment or trade union law or the law of labour relations ("employment-related matters") and partly to other matters—

(a) assistance may be given under this section in respect of any aspect of the proceedings, and

(b) if the proceedings cease to relate to employment-related matters—

(i) assistance may nevertheless continue to be given under this section in respect of the proceedings, but

(ii) the fact that assistance has been given under this section in respect of the proceedings does not require such assistance to continue to be given.

(5) This section does not affect any restriction imposed in respect of representation—

(a) by virtue of an enactment, or

(b) in accordance with the practice of a court or tribunal.

(6) A legislative provision which requires insurance or an indemnity in respect of advice given in connection with a settlement agreement does not apply to advice provided by the Secretary of State under this section."—*(Justin Madders.)*

*This new clause would enable the Secretary of State to provide, or arrange for the provision of, assistance to any person who is or may become party to civil proceedings relating to employment or trade union law or the law of labour relations. Such assistance may include, in particular, legal advice or representation.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 59

RECOVERY OF COSTS OF LEGAL ASSISTANCE

"(1) Subsection (2) applies where—

(a) the Secretary of State has assisted a person under section (Power to provide legal assistance) in relation to proceedings, and

(b) the person becomes entitled to some or all of the person's costs or, in Scotland, expenses in the proceedings (whether as a result of an award or as a result of an agreement).

(2) The Secretary of State's expenditure in giving the assistance—

(a) is to be charged on sums paid to the person by way of costs or expenses, and

(b) may be enforced as a debt due to the Secretary of State.

(3) A requirement to pay money to the Secretary of State under subsection (2) ranks, in England and Wales, after a requirement imposed by virtue of section 25 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (statutory charge in connection with civil legal aid).

(4) Subsection (2), in its application to Scotland, does not affect the operation of section 17(2A) of the Legal Aid (Scotland) Act 1986 (requirement in certain cases to pay to the Scottish Legal Aid Board sums recovered under awards of, or agreements as to, expenses).

(5) For the purposes of subsection (2), the Secretary of State's expenditure is to be calculated in accordance with such provision (if any) as the Secretary of State makes for the purpose by regulations.

(6) Regulations under subsection (5) may, in particular, provide for the apportionment of expenditure incurred by the Secretary of State—

(a) partly for one purpose and partly for another, or

(b) for general purposes.

(7) Regulations under subsection (5) are subject to the negative resolution procedure."—*(Justin Madders.)*

*Where the Secretary of State has given assistance to a person under NC58, and the person is entitled to be paid costs in the proceedings, this new clause enables the Secretary of State to recover the costs of giving the assistance out of the costs paid to the person.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 60

POWER TO RECOVER COSTS OF ENFORCEMENT

"(1) The Secretary of State may by regulations make provision requiring a relevant person, or a relevant person of a specified description, to pay a charge as a means of recovering any enforcement costs incurred in relation to the person.

(2) For the purposes of this section—

"enforcement costs" , in relation to a relevant person, means any costs incurred in connection with the exercise of an enforcement function of the Secretary of State in relation to the person;

"relevant person" means a person who has failed to comply with any relevant labour market legislation;

"specified" means specified in the regulations.

(3) Regulations under this section may—

(a) provide that the amount of a charge is—

(i) a fixed amount, or

(ii) an amount calculated by reference to an hourly rate;

(b) provide for the amount of the charge to be determined by the Secretary of State in accordance with the regulations.

(4) The regulations may in particular—

(a) provide that the amount of a charge is to be determined by the Secretary of State in accordance with a scheme made and published by the Secretary of State, and

(b) make provision about such schemes, including the principles governing such schemes.

(5) The provision that may be made by regulations under this section includes, among other things—

(a) provision for charges to be payable only in specified circumstances;

(b) provision about reductions, exemptions and waivers;

(c) provision about how and when charges are to be paid;

(d) provision about the collection or recovery of payments;

(e) provision for the charging of interest on unpaid charges;

(f) provision about the resolution of disputes relating to the payment of charges, including provision for the making of appeals to a court or tribunal.

(6) Regulations under this section are subject to the negative resolution procedure.

(7) Sums paid to the Secretary of State under this section are not required to be paid into the Consolidated Fund."—*(Justin Madders.)*

*This new clause would enable the Secretary of State to recover enforcement costs incurred in relation to a person who has failed to comply with the legislation which the Secretary of State is responsible for enforcing under Part 5. Regulations may require such a person to pay a charge in order to recover those costs. The amount of the charge would be determined in accordance with the regulations, and there is power for the Secretary of State to make and publish a scheme for determining the amount of a charge.*

*Brought up, read the First and Second time, and added to the Bill.*

## New Clause 110

REVIEW INTO THE IMPACT ON SMALL BUSINESSES

"(1) The Secretary of State must, within three months of the passage of this Act, lay before Parliament a review on the impact of Part 4 (Trade Unions and Industrial Action, etc) of this Act on small and medium-sized enterprises.

(2) The review under subsection (1) must have regard to—

(a) administrative costs;

(b) legal costs; and

(c) tax changes affecting small and medium-sized enterprises taking effect from the 2025-26 financial year.

(3) For the purposes of this section, small and medium-sized enterprises are businesses employing 250 or fewer employees."—*(Daisy Cooper.)*

*This new clause would require the Secretary of State to publish a review on the impact of Part 4 of this Bill, on Trade Unions and Industrial Action, on SMEs within 3 months of the passage of this Act.*

*Brought up, and read the First time.*

*Question put,* That the clause be read a Second time.

*The House divided:* Ayes 168, Noes 314.

**Division No. 119] [6.12 pm**

**AYES**

Adam, Shockat
Amos, Gideon
Anderson, Lee
Anderson, Stuart *(Proxy vote cast by Mr Mohindra)*
Andrew, rh Stuart
Aquarone, Steff
Argar, rh Edward
Atkins, rh Victoria
Babarinde, Josh
Bacon, Gareth
Badenoch, rh Mrs Kemi
Baldwin, Dame Harriett
Barclay, rh Steve
Bennett, Alison
Bhatti, Saqib
Blackman, Bob
Bool, Sarah
Bowie, Andrew
Brandreth, Aphra
Braverman, rh Suella
Brown-Fuller, Jess
Burghart, Alex
Cane, Charlotte
Carmichael, rh Mr Alistair
Cartlidge, James
Chadwick, David *(Proxy vote cast by Mr Forster)*
Chamberlain, Wendy
Clifton-Brown, Sir Geoffrey
Cocking, Lewis
Coghlan, Chris
Collins, Victoria
Cooper, Daisy
Cooper, John
Costa, Alberto
Coutinho, rh Claire *(Proxy vote cast by Joy Morrissey)*
Cross, Harriet
Dance, Adam
Darling, Steve
Davies, Gareth
Davies, Mims
Davis, rh David
Dean, Bobby
Dewhirst, Charlie
Dillon, Mr Lee
Dowden, rh Sir Oliver
Dyke, Sarah
Evans, Dr Luke
Farage, Nigel
Farron, Tim
Foord, Richard

Forster, Mr Will
Fortune, Peter
Fox, Sir Ashley
Francois, rh Mr Mark
Freeman, George
French, Mr Louie
Fuller, Richard
Gale, rh Sir Roger
Garnier, Mark
Gibson, Sarah *(Proxy vote cast by Anna Sabine)*
Glen, rh John
Glover, Olly
Goldman, Marie
Gordon, Tom
Green, Sarah
Griffith, Andrew
Griffiths, Alison
Harding, Monica
Harris, Rebecca
Hayes, rh Sir John
Hinds, rh Damian
Hoare, Simon
Hobhouse, Wera
Holden, rh Mr Richard
Hollinrake, Kevin
Holmes, Paul
Huddleston, Nigel
Hudson, Dr Neil
Jarvis, Liz
Jenkin, Sir Bernard
Jenrick, rh Robert
Johnson, Dr Caroline
Jones, Clive
Jopp, Lincoln
Kearns, Alicia *(Proxy vote cast by Joy Morrissey)*
Khan, Ayoub
Kohler, Mr Paul
Kruger, Danny
Lam, Katie
Lamont, John
Leigh, rh Sir Edward
Lewis, rh Sir Julian
Lockhart, Carla
Lopez, Julia
MacDonald, Mr Angus
Maguire, Ben
Maguire, Helen
Mak, Alan
Malthouse, rh Kit
Martin, Mike
Mathew, Brian
Mayhew, Jerome
McMurdock, James *(Proxy vote cast by Lee Anderson)*
van Mierlo, Freddie
Miller, Calum
Milne, John
Mohamed, Iqbal
Mohindra, Mr Gagan
Moore, Robbie
Moran, Layla
Morello, Edward
Morgan, Helen
Morrison, Mr Tom *(Proxy vote cast by Mr Forster)*
Morrissey, Joy
Mullan, Dr Kieran
Munt, Tessa
Murrison, rh Dr Andrew
Norman, rh Jesse
Obese-Jecty, Ben
O'Brien, Neil
Paul, Rebecca
Perteghella, Manuela
Philp, rh Chris
Pinkerton, Dr Al
Raja, Shivani *(Proxy vote cast by Mr Mohindra)*
Rankin, Jack
Reed, David
Reynolds, Mr Joshua
Robertson, Joe
Roome, Ian
Rosindell, Andrew
Sabine, Anna
Savage, Dr Roz
Shannon, Jim
Shastri-Hurst, Dr Neil
Simmonds, David
Slade, Vikki
Smart, Lisa
Smith, Greg
Smith, rh Sir Julian
Smith, Rebecca
Snowden, Mr Andrew
Sollom, Ian
Stafford, Gregory
Stephenson, Blake
Stone, Jamie
Stride, rh Mel
Stuart, rh Graham
Swann, Robin
Swayne, rh Sir Desmond
Taylor, Luke
Thomas, Bradley
Thomas, Cameron
Timothy, Nick
Vickers, Martin
Vickers, Matt
Voaden, Caroline
Whately, Helen
Whittingdale, rh Sir John
Wild, James
Wilkinson, Max
Williamson, rh Sir Gavin
Wilson, Munira
Wilson, rh Sammy
Wood, Mike
Wright, rh Sir Jeremy
Wrigley, Martin
Young, Claire

**Tellers for the Ayes:**
**Zöe Franklin and Charlie Maynard**

**NOES**

Abbott, rh Ms Diane *(Proxy vote cast by Bell Ribeiro-Addy)*
Abbott, Jack
Abrahams, Debbie
Akehurst, Luke
Alaba, Mr Bayo
Aldridge, Dan
Alexander, rh Mr Douglas
Al-Hassan, Sadik
Ali, Tahir
Anderson, Callum
Anderson, Fleur
Antoniazzi, Tonia
Arthur, Dr Scott
Asato, Jess
Asser, James
Athwal, Jas
Atkinson, Catherine
Atkinson, Lewis
Bailey, Mr Calvin
Bailey, Olivia
Baines, David
Baker, Alex
Baker, Richard
Barker, Paula
Barros-Curtis, Mr Alex
Baxter, Johanna
Beales, Danny
Beavers, Lorraine
Begum, Apsana *(Proxy vote cast by Zarah Sultana)*
Bell, Torsten
Betts, Mr Clive
Blake, Olivia *(Proxy vote cast by Chris Elmore)*
Blake, Rachel
Blundell, Mrs Elsie *(Proxy vote cast by Chris Elmore)*
Bonavia, Kevin
Botterill, Jade
Brackenridge, Mrs Sureena
Brash, Mr Jonathan
Brickell, Phil
Buckley, Julia
Burgon, Richard
Byrne, Ian
Byrne, rh Liam
Cadbury, Ruth
Campbell, rh Sir Alan
Campbell, Irene
Campbell, Juliet
Campbell-Savours, Markus
Carling, Sam
Charalambous, Bambos
Charters, Mr Luke
Chowns, Ellie
Coleman, Ben
Collinge, Lizzi
Collins, Tom
Conlon, Liam
Coombes, Sarah
Cooper, Andrew
Cooper, Dr Beccy
Costigan, Deirdre
Cox, Pam
Coyle, Neil
Craft, Jen
Creagh, Mary
Creasy, Ms Stella
Crichton, Torcuil
Curtis, Chris
Daby, Janet
Dakin, Sir Nicholas
Dalton, Ashley
Darlington, Emily
Davies, Jonathan
Davies, Paul
Davies, Shaun
Davies-Jones, Alex
De Cordova, Marsha
Dean, Josh
Denyer, Carla
Dhesi, Mr Tanmanjeet Singh
Dickson, Jim
Dixon, Anna
Dixon, Samantha
Dodds, rh Anneliese
Dollimore, Helena
Doughty, Stephen
Dowd, Peter
Duncan-Jordan, Neil
Eagle, Dame Angela
Eagle, rh Maria
Edwards, Lauren
Egan, Damien
Elmore, Chris
Eshalomi, Florence
Esterson, Bill
Fahnbulleh, Miatta
Farnsworth, Linsey
Fenton-Glynn, Josh
Ferguson, Mark
Fleet, Natalie
Foody, Emma
Foster, Mr Paul
Foxcroft, Vicky
Foy, Mary Kelly
Francis, Daniel
Frith, Mr James
Furniss, Gill
Gardner, Dr Allison
Gelderd, Anna
German, Gill
Gilbert, Tracy
Gill, Preet Kaur
Gittins, Becky
Glindon, Mary
Goldsborough, Ben *(Proxy vote cast by Chris Elmore)*
Gosling, Jodie
Grady, John
Greenwood, Lilian
Griffith, Dame Nia
Gwynne, Andrew *(Proxy vote cast by Chris Elmore)*
Hamilton, Fabian
Hamilton, Paulette
Harris, Carolyn
Hatton, Lloyd
Hayes, Helen
Hayes, Tom
Hazelgrove, Claire
Hillier, Dame Meg
Hinchliff, Chris
Hinder, Jonathan
Hodgson, Mrs Sharon
Hopkins, Rachel
Hughes, Claire
Hume, Alison
Huq, Dr Rupa
Hurley, Patrick
Hussain, Imran
Ingham, Leigh
Irons, Natasha
Jameson, Sally
Jermy, Terry
Jogee, Adam
Johnson, rh Dame Diana
Johnson, Kim
Jones, Gerald
Jones, Lillian
Jones, Louise
Jones, Ruth

Josan, Gurinder Singh
Joseph, Sojan
Juss, Warinder
Kane, Chris
Kane, Mike
Kaur, Satvir *(Proxy vote cast by Chris Elmore)*
Khan, Naushabah
Kinnock, Stephen
Kirkham, Jayne
Kitchen, Gen
Kumar, Sonia
Kyrke-Smith, Laura
Lamb, Peter
Lavery, Ian
Law, Noah
Leadbeater, Kim
Leishman, Brian
Lewell-Buck, Mrs Emma
Lewin, Andrew
Lightwood, Simon
MacAlister, Josh
MacNae, Andy
Madders, Justin
Martin, Amanda
Maskell, Rachael
Mather, Keir
Mayer, Alex
McAllister, Douglas
McCarthy, Kerry
McCluskey, Martin
McDonagh, Dame Siobhain
McDonald, Andy
McDonald, Chris
McDonnell, rh John
McDougall, Blair
McEvoy, Lola
McGovern, Alison
McIntyre, Alex
McKee, Gordon
McKenna, Kevin
McKinnell, Catherine
McMorrin, Anna
McNally, Frank
McNeill, Kirsty
Midgley, Anneliese
Minns, Ms Julie
Mohamed, Abtisam
Moon, Perran
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Mullane, Margaret
Murphy, Luke
Murray, Chris
Murray, rh Ian *(Proxy vote cast by Chris Elmore)*
Murray, Katrina
Myer, Luke
Naish, James
Naismith, Connor
Nash, Pamela *(Proxy vote cast by Chris Elmore)*
Newbury, Josh
Nichols, Charlotte
Norris, Alex
Onn, Melanie
Onwurah, Chi
Opher, Dr Simon
Oppong-Asare, Ms Abena
Osborne, Kate *(Proxy vote cast by Kim Johnson)*
Osborne, Tristan
Owatemi, Taiwo
Owen, Sarah
Paffey, Darren
Patrick, Matthew
Payne, Michael
Peacock, Stephanie
Pearce, Jon
Pennycook, Matthew
Perkins, Mr Toby
Pitcher, Lee
Platt, Jo
Pollard, Luke
Powell, Joe
Powell, rh Lucy
Poynton, Gregor
Prinsley, Peter
Quigley, Mr Richard
Qureshi, Yasmin
Race, Steve
Ramsay, Adrian
Rand, Mr Connor
Ranger, Andrew
Rayner, rh Angela
Reeves, Ellie
Reid, Joani
Rhodes, Martin
Ribeiro-Addy, Bell
Richards, Jake
Riddell-Carpenter, Jenny
Rigby, Lucy
Roca, Tim
Rodda, Matt
Rushworth, Sam
Russell, Mrs Sarah
Rutland, Tom
Ryan, Oliver
Sackman, Sarah
Sandher, Dr Jeevun
Scrogham, Michelle
Sewards, Mark
Shanker, Baggy
Shanks, Michael
Siddiq, Tulip
Simons, Josh
Slaughter, Andy
Slinger, John
Smith, David
Smith, Jeff
Smith, Nick
Snell, Gareth
Sobel, Alex
Stainbank, Euan
Stevenson, Kenneth
Stone, Will
Strathern, Alistair
Strickland, Alan
Sullivan, Dr Lauren
Sultana, Zarah
Swallow, Peter
Tami, rh Mark
Tapp, Mike
Taylor, Alison
Taylor, David
Thompson, Adam
Tidball, Dr Marie
Timms, rh Sir Stephen
Toale, Jessica
Trickett, Jon
Tufnell, Henry
Turmaine, Matt
Turner, Laurence
Twigg, Derek
Twist, Liz
Uppal, Harpreet
Vaughan, Tony
Vince, Chris
Wakeford, Christian
Ward, Chris
Ward, Melanie
Waugh, Paul
Webb, Chris
Welsh, Michelle
Western, Andrew
Western, Matt
Wheeler, Michael
Whitby, John
White, Jo
White, Katie
Whittome, Nadia
Williams, David
Witherden, Steve
Woodcock, Sean
Wrighting, Rosie
Yang, Yuan
Yasin, Mohammad
Yemm, Steve
Zeichner, Daniel

**Tellers for the Noes:**
**Anna Turley and Kate Dearden**

*Question accordingly negatived.*

## Clause 50

RIGHT OF TRADE UNIONS TO ACCESS WORKPLACES

*Amendments made:* 162, page 61, leave out line 15 and insert—

"(1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended in accordance with subsections (2) to (6).

(2) In Part 1".

*This amendment is consequential on amendment 184.*

Amendment 163, page 61, line 24, leave out from "for" to "for" in line 25 and insert—

"one or more officials of the union to physically enter a workplace or communicate with workers (or both)".

*This amendment and others to this clause would expand the scope of access agreements so that they can include provision about communication with workers other than by means of physical entry into a workplace (for example, by digital means).*

Amendment 164, page 61, leave out lines 30 and 31 and insert—

"(4) "Access" means—

(a) physical entry into a workplace;

(b) communication with workers."*—(Justin Madders.)*

*See the explanatory statement to amendment 163.*

Amendment 165, page 61, leave out lines 32 and 33.

*This amendment is consequential on amendment 183.*

Amendment 166, page 61, line 33, at end insert—

"(5A) A reference to communication with workers is a reference to communication with workers (including the provision of information to workers) by any means, whether directly or indirectly."

*See the explanatory statement to amendment 163 - this amendment would clarify that communication with workers in the context of access agreements means communication by any means and includes the provision of information to workers. For example, an access agreement could require an employer to provide information to their workers on behalf of officials of a union within an all-staff email.*

Amendment 167, page 61, line 35, after "meet," insert "support,".

*This amendment would clarify that access can be for the purpose of supporting workers in any way.*

Amendment 168, page 62, line 8, at end insert—

"(11) Section 70ZJA contains general limitations on the provision that may be made under this Chapter, including in access agreements."

*This amendment is consequential on amendment 183.*

Amendment 169, page 62, line 12, leave out "to a workplace".

*See the explanatory statement to amendment 163.*

Amendment 170, page 63, line 27, leave out "to the workplace".

*See the explanatory statement to amendment 163.*

Amendment 171, page 63, line 30, leave out "to the workplace".

*See the explanatory statement to amendment 163.*

Amendment 172, page 64, line 27, leave out "access a workplace" and insert— "physically enter a workplace or communicate with workers (or both)".

*See the explanatory statement to amendment 163.*

Amendment 173, page 64, line 31, leave out "to a workplace".

*See the explanatory statement for amendment 163.*

Amendment 174, page 64, line 31, at end insert—

"(ba) physical entry into a workplace should not be refused solely on the basis that communication with workers by means not involving physical entry into a workplace is permitted;

(bb) communication with workers by means not involving physical entry into a workplace should not be refused solely on the basis that physical entry into a workplace is permitted;"

*See the explanatory statement for amendment 163 - this amendment would ensure that the Central Arbitration Committee's determinations about access do not prioritise communication with workers other than by means involving physical entry over physical entry and vice versa.*

Amendment 175, page 65, line 5, leave out "to a workplace".

*See the explanatory statement for amendment 163.*

Amendment 176, page 65, leave out lines 10 and 11.

*See the explanatory statement for amendment 163.*

Amendment 177, page 65, line 13, at end insert—

"(ca) the number of workers employed by the employer, or of a particular description, that are members of the union;"

*See the explanatory statement for amendment 163.*

Amendment 178, page 65, line 14, leave out "the" and insert "a".

*See the explanatory statement for amendment 163.*

Amendment 179, page 65, line 14, at end insert—

"(da) a description of workers;"

*See the explanatory statement for amendment 163.*

Amendment 180, page 65, line 15, leave out "to the workplace".

*See the explanatory statement for amendment 163.*

Amendment 181, page 67, line 17, leave out—

"may not exceed a prescribed amount"

and insert—

"may be any amount that the Central Arbitration Committee considers appropriate, subject to regulations under section 70ZIA"

*This amendment and amendment 182 would allow the Secretary of State to make more detailed provision in regulations about the amounts required to be paid for breaches of access requirements.*

Amendment 182, page 67, line 30, at end insert—

*"70ZIA Power to make provision about amounts payable under section 70ZI*

(1) The Secretary of State may prescribe that an amount payable under section

70ZI(5)(b)—

(a) must be at least a prescribed amount;

(b) may not exceed a prescribed amount.

(2) An amount may be prescribed under subsection (1)(a) or (b)—

(a) as a fixed amount;

(b) by reference to one or more prescribed factors;

(c) as the highest or lowest of two or more prescribed amounts, whether prescribed as fixed amounts or by reference to one or more prescribed factors.

(3) The factors that may be prescribed under subsection (2)(b) or (c) include (among others)—

(a) the nature of the complaint under section 70ZI(2) against the person required to pay the amount (the "liable party");

(b) whether the liable party has previously been subject to a complaint under section 70ZH(1)

or 70ZI(2), or a prescribed number of such complaints, declared by the Central Arbitration Committee to be well-founded;

(c) whether the liable party is of a prescribed description;

(d) in the case of a liable party that is an undertaking, the turnover of the liable party in a prescribed period, including (in particular) worldwide, European or United Kingdom turnover;

(e) in the case of a liable party that is an employer—

(i) the number of workers employed by the liable party, or

(ii) the number of workers of a prescribed description employed by the liable party;

(f) in the case of a liable party that is a trade union, the number of members that the liable party has.

(4) The Secretary of State may prescribe matters to which the Central Arbitration Committee must have regard in considering what amount is payable under section 70ZI(5)(b)."

*See the explanatory statement for amendment 181.*

Amendment 183, page 68, line 14, at end insert—

*"General limitations on access agreements etc*

*70ZJA General limitations on access agreements etc*

(1) Nothing in this Chapter requires or authorises any of the following (each, a "prohibited activity")—

(a) physical entry by any person into a dwelling;

(b) a disclosure of personal data without the consent of the data subject;

(c) a disclosure of information that would contravene the data protection legislation (but, in determining whether a disclosure would do so, the provisions of this Chapter are to be taken into account).

(2) Accordingly—

(a) a term of an access agreement entered into under section 70ZD that requires or authorises a prohibited activity is of no effect for the purposes of this Chapter;

(b) the Central Arbitration Committee may not specify as a term of an access agreement under section 70ZE any term that would require or authorise a prohibited activity;

(c) the Central Arbitration Committee may not exercise any function under sections 70ZH to 70ZJ so as to require or authorise a prohibited activity.

(3) In this section—

(a) "consent" has the same meaning as in the UK GDPR (see Article 4(11) of the UK GDPR);

(b) "personal data", "data subject", "the data protection legislation" and "the UK GDPR" have the same meaning as in the Data Protection Act 2018 (see section 3 of that Act)."

*This amendment would ensure that the provisions requiring trade unions to have access to workers and workplaces cannot require physical entry into dwellings, the disclosure of personal data without consent (whether or not that would be a breach of the data protection legislation) or a disclosure in breach of the data protection legislation (whether or not the breach arises from a lack of consent).*

Amendment 184, page 68, line 35, at end insert—

"(3) In section 263 (proceedings of the Central Arbitration Committee)—

(a) in subsection (4), omit "or, in Scotland, an oversman";

(b) after subsection (6) insert—

"(6A) In relation to the discharge of the Committee's functions under section 70ZE—

(a) section 263ZA and subsection (6) apply, and

(b) subsections (1) to (5) do not apply.";

(c) in subsection (7), before "Schedule A1" insert "section 70ZH or 70ZI or";

(d) after subsection (7) insert—

"(8) The reference in subsection (7) to the Committee's functions under Schedule A1 does not include a reference to its functions under paragraph 166 of that Schedule."

(4) After section 263 insert—

"263ZA *Proceedings of the Committee under section 70ZE*

(1) For the purpose of discharging its functions under section 70ZE in any particular case, the Central Arbitration Committee is to consist of—

(a) one member of the Committee, or

(b) a panel of three members of the Committee,

as the chairman of the Committee may direct.

(2) In deciding what direction to make under subsection (1), the chairman of the Committee must have regard to the complexity of the case, with a view to directing that the Committee is to consist of one member only in cases which the chairman considers are less complex.

(3) For those purposes, the chairman must in particular—

(a) consider whether any terms proposed as terms on which officials of a qualifying trade union are to have access are prescribed under section 70ZF(3), and

(b) consider whether, if any of those terms are so prescribed, that fact reduces the complexity of the case, having regard to any other terms so proposed.

(4) In subsection (3), "qualifying trade union" and "access" have the same meaning as in Chapter 5ZA of Part 1 (see section 70ZA).

(5) The chairman of the Committee may amend a direction under subsection (1) at any time.

(6) If a direction under subsection (1) is amended—

(a) the amendment does not affect anything done by the Committee before the amendment;

(b) anything done by the Committee before the amendment is to be treated as having been done by the Committee as it is constituted after the amendment.

(7) If the Committee consists of one member of the Committee—

(a) the member is to be appointed by the chairman of the Committee;

(b) the member is not required to be the chairman or a deputy chairman of the Committee;

(c) the member may at the member's discretion sit in private where it appears expedient to do so.

(8) If the Committee consists of a panel of three members of the Committee—

(a) the panel is to be appointed by the chairman of the Committee;

(b) the panel is to consist of the following members—

(i) the chairman or a deputy chairman of the Committee;

(ii) a member of the Committee whose experience is as a representative of employers;

(iii) a member of the Committee whose experience is as a representative of workers;

(c) the panel is to be chaired by the chairman or the deputy chairman of the Committee;

(d) the panel may at the discretion of its chairman sit in private where it appears expedient to do so.

(9) If—

(a) a panel cannot reach a unanimous decision on a question arising before it, and

(b) a majority of the panel have the same opinion,

the question is to be decided according to that opinion.

(10) If—

(a) a panel cannot reach a unanimous decision on a question arising before it, and

(b) a majority of the panel do not have the same opinion,

the chairman of the panel may decide the question acting with the full powers of an umpire.

(11) Subject to the provisions of this section, the Committee may determine its own procedure."

(5) In section 263A (proceedings of the Central Arbitration Committee under Schedule A1)—

(a) for the heading substitute "Proceedings of the Committee: other special cases";

(b) in subsection (1), for "under Schedule A1" substitute "in relation to which this section applies (see section 263(7))";

(c) in subsection (6), omit "or, in Scotland, an oversman";

(d) omit subsection (8).

(6) In section 264 (awards of the Central Arbitration Committee)—

(a) in the heading, after "Awards" insert "etc";

(b) in subsection (1), after "award," insert "in any determination, declaration, order or other decision of the Committee under Chapter 5ZA of Part 1,";

(c) after subsection (2) insert—

"(2A) Subsection (2) does not apply in relation to Chapter 5ZA of Part 1."

(7) In Schedule 1 to the Employment Relations Act 2004 (minor and consequential amendments), omit paragraph 15." . —*(Justin Madders.)*

*This amendment would make administrative provision associated with the functions of the Central Arbitration Committee under the new Chapter on trade union access rights. The CAC would sit as a panel with representation from unions and employers in most cases, but in certain cases decided by the chairman of the CAC, the CAC would sit as a single member.*

## Clause 51

CONDITIONS FOR TRADE UNION RECOGNITION

*Amendment made:* 185, Page 69, line 2, leave out clause 51.—*(Justin Madders.)*

*This amendment is consequential on the relevant provisions being inserted into NS2.*

## Clause 52

REQUIREMENT TO CONTRIBUTE TO POLITICAL FUND

*Amendment proposed*: 291, page 71, line 1, leave out Clause 52.—*(Greg Smith.)*

*The House divided:* Ayes 164, Noes 324.

**Division No. 120] [6.24 pm**

**AYES**

| | |
|---|---|
| Amos, Gideon | Aquarone, Steff |
| Anderson, Lee | Argar, rh Edward |
| Anderson, Stuart *(Proxy vote cast by Mr Mohindra)* | Atkins, rh Victoria |
| Andrew, rh Stuart | Babarinde, Josh |
| | Bacon, Gareth |

Badenoch, rh Mrs Kemi
Baldwin, Dame Harriett
Barclay, rh Steve
Bennett, Alison
Bhatti, Saqib
Blackman, Bob
Bool, Sarah
Bowie, Andrew
Brandreth, Aphra
Braverman, rh Suella
Brown-Fuller, Jess
Burghart, Alex
Cane, Charlotte
Carmichael, rh Mr Alistair
Cartlidge, James
Chadwick, David *(Proxy vote cast by Mr Forster)*
Chamberlain, Wendy
Clifton-Brown, Sir Geoffrey
Cocking, Lewis
Coghlan, Chris
Collins, Victoria
Cooper, Daisy
Cooper, John
Costa, Alberto
Coutinho, rh Claire *(Proxy vote cast by Joy Morrissey)*
Cross, Harriet
Dance, Adam
Darling, Steve
Davies, Gareth
Davies, Mims
Davis, rh David
Dean, Bobby
Dewhirst, Charlie
Dillon, Mr Lee
Dowden, rh Sir Oliver
Dyke, Sarah
Evans, Dr Luke
Farage, Nigel
Farron, Tim
Foord, Richard
Forster, Mr Will
Fortune, Peter
Fox, Sir Ashley
Francois, rh Mr Mark
Franklin, Zöe
Freeman, George
French, Mr Louie
Fuller, Richard
Gale, rh Sir Roger
Garnier, Mark
Gibson, Sarah *(Proxy vote cast by Anna Sabine)*
Glen, rh John
Glover, Olly
Goldman, Marie
Gordon, Tom
Green, Sarah
Griffith, Andrew
Griffiths, Alison
Harding, Monica
Harris, Rebecca
Hayes, rh Sir John
Hinds, rh Damian
Hoare, Simon
Hobhouse, Wera
Holden, rh Mr Richard
Hollinrake, Kevin
Huddleston, Nigel
Hudson, Dr Neil
Jarvis, Liz
Jenkin, Sir Bernard
Johnson, Dr Caroline
Jones, Clive
Jopp, Lincoln
Kearns, Alicia *(Proxy vote cast by Joy Morrissey)*
Kohler, Mr Paul
Kruger, Danny
Lam, Katie
Lamont, John
Leigh, rh Sir Edward
Lewis, rh Sir Julian
Lockhart, Carla
Lopez, Julia
MacDonald, Mr Angus
Maguire, Ben
Maguire, Helen
Mak, Alan
Malthouse, rh Kit
Martin, Mike
Mathew, Brian
Maynard, Charlie
McMurdock, James *(Proxy vote cast by Lee Anderson)*
van Mierlo, Freddie
Miller, Calum
Milne, John
Mohindra, Mr Gagan
Moore, Robbie
Moran, Layla
Morello, Edward
Morgan, Helen
Morrison, Mr Tom *(Proxy vote cast by Mr Forster)*
Morrissey, Joy
Mullan, Dr Kieran
Munt, Tessa
Murrison, rh Dr Andrew
Norman, rh Jesse
Obese-Jecty, Ben
O'Brien, Neil
Paul, Rebecca
Perteghella, Manuela
Philp, rh Chris
Pinkerton, Dr Al
Raja, Shivani *(Proxy vote cast by Mr Mohindra)*
Rankin, Jack
Reed, David
Reynolds, Mr Joshua
Robertson, Joe
Roome, Ian
Rosindell, Andrew
Sabine, Anna
Savage, Dr Roz
Shannon, Jim
Shastri-Hurst, Dr Neil
Simmonds, David
Slade, Vikki
Smart, Lisa
Smith, Greg
Smith, rh Sir Julian
Smith, Rebecca
Snowden, Mr Andrew
Sollom, Ian
Stafford, Gregory
Stephenson, Blake
Stone, Jamie
Stride, rh Mel
Stuart, rh Graham
Swann, Robin
Swayne, rh Sir Desmond
Taylor, Luke
Thomas, Bradley
Thomas, Cameron
Timothy, Nick
Vickers, Martin
Vickers, Matt
Voaden, Caroline
Whately, Helen
Whittingdale, rh Sir John
Wild, James
Wilkinson, Max
Williamson, rh Sir Gavin
Wilson, Munira
Wilson, rh Sammy
Wood, Mike
Wright, rh Sir Jeremy
Wrigley, Martin
Young, Claire

**Tellers for the Ayes:**
**Paul Holmes and Jerome Mayhew**

**NOES**

Abbott, rh Ms Diane *(Proxy vote cast by Bell Ribeiro-Addy)*
Abbott, Jack
Abrahams, Debbie
Adam, Shockat
Akehurst, Luke
Alaba, Mr Bayo
Aldridge, Dan
Alexander, rh Mr Douglas
Al-Hassan, Sadik
Ali, Tahir
Anderson, Callum
Anderson, Fleur
Antoniazzi, Tonia
Arthur, Dr Scott
Asato, Jess
Asser, James
Athwal, Jas
Atkinson, Catherine
Atkinson, Lewis
Bailey, Mr Calvin
Bailey, Olivia
Baines, David
Baker, Alex
Baker, Richard
Barker, Paula
Barros-Curtis, Mr Alex
Baxter, Johanna
Beales, Danny
Beavers, Lorraine
Begum, Apsana *(Proxy vote cast by Zarah Sultana)*
Berry, Siân
Betts, Mr Clive
Blake, Olivia *(Proxy vote cast by Chris Elmore)*
Blake, Rachel
Blundell, Mrs Elsie *(Proxy vote cast by Chris Elmore)*
Bonavia, Kevin
Botterill, Jade
Brackenridge, Mrs Sureena
Brash, Mr Jonathan
Brickell, Phil
Buckley, Julia
Burgon, Richard
Byrne, Ian
Byrne, rh Liam
Cadbury, Ruth
Campbell, Irene
Campbell, Juliet
Campbell-Savours, Markus
Carling, Sam
Charalambous, Bambos
Charters, Mr Luke
Chowns, Ellie
Coleman, Ben
Collinge, Lizzi
Collins, Tom
Conlon, Liam
Coombes, Sarah
Cooper, Andrew
Cooper, Dr Beccy
Corbyn, rh Jeremy
Costigan, Deirdre
Cox, Pam
Coyle, Neil
Craft, Jen
Creagh, Mary
Creasy, Ms Stella
Crichton, Torcuil
Curtis, Chris
Daby, Janet
Dakin, Sir Nicholas
Dalton, Ashley
Darlington, Emily
Davies, Ann
Davies, Jonathan
Davies, Paul
Davies, Shaun
Davies-Jones, Alex
De Cordova, Marsha
Dean, Josh
Denyer, Carla
Dhesi, Mr Tanmanjeet Singh
Dickson, Jim
Dixon, Anna
Dixon, Samantha
Dodds, rh Anneliese
Dollimore, Helena
Doughty, Stephen
Dowd, Peter
Duncan-Jordan, Neil
Eagle, Dame Angela
Eagle, rh Maria
Eastwood, Colum
Edwards, Lauren
Egan, Damien
Elmore, Chris
Eshalomi, Florence
Esterson, Bill
Fahnbulleh, Miatta
Farnsworth, Linsey
Fenton-Glynn, Josh
Ferguson, Mark
Fleet, Natalie
Foody, Emma
Foster, Mr Paul
Foxcroft, Vicky
Foy, Mary Kelly
Francis, Daniel
Frith, Mr James
Furniss, Gill
Gardner, Dr Allison
Gelderd, Anna

German, Gill
Gilbert, Tracy
Gill, Preet Kaur
Gittins, Becky
Glindon, Mary
Goldsborough, Ben *(Proxy vote cast by Chris Elmore)*
Gosling, Jodie
Grady, John
Greenwood, Lilian
Griffith, Dame Nia
Gwynne, Andrew *(Proxy vote cast by Chris Elmore)*
Haigh, rh Louise
Hamilton, Fabian
Hamilton, Paulette
Harris, Carolyn
Hatton, Lloyd
Hayes, Helen
Hayes, Tom
Hazelgrove, Claire
Hillier, Dame Meg
Hinchliff, Chris
Hinder, Jonathan
Hodgson, Mrs Sharon
Hopkins, Rachel
Hughes, Claire
Hume, Alison
Huq, Dr Rupa
Hurley, Patrick
Hussain, Mr Adnan
Hussain, Imran
Ingham, Leigh
Irons, Natasha
Jameson, Sally
Jermy, Terry
Jogee, Adam
Johnson, rh Dame Diana
Johnson, Kim
Jones, Gerald
Jones, Lillian
Jones, Louise
Jones, Ruth
Josan, Gurinder Singh
Joseph, Sojan
Juss, Warinder
Kane, Chris
Kane, Mike
Kaur, Satvir *(Proxy vote cast by Chris Elmore)*
Khan, Ayoub
Khan, Naushabah
Kinnock, Stephen
Kirkham, Jayne
Kitchen, Gen
Kumar, Sonia
Kyrke-Smith, Laura
Lake, Ben
Lamb, Peter
Lavery, Ian
Leadbeater, Kim
Leishman, Brian
Lewell-Buck, Mrs Emma
Lewin, Andrew
Lightwood, Simon
MacAlister, Josh
MacNae, Andy
Madders, Justin
Martin, Amanda
Maskell, Rachael
Mather, Keir
Mayer, Alex
McAllister, Douglas
McCarthy, Kerry
McCluskey, Martin
McDonagh, Dame Siobhain
McDonald, Andy
McDonald, Chris
McDonnell, rh John
McDougall, Blair
McEvoy, Lola
McFadden, rh Pat
McGovern, Alison
McIntyre, Alex
McKee, Gordon
McKenna, Kevin
McKinnell, Catherine
McMorrin, Anna
McNally, Frank
McNeill, Kirsty
Medi, Llinos
Midgley, Anneliese
Minns, Ms Julie
Mohamed, Iqbal
Moon, Perran
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Mullane, Margaret
Murphy, Luke
Murray, Chris
Murray, rh Ian *(Proxy vote cast by Chris Elmore)*
Murray, Katrina
Myer, Luke
Naish, James
Naismith, Connor
Nash, Pamela *(Proxy vote cast by Chris Elmore)*
Newbury, Josh
Nichols, Charlotte
Norris, Alex
Onn, Melanie
Onwurah, Chi
Opher, Dr Simon
Oppong-Asare, Ms Abena
Osborne, Kate *(Proxy vote cast by Kim Johnson)*
Osborne, Tristan
Owatemi, Taiwo
Owen, Sarah
Paffey, Darren
Patrick, Matthew
Payne, Michael
Peacock, Stephanie
Pearce, Jon
Pennycook, Matthew
Perkins, Mr Toby
Pitcher, Lee
Platt, Jo
Pollard, Luke
Powell, Joe
Powell, rh Lucy
Poynton, Gregor
Prinsley, Peter
Quigley, Mr Richard
Qureshi, Yasmin
Race, Steve
Ramsay, Adrian
Rand, Mr Connor
Ranger, Andrew
Rayner, rh Angela
Reeves, Ellie
Reid, Joani
Rhodes, Martin
Ribeiro-Addy, Bell
Richards, Jake
Riddell-Carpenter, Jenny
Rigby, Lucy
Roca, Tim
Rodda, Matt
Rushworth, Sam
Russell, Mrs Sarah
Rutland, Tom
Ryan, Oliver
Sackman, Sarah
Sandher, Dr Jeevun
Saville Roberts, rh Liz
Scrogham, Michelle
Sewards, Mark
Shah, Naz
Shanker, Baggy
Shanks, Michael
Siddiq, Tulip
Simons, Josh
Slaughter, Andy
Slinger, John
Smith, David
Smith, Jeff
Smith, Nick
Snell, Gareth
Sobel, Alex
Stainbank, Euan
Stevenson, Kenneth
Stone, Will
Strathern, Alistair
Strickland, Alan
Sullivan, Dr Lauren
Sultana, Zarah
Swallow, Peter
Tami, rh Mark
Tapp, Mike
Taylor, Alison
Taylor, David
Thompson, Adam
Tidball, Dr Marie
Timms, rh Sir Stephen
Toale, Jessica
Trickett, Jon
Tufnell, Henry
Turmaine, Matt
Turner, Laurence
Twigg, Derek
Twist, Liz
Uppal, Harpreet
Vaughan, Tony
Vince, Chris
Wakeford, Christian
Ward, Chris
Ward, Melanie
Waugh, Paul
Webb, Chris
Welsh, Michelle
Western, Andrew
Western, Matt
Wheeler, Michael
Whitby, John
White, Jo
White, Katie
Whittome, Nadia
Williams, David
Witherden, Steve
Woodcock, Sean
Wrighting, Rosie
Yang, Yuan
Yasin, Mohammad
Yemm, Steve
Zeichner, Daniel

**Tellers for the Noes:**
**Anna Turley and**
**Kate Dearden**

*Question accordingly negatived.*

*Amendments made:* 186, page 71, line 7, leave out from "For" to "substitute" in line 8 and insert

"sections 84 (contributions to political fund from members of a union) and 84A (information to members about contributing to political fund)".

*This amendment is consequential on amendment 189.*

Amendment 187, page 71, leave out lines 15 to 25.

*This amendment is consequential on amendment 189.*

Amendment 188, page 71, line 33, leave out from "of" to end of line 34 and insert

"four weeks beginning with the day on which an opt-out information notice is given to the member under section 84A,".

*This amendment is consequential on amendment 189 and would also require an opt-out notice to be given four weeks (rather than one month) after the opt-out information notice is given where a political resolution is passed for the first time, for the opt out to take effect on the day it is given.*

Amendment 189, page 72, leave out lines 11 and 12 and insert—

*"84A Opt-out information notices*

(1) A trade union must give an opt-out information notice to each member of the union—

(a) within the period of eight weeks beginning with the day after the day on which a political resolution is passed by the members of the union under section 73, and

(b) within the period of eight weeks beginning with the end of—

(i) the period of ten years beginning with the day on which a political resolution is passed, and

(ii) each successive period of ten years,

unless during that period of ten years the political resolution is rescinded or otherwise ceases to have effect.

(2) An "opt-out information notice" is a notice stating that—

(a) each member of the union has the right not to be a contributor to the political fund of the union, and

(b) a member may exercise that right by giving an opt-out notice under section 84.

(3) An opt-out information notice must be given in accordance with rules of the union approved for the purpose by the Certification Officer.

(4) In deciding whether to approve those rules, the Certification Officer must have regard in each case to the existing practice and character of the union.

(5) As soon as is reasonably practicable after the end of any period of eight weeks within which an opt-out information notice must be given, a trade union must send to the Certification Officer a copy of—

(a) the opt-out information notice, or

(b) if there is more than one form of opt-out information notice, each form of notice.

(6) A member of a trade union who claims that the union has failed to comply with this section may complain to the Certification Officer.

(7) Where the Certification Officer is satisfied on a complaint under subsection (6) that a trade union has failed to comply with this section, the Officer may make such order for remedying the failure as the Officer thinks just under the circumstances.

(8) Before deciding the matter the Certification Officer—

(a) may make such enquiries as the Officer thinks fit;

(b) must give the union and the member making the complaint an opportunity to make written representations;

(c) may give the union and the member making the complaint an opportunity to make oral representations.

(9) An order made by the Certification Officer under this section may be enforced by the Certification Officer in the same way as an order of the court."

*This amendment would require a trade union to give notice to its members every ten years that they have the right to opt out of contributing to the political fund.*

Amendment 190, page 72, line 22, leave out from "section" to "not" in line 24 and insert

"84A (opt-out information notices) may provide for opt-out information notices".

*This amendment is consequential on amendment 189.*

Amendment 191, page 72, line 27, leave out from "section" to third "to" in line 28 and insert

"84A(1) is not to be taken to require opt-out information notices".—*(Justin Madders.)*

*This amendment is consequential on amendment 189.*

## Clause 58

### Industrial action ballots: turnout and support thresholds

*Amendments made:* 192, page 79, leave out lines 3 to 6.

*This amendment removes the provision in clause 58 relating to support thresholds for industrial action ballots, in order for that provision to appear in a separate clause, NC41. This is for the purpose of providing for different commencement dates for the provisions on the turnout threshold (to be commenced by regulations) and support thresholds (to be commenced automatically two months after Royal Assent).*

Amendment 193, page 79, line 6, at end insert—

"(2A) In section 231 (information for members as to result of ballot)—

(a) omit paragraph (a);

(b) insert "and" at the end of paragraph (d);

(c) for paragraph (e) (and the "and" after it) substitute—

"(e) the number of spoiled voting papers.";

(d) omit paragraph (f)."

*See the explanatory statement for amendment 192. The effect of commencing the provisions on turnout and support thresholds at different times is that the consequential amendments to section 231 of the Trade Union and Labour Relations (Consolidation) Act 1992 (currently in clause 59(3)) need to be made separately (as they relate to those provisions) when each of those provisions is commenced.*

Amendment 194, page 79, line 9, leave out "(4)," and insert "(4)—

(a)".

*This amendment is consequential on amendment 196.*

Amendment 195, page 79, line 11, leave out "sections 2 and 3" and insert "section 2".

*This amendment is consequential on amendment 192.*

Amendment 196, page 79, line 12, at end insert—

"(b) in section (*Industrial action ballots: support thresholds*) of this Act, omit subsection (3)(a)."—*(Justin Madders.)*

*See the explanatory statement for amendment 192 - once clause 58 is brought into force, the provision in subsection (3)(a) of NC41 (which will come into force automatically two months after Royal Assent) will no longer be necessary.*

## Clause 59

### Industrial action ballots: provision of information to members

*Amendments made:* 197, page 79, line 14, leave out from beginning to "(information" in line 16 and insert—

"(1) In section 229 of the Trade Union and Labour Relations (Consolidation) Act 1992".

*This amendment is consequential on amendment 198.*

Amendment 198, page 79, line 18, leave out subsection (3).

*This amendment is necessary because amendments to section 231 of the Trade Union and Labour Relations (Consolidation) Act 1992 to the same effect will now be contained in clause 58 (by virtue of amendment 193) and NC41.*

Amendment 199, page 79, line 26, leave out from "the" to "of" in line 27 and insert—

"amendment made by subsection (1), omit section 5".—*(Justin Madders.)*

*This amendment is consequential on amendment 198 - because of the need to amend different parts of section 231 of the Trade Union and Labour Relations (Consolidation) Act 1992 at different times, section 6 of the Trade Union Act 2016 (which inserted most of the current content of section 231) will not be repealed.*

## Clause 61

### Industrial action: provision of information to employer

*Amendments made:* 200, page 80, line 4, after "action)" insert

"—

(a) in subsection (3B), omit paragraph (b) (but not the "and" after it);

(b) in subsection (3C)(b), omit the words from "and the number" to "categories";

(c)".

*This amendment would remove the requirement for a trade union to provide information to an employer ahead of industrial action as to*

*the number of employees in each category that are expected to take part in the action.*

Amendment 201, page 80, line 6, leave out "seventh" and insert "tenth".*—(Justin Madders.)*

*This amendment would increase the notice a trade union must give the employer of industrial action from seven days to ten days.*

*Amendment proposed*: 297, page 80, line 6, leave out "seventh" and insert "fourteenth".*—(Andrew Griffith.)*

*This amendment would increase, from seven to 14 days, the notice period that trade unions are required to adhere to when notifying employers that they plan to take industrial action.*

*Question put,* That the amendment be made.

*The House divided:* Ayes 167, Noes 328.

**Division No. 121] [6.37 pm**

**AYES**

Adam, Shockat
Amos, Gideon
Anderson, Lee
Anderson, Stuart *(Proxy vote cast by Mr Mohindra)*
Andrew, rh Stuart
Aquarone, Steff
Argar, rh Edward
Atkins, rh Victoria
Babarinde, Josh
Bacon, Gareth
Badenoch, rh Mrs Kemi
Baldwin, Dame Harriett
Barclay, rh Steve
Bennett, Alison
Bhatti, Saqib
Blackman, Bob
Bool, Sarah
Bowie, Andrew
Brandreth, Aphra
Braverman, rh Suella
Brown-Fuller, Jess
Burghart, Alex
Cane, Charlotte
Carmichael, rh Mr Alistair
Cartlidge, James
Chadwick, David *(Proxy vote cast by Mr Forster)*
Chamberlain, Wendy
Clifton-Brown, Sir Geoffrey
Cocking, Lewis
Coghlan, Chris
Collins, Victoria
Cooper, Daisy
Cooper, John
Costa, Alberto
Coutinho, rh Claire *(Proxy vote cast by Joy Morrissey)*
Cross, Harriet
Dance, Adam
Darling, Steve
Davies, Gareth
Davies, Mims
Davis, rh David
Dean, Bobby
Dewhirst, Charlie
Dillon, Mr Lee
Dowden, rh Sir Oliver
Dyke, Sarah
Evans, Dr Luke
Farage, Nigel
Farron, Tim
Foord, Richard
Forster, Mr Will
Fortune, Peter
Fox, Sir Ashley
Francois, rh Mr Mark
Franklin, Zöe
Freeman, George
French, Mr Louie
Fuller, Richard
Gale, rh Sir Roger
Garnier, Mark
Gibson, Sarah *(Proxy vote cast by Anna Sabine)*
Glen, rh John
Glover, Olly
Goldman, Marie
Gordon, Tom
Green, Sarah
Griffith, Andrew
Griffiths, Alison
Harding, Monica
Harris, Rebecca
Hayes, rh Sir John
Hinds, rh Damian
Hoare, Simon
Hobhouse, Wera
Holden, rh Mr Richard
Hollinrake, Kevin
Huddleston, Nigel
Hudson, Dr Neil
Jarvis, Liz
Jenkin, Sir Bernard
Johnson, Dr Caroline
Jones, Clive
Jopp, Lincoln
Kearns, Alicia *(Proxy vote cast by Joy Morrissey)*
Khan, Ayoub
Kohler, Mr Paul
Kruger, Danny
Lam, Katie
Lamont, John
Leigh, rh Sir Edward
Lewis, rh Sir Julian
Lockhart, Carla
Lopez, Julia
MacDonald, Mr Angus
Maguire, Ben
Maguire, Helen
Mak, Alan
Malthouse, rh Kit
Martin, Mike
Mathew, Brian
Maynard, Charlie
McMurdock, James *(Proxy vote cast by Lee Anderson)*
van Mierlo, Freddie
Miller, Calum
Milne, John
Mohamed, Iqbal
Mohindra, Mr Gagan
Moore, Robbie
Moran, Layla
Morello, Edward
Morgan, Helen
Morrison, Mr Tom *(Proxy vote cast by Mr Forster)*
Morrissey, Joy
Mullan, Dr Kieran
Munt, Tessa
Murrison, rh Dr Andrew
Norman, rh Jesse
Obese-Jecty, Ben
O'Brien, Neil
Paul, Rebecca
Perteghella, Manuela
Philp, rh Chris
Pinkerton, Dr Al
Raja, Shivani *(Proxy vote cast by Mr Mohindra)*
Rankin, Jack
Reed, David
Reynolds, Mr Joshua
Robertson, Joe
Roome, Ian
Rosindell, Andrew
Sabine, Anna
Savage, Dr Roz
Shannon, Jim
Shastri-Hurst, Dr Neil
Simmonds, David
Slade, Vikki
Smart, Lisa
Smith, Greg
Smith, rh Sir Julian
Smith, Rebecca
Snowden, Mr Andrew
Sollom, Ian
Stafford, Gregory
Stephenson, Blake
Stone, Jamie
Stride, rh Mel
Stuart, rh Graham
Swann, Robin
Swayne, rh Sir Desmond
Taylor, Luke
Thomas, Bradley
Thomas, Cameron
Timothy, Nick
Vickers, Martin
Vickers, Matt
Voaden, Caroline
Whately, Helen
Whittingdale, rh Sir John
Wild, James
Wilkinson, Max
Williamson, rh Sir Gavin
Wilson, Munira
Wilson, rh Sammy
Wood, Mike
Wright, rh Sir Jeremy
Wrigley, Martin
Young, Claire

**Tellers for the Ayes:**
**Paul Holmes and Jerome Mayhew**

**NOES**

Abbott, rh Ms Diane *(Proxy vote cast by Bell Ribeiro-Addy)*
Abbott, Jack
Abrahams, Debbie
Akehurst, Luke
Alaba, Mr Bayo
Aldridge, Dan
Alexander, rh Mr Douglas
Al-Hassan, Sadik
Ali, Tahir
Anderson, Callum
Anderson, Fleur
Antoniazzi, Tonia
Arthur, Dr Scott
Asato, Jess
Asser, James
Athwal, Jas
Atkinson, Catherine
Atkinson, Lewis
Bailey, Mr Calvin
Bailey, Olivia
Baines, David
Baker, Alex
Baker, Richard
Barker, Paula
Barros-Curtis, Mr Alex
Baxter, Johanna
Beales, Danny
Beavers, Lorraine
Begum, Apsana *(Proxy vote cast by Zarah Sultana)*
Bell, Torsten
Berry, Siân
Betts, Mr Clive
Blackman, Kirsty
Blake, Olivia *(Proxy vote cast by Chris Elmore)*
Blake, Rachel
Blundell, Mrs Elsie *(Proxy vote cast by Chris Elmore)*
Bonavia, Kevin
Botterill, Jade
Brackenridge, Mrs Sureena
Brash, Mr Jonathan
Brickell, Phil
Buckley, Julia
Burgon, Richard
Byrne, rh Liam
Campbell, rh Sir Alan
Campbell, Irene
Campbell, Juliet
Campbell-Savours, Markus
Carling, Sam
Charalambous, Bambos
Charters, Mr Luke
Chowns, Ellie
Coleman, Ben
Collinge, Lizzi
Collins, Tom
Conlon, Liam
Coombes, Sarah

Cooper, Andrew
Cooper, Dr Beccy
Corbyn, rh Jeremy
Costigan, Deirdre
Cox, Pam
Coyle, Neil
Craft, Jen
Creagh, Mary
Creasy, Ms Stella
Crichton, Torcuil
Curtis, Chris
Daby, Janet
Dakin, Sir Nicholas
Dalton, Ashley
Darlington, Emily
Davies, Ann
Davies, Jonathan
Davies, Paul
Davies, Shaun
Davies-Jones, Alex
De Cordova, Marsha
Dean, Josh
Denyer, Carla
Dhesi, Mr Tanmanjeet Singh
Dickson, Jim
Dixon, Anna
Dixon, Samantha
Dodds, rh Anneliese
Dollimore, Helena
Doogan, Dave
Doughty, Stephen
Dowd, Peter
Duncan-Jordan, Neil
Eagle, Dame Angela
Eagle, rh Maria
Eastwood, Colum
Edwards, Lauren
Egan, Damien
Elmore, Chris
Eshalomi, Florence
Esterson, Bill
Farnsworth, Linsey
Fenton-Glynn, Josh
Ferguson, Mark
Fleet, Natalie
Flynn, rh Stephen
Foody, Emma
Foster, Mr Paul
Foxcroft, Vicky
Foy, Mary Kelly
Francis, Daniel
Frith, Mr James
Furniss, Gill
Gardner, Dr Allison
Gelderd, Anna
Gemmell, Alan
German, Gill
Gethins, Stephen
Gilbert, Tracy
Gill, Preet Kaur
Gittins, Becky
Glindon, Mary
Goldsborough, Ben *(Proxy vote cast by Chris Elmore)*
Gosling, Jodie
Grady, John
Greenwood, Lilian
Griffith, Dame Nia
Gwynne, Andrew *(Proxy vote cast by Chris Elmore)*
Haigh, rh Louise
Hamilton, Fabian
Hamilton, Paulette
Harris, Carolyn
Hatton, Lloyd
Hayes, Helen
Hayes, Tom
Hazelgrove, Claire
Hillier, Dame Meg
Hinchliff, Chris
Hinder, Jonathan
Hodgson, Mrs Sharon
Hopkins, Rachel
Hughes, Claire
Hume, Alison
Huq, Dr Rupa
Hurley, Patrick
Hussain, Mr Adnan
Hussain, Imran
Ingham, Leigh
Irons, Natasha
Jameson, Sally
Jermy, Terry
Jogee, Adam
Johnson, rh Dame Diana
Johnson, Kim
Jones, Gerald
Jones, Lillian
Jones, Louise
Jones, Ruth
Josan, Gurinder Singh
Joseph, Sojan
Juss, Warinder
Kane, Chris
Kane, Mike
Kaur, Satvir *(Proxy vote cast by Chris Elmore)*
Khan, Naushabah
Kinnock, Stephen
Kirkham, Jayne
Kitchen, Gen
Kumar, Sonia
Kyrke-Smith, Laura
Lake, Ben
Lamb, Peter
Lavery, Ian
Law, Chris
Law, Noah
Leadbeater, Kim
Leadbitter, Graham
Leishman, Brian
Lewell-Buck, Mrs Emma
Lewin, Andrew
Lightwood, Simon
Logan, Seamus
MacNae, Andy
Madders, Justin
Martin, Amanda
Maskell, Rachael
Mather, Keir
Mayer, Alex
McAllister, Douglas
McCarthy, Kerry
McCluskey, Martin
McDonald, Andy
McDonald, Chris
McDonnell, rh John
McDougall, Blair
McEvoy, Lola
McFadden, rh Pat
McGovern, Alison
McIntyre, Alex
McKee, Gordon
McKenna, Kevin
McKinnell, Catherine
McMorrin, Anna
McNally, Frank
McNeill, Kirsty
Medi, Llinos
Midgley, Anneliese
Minns, Ms Julie
Mishra, Navendu
Moon, Perran
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Mullane, Margaret
Murphy, Luke
Murray, Chris
Murray, rh Ian *(Proxy vote cast by Chris Elmore)*
Murray, Katrina
Myer, Luke
Naish, James
Naismith, Connor
Nash, Pamela *(Proxy vote cast by Chris Elmore)*
Newbury, Josh
Nichols, Charlotte
Norris, Alex
O'Hara, Brendan
Onn, Melanie
Onwurah, Chi
Opher, Dr Simon
Oppong-Asare, Ms Abena
Osborne, Kate *(Proxy vote cast by Kim Johnson)*
Osborne, Tristan
Owatemi, Taiwo
Owen, Sarah
Paffey, Darren
Patrick, Matthew
Payne, Michael
Peacock, Stephanie
Pearce, Jon
Pennycook, Matthew
Perkins, Mr Toby
Pitcher, Lee
Platt, Jo
Pollard, Luke
Powell, Joe
Poynton, Gregor
Prinsley, Peter
Quigley, Mr Richard
Qureshi, Yasmin
Race, Steve
Ramsay, Adrian
Rand, Mr Connor
Ranger, Andrew
Rayner, rh Angela
Reeves, Ellie
Reid, Joani
Rhodes, Martin
Ribeiro-Addy, Bell
Richards, Jake
Riddell-Carpenter, Jenny
Rigby, Lucy
Roca, Tim
Rodda, Matt
Rushworth, Sam
Russell, Mrs Sarah
Rutland, Tom
Ryan, Oliver
Sackman, Sarah
Sandher, Dr Jeevun
Saville Roberts, rh Liz
Scrogham, Michelle
Sewards, Mark
Shah, Naz
Shanker, Baggy
Shanks, Michael
Siddiq, Tulip
Simons, Josh
Slaughter, Andy
Slinger, John
Smith, David
Smith, Jeff
Smith, Nick
Snell, Gareth
Sobel, Alex
Stainbank, Euan
Stevenson, Kenneth
Stone, Will
Strathern, Alistair
Strickland, Alan
Sullivan, Dr Lauren
Sultana, Zarah
Swallow, Peter
Tami, rh Mark
Tapp, Mike
Taylor, Alison
Taylor, David
Thompson, Adam
Tidball, Dr Marie
Timms, rh Sir Stephen
Toale, Jessica
Trickett, Jon
Tufnell, Henry
Turmaine, Matt
Turner, Laurence
Twigg, Derek
Twist, Liz
Uppal, Harpreet
Vaughan, Tony
Vince, Chris
Wakeford, Christian
Ward, Chris
Ward, Melanie
Waugh, Paul
Webb, Chris
Welsh, Michelle
Western, Andrew
Western, Matt
Wheeler, Michael
Whitby, John
White, Jo
White, Katie
Whittome, Nadia
Williams, David
Wishart, Pete
Witherden, Steve
Woodcock, Sean
Wrighting, Rosie
Yang, Yuan
Yasin, Mohammad
Yemm, Steve
Zeichner, Daniel

**Tellers for the Noes:**
**Anna Turley and Kate Dearden**

*Question accordingly negatived.*

6.50 pm

*More than five hours having elapsed since the commencement of proceedings on consideration, the proceedings were interrupted (Programme Order, 11 March).*

*The Deputy Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).*

*Amendment made:* 202, page 80, line 8, leave out "(1)" and insert "(1)(c)".—*(Justin Madders.)*

*This amendment is consequential on amendment 200.*

## Clause 75

Regulations subject to affirmative resolution procedure

*Amendments made:* 203, page 89, leave out lines 17 and 18.

*This amendment is consequential on amendment 181.*

Amendment 204, page 89, line 18, at end insert—

"(da) section 70ZIA (enforcement of access agreements: amounts payable for breach);".—*(Justin Madders.)*

*This amendment is consequential on amendment 182.*

## Clause 77

Enforcement of labour market legislation by Secretary of State

*Amendment made:* 205, page 90, line 15, at end insert—

"(6A) Subsection (1) does not limit the Secretary of State's powers under—

(a) section (Power to bring proceedings in employment tribunal) (power to bring proceedings in employment tribunal), or

(b) section (Power to provide legal assistance) (power to provide legal assistance)."—*(Justin Madders.)*

*This amendment is consequential on NC57 and NC58. It makes it clear that clause 77(1), which sets out the Secretary of State's general function of enforcing the legislation listed in Part 1 of Schedule 5, does not limit what can be done under those new clauses (which apply in relation to a wider category of legislation).*

## Clause 78

Enforcement functions of Secretary of State

*Amendment made:* 206, page 90, line 31, at end insert—

"( ) any function under or by virtue of section (Power to bring proceedings in employment tribunal) or (Power to provide legal assistance) (powers in relation to civil proceedings);".—*(Justin Madders.)*

*This amendment is consequential on NC57 and NC58. It excludes functions under or by virtue of those new clauses from being enforcement functions of the Secretary of State.*

## Clause 79

Delegation of functions

*Amendment made:* 207, page 91, line 2, at end insert—

"( ) any function of the Secretary of State by virtue of section (Power to bring proceedings in employment tribunal) (power to bring proceedings in employment tribunal);".—*(Justin Madders.)*

*This amendment would enable the power conferred on the Secretary of State by NC57 to be delegated to a public authority under clause 79.*

## Clause 80

Advisory Board

*Amendment made:* 208, page 92, line 2, at end insert—

"( ) In addition to the matters referred to in subsection (1), the Board may also provide advice to the Secretary of State about such matters as the Secretary of State may specify relating to the Secretary of State's functions under or by virtue of sections (Power to bring proceedings in employment tribunal) and (Power to provide legal assistance) (powers in relation to civil proceedings).".—*(Justin Madders.)*

*This amendment is consequential on NC57 and NC58. It would enable the Advisory Board to provide advice on matters relating to the Secretary of State's functions under those new clauses.*

## Clause 81

Labour market enforcement strategy

*Amendment made:* 209, page 92, line 25, after "Parliament" insert

"and the Northern Ireland Assembly".—*(Justin Madders.)*

*This amendment would require the Secretary of State to lay a copy of the labour market enforcement strategy published under clause 81 before the Northern Ireland Assembly.*

## Clause 82

Annual reports

*Amendment made:* 210, page 93, line 9, after "Parliament" insert

"and the Northern Ireland Assembly".—*(Justin Madders.)*

*This amendment would require the Secretary of State to lay copies of annual reports published under clause 82 before the Northern Ireland Assembly.*

## Clause 101

Evidence of authority

*Amendment made:* 211, page 104, line 8, at end insert

", other than a power by virtue of section (Power to bring proceedings in employment tribunal) (power to bring proceedings in employment tribunal)."—*(Justin Madders.)*

*The effect of this amendment is that, where an enforcement officer is exercising a power by virtue of NC57, the officer does not need to produce identification showing that the officer is authorised to do so*

## Clause 106

Disclosure of information

*Amendments made:* 212, page 106, line 28, at end insert—

""civil proceedings function" means a function under or by virtue of section (Power to bring proceedings in employment tribunal) or (Power to provide legal assistance) (powers in relation to civil proceedings);".

*This amendment and other amendments to this clause are consequential on NC57 and NC58. They would enable the disclosure of information to an enforcing authority for the purposes of exercising functions under those new clauses. They would also enable information obtained in connection with the exercise of a function under those clauses to be used or disclosed in accordance with clause 106.*

Amendment 213, page 106, line 31, at end insert

"(other than a power by virtue of section (Power to bring proceedings in employment tribunal))."

*See the explanatory statement for amendment 212.*

Amendment 214, page 106, line 33, at end insert

"or a civil proceedings function."

*See the explanatory statement for amendment 212.*

Amendment 215, page 106, line 35, after "function" insert

"or a civil proceedings function".

*See the explanatory statement for amendment 212.*

Amendment 216, page 106, line 37, at end insert "or civil proceedings function;".

*See the explanatory statement for amendment 212.*

Amendment 217, page 107, line 3, after "function" insert

"or a civil proceedings function".

*See the explanatory statement for amendment 212.*

Amendment 218, page 107, line 4, after first "function" insert "or civil proceedings function".

*See the explanatory statement for amendment 212.*

Amendment 219, page 107, line 7, after first "function" insert

"or a civil proceedings function".—*(Justin Madders.)*

*See the explanatory statement for amendment 212*

## Clause 113

### Offence of obstruction

*Amendment made:* 220, page 111, line 6, at end insert

", other than a power by virtue of section (Power to bring proceedings in employment tribunal) (power to bring proceedings in employment tribunal)."—*(Justin Madders.)*

*This amendment is consequential on NC57. It would not be appropriate for the offence of obstruction to apply where an enforcement officer is exercising a power to bring proceedings in an employment tribunal.*

## Clause 121

### Interpretation: general

*Amendments made:* 221, page 116, line 6, at end insert—

""the liable party", in relation to a notice of underpayment, has the meaning given by section (Power to give notice of underpayment)(1);".

*This amendment is consequential on NC44.*

Amendment 222, page 116, line 10, after "120;" insert

"and any reference to a failure to comply with relevant labour market legislation is to be read accordingly;".

*This amendment is consequential on NC60.*

Amendment 223, page 116, line 10, at end insert—

""notice of underpayment" has the meaning given by section (Power to give notice of underpayment)(2);".

*This amendment is consequential on NC44.*

Amendment 224, page 116, line 11, at end insert—

""the relevant day", in relation to a notice of underpayment, has the meaning given by section (Power to give notice of underpayment)(1);".

*This amendment is consequential on NC44.*

Amendment 225, page 116, line 15, at end insert—

""statutory pay provision" has the meaning given by section (Power to give notice of underpayment)(7);".

*This amendment is consequential on NC44.*

Amendment 226, page 116, line 21, at end insert—

""underpaid individual", in relation to a notice of underpayment, has the meaning given by section (Power to give notice of underpayment)(1);".—*(Justin Madders.)*

*This amendment is consequential on NC44.*

## Clause 126

### Regulations

*Amendments made:* 227, page 118, line 14, after "State" insert "or the Welsh Ministers".

*This amendment is consequential on NC37.*

Amendment 228, page 118, line 15, at end insert—

"( ) For provision about the making of regulations under this Act by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (which provides for such regulations to be made by Scottish statutory instrument)."

*This amendment is consequential on NC37. The effect of section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 is that regulations made by the Scottish Ministers under Chapter 2 of Part 3 will be made by Scottish statutory instrument.*

Amendment 229, page 118, line 23, after "procedure"" insert "—

"(a) in the case of regulations of the Secretary of State,"

*This amendment is consequential on amendment 230.*

Amendment 230, page 118, line 24, at end insert—

"(b) in the case of regulations of the Welsh Ministers, the statutory instrument containing the regulations is subject to annulment in pursuance of a resolution of Senedd Cymru;

(c) in the case of regulations of the Scottish Ministers, the regulations are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10))."

*This amendment is consequential on NC37. It defines what is meant by "negative resolution procedure" for regulations made by the Welsh Ministers or the Scottish Ministers.*

Amendment 231, page 118, line 26, after "procedure"" insert "—

(a) in the case of regulations of the Secretary of State,".

*This amendment is consequential on amendment 232.*

Amendment 232, page 118, line 28, at end insert—

"(b) in the case of regulations of the Welsh Ministers, the regulations may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, Senedd Cymru;

(c) in the case of regulations of the Scottish Ministers, the regulations are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10))."

*This amendment is consequential on NC37. It defines what is meant by "affirmative resolution procedure" for regulations made by the Welsh Ministers or the Scottish Ministers.*

Amendment 233, page 118, line 29, after "included" insert "by a person".

*This amendment is consequential on NC37.*

Amendment 234, page 118, line 30, after "made" insert "by the person".—*(Justin Madders.)*

*This amendment is consequential on NC37.*

## Clause 128

### Extent

*Amendment made:* 235, page 119, line 4, leave out paragraphs (b) and (c) and insert—

"(b) in Part 3—

(i) Chapter 1 extends to England and Wales;

(ii) Chapter 2 extends to England and Wales and Scotland;

(iii) Chapter 3 extends to England and Wales, Scotland and Northern Ireland;".—*(Justin Madders.)*

*This amendment is consequential on NC37. It provides for Chapter 2 to extend to England and Wales and Scotland.*

**Clause 129**

COMMENCEMENT

*Amendments made:* 236, page 119, line 28, at end insert—

"(za) section (Political funds: requirement to pass political resolution) (political funds: requirement to pass political resolution);".

*This amendment would bring NC40 into force two months after Royal Assent.*

Amendment 237, page 119, line 34, leave out paragraph (e) and insert—

"(e) section (Industrial action ballots: support thresholds) (industrial action ballots: support thresholds);".

*See the explanatory statement for amendment 192 - this amendment together with others will have the effect that the provision about support thresholds for industrial action ballots will come into force automatically two months after Royal Assent, whereas the provision about the turnout threshold will come into force by regulations.*

Amendment 238, page 119, line 34, at end insert—

"(ea) section (Notice of industrial action ballot and sample voting paper for employers) (notice of industrial action ballot and sample voting paper for employers);".

*This amendment would bring NC42 into force two months after Royal Assent.*

Amendment 239, page 119, line 36, at end insert—

"(fa) section (Period after which industrial action ballot ceases to be effective) (period after which industrial action ballot ceases to be effective);".—*(Justin Madders.)*

*This amendment would bring NC43 into force two months after Royal Assent.*

**New Schedule 2**

TRADE UNION RECOGNITION

**"Part 1**

INTRODUCTION

1 Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 is amended in accordance with Parts 2 to 5 of this Schedule.

2 Part 6 of this Schedule contains consequential amendments to the Employment Relations Act 2004.

**Part 2**

RECOGNITION

*Meaning of "the application day"*

3 In paragraph 2 (interpretation of Part 1 of Schedule A1), after sub-paragraph (5) insert—

"(6) In relation to an application under paragraph 11 or 12, a reference to the application day is to the day on which the CAC receives the application."

*Acceptance of applications*

4 (1) Paragraph 14 (acceptance of applications: multiple applications) is amended as follows.

(2) After sub-paragraph (1) insert—

"(1A) For the purposes of sub-paragraph (1)(b), any worker who joined any of the relevant bargaining units after the application day is to be disregarded."

(3) In sub-paragraph (4), for "10 per cent test" substitute "required percentage test".

(4) In sub-paragraph (5)—

(a) for "10 per cent test" substitute "required percentage test";

(b) for "at least 10 per cent" substitute "at least the required percentage (see paragraph 171B)".

(5) After sub-paragraph (5) insert—

"(5A) For the purposes of sub-paragraph (5), any worker who joined the relevant bargaining unit after the application day is to be disregarded."

(6) In sub-paragraph (7)—

(a) in paragraph (a), for "10 per cent test" substitute "required percentage test";

(b) in paragraph (b), for "10 per cent test" substitute "required percentage test".

(7) In sub-paragraph (8), for "10 per cent test" substitute "required percentage test".

*Withdrawal of application*

5 In paragraph 16 (withdrawal of application), in sub-paragraph (1)(a), after "19F(5)" insert ", 19K(4) or (5), 19P(4) or (5)".

*Notice to cease consideration of application*

6 In paragraph 17 (notice to cease consideration of application), in sub-paragraph (3)(a), after "19F(5)" insert ", 19K(4) or (5), 19P(4) or (5)".

*Communication with workers through independent person after application*

7 (1) Paragraph 19C (appointment of independent person to handle communications between union and workers) is amended as follows.

(2) After sub-paragraph (2) insert—

"(2A) An application under sub-paragraph (2) is valid only if it is made before the end of the period of 5 working days starting with the day after the day on which the CAC gives the union (or unions) notice under paragraph 15(5) that the application mentioned in sub-paragraph (1) is accepted."

(3) In sub-paragraph (5)(c), after "19F(5)" insert ", 19K(4) or (5), 19P(4) or (5)".

(4) In sub-paragraph (7), for "an application" substitute "a valid application".

*Access agreements*

8 After paragraph 19F insert—

"*Access agreements*

19G(1) This paragraph applies if—

(a) the CAC accepts an application under paragraph 11(2) or 12(2) or (4), and

(b) the application is in progress.

(2) The union (or unions) may, by giving notice to the CAC and the employer within the access request period, request access to the relevant workers in connection with the application.

(3) In the case of an application under paragraph 11(2) or 12(2), the relevant workers are—

(a) in relation to any time before an appropriate bargaining unit is agreed by the parties or decided by the CAC, those falling within the proposed bargaining unit, and

(b) in relation to any time after an appropriate bargaining unit is so agreed or decided, those falling within the bargaining unit agreed or decided upon.

(4) In the case of an application under paragraph 12(4), the relevant workers are those falling within the bargaining unit agreed by the parties.

(5) The access request period is the period of 5 working days starting with the day after the day on which the CAC gives the union (or unions) notice under paragraph 15(5) that the application is accepted.

(6) For the purposes of this paragraph and paragraphs 19H to 19K, an application under paragraph 11 or 12 is in progress if none of the following has occurred—

(a) the withdrawal of the application;

(b) the CAC giving notice to the union (or unions) of a decision under paragraph 20 that the application is invalid;

(c) the CAC giving notice to the union (or unions) of a declaration issued under paragraph 19F(5), 19K(4) or (5), 19P(4) or (5), 22(2) or 27(2) in relation to the application;

(d) the holding of any ballot arising from the application.

19H(1) This paragraph applies if—

(a) the CAC accepts an application under paragraph 11(2) or 12(2) or (4),

(b) the union requests (or unions request) access to the relevant workers under paragraph 19G(2) in connection with the application, and

(c) the application is in progress.

(2) The CAC must try to help the parties to reach agreement within the negotiation period as to terms on which the union is (or unions are) to have access to the relevant workers.

(3) The negotiation period is, subject to any notice under sub-paragraph (4) or (6), the period of 15 working days starting with the day after the day on which the union gives (or unions give) notice to the employer under paragraph 19G(2).

(4) If, during the negotiation period, the CAC concludes that there is no reasonable prospect of the parties' agreeing terms on which the union is (or unions are) to have access to the relevant workers before the time when (apart from this sub-paragraph) the negotiation period would end, the CAC may, by a notice given to the parties, declare that the negotiation period ends with the date of the notice.

(5) A notice under sub-paragraph (4) must contain reasons for reaching the conclusion mentioned in that sub-paragraph.

(6) If, during the negotiation period, the parties apply to the CAC for a declaration that the negotiation period is to end with a date (specified in the application) which is earlier or later than the date with which it would otherwise end, the CAC may, by a notice given to the parties, declare that the negotiation period ends with the specified date.

19I (1) This paragraph applies if—

(a) the CAC accepts an application under paragraph 11(2) or 12(2) or (4),

(b) the union requests (or unions request) access to the relevant workers under paragraph 19G(2) in connection with the application,

(c) the parties have not within the negotiation period agreed terms on which the union is (or unions are) to have access to the relevant workers, and

(d) the application is in progress.

(2) Within the adjudication period, the CAC must—

(a) decide the terms on which the union is (or unions are) to have access to the relevant workers, or

(b) decide that the union is (or unions are) not to have access to the relevant workers.

(3) The adjudication period is—

(a) the period of 10 working days starting with the day after the day with which the negotiation period ends, or

(b) such longer period (so starting) as the CAC may specify to the parties by notice containing reasons for the extension.

(4) Any terms decided by the CAC must be terms that the CAC regards as allowing such access to the relevant workers as is reasonable to enable the union (or unions) to—

(a) inform the workers of the object of the application or any ballot arising from it, and

(b) seek their support and their opinions on the issues involved.

19J(1) This paragraph applies if—

(a) an access agreement is entered into, and

(b) the application under paragraph 11 or 12 is in progress.

(2) "Access agreement" means—

(a) terms on which the union is (or unions are) to have access to the relevant workers and which are agreed between the parties under paragraph 19H during the negotiation period, or

(b) terms on which the union is (or unions are) to have access to the relevant workers and which are decided by the CAC under paragraph 19I,

and such an agreement is "entered into" when the terms are so agreed or decided.

(3) The parties must comply with the access agreement.

(4) The employer must refrain from making any offer to any or all of the relevant workers which—

(a) has or is likely to have the effect of inducing any or all of them not to attend any relevant meeting between the union (or unions) and the relevant workers, and

(b) is not reasonable in the circumstances.

(5) The employer must refrain from taking, or threatening to take, any action against a worker solely or mainly on the grounds that the worker—

(a) attended or took part in any relevant meeting between the union (or unions) and the relevant workers, or

(b) indicated an intention to attend or take part in such a meeting.

(6) In the case of an application under paragraph 11(2) or 12(2), the relevant workers are—

(a) in relation to any time before an appropriate bargaining unit is agreed by the parties or decided by the CAC, those falling within the proposed bargaining unit, and

(b) in relation to any time after an appropriate bargaining unit is so agreed or decided, those falling within the bargaining unit agreed or decided upon.

(7) In the case of an application under paragraph 12(4), the relevant workers are those falling within the bargaining unit agreed by the parties.

(8) A meeting is a relevant meeting in relation to a worker for the purposes of sub-paragraphs (4) and (5) if—

(a) it is organised in accordance with an access agreement or as a result of a step ordered to be taken under paragraph 19K to remedy a failure to comply with the duty in sub-paragraph (3), and

(b) it is one which the employer is, by such an agreement or order as is mentioned in paragraph (a), required to permit the worker to attend.

(9) The duties imposed by sub-paragraphs (4) and (5) do not confer any rights on a worker; but that does not affect any other right which a worker may have.

(10) Any provision of an access agreement that would require personal data relating to any of the relevant workers to be disclosed to any person who is not an appointed person is of no effect for the purposes of this Part of this Schedule.

(11) In sub-paragraph (10)—

(a) "appointed person" means—

(i) a person appointed to handle communications under paragraph 19C, or

(ii) a person appointed to conduct a ballot under paragraph 25;

(b) "personal data" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

(12) An access agreement is to be conclusively presumed not to have been intended by the parties to be a legally enforceable contract; and, accordingly, where an access agreement is, or is part of, a collective agreement, section 179(2) and (3)(a) do not apply to the access agreement.

19K (1) Sub-paragraph (2) applies if—

(a) the CAC is satisfied that a party has failed to fulfil any of the duties imposed on that party by paragraph 19J, and

(b) the application under paragraph 11 or 12 is in progress.

(2) The CAC may order the party—

(a) to take such steps to remedy the failure as the CAC considers reasonable and specifies in the order, and

(b) to do so within such period as the CAC considers reasonable and specifies in the order.

(3) Sub-paragraphs (4) and (5) apply if—

(a) the CAC is satisfied that a party has failed to comply with an order under sub-paragraph (2),

(b) the application under paragraph 11 or 12 is in progress,

(c) the parties have agreed an appropriate bargaining unit or the CAC has decided an appropriate bargaining unit, and

(d) in the case of an application under paragraph 11(2) or 12(2), the CAC, if required to do so, has decided under paragraph 20 that the application is not invalid.

(4) If the party that has failed to comply is the employer, the CAC may issue a declaration that the union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of the bargaining unit.

(5) If the party that has failed to comply is a union, the CAC may issue a declaration that the union is (or unions are) not entitled to be so recognised.

19L (1) Each of the powers specified in sub-paragraph (2) is to be taken to include power to issue Codes of Practice about any matter relating to requests for access under paragraph 19G(2), including (among other things)—

(a) what access is reasonable for the purposes of paragraph 19I(4);

(b) the duty in paragraph 19J(4).

(2) The powers are—

(a) the power of ACAS under section 199(1);

(b) the power of the Secretary of State under section 203(1)(a)."

*Unfair practices*

9 After paragraph 19L (inserted by paragraph 8 of this Schedule) insert—

"*Unfair practices*

19M (1) Each of the parties informed by the CAC under paragraph 15(5) that an application under paragraph 11 or 12 is accepted must refrain from using any unfair practice in relation to the application.

(2) A party uses an unfair practice if, with a view to influencing the outcome of the application, the party does any of the following—

(a) dismisses, or threatens to dismiss, a worker;

(b) takes, or threatens to take, disciplinary action against a worker;

(c) subjects, or threatens to subject, a worker to any other detriment;

(d) offers to pay money, or give money's worth, to a relevant worker in return for the worker's agreement to vote in a particular way, or to abstain from voting, in a relevant ballot;

(e) makes an outcome-specific offer to a relevant worker;

(f) coerces, or attempts to coerce, a relevant worker to disclose—

(i) whether the worker intends to vote, or to abstain from voting, in any relevant ballot, or

(ii) how the worker intends to vote, or has voted, in any relevant ballot;

(g) uses, or attempts to use, undue influence on a relevant worker.

(3) In sub-paragraph (2)—

(a) "relevant ballot" means any ballot that is or may be held in which workers are asked whether they want the union (or unions) to conduct collective bargaining on their behalf, and

(b) "relevant worker" means any worker who is or would be entitled to vote in a relevant ballot.

(4) For the purposes of sub-paragraph (2)(e) an "outcome-specific offer" is an offer to pay money, or give money's worth, which—

(a) is conditional on the issuing by the CAC of a declaration that—

(i) the union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of a bargaining unit, or

(ii) the union is (or unions are) not entitled to be so recognised, and

(b) is not conditional on anything which is done or occurs as a result of the declaration in question.

(5) The duty imposed by this paragraph does not confer any rights on a worker; but that does not affect any other right which a worker may have.

(6) Each of the following powers is to be taken to include power to issue Codes of Practice about unfair practices for the purposes of this paragraph—

(a) the power of ACAS under section 199(1);

(b) the power of the Secretary of State under section 203(1)(a).

19N (1) A party may complain to the CAC that another party has failed to comply with paragraph 19M.

(2) A complaint under sub-paragraph (1) may not be made after—

(a) the application under paragraph 11 or 12 is withdrawn;

(b) the CAC gives notice to the union (or unions) of a decision under paragraph 20 that the application is invalid;

(c) the CAC notifies the union (or unions) of a declaration issued under paragraph 19F(5), 19K(4) or (5), 19P(4) or (5), 22(2) or 27(2) in relation to the application;

(d) if the CAC informs the union (or unions) under paragraph 25(9) of a ballot in relation to the application, the fifth working day after—

(i) the date of the ballot, or

(ii) if votes may be cast in the ballot on more than one day, the last of those days.

(3) Within the decision period the CAC must decide whether the complaint is well-founded.

(4) A complaint is well-founded if the CAC finds that the party complained against used an unfair practice.

(5) The decision period is—

(a) the period of 10 working days starting with the day after the day on which the complaint under sub-paragraph (1) was received by the CAC, or

(b) such longer period (so starting) as the CAC may specify to the parties by a notice containing reasons for the extension.

19O (1) This paragraph applies if the CAC decides that a complaint under paragraph 19N is well-founded.

(2) The CAC must, as soon as is reasonably practicable, issue a declaration to that effect.

(3) The CAC may order the party concerned to take any action specified in the order within such period as may be so specified.

(4) Sub-paragraph (5) applies if—

(a) the parties have agreed an appropriate bargaining unit or the CAC has decided an appropriate bargaining unit, and

(b) the CAC has at any time informed the union (or unions) under paragraph 25(9) of a ballot in relation to the application (including a ballot that was cancelled or is ineffective).

(5) The CAC may give notice to the employer and to the union (or unions) that it intends to arrange for the holding of a secret ballot in which the workers constituting the bargaining unit, other than those who joined the bargaining unit after the application day, are asked whether they want the union (or unions) to conduct collective bargaining on their behalf.

(6) The CAC may make an order under sub-paragraph (3), or give a notice under sub-paragraph (5), either at the same time as it issues the declaration under sub-paragraph (2) or at any other time before any of the following occurs—

(a) the withdrawal of the application under paragraph 11 or 12;

(b) the CAC giving notice to the union (or unions) of a decision under paragraph 20 that the application is invalid;

(c) the CAC notifying the union (or unions) of a declaration issued under paragraph 19F(5), 19K(4) or (5), 19P(4) or (5), 22(2) or 27(2) in relation to the application;

(d) if the CAC informs the union (or unions) under paragraph 25(9) of a ballot in relation to the application, the CAC acting under paragraph 29 in relation to the ballot.

(7) The action specified in an order under sub-paragraph (3) must be such as the CAC considers reasonable in order to mitigate the effect of the failure of the party concerned to comply with the duty imposed by paragraph 19M.

(8) The CAC may make more than one order under sub-paragraph (3).

19P (1) Sub-paragraphs (4) to (6) apply if—

(a) the CAC issues a declaration under paragraph 19O(2) that a complaint that a party has failed to comply with paragraph 19M is well-founded,

(b) the application under paragraph 11 or 12 has not been withdrawn,

(c) the parties have agreed an appropriate bargaining unit or the CAC has decided an appropriate bargaining unit,

(d) in the case of an application under paragraph 11(2) or 12(2), the CAC, if required to do so, has decided under paragraph 20 that the application is not invalid,

(e) the CAC has not notified the union (or unions) of a declaration issued under paragraph 19F(5), 19K(4) or (5), 19P(4) or (5), 22(2) or 27(2) in relation to the application, and

(f) sub-paragraph (2) or (3) applies.

(2) This sub-paragraph applies if the declaration states that the unfair practice used consisted of or included—

(a) the use of violence, or

(b) the dismissal of a union official.

(3) This sub-paragraph applies if the CAC has made an order under paragraph 19O(3) and—

(a) it is satisfied that the party subject to the order has failed to comply with it, or

(b) it makes another declaration under paragraph 19O(2) in relation to a complaint against that party.

(4) If the party that has failed to comply is the employer, the CAC may issue a declaration that the union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of the bargaining unit.

(5) If the party that has failed to comply is a union, the CAC may issue a declaration that the union is (or unions are) not entitled to be so recognised.

(6) The powers conferred by this paragraph are in addition to those conferred by paragraph 19O."

*Powers of CAC on proceeding with application*

10 (1) Paragraph 22 (powers of CAC where majority of workers are members of union) is amended as follows.

(2) In sub-paragraph (1)(a), after "19F(5)" insert ", 19K(4) or (5) or 19P(4) or (5)".

(3) After sub-paragraph (1) insert—

"(1A) For the purposes of sub-paragraph (1)(b), any worker who joined the bargaining unit after the application day is to be disregarded."

(4) In sub-paragraph (3), after "bargaining unit" insert ", other than those who joined the bargaining unit after the application day,".

(5) After sub-paragraph (4) insert—

"(4A) For the purposes of sub-paragraph (4)(b) and (c), evidence from or relating to a worker who joined the bargaining unit after the application day is to be disregarded."

11 (1) Paragraph 23 (CAC to order ballot where majority of workers are not members of union) is amended as follows.

(2) In sub-paragraph (1)(a), after "19F(5)" insert ", 19K(4) or (5) or 19P(4) or (5)".

(3) After sub-paragraph (1) insert—

"(1A) For the purposes of sub-paragraph (1)(b), any worker who joined the bargaining unit after the application day is to be disregarded."

(4) In sub-paragraph (2), after "bargaining unit" insert ", other than those who joined the bargaining unit after the application day,".

*Ballots*

12 (1) Paragraph (1) 24 (notice of holding of ballot) is amended as follows.

(2) In sub-paragraph (1), after "paragraph" insert "19O(5),".

(3) In sub-paragraph (5)—

(a) before paragraph (a) insert—

"(za) in the case of notice given under paragraph 19O(5), the period of 5 working days starting with the day on which the union (or the last of the unions) receives that notice,";

(b) in paragraph (a)—

(i) at the beginning insert "in the case of notice given under paragraph 22(3) or 23(2),";

(ii) for the words from "the CAC's notice" to the end substitute "that notice";

(c) in paragraph (b), for "so starting" substitute "starting with the day mentioned in paragraph (za) or (a) (as the case may be)".

(4) In sub-paragraph (6)—

(a) before paragraph (a) insert—

"(za) in the case of notice given under paragraph 19O(5), the period of 5 working days starting with the day on which the union (or the last of the unions) receives that notice,";

(b) in paragraph (a)—

(i) at the beginning insert "in the case of notice given under paragraph 22(3) or 23(2),";

(ii) for the words from "the CAC's notice" to the end substitute "that notice";

(c) in paragraph (b), for "so starting" substitute "starting with the day mentioned in paragraph (za) or (a) (as the case may be)".

13 In paragraph 25 (rules relating to ballot), after sub-paragraph (1) insert—

"(1A) A worker who joined the bargaining unit after the application day is not eligible to vote in the ballot."

14 (1) Paragraph 26 (duties (1) of employer in relation to ballot) is amended as follows.

(2) In sub-paragraph (1), omit "five".

(3) In sub-paragraph (2)—

(a) for "The first duty is to" substitute "The employer must";

(b) for "the second and third duties are not" substitute "no other duty of the employer under this Part of this Schedule is".

(4) Omit sub-paragraph (3).

(5) In sub-paragraph (4)—

(a) in the words before paragraph (a), for "The third duty is to" substitute "The employer must";

(b) in paragraph (a)—

(i) for "to give" substitute "give";

(ii) for "constituting the bargaining unit" substitute "eligible to vote in the ballot";

(c) omit paragraph (b);

(d) in paragraph (c)—

(i) for "to inform" substitute "inform";

(ii) omit "or (b)".

(6) After sub-paragraph (4) insert—

"(4ZA) If the ballot is being held by virtue of paragraph 19O(5), the duty under sub-paragraph (4)(a) is limited to—

(a) giving the CAC the names and home addresses of any workers eligible to vote in the ballot which have not previously been given to it in accordance with that duty;

(b) informing the CAC of any change to the name or home address of a worker whose name and home address have previously been given to the CAC in accordance with that duty;

(c) informing the CAC of any worker whose name had previously been given to it in accordance with that duty who has ceased to be within the bargaining unit."

(7) Omit sub-paragraphs (4A) to (4E), (4G), (8) and (9).

15 After paragraph 27 insert—

"27ZA (1) This paragraph applies if—

(a) the union has (or unions have) been informed of a ballot under paragraph 25(9), and

(b) the CAC issues a declaration under paragraph 19K.

(2) If the ballot has not been held, the CAC must take steps to cancel it.

(3) If the ballot is held, it is to have no effect.

27ZB (1) This paragraph applies if—

(a) the union has (or unions have) been informed of a ballot under paragraph 25(9),

(b) a complaint is made under paragraph 19N, and

(c) the ballot did not begin before the beginning of the decision period referred to in paragraph 19N(5).

(2) The CAC may by notice to the parties and the qualified independent person postpone the date on which the ballot is to begin until a date which falls after the end of the decision period.

27ZC (1) This paragraph applies if—

(a) the union has (or unions have) been informed of a ballot under paragraph 25(9),

(b) the CAC issues a declaration that a complaint under paragraph 19N is well-founded, and

(c) the CAC—

(i) gives a notice under paragraph 19O(5), or

(ii) issues a declaration under paragraph 19P(4) or (5).

(2) If the ballot has not been held, the CAC must take steps to cancel it.

(3) If the ballot is held, it is to have no effect.

27ZD (1) This paragraph applies if—

(a) the CAC gives a notice under paragraph 19O(5), and

(b) the CAC has previously made an order under paragraph 27(1) in relation to a cancelled or ineffective ballot in connection with the application to which the notice relates.

(2) The order has effect, to the extent that the CAC specifies in a notice to the parties, as if it were made for the purposes of the ballot to which the notice under paragraph 19O(5) relates."

16 Omit paragraphs 27A to 27F (unfair practices during ballot).

17 (1) Paragraph 28 (costs of ballot) is amended as follows.

(2) After sub-paragraph (1) insert—

"(1A) If the ballot is one to which a notice under paragraph 19O(5) relates, the gross costs of the ballot are to be borne by such of the parties and in such proportions as the CAC may determine."

(3) In sub-paragraph (2), for "The gross costs" substitute "If the ballot is one to which a notice under paragraph 22(3) or 23(2) relates, the gross costs".

(4) In sub-paragraph (4), for "the employer and the union (or each of the unions)" substitute "the party or parties required to bear the costs".

18 (1) Paragraph 29 (result of ballot) is amended as follows.

(2) For sub-paragraphs (1) and (1A) substitute—

"(1) The CAC must act under this paragraph as soon as reasonably practicable after—

(a) the CAC is informed of the result of a ballot by the person conducting it, and

(b) the complaint period ends.

(1ZA) The complaint period is the period of 5 working days starting with the day after—

(a) the day of the ballot, or

(b) if votes may be cast in the ballot on more than one day, the last of those days.

(1A) The duty in sub-paragraph (1) does not apply—

(a) if a complaint is made under paragraph 19N, on or before the day on which the CAC decides whether the complaint is well-founded;

(b) if the CAC gives a notice under paragraph 19O(5)."

(3) For sub-paragraph (3) substitute—

"(3) If the result is that the union is (or unions are) supported by a majority of the workers voting, the CAC must issue a declaration that the union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of the bargaining unit."

(4) Omit sub-paragraphs (5) to (7).

*General provisions about admissibility of applications*

19 (1) Paragraph 35 (admissibility of applications: existing collective agreement) is amended as follows.

(2) After sub-paragraph (1) insert—

"(1A) For the purposes of sub-paragraph (1), any worker who joined the relevant bargaining unit after the application day is to be disregarded."

(3) After sub-paragraph (5) insert—

"(5A) In applying sub-paragraph (1) an agreement for recognition (the agreement in question) must be ignored if—

(a) the union recognised under the agreement in question does not have (or none of the unions recognised under the agreement in question has) a certificate of independence,

(b) the union (or unions) making the application under paragraph 11 or 12 made the application before the end of the period of reflection, and

(c) the agreement in question was entered into during the restricted period.

(5B) The period of reflection is the period of 20 working days starting with the first day after the end of—

(a) the first period referred to in paragraph 10(6), in the case of an application under paragraph 11, or

(b) the second period referred to in paragraph 10(7), in the case of an application under paragraph 12.

(5C) The restricted period is the period—

(a) starting with the day on which the employer receives a valid request for recognition under paragraph 4, and

(b) ending with the day on which the CAC makes a decision under paragraph 15."

20 In paragraph 36 (admissibility of applications: minimum support), for sub-paragraph (1) substitute—

"(1) An application under paragraph 11 or 12 is not admissible unless the CAC decides that members of the union (or unions) constitute at least the required percentage (see paragraph 171B) of the workers constituting the relevant bargaining unit.

(1A) For the purposes of sub-paragraph (1), any worker who joined the relevant bargaining unit after the application day is to be disregarded."

21 (1) Paragraph 38 (admissibility of applications: overlapping bargaining unit) is amended as follows.

(2) In sub-paragraph (1)(d)—

(a) after "19F(5)," insert "19K(4) or (5), 19P(4) or (5),";

(b) omit "27D(3), 27D(4),".

(3) After sub-paragraph (2) insert—

"(2A) For the purposes of sub-paragraph (2)(a), any worker who joined the relevant bargaining unit or the bargaining unit referred to in sub-paragraph (1) after the application day is to be disregarded."

22 In paragraph 40 (admissibility of applications: union not entitled to be recognised), in sub-paragraph (1)—

(a) for "27D(4)" substitute "19K(5), 19P(5)";

(b) omit the words from "; and this is so" to the end.

23 After paragraph 40 insert—

"40A (1) This paragraph applies if the CAC issues a declaration under paragraph 81E(5), 81J(5) or 29(4) (where it applies by virtue of paragraph 89(5)) that a union is (or unions are) not entitled to be recognised as entitled to conduct collective bargaining on behalf of a bargaining unit.

(2) An application under paragraph 11 or 12 is not admissible if—

(a) the application is made within the period of 3 years starting with the day after the day on which the declaration was issued,

(b) the relevant bargaining unit is the same or substantially the same as the bargaining unit mentioned in sub-paragraph (1), and

(c) the application is made by the union (or unions) which made the application leading to the declaration.

(3) The relevant bargaining unit is—

(a) the proposed bargaining unit, where the application is under paragraph 11(2) or 12(2);

(b) the agreed bargaining unit, where the application is under paragraph 12(4)."

24 In paragraph 41 (admissibility of applications: union required to cease bargaining arrangements), in sub-paragraph (1)—

(a) for "119D(4), 119H(5)" substitute "116E(5), 116J(5)";

(b) for "the ballot concerned is arranged" substitute "the declaration is issued".

*General provisions about validity of applications*

25 (1) Paragraph 44 (validity of applications: existing collective agreement) is amended as follows.

(2) After sub-paragraph (1) insert—

"(1A) For the purposes of sub-paragraph (1), any worker who joined the relevant bargaining unit after the application day is to be disregarded."

(3) After sub-paragraph (5) insert—

"(6) In applying sub-paragraph (1) an agreement for recognition (the agreement in question) must be ignored if—

(a) the union recognised under the agreement in question does not have (or none of the unions recognised under the agreement in question has) a certificate of independence,

(b) the union (or unions) making the application under paragraph 11 or 12 made the application before the end of the period of reflection, and

(c) the agreement in question was entered into during the restricted period.

(7) The period of reflection is the period of 20 working days starting with the first day after the end of—

(a) the first period referred to in paragraph 10(6), in the case of an application under paragraph 11, or

(b) the second period referred to in paragraph 10(7), in the case of an application under paragraph 12.

(8) The restricted period is the period—

(a) starting with the day on which the employer receives a valid request for recognition under paragraph 4, and

(b) ending with the day on which the CAC makes a decision under paragraph 20."

26 For paragraph 45 (validity of applications: minimum support) substitute—

"45 (1) The application in question is invalid unless the CAC decides that members of the union (or unions) constitute at least the required percentage (see paragraph 171B) of the workers constituting the relevant bargaining unit.

(2) For the purposes of sub-paragraph (1), any worker who joined the relevant bargaining unit after the application day is to be disregarded."

27 (1) Paragraph 46 (validity of applications: overlapping bargaining unit) is amended as follows.

(2) In sub-paragraph (1)(d)—

(a) after "19F(5)," insert "19K(4) or (5), 19P(4) or (5),";

(b) omit "27D(3), 27D(4),".

(3) After sub-paragraph (2) insert—

"(3) For the purposes of sub-paragraph (2)(a), any worker who joined the relevant bargaining unit or the bargaining unit referred to in sub-paragraph (1) after the application day is to be disregarded."

28 In paragraph 48 (validity of applications: union not entitled to be recognised), in sub-paragraph (1)—

(a) for "27D(4)" substitute "19K(5), 19P(5)";

(b) omit the words from "; and this is so" to the end.

29 After paragraph 48 insert—

"48A (1) This paragraph applies if the CAC issues a declaration under paragraph 81E(5), 81J(5) or 29(4) (where it applies by virtue of paragraph 89(5)) that a union is (or unions are) not entitled to be recognised as entitled to conduct collective bargaining on behalf of a bargaining unit.

(2) The application in question is invalid if—

(a) the application is made within the period of 3 years starting with the date of the declaration,

(b) the relevant bargaining unit is the same or substantially the same as the bargaining unit mentioned in sub-paragraph (1), and

(c) the application is made by the union (or unions) which made the application leading to the declaration."

30 In paragraph 49 (validity of applications: union required to cease bargaining arrangements), in sub-paragraph (1)—

(a) for "119D(4), 119H(5)" substitute "116E(5), 116J(5)";

(b) for "the ballot concerned is arranged" substitute "the declaration is issued".

*Competing applications*

31 In paragraph 51 (competing applications), in sub-paragraph (2)(c), for "10 per cent test" substitute "required percentage test".

*Voluntary recognition*

32 In paragraph 52 (voluntary recognition), in sub-paragraph (3)(f), after "19F(5)" insert ", 19K(4) or (5), 19P(4) or (5)".

## Part 3

### Changes affecting bargaining unit after recognition

*Access agreements*

33 After paragraph 81 insert—

"*Access agreements*

81A(1) This paragraph applies if—

(a) the CAC accepts an application under paragraph 66 or 75, and

(b) the application is in progress.

(2) The union (or unions) may, by giving notice to the CAC and the employer within the access request period, request access to the relevant workers in connection with the application.

(3) The relevant workers are—

(a) in relation to any time before the CAC decides that a bargaining unit other than the original unit is an appropriate bargaining unit, the workers constituting the original unit, and

(b) in relation to any time after the CAC decides that a bargaining unit other than the original unit is an appropriate bargaining unit, the workers constituting the new unit (see paragraph 82(4)).

(4) But, where there is more than one new unit, references to the relevant workers are references to the workers constituting each new unit separately.

(5) The access request period is the period of 5 working days starting with the day after the day on which the CAC gives the union (or unions) notice under paragraph 68(5) or 76(5) that the application is accepted.

(6) For the purposes of this paragraph and paragraphs 81B to 81E, an application under paragraph 66 or 75 is in progress if none of the following has occurred—

(a) the withdrawal of the application;

(b) the CAC issuing a declaration under paragraph 69(3), 78(3), 81E(4) or (5) or 81J(4) or (5) in relation to the application;

(c) the CAC notifying the union (or unions) of its decision under paragraph 77(2) or 77(3);

(d) in relation to the new unit (or, if there is more than one, all of the new units)—

(i) the CAC issuing a declaration under paragraph 83(2), 85(2), 86(3) or 87(2), or under paragraph 27(2) (where it applies by virtue of paragraph 89(5)),

(ii) the union (or unions) notifying the CAC under paragraph 89(1), or

(iii) the holding of any ballot arising from the application.

81B(1) This paragraph applies if—

(a) the CAC accepts an application under paragraph 66 or 75,

(b) the union requests (or unions request) access to the relevant workers under paragraph 81A(2) in connection with the application, and

(c) the application is in progress.

(2) The CAC must try to help the parties to reach agreement within the negotiation period as to terms on which the union is (or unions are) to have access to the relevant workers.

(3) The negotiation period is, subject to any notice under sub-paragraph (4) or (6), the period of 15 working days starting with the day after the day on which the union gives (or unions give) notice to the employer under paragraph 81A(2).

(4) If, during the negotiation period, the CAC concludes that there is no reasonable prospect of the parties' agreeing terms on which the union is (or unions are) to have access to the relevant workers before the time when (apart from this sub-paragraph) the negotiation period would end, the CAC may, by a notice given to the parties, declare that the negotiation period ends with the date of the notice.

(5) A notice under sub-paragraph (4) must contain reasons for reaching the conclusion mentioned in that sub-paragraph.

(6) If, during the negotiation period, the parties apply to the CAC for a declaration that the negotiation period is to end with a date (specified in the application) which is earlier or later than the date with which it would otherwise end, the CAC may, by a notice given to the parties, declare that the negotiation period ends with the specified date.

81C(1) This paragraph applies if—

(a) the CAC accepts an application under paragraph 66 or 75,

(b) the union requests (or unions request) access to the relevant workers under paragraph 81A(2) in connection with the application,

(c) the parties have not within the negotiation period agreed terms on which the union is (or unions are) to have access to the relevant workers, and

(d) the application is in progress.

(2) Within the adjudication period, the CAC must—

(a) decide the terms on which the union is (or unions are) to have access to the relevant workers, or

(b) decide that the union is (or unions are) not to have access to the relevant workers.

(3) The adjudication period is—

(a) the period of 10 working days starting with the day after the day with which the negotiation period ends, or

(b) such longer period (so starting) as the CAC may specify to the parties by notice containing reasons for the extension.

(4) Any terms decided by the CAC must be terms that the CAC regards as allowing such access to the relevant workers as is reasonable to enable the union (or unions) to—

(a) inform the workers of the object of the application or any ballot arising from it, and

(b) seek their support and their opinions on the issues involved.

81D(1) This paragraph applies if—

(a) an access agreement is entered into, and

(b) the application under paragraph 66 or 75 is in progress.

(2) "Access agreement" means—

(a) terms on which the union is (or unions are) to have access to the relevant workers and which are agreed between the parties under paragraph 81B during the negotiation period, or

(b) terms on which the union is (or unions are) to have access to the relevant workers and which are decided by the CAC under paragraph 81C,

and such an agreement is "entered into" when the terms are so agreed or decided.

(3) The parties must comply with the access agreement.

(4) The employer must refrain from making any offer to any or all of the relevant workers which—

(a) has or is likely to have the effect of inducing any or all of them not to attend any relevant meeting between the union (or unions) and the relevant workers, and

(b) is not reasonable in the circumstances.

(5) The employer must refrain from taking, or threatening to take, any action against a worker solely or mainly on the grounds that the worker—

(a) attended or took part in any relevant meeting between the union (or unions) and the relevant workers, or

(b) indicated an intention to attend or take part in such a meeting.

(6) The relevant workers are—

(a) in relation to any time before the CAC decides that a bargaining unit other than the original unit is an appropriate bargaining unit, the workers constituting the original unit, and

(b) in relation to any time after the CAC decides that a bargaining unit other than the original unit is an appropriate bargaining unit, the workers constituting the new unit (see paragraph 82(4)).

(7) But, where there is more than one new unit, references to the relevant workers are references to the workers constituting each new unit separately.

(8) A meeting is a relevant meeting in relation to a worker for the purposes of sub-paragraphs (4) and (5) if—

(a) It is organised in accordance with an access agreement or as a result of a step ordered to be taken under paragraph 81E to remedy a failure to comply with the duty in sub-paragraph (3), and

(b) it is one which the employer is, by such an agreement or order as is mentioned in paragraph (a), required to permit the worker to attend.

(9) The duties imposed by sub-paragraphs (4) and (5) do not confer any rights on a worker; but that does not affect any other right which a worker may have.

(10) Any provision of an access agreement that would require personal data relating to any of the relevant workers to be disclosed to any person other than a person appointed to conduct a ballot under paragraph 25 (where it applies by virtue of paragraph 89(4)) is of no effect for the purposes of this Part of this Schedule.

(11) "Personal data" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

(12) An access agreement is to be conclusively presumed not to have been intended by the parties to be a legally enforceable contract; and, accordingly, where an access agreement is, or is part of, a collective agreement, section 179(2) and (3)(a) do not apply to the access agreement.

81E (1) Sub-paragraph (2) applies if—

(a) the CAC is satisfied that a party has failed to fulfil any of the duties imposed on that party by paragraph 81D, and

(b) the application under paragraph 66 or 75 is in progress.

(2) The CAC may order the party—

(a) to take such steps to remedy the failure as the CAC considers reasonable and specifies in the order, and

(b) to do so within such period as the CAC considers reasonable and specifies in the order.

(3) Sub-paragraphs (4) and (5) apply if—

(a) the CAC is satisfied that a party has failed to comply with an order under sub-paragraph (2),

(b) the application under paragraph 66 or 75 is in progress, and

(c) the CAC has given notice under paragraph 70 or 79 of a decision as to the bargaining unit which is (or units which are) appropriate (each, a "new unit").

(4) If the party that has failed to comply is the employer, the CAC may issue a declaration that the union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of the new unit or units.

(5) If the party that has failed to comply is a union, the CAC may issue a declaration that the union is (or unions are) not entitled to be so recognised.

81F (1) Each of the powers specified in sub-paragraph (2) is to be taken to include power to issue Codes of Practice about any matter relating to requests for access under paragraph 81A(2), including (among other things)—

(a) what access is reasonable for the purposes of paragraph 81C(4);

(b) the duty in paragraph 81D(4).

(2) The powers are—

(a) the power of ACAS under section 199(1);

(b) the power of the Secretary of State under section 203(1)(a)."

*Unfair practices*

34 After paragraph 81F (inserted by paragraph 33 of this Schedule) insert—

"*Unfair practices*

81G(1) Each of the parties informed by the CAC under paragraph 68(5) or 76(5) that an application under paragraph 66 or 75 is accepted must refrain from using any unfair practice in relation to the application.

(2) A party uses an unfair practice if, with a view to influencing the outcome of the application, the party does any of the following—

(a) dismisses, or threatens to dismiss, a worker;

(b) takes, or threatens to take, disciplinary action against a worker;

(c) subjects, or threatens to subject, a worker to any other detriment;

(d) offers to pay money, or give money's worth, to a relevant worker in return for the worker's agreement to vote in a particular way, or to abstain from voting, in a relevant ballot;

(e) makes an outcome-specific offer to a relevant worker;

(f) coerces, or attempts to coerce, a relevant worker to disclose—

(i) whether the worker intends to vote, or to abstain from voting, in any relevant ballot, or

(ii) how the worker intends to vote, or has voted, in any relevant ballot;

(g) uses, or attempts to use, undue influence on a relevant worker.

(3) In sub-paragraph (2)—

(a) "relevant ballot" means any ballot that is or may be held in which workers are asked whether they want the union (or unions) to conduct collective bargaining on their behalf, and

(b) "relevant worker" means any worker who is or would be entitled to vote in a relevant ballot.

(4) For the purposes of sub-paragraph (2)(e) an "outcome-specific offer" is an offer to pay money, or give money's worth, which—

(a) is conditional on the issuing by the CAC of a declaration that—

(i) the union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of a bargaining unit, or

(ii) the union is (or unions are) not entitled to be so recognised, and

(b) is not conditional on anything which is done or occurs as a result of the declaration in question.

(5) The duty imposed by this paragraph does not confer any rights on a worker; but that does not affect any other right which a worker may have.

(6) Each of the following powers is to be taken to include power to issue Codes of Practice about unfair practices for the purposes of this paragraph—

(a) the power of ACAS under section 199(1);

(b) the power of the Secretary of State under section 203(1)(a).

81H (1) A party may complain to the CAC that another party has failed to comply with paragraph 81G.

(2) A complaint under sub-paragraph (1) may not be made after a conclusion event occurs.

(3) The following are conclusion events—

(a) the withdrawal of the application under paragraph 66 or 75;

(b) the CAC issuing a declaration under paragraph 69(3), 78(3), 81E(4) or (5) or 81J(4) or (5) in relation to the application;

(c) the CAC notifying the union (or unions) of its decision under paragraph 77(2) or 77(3);

(d) if the CAC has given notice under paragraph 70 or 79 of a decision as to the bargaining unit which is (or units which are) appropriate (each, a "new unit"), any of the following occurring in relation to the new unit (or, if there is more than one, all of the new units)—

(i) the CAC issuing a declaration under paragraph 83(2), 85(2), 86(3) or 87(2), or under paragraph 27(2) (where it applies by virtue of paragraph 89(5));

(ii) the union (or unions) notifying the CAC under paragraph 89(1);

(iii) the post-ballot complaint period having ended.

(4) The post-ballot complaint period is, in relation to any ballot held arising from the application, the period of 5 working days after—

(a) the date of the ballot, or

(b) if votes may be cast in the ballot on more than one day, the last of those days.

(5) Within the decision period the CAC must decide whether the complaint is well-founded.

(6) A complaint is well-founded if the CAC finds that the party complained against used an unfair practice.

(7) The decision period is—

(a) the period of 10 working days starting with the day after the day on which the complaint under sub-paragraph (1) was received by the CAC, or

(b) such longer period (so starting) as the CAC may specify to the parties by a notice containing reasons for the extension.

81I (1) This paragraph applies if the CAC decides that a complaint under paragraph 81H is well-founded.

(2) The CAC must, as soon as is reasonably practicable, issue a declaration to that effect.

(3) The CAC may order the party concerned to take any action specified in the order within such period as may be so specified.

(4) Sub-paragraph (5) applies if—

(a) the CAC has given notice under paragraph 70 or 79 of a decision as to the bargaining unit which is (or units which are) appropriate (each, a "new unit"), and

(b) the CAC has at any time informed the union (or unions) under paragraph 25(9) (where it applies by virtue of paragraph 89(4)) of a ballot in relation to the application (including a ballot that was cancelled or is ineffective).

(5) The CAC may give notice to the employer and to the union (or unions) that it intends to arrange for the holding of a secret ballot (or secret ballots) in which the workers constituting the new unit (or each of the new units) are asked whether they want the union (or unions) to conduct collective bargaining on their behalf.

(6) The CAC may make an order under sub-paragraph (3), or give a notice under sub-paragraph (5), either at the same time as it issues the declaration under sub-paragraph (2) or at any other time before any of the following occurs—

(a) the withdrawal of the application under paragraph 66 or 75;

(b) the CAC issuing a declaration under paragraph 69(3), 78(3), 81E(4) or (5) or 81J(4) or (5) in relation to the application;

(c) the CAC notifying the union (or unions) of its decision under paragraph 77(2) or 77(3);

(d) in relation to the new unit (or, if there is more than one, all of the new units)—

(i) the CAC issuing a declaration under paragraph 83(2), 85(2), 86(3) or 87(2), or under paragraph 27(2) (where it applies by virtue of paragraph 89(5)),

(ii) the union (or unions) notifying the CAC under paragraph 89(1), or

(iii) the holding of any ballot arising from the application.

(7) The action specified in an order under sub-paragraph (3) must be such as the CAC considers reasonable in order to mitigate the effect of the failure of the party concerned to comply with the duty imposed by paragraph 81G.

(8) The CAC may make more than one order under sub-paragraph (3).

81J (1) Sub-paragraphs (4) to (6) apply if—

(a) the CAC issues a declaration under paragraph 81I(2) that a complaint that a party has failed to comply with paragraph 81G is well-founded,

(b) the application under paragraph 66 or 75 has not been withdrawn,

(c) the CAC has given notice under paragraph 70 or 79 of a decision as to the bargaining unit which is (or units which are) appropriate (each, a "new unit"),

(d) the CAC has not issued a declaration under paragraph 69(3), 78(3), 81E(4) or (5) or 81J(4) or (5) in relation to the application,

(e) the CAC has not notified the union (or unions) of its decision under paragraph 77(2) or 77(3),

(f) in relation to the new unit (or, if there is more than one, all of the new units), none of the following has occurred—

(i) the CAC issuing a declaration under paragraph 83(2), 85(2), 86(3) or 87(2), or under paragraph 27(2) (where it applies by virtue of paragraph 89(5)),

(ii) the union (or unions) notifying the CAC under paragraph 89(1), or

(iii) the holding of any ballot arising from the application, and

(g) sub-paragraph (2) or (3) applies.

(2) This sub-paragraph applies if the declaration states that the unfair practice used consisted of or included—

(a) the use of violence, or

(b) the dismissal of a union official.

(3) This sub-paragraph applies if the CAC has made an order under paragraph 81I(3) and—

(a) it is satisfied that the party subject to the order has failed to comply with it, or

(b) it makes another declaration under paragraph 81I(2) in relation to a complaint against that party.

(4) If the party that has failed to comply is the employer, the CAC may issue a declaration that the union is (or unions are) recognised as entitled to conduct collective bargaining on behalf of the new unit or units.

(5) If the party that has failed to comply is a union, the CAC may issue a declaration that the union is (or unions are) not entitled to be so recognised.

(6) The powers conferred by this paragraph are in addition to those conferred by paragraph 81I."

*Powers of CAC where CAC decides new unit appropriate*

35 (1) Paragraph 86 (new bargaining unit: assessment of support) is amended as follows.

(2) For sub-paragraph (2) substitute—

"(2) The CAC must decide whether members of the union (or unions) constitute at least the required percentage (see paragraph 171B) of the workers constituting the new unit."

(3) In sub-paragraph (3), for "one or both of the questions in the negative" substitute "that members of the union (or unions) do not constitute at least the required percentage of the workers constituting the new unit".

36 In paragraph 87 (powers of CAC where majority of workers are members of union), for sub-paragraph (1) substitute—

"(1) This paragraph applies if, following a decision under paragraph 86(2), the CAC is satisfied that a majority of workers constituting the new unit are members of the union (or unions)."

37 In paragraph 88 (powers of CAC where majority of workers are not members of union), for sub-paragraph (1) substitute—

"(1) This paragraph applies if—

(a) the CAC decides under paragraph 86(2) that members of the union (or unions) constitute at least the required percentage of the workers constituting the new unit, but

(b) the CAC is not satisfied that a majority of workers constituting the new unit are members of the union (or unions)."

38 (1) Paragraph 89 (ballots) is amended as follows.

(2) In sub-paragraph (4), at the end insert ", but as if paragraph 25(1A) were omitted."

(3) In sub-paragraph (5)—

(a) omit the "and" at the end of paragraph (a);

(b) after paragraph (a) insert—

"(aa) references to provisions of paragraphs 19G to 19P were references to the corresponding provisions of paragraphs 81A to 81J,

(ab) the duty in paragraph 26(4) included—

(i) a duty to give to the CAC, as soon as is reasonably practicable, the name and home address of any worker who joins the bargaining unit after the employer has complied with paragraph 26(4)(a), and

(ii) a duty to inform the CAC, as soon as is reasonably practicable, of any worker whose name has been given to the CAC under that duty and who ceases to be within the bargaining unit, and";

(c) in paragraph (b), for "26(4F) to (4H)" substitute "26(4F) and (4H)".

(4) In sub-paragraph (8), for "or 27D(3)" substitute ", 81E(4) or 81J(4)".

(5) In sub-paragraph (9), for "27D(4)" substitute "81E(5) or 81J(5)".

*Withdrawal of application*

39 In paragraph 93 (withdrawal of application), in sub-paragraph (1)(a), for "or 78(3)" substitute ", 78(3), 81E(4) or (5) or 81J(4) or (5)".

## Part 4

### Derecognition

*Access agreements*

40 After paragraph 116 insert—

"*Access agreements*

116A(1) This paragraph applies if—

(a) the CAC accepts an application under paragraph 106, 107 or 112, and

(b) the application is in progress.

(2) The union (or unions) may, by giving notice to the CAC and the employer within the access request period, request access to the workers constituting the bargaining unit in connection with the application.

(3) The access request period is the period of 5 working days starting with the day after the day on which the CAC gives the union (or unions) notice under paragraph 111(5) or 115(5) that the application is accepted.

(4) For the purposes of this paragraph and paragraphs 116B to 116E, an application under paragraph 106, 107 or 112 is in progress if none of the following has occurred—

(a) in the case of an application under paragraph 106 or 107, the withdrawal of the application;

(b) in the case of an application under paragraph 112, an agreement or withdrawal as described in paragraph 116(1);

(c) the CAC refusing the application under paragraph 116E(4), 116J(4)(a) or (6) or 119(2);

(d) the CAC notifying the union (or unions) of a declaration issued under paragraph 116E(5) or 116J(5) in relation to the application;

(e) the holding of any ballot arising from the application.

116B(1) This paragraph applies if—

(a) the CAC accepts an application under paragraph 106, 107 or 112,

(b) the union requests (or unions request) access to the workers constituting the bargaining unit under paragraph 116A(2) in connection with the application, and

(c) the application is in progress.

(2) The CAC must try to help the parties to reach agreement within the negotiation period as to terms on which the union is (or unions are) to have access to the workers.

(3) The negotiation period is, subject to any notice under sub-paragraph (4) or (6), the period of 15 working days starting with the day after the day on which the union gives (or unions give) notice to the employer under paragraph 116A(2).

(4) If, during the negotiation period, the CAC concludes that there is no reasonable prospect of the parties' agreeing terms on which the union is (or unions are) to have access to the workers before the time when (apart from this sub-paragraph) the negotiation period would end, the CAC may, by a notice given to the parties, declare that the negotiation period ends with the date of the notice.

(5) A notice under sub-paragraph (4) must contain reasons for reaching the conclusion mentioned in that sub-paragraph.

(6) If, during the negotiation period, the parties apply to the CAC for a declaration that the negotiation period is to end with a date (specified in the application) which is earlier or later than the date with which it would otherwise end, the CAC may, by a notice given to the parties, declare that the negotiation period ends with the specified date.

116C (1) This paragraph applies if—

(a) the CAC accepts an application under paragraph 106, 107 or 112,

(b) the union requests (or unions request) access to the workers constituting the bargaining unit under paragraph 116A(2) in connection with the application,

(c) the parties have not within the negotiation period agreed terms on which the union is (or unions are) to have access to the workers, and

(d) the application is in progress.

(2) Within the adjudication period, the CAC must—

(a) decide the terms on which the union is (or unions are) to have access to the workers, or

(b) decide that the union is (or unions are) not to have access to the workers.

(3) The adjudication period is—

(a) the period of 10 working days starting with the day after the day with which the negotiation period ends, or

(b) such longer period (so starting) as the CAC may specify to the parties by notice containing reasons for the extension.

(4) Any terms decided by the CAC must be terms that the CAC regards as allowing such access to the workers constituting the bargaining unit as is reasonable to enable the union (or unions) to—

(a) inform the workers of the object of the application or any ballot arising from it, and

(b) seek their support and their opinions on the issues involved.

116D (1) This paragraph applies if—

(a) an access agreement is entered into, and

(b) the application under paragraph 106, 107 or 112 is in progress.

(2) "Access agreement" means—

(a) terms on which the union is (or unions are) to have access to the workers constituting the bargaining unit and which are agreed between the parties under paragraph 116B during the negotiation period, or

(b) terms on which the union is (or unions are) to have access to the workers constituting the bargaining unit and which are decided by the CAC under paragraph 116C, and such an agreement is to be treated as "entered into" when the terms are so agreed or decided.

(3) The parties must comply with the access agreement.

(4) The employer must refrain from making any offer to any or all of the workers constituting the bargaining unit which—

(a) has or is likely to have the effect of inducing any or all of them not to attend any relevant meeting between the union (or unions) and the workers constituting the bargaining unit, and

(b) is not reasonable in the circumstances.

(5) The employer must refrain from taking, or threatening to take, any action against a worker solely or mainly on the grounds that the worker—

(a) attended or took part in any relevant meeting between the union (or unions) and the workers constituting the bargaining unit, or

(b) indicated an intention to attend or take part in such a meeting.

(6) A meeting is a relevant meeting in relation to a worker for the purposes of sub-paragraphs (4) and (5) if—

(a) it is organised in accordance with an access agreement or as a result of a step ordered to be taken under paragraph 116E to remedy a failure to comply with the duty in sub-paragraph (3), and

(b) it is one which the employer is, by such an agreement or order as is mentioned in paragraph (a), required to permit the worker to attend.

(7) The duties imposed by sub-paragraphs (4) and (5) do not confer any rights on a worker; but that does not affect any other right which a worker may have.

(8) Any provision of an access agreement that would require personal data relating to any of the relevant workers to be disclosed to a person other than a person appointed under paragraph 117 to conduct a ballot is of no effect for the purposes of this Part of this Schedule.

(9) "Personal data" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

(10) An access agreement is to be conclusively presumed not to have been intended by the parties to be a legally enforceable contract; and, accordingly, where an access agreement is, or is part of, a collective agreement, section 179(2) and (3)(a) do not apply to the access agreement.

116E (1) Sub-paragraph (2) applies if—

(a) the CAC is satisfied that a party has failed to fulfil any of the duties imposed on that party by paragraph 116D, and

(b) the application under paragraph 106, 107 or 112 is in progress.

(2) The CAC may order the party—

(a) to take such steps to remedy the failure as the CAC considers reasonable and specifies in the order, and

(b) to do so within such period as the CAC considers reasonable and specifies in the order.

(3) Sub-paragraphs (4) and (5) apply if—

(a) the CAC is satisfied that a party has failed to comply with an order under sub-paragraph (2), and

(b) the application under paragraph 106, 107 or 112 is in progress.

(4) If the party that has failed to comply is the employer, and the application is under paragraph 106 or 107, the CAC may refuse the application.

(5) If the party that has failed to comply is a union, the CAC may issue a declaration that the bargaining arrangements are to cease to have effect; and the bargaining arrangements cease to have effect accordingly.

116F (1) Each of the powers specified in sub-paragraph (2) is to be taken to include power to issue Codes of Practice about any matter relating to requests for access under paragraph 116A(2), including (among other things)—

(a) what access is reasonable for the purposes of paragraph 116C(4);

(b) the duty in paragraph 116D(4).

(2) The powers are—

(a) the power of ACAS under section 199(1);

(b) the power of the Secretary of State under section 203(1)(a)."

*Unfair practices*

41 After paragraph 116F (inserted by paragraph 40 of this Schedule) insert—

"*Unfair practices*

116G (1) Each of the parties informed by the CAC under paragraph 111(5) or 115(5) that an application under paragraph 106, 107 or 112 is accepted must refrain from using any unfair practice in relation to the application.

(2) A party uses an unfair practice if, with a view to influencing the outcome of the application, the party does any of the following—

(a) dismisses, or threatens to dismiss, a worker;

(b) takes, or threatens to take, disciplinary action against a worker;

(c) subjects, or threatens to subject, a worker to any other detriment;

(d) offers to pay money, or give money's worth, to a relevant worker in return for the worker's agreement to vote in a particular way, or to abstain from voting, in a relevant ballot;

(e) makes an outcome-specific offer to a relevant worker;

(f) coerces, or attempts to coerce, a relevant worker to disclose—

(i) whether the worker intends to vote, or to abstain from voting, in any relevant ballot, or

(ii) how the worker intends to vote, or has voted, in any relevant ballot;

(g) uses, or attempts to use, undue influence on a relevant worker.

(3) In sub-paragraph (2)—

(a) "relevant ballot" means any ballot that is or may be held in which workers are asked whether the bargaining arrangements should be ended, and

(b) "relevant worker" means any worker who is or would be entitled to vote in a relevant ballot.

(4) For the purposes of sub-paragraph (2)(e) an "outcome-specific offer" is an offer to pay money, or give money's worth, which—

(a) is conditional on—

(i) the issuing by the CAC of a declaration that the bargaining arrangements are to cease to have effect, or

(ii) the refusal by the CAC of an application under paragraph 106, 107 or 112, and

(b) is not conditional on anything which is done or occurs as a result of that declaration, or, as the case may be, of that refusal.

(5) For the purposes of this paragraph and paragraphs 116H to 116J as they apply in relation to an application under paragraph 112, references to a party are to be read as including references to the worker or workers making the application.

(6) The duty imposed by this paragraph does not confer any rights on a worker; but that does not affect any other right which a worker may have.

(7) Each of the following powers is to be taken to include power to issue Codes of Practice about unfair practices for the purposes of this paragraph—

(a) the power of ACAS under section 199(1);

(b) the power of the Secretary of State under section 203(1)(a).

116H (1) A party may complain to the CAC that another party has failed to comply with paragraph 116G.

(2) A complaint under sub-paragraph (1) may not be made after—

(a) in the case of an application under paragraph 106 or 107, the application is withdrawn;

(b) in the case of an application under paragraph 112, an agreement or withdrawal as described in paragraph 116(1);

(c) the CAC refuses the application under paragraph 116E(4), 116J(4)(a) or (6) or 119(2);

(d) the CAC notifies the union (or unions) of a declaration issued under paragraph 116E(5) or 116J(5) in relation to the application;

(e) if the CAC informs the union (or unions) under paragraph 117(11) of a ballot, the fifth working day after—

(i) the date of the ballot, or

(ii) if votes may be cast in the ballot on more than one day, the last of those days.

(3) Within the decision period the CAC must decide whether the complaint is well-founded.

(4) A complaint is well-founded if the CAC finds that the party complained against used an unfair practice.

(5) The decision period is—

(a) the period of 10 working days starting with the day after the day on which the complaint under sub-paragraph (1) was received by the CAC, or

(b) such longer period (so starting) as the CAC may specify to the parties by a notice containing reasons for the extension.

116I (1) This paragraph applies if the CAC decides that a complaint under paragraph 116H is well-founded.

(2) The CAC must, as soon as is reasonably practicable, issue a declaration to that effect.

(3) The CAC may order the party concerned to take any action specified in the order within such period as may be so specified.

(4) Sub-paragraph (5) applies if the CAC has at any time informed the union (or unions) under paragraph 117(11) of a ballot in relation to the application (including a ballot that was cancelled or is ineffective).

(5) The CAC may make arrangements for the holding of a secret ballot in which the workers constituting the bargaining unit are asked whether the bargaining arrangements should be ended.

(6) The CAC may make an order under sub-paragraph (3), or make arrangements under sub-paragraph (5), either at the same time as it issues the declaration under sub-paragraph (2) or at any other time before any of the following occurs—

(a) in the case of an application under paragraph 106 or 107, the withdrawal of the application;

(b) in the case of an application under paragraph 112, an agreement or withdrawal as described in paragraph 116(1);

(c) the CAC refusing the application under paragraph 116E(4), 116J(4)(a) or (6) or 119(2);

(d) the CAC notifying the union (or unions) of a declaration issued under paragraph 116E(5) or 116J(5) in relation to the application;

(e) if the CAC informs the union (or unions) under paragraph 117(11) of a ballot, the CAC acting under paragraph 121 in relation to the ballot.

(7) The action specified in an order under sub-paragraph (3) must be such as the CAC considers reasonable in order to mitigate the effect of the failure of the party concerned to comply with the duty imposed by paragraph 116G.

(8) The CAC may make more than one order under sub-paragraph (3).

116J (1) Sub-paragraphs (4) to (7) apply if—

(a) the CAC issues a declaration under paragraph 116I(2) that a complaint that a party has failed to comply with paragraph 116G is well-founded,

(b) the application under paragraph 106, 107 or 112 has not been withdrawn or, in the case of an application under paragraph 112, there has been no agreement as described in paragraph 116(1),

(c) the CAC has not refused the application under paragraph 116E(4), 116J(4)(a) or (6) or 119(2);

(d) the CAC has not notified the union (or unions) of a declaration issued under paragraph 116E(5) or 116J(5) in relation to the application, and

(e) sub-paragraph (2) or (3) applies.

(2) This sub-paragraph applies if the declaration states that the unfair practice used consisted of or included—

(a) the use of violence, or

(b) the dismissal of a union official.

(3) This sub-paragraph applies if the CAC has made an order under paragraph 116I(3) and—

(a) it is satisfied that the party subject to the order has failed to comply with it, or

(b) it makes another declaration under paragraph 116I(2) in relation to a complaint against that party.

(4) If the party that has failed to comply is the employer, the CAC may—

(a) refuse the employer's application under paragraph 106 or 107;

(b) order the employer to refrain from any campaigning in relation to an application under paragraph 112.

(5) If the party that has failed to comply is a union, the CAC may issue a declaration that the bargaining arrangements are to cease to have effect on a date specified by the CAC in the declaration; and the bargaining arrangements cease to have effect accordingly.

(6) If the party that has failed to comply is the worker making an application under paragraph 112 (or any of the workers making an application under paragraph 112), the CAC may refuse the application.

(7) The powers conferred by this paragraph are in addition to those conferred by paragraph 116I.

116K (1) This paragraph applies if the CAC has made an order against the employer under paragraph 116I(3) or 116J(4)(b) in relation to an application under paragraph 112.

(2) The worker making the application (or each of the workers making the application) and the union (or each of the unions) are entitled to enforce obedience to the order.

(3) The order may be enforced—

(a) in England and Wales, in the same way as an order of the county court;

(b) in Scotland, in the same way as an order of the sheriff."

*Ballots*

42 (1) Paragraph 117 (ballots: general) is amended as follows.

(2) In sub-paragraph (1), for "This paragraph" substitute "Sub-paragraph (3)".

(3) In sub-paragraph (2), for "This paragraph" substitute "Sub-paragraph (3)".

(4) In sub-paragraph (4), for "The ballot" substitute "A ballot arranged under sub-paragraph (3), or under paragraph 116I(5),".

43 (1) Paragraph 118 (duties of employer in relation to ballot) is amended as follows.

(2) In sub-paragraph (1), omit "five".

(3) In sub-paragraph (2)—

(a) for "The first duty is to" substitute "The employer must";

(b) for "the second and third duties are not" substitute "no other duty of the employer under this Part of this Schedule is".

(4) Omit sub-paragraph (3).

(5) In sub-paragraph (4)—

(a) in the words before paragraph (a), for "The third duty is to" substitute "The employer must";

(b) in paragraph (a), for "to give" substitute "give";

(c) in paragraph (b), for "to give" substitute "give";

(d) in paragraph (c), for "to inform" substitute "inform".

(6) After sub-paragraph (4) insert—

"(4ZA) If the ballot is arranged under paragraph 116I(5), the duty under sub-paragraph (4)(a) is limited to—

(a) giving the CAC the names and home addresses of any workers in the bargaining unit which have not previously been given to it in accordance with that duty;

(b) giving the CAC the names and home addresses of those workers who have joined the bargaining unit since the employer last gave the CAC information in accordance with that duty;

(c) informing the CAC of any change to the name or home address of a worker whose name and home address have previously been given to the CAC in accordance with that duty;

(d) informing the CAC of any worker whose name had previously been given to it in accordance with that duty who has ceased to be within the bargaining unit."

(7) Omit sub-paragraphs (4A) to (4E), (8) and (9).

44 In paragraph 119 (breach of paragraph 118), after sub-paragraph (4) insert—

"(5) If—

(a) the ballot has been arranged in consequence of an application under paragraph 112,

(b) the CAC has made an order against the employer under sub-paragraph (1), and

(c) the ballot has not been held, the worker making the application (or each of the workers making the application) and the union (or each of the unions) are entitled to enforce obedience to the order.

(6) The order may be enforced—

(a) in England and Wales, in the same way as an order of the county court;

(b) in Scotland, in the same way as an order of the sheriff."

45 After paragraph 119 insert—

"119ZA (1) This paragraph applies if—

(a) the union has (or unions have) been informed of a ballot under paragraph 117(11), and

(b) the CAC refuses an application or issues a declaration under paragraph 116E.

(2) If the ballot has not been held, the CAC must take steps to cancel it.

(3) If the ballot is held, it is to have no effect.

119ZB (1) This paragraph applies if—

(a) the union has (or unions have) been informed of a ballot under paragraph 117(11),

(b) a complaint is made under paragraph 116H, and

(c) the ballot did not begin before the beginning of the decision period referred to in paragraph 116H(5).

(2) The CAC may by notice to the parties and the qualified independent person postpone the date on which the ballot is to begin until a date which falls after the end of the decision period.

(3) In relation to an application under paragraph 112, "the parties" includes the worker or workers making the application.

119ZC (1) This paragraph applies if—

(a) the union has (or unions have) been informed of a ballot under paragraph 117(11),

(b) the CAC issues a declaration that a complaint under paragraph 116H is well-founded, and

(c) the CAC—

(i) makes arrangements under paragraph 116I(5),

(ii) refuses under paragraph 116J(4)(a) or (6) an application under paragraph 106, 107 or 112, or

(iii) issues a declaration under paragraph 116J(5).

(2) If the ballot has not been held, the CAC must take steps to cancel it.

(3) If the ballot is held, it is to have no effect.

119ZD (1) This paragraph applies if—

(a) the CAC makes arrangements under paragraph 116I(5), and

(b) the CAC has previously given an order under paragraph 119(1) in relation to a cancelled or ineffective ballot in connection with the application to which the notice relates.

(2) The order has effect, to the extent that the CAC specifies in a notice to the parties, as if it were made for the purposes of the ballot for which arrangements are made under paragraph 116I(5).

(3) In relation to an application under paragraph 112, "the parties" includes the worker or workers making the application."

46 Omit paragraphs 119A to 119I (unfair practices during ballot).

47 (1) Paragraph 120 (costs of ballot) is amended as follows.

(2) In sub-paragraph (1), after "paragraph" insert "116I(5) or".

(3) After sub-paragraph (1) insert—

"(1A) If the holding of the ballot is arranged under paragraph 116I(5), the gross costs of the ballot are to be borne by such of the parties and in such proportions as the CAC may determine.

(1B) In relation to an application under paragraph 112, "the parties" includes the worker or workers making the application."

(4) In sub-paragraph (2), for "The gross costs" substitute "If the holding of the ballot is arranged under paragraph 117(3), the gross costs".

(5) In sub-paragraph (4), for "the employer and the union (or each of the unions)" substitute "the party or parties required to bear the costs".

48 In paragraph 121 (result of ballot), for sub-paragraphs (1) and (1A) substitute—

"(1) The CAC must act under this paragraph as soon as reasonably practicable after—

(a) the CAC is informed of the result of a ballot by the person conducting it, and

(b) the complaint period ends.

(1ZA) The complaint period is the period of 5 working days starting with the day after—

(a) the day of the ballot, or

(b) if votes may be cast in the ballot on more than one day, the last of those days.

(1A) The duty in sub-paragraph (1) does not apply—

(a) if a complaint is made under paragraph 116H, on or before the day on which the CAC decides whether the complaint is well-founded;

(b) if the CAC makes arrangements under paragraph 116I(5)."

*Derecognition where recognition automatic*

49 In paragraph 122 (derecognition where recognition automatic on agreed terms), in sub-paragraph (1)(a)—

(a) after "19F(5)," insert "19K(4), 19P(4),";

(b) for ", 27(2) or 27D(3)" substitute "or 27(2)".

50 In paragraph 123 (derecognition where recognition automatic on specified terms), in sub-paragraph (1)(a)—

(a) after "19F(5)," insert "19K(4), 19P(4),";

(b) for ", 27(2) or 27D(3)" substitute "or 27(2)".

51 In paragraph 124 (derecognition where recognition automatic following changes to bargaining unit), in sub-paragraph (1), after "paragraph" insert "81E(4), 81J(4) or".

52 After paragraph 132 insert—

"*Access agreements*

132A Paragraphs 116A to 116E apply if the CAC accepts an application under paragraph 128 (as well as in the cases mentioned in paragraph 116A(1)), as if—

(a) the references in paragraphs 116A(1) and (4), 116B(1)(a), 116C(1)(a), 116D(1)(b) and 116E(1)(b) and (3)(b) to paragraph 106, 107 or 112 were to paragraph 106, 107, 112 or 128;

(b) the reference in paragraph 116A(3) to paragraph 111(5) or 115(5) were to paragraph 111(5), 115(5) or 132(5);

(c) the references in paragraphs 116A(4)(a) and 116E(4) to paragraph 106 or 107 were to paragraph 106, 107 or 128."

53 After paragraph 132A (inserted by paragraph 52 of this Schedule) insert—

"*Unfair practices*

132B Paragraphs 116G to 116K apply if the CAC accepts an application under paragraph 128 (as well as in the cases mentioned in paragraph 116G), as if—

(a) the references in paragraphs 116G(1) and (4)(a)(ii) and 116J(1)(b) to paragraph 106, 107 or 112 were to paragraph 106, 107, 112 or 128;

(b) the reference in paragraph 116G(1) to paragraph 111(5) or 115(5) were to paragraph 111(5), 115(5) or 132(5);

(c) the references in paragraphs 116H(2)(a), 116I(6)(a) and 116J(4)(a) to paragraph 106 or 107 were to paragraph 106, 107 or 128."

54 (1) Paragraph 133 (ballot on derecognition) is amended as follows.

(2) In sub-paragraph (1), for "and (2)" substitute ", (2) and (4)".

(3) In sub-paragraph (2)—

(a) in paragraph (a), for "references in paragraphs 119(2)(a) and 119D(3)" substitute "reference in paragraph 119(2)(a)";

(b) in paragraph (b), for "119A(3)(a)(ii), 119E(1)(b)" substitute "119ZC(1)(c)(ii)".

*Derecognition where union not independent*

55 After paragraph 146 insert—

"*Access agreements*

146A Paragraphs 116A to 116E apply if the CAC accepts an application under paragraph 137 (as well as in the cases mentioned in paragraph 116A(1)), as if—

(a) the references in paragraphs 116A(1) and (4), 116B(1)(a), 116C(1)(a), 116D(1)(b) and 116E(1)(b) and (3)(b) to paragraph 106, 107 or 112 were to paragraph 106, 107, 112 or 137;

(b) the reference in paragraph 116A(4)(b) to paragraph 112 were to paragraph 112 or 137;

(c) the reference in paragraph 116A(3) to paragraph 111(5) or 115(5) were to paragraph 111(5), 115(5) or 141(5);

(d) the reference in paragraph 116A(4)(b) to paragraph 116(1) were to paragraph 116(1), 142(1) or 145(3)."

56 After paragraph 146A (inserted by paragraph 55 of this Schedule) insert—

"*Unfair practices*

146B Paragraphs 116G to 116K apply if the CAC accepts an application under paragraph 137 (as well as in the cases mentioned in paragraph 116G), as if—

(a) the references in paragraphs 116G(1) and (4)(a)(ii) and 116J(1)(b) to paragraph 106, 107 or 112 were to paragraph 106, 107, 112 or 137;

(b) the reference in paragraph 116G(1) to paragraph 111(5) or 115(5) were to paragraph 111(5), 115(5) or 141(5);

(c) the references in paragraphs 116G(5), 116H(2)(b), 116I(6)(b), 116J(1)(b), (4)(b) and (6) and 116K(1) to paragraph 112 were to paragraph 112 or 137;

(d) the references in paragraphs 116H(2)(b) and 116I(6)(b) to paragraph 116(1) were to paragraph 116(1), 142(1) or 145(3)."

57 (1) Paragraph 147 (ballot on derecognition) is amended as follows.

(2) In sub-paragraph (1), for "and (2)" substitute ", (2) and (4)".

(3) In sub-paragraph (2)—

(a) in paragraph (a), for "references in paragraphs 119H(1) and 119I(1)(a)" substitute "reference in paragraph 119(5)(a)";

(b) in paragraph (b), for "119A(3)(a)(ii), 119E(1)(b)" substitute "119ZC(1)(c)(ii)";

(c) after paragraph (c) insert—

"(d) the reference in paragraph 119ZA(1)(b) to the CAC refusing an application included a reference to it being required to give notice under paragraph 146(5)."

## Part 5

MEANING OF "THE REQUIRED PERCENTAGE"

58 After paragraph 171A insert—

""*The required percentage*"

171B (1) In this Schedule, "the required percentage" means 10%.

(2) The Secretary of State may by regulations amend this paragraph so that the required percentage is a percentage—

(a) not greater than 10%, and

(b) not less than 2%.

(3) Regulations under sub-paragraph (2)—

(a) are to be made by statutory instrument;

(b) may include supplementary, incidental, saving or transitional provision, including provision amending this Schedule;

(c) may make different provision for different cases.

(4) A statutory instrument containing regulations under sub-paragraph (2) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament."

**Part 6**

CONSEQUENTIAL AMENDMENTS

59 (1) The Employment Relations Act 2004 is amended as follows.

(2) In section 9—

(a) omit subsections (1) to (4);

(b) in subsection (5), for "that Schedule" substitute "Schedule A1 to the 1992 Act";

(c) omit subsections (6) to (9).

(3) Omit section 10.

(4) Omit section 13.

(5) In paragraph 23 of Schedule 1—

(a) in sub-paragraph (10), omit paragraph (b) (and the "and" before it);

(b) in sub-paragraph (11), omit paragraph (b) (and the "and" before it);

(c) in sub-paragraph (13), omit paragraph (b) (and the "and" before it);

(d) in sub-paragraph (14), omit paragraph (b) (and the "and" before it);

(e) omit sub-paragraph (19);

(f) in sub-paragraph (26), omit paragraph (a) (and the "and" after it);

(g) in sub-paragraph (27), omit paragraph (a) (and the "and" after it)."*—(Justin Madders.)*

*This new Schedule would amend Schedule A1 to the Trade Union and Labour Relations (Consolidation) Act 1992 to extend the prohibition on unfair practices to the entirety of a recognition or derecognition process, ensure that the Central Arbitration Committee can make orders in relation to such practices whether or not they have an impact on the process, increase the time limit for making claims in relation to such practices, provide for binding arrangements for access by the union to workers throughout a recognition or derecognition process, prevent workers who joined the bargaining unit after a recognition application from being counted for various purposes, prevent a new recognition agreement with a non-independent union stopping a recognition process, and make the amendments currently in clause 51.*

*Brought up, and read the First time.*

*Question put,* That the schedule be read a Second time.

*The House divided:* Ayes 333, Noes 100.

**Division No. 122] [6.51 pm**

**AYES**

Abbott, rh Ms Diane *(Proxy vote cast by Bell Ribeiro-Addy)*
Abbott, Jack
Abrahams, Debbie
Adam, Shockat
Akehurst, Luke
Alaba, Mr Bayo
Aldridge, Dan
Alexander, rh Mr Douglas
Al-Hassan, Sadik
Ali, Tahir
Anderson, Callum
Anderson, Fleur
Antoniazzi, Tonia
Arthur, Dr Scott
Asato, Jess
Asser, James
Athwal, Jas
Atkinson, Catherine
Atkinson, Lewis
Bailey, Mr Calvin
Bailey, Olivia
Baines, David
Baker, Alex
Baker, Richard
Barker, Paula
Barros-Curtis, Mr Alex
Baxter, Johanna
Beales, Danny
Beavers, Lorraine
Begum, Apsana *(Proxy vote cast by Zarah Sultana)*
Bell, Torsten
Berry, Siân
Betts, Mr Clive
Blackman, Kirsty
Blake, Olivia *(Proxy vote cast by Chris Elmore)*
Blake, Rachel
Blundell, Mrs Elsie *(Proxy vote cast by Chris Elmore)*
Bonavia, Kevin
Botterill, Jade
Brackenridge, Mrs Sureena
Brash, Mr Jonathan
Brickell, Phil
Buckley, Julia
Burgon, Richard
Byrne, Ian
Byrne, rh Liam
Campbell, rh Sir Alan
Campbell, Irene
Campbell, Juliet
Campbell-Savours, Markus
Carling, Sam
Charalambous, Bambos
Charters, Mr Luke
Coleman, Ben
Collinge, Lizzi
Collins, Tom
Conlon, Liam
Coombes, Sarah
Cooper, Andrew
Cooper, Dr Beccy
Corbyn, rh Jeremy
Costigan, Deirdre
Cox, Pam
Coyle, Neil
Craft, Jen
Creagh, Mary
Creasy, Ms Stella
Crichton, Torcuil
Curtis, Chris
Daby, Janet
Dakin, Sir Nicholas
Dalton, Ashley
Darlington, Emily
Davies, Ann
Davies, Jonathan
Davies, Paul
Davies, Shaun
Davies-Jones, Alex
De Cordova, Marsha
Dean, Josh
Denyer, Carla
Dhesi, Mr Tanmanjeet Singh
Dickson, Jim
Dixon, Anna
Dixon, Samantha
Dodds, rh Anneliese
Dollimore, Helena
Doogan, Dave
Doughty, Stephen
Dowd, Peter
Duncan-Jordan, Neil
Eagle, Dame Angela
Eagle, rh Maria
Edwards, Lauren
Egan, Damien
Elmore, Chris
Eshalomi, Florence
Esterson, Bill
Fahnbulleh, Miatta
Farnsworth, Linsey
Fenton-Glynn, Josh
Fleet, Natalie
Flynn, rh Stephen
Foody, Emma
Foster, Mr Paul
Foxcroft, Vicky
Foy, Mary Kelly
Francis, Daniel
Furniss, Gill
Gardner, Dr Allison
Gelderd, Anna
Gemmell, Alan
German, Gill
Gethins, Stephen
Gilbert, Tracy
Gill, Preet Kaur
Gittins, Becky
Glindon, Mary
Goldsborough, Ben *(Proxy vote cast by Chris Elmore)*
Gosling, Jodie
Grady, John
Greenwood, Lilian
Griffith, Dame Nia
Gwynne, Andrew *(Proxy vote cast by Chris Elmore)*
Hamilton, Fabian
Hamilton, Paulette
Harris, Carolyn
Hatton, Lloyd
Hayes, Helen
Hayes, Tom
Hazelgrove, Claire
Hillier, Dame Meg
Hinchliff, Chris
Hinder, Jonathan
Hodgson, Mrs Sharon
Hopkins, Rachel
Hughes, Claire
Hume, Alison
Huq, Dr Rupa
Hurley, Patrick
Hussain, Mr Adnan
Hussain, Imran
Ingham, Leigh
Irons, Natasha
Jameson, Sally
Jermy, Terry
Jogee, Adam
Johnson, rh Dame Diana
Johnson, Kim
Jones, Gerald
Jones, Lillian
Jones, Louise
Jones, Ruth
Josan, Gurinder Singh
Joseph, Sojan
Juss, Warinder
Kane, Chris
Kane, Mike
Kaur, Satvir *(Proxy vote cast by Chris Elmore)*
Khan, Ayoub
Khan, Naushabah
Kinnock, Stephen
Kirkham, Jayne
Kitchen, Gen
Kumar, Sonia
Kyrke-Smith, Laura
Lake, Ben
Lamb, Peter
Lavery, Ian
Law, Chris
Law, Noah
Leadbeater, Kim
Leadbitter, Graham

Leishman, Brian
Lewell-Buck, Mrs Emma
Lewin, Andrew
Lightwood, Simon
Logan, Seamus
MacNae, Andy
Madders, Justin
Martin, Amanda
Maskell, Rachael
Mather, Keir
Mayer, Alex
McAllister, Douglas
McCarthy, Kerry
McCluskey, Martin
McDonagh, Dame Siobhain
McDonald, Andy
McDonald, Chris
McDonnell, rh John
McDougall, Blair
McEvoy, Lola
McFadden, rh Pat
McGovern, Alison
McIntyre, Alex
McKee, Gordon
McKenna, Kevin
McKinnell, Catherine
McMorrin, Anna
McNally, Frank
McNeill, Kirsty
Medi, Llinos
Midgley, Anneliese
Minns, Ms Julie
Mishra, Navendu
Mohamed, Iqbal
Moon, Perran
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Mullane, Margaret
Murphy, Luke
Murray, Chris
Murray, rh Ian *(Proxy vote cast by Chris Elmore)*
Murray, Katrina
Myer, Luke
Naish, James
Naismith, Connor
Nash, Pamela *(Proxy vote cast by Chris Elmore)*
Newbury, Josh
Nichols, Charlotte
Norris, Alex
O'Hara, Brendan
Onn, Melanie
Onwurah, Chi
Opher, Dr Simon
Oppong-Asare, Ms Abena
Osborne, Kate *(Proxy vote cast by Kim Johnson)*
Osborne, Tristan
Owatemi, Taiwo
Owen, Sarah
Paffey, Darren
Patrick, Matthew
Payne, Michael
Peacock, Stephanie
Pearce, Jon
Pennycook, Matthew
Perkins, Mr Toby
Pitcher, Lee
Platt, Jo
Pollard, Luke
Powell, Joe
Powell, rh Lucy
Poynton, Gregor
Prinsley, Peter
Quigley, Mr Richard
Qureshi, Yasmin
Race, Steve
Ramsay, Adrian
Rand, Mr Connor
Ranger, Andrew
Rayner, rh Angela
Reeves, Ellie
Reid, Joani
Reynolds, rh Jonathan
Rhodes, Martin
Ribeiro-Addy, Bell
Richards, Jake
Riddell-Carpenter, Jenny
Rigby, Lucy
Roca, Tim
Rodda, Matt
Rushworth, Sam
Russell, Mrs Sarah
Rutland, Tom
Ryan, Oliver
Sackman, Sarah
Sandher, Dr Jeevun
Saville Roberts, rh Liz
Scrogham, Michelle
Sewards, Mark
Shanker, Baggy
Shanks, Michael
Siddiq, Tulip
Simons, Josh
Slaughter, Andy
Slinger, John
Smith, David
Smith, Jeff
Smith, Nick
Snell, Gareth
Sobel, Alex
Stainbank, Euan
Stevenson, Kenneth
Stone, Will
Strathern, Alistair
Strickland, Alan
Sullivan, Dr Lauren
Sultana, Zarah
Swallow, Peter
Tami, rh Mark
Tapp, Mike
Taylor, Alison
Taylor, David
Thompson, Adam
Tidball, Dr Marie
Timms, rh Sir Stephen
Toale, Jessica
Trickett, Jon
Tufnell, Henry
Turmaine, Matt
Turner, Laurence
Twigg, Derek
Twist, Liz
Uppal, Harpreet
Vaughan, Tony
Vince, Chris
Wakeford, Christian
Ward, Chris
Ward, Melanie
Waugh, Paul
Webb, Chris
Welsh, Michelle
Western, Andrew
Western, Matt
Wheeler, Michael
Whitby, John
White, Jo
White, Katie
Whittome, Nadia
Williams, David
Wishart, Pete
Witherden, Steve
Woodcock, Sean
Wrighting, Rosie
Yang, Yuan
Yasin, Mohammad
Yemm, Steve
Zeichner, Daniel

**Tellers for the Ayes:**
**Anna Turley and Kate Dearden**

**NOES**

Anderson, Lee
Anderson, Stuart *(Proxy vote cast by Mr Mohindra)*
Andrew, rh Stuart
Argar, rh Edward
Atkins, rh Victoria
Bacon, Gareth
Baldwin, Dame Harriett
Barclay, rh Steve
Bhatti, Saqib
Blackman, Bob
Bool, Sarah
Bowie, Andrew
Brandreth, Aphra
Braverman, rh Suella
Burghart, Alex
Cartlidge, James
Clifton-Brown, Sir Geoffrey
Cocking, Lewis
Cooper, John
Costa, Alberto
Coutinho, rh Claire *(Proxy vote cast by Joy Morrissey)*
Cross, Harriet
Davies, Gareth
Davies, Mims
Davis, rh David
Dewhirst, Charlie
Dowden, rh Sir Oliver
Evans, Dr Luke
Farage, Nigel
Fortune, Peter
Francois, rh Mr Mark
Freeman, George
French, Mr Louie
Fuller, Richard
Gale, rh Sir Roger
Garnier, Mark
Glen, rh John
Griffith, Andrew
Griffiths, Alison
Harris, Rebecca
Hayes, rh Sir John
Hinds, rh Damian
Hoare, Simon
Holden, rh Mr Richard
Hollinrake, Kevin
Huddleston, Nigel
Hudson, Dr Neil
Jenkin, Sir Bernard
Jenrick, rh Robert
Johnson, Dr Caroline
Jopp, Lincoln
Kearns, Alicia *(Proxy vote cast by Joy Morrissey)*
Kruger, Danny
Lam, Katie
Lamont, John
Leigh, rh Sir Edward
Lewis, rh Sir Julian
Lockhart, Carla
Lopez, Julia
Mak, Alan
Malthouse, rh Kit
McMurdock, James *(Proxy vote cast by Lee Anderson)*
Mohindra, Mr Gagan
Moore, Robbie
Morrissey, Joy
Mullan, Dr Kieran
Murrison, rh Dr Andrew
Norman, rh Jesse
Obese-Jecty, Ben
O'Brien, Neil
Paul, Rebecca
Raja, Shivani *(Proxy vote cast by Mr Mohindra)*
Rankin, Jack
Reed, David
Robertson, Joe
Rosindell, Andrew
Shannon, Jim
Shastri-Hurst, Dr Neil
Simmonds, David
Smith, Greg
Smith, rh Sir Julian
Smith, Rebecca
Snowden, Mr Andrew
Stafford, Gregory
Stephenson, Blake
Stride, rh Mel
Stuart, rh Graham
Swann, Robin
Swayne, rh Sir Desmond
Thomas, Bradley
Timothy, Nick
Vickers, Martin
Vickers, Matt
Whately, Helen
Whittingdale, rh Sir John
Wild, James
Williamson, rh Sir Gavin
Wilson, rh Sammy
Wood, Mike
Wright, rh Sir Jeremy

**Tellers for the Noes:**
**Paul Holmes and Jerome Mayhew**

*Question accordingly agreed to.*

*New schedule 2 read a Second time, and added to the Bill.*

**Schedule 5**

LEGISLATION SUBJECT TO ENFORCEMENT UNDER PART 5

*Amendments made:* 246, page 155, line 2, at end insert—

*"Social Security Contributions and Benefits (Northern Ireland) Act 1992*

7A Section 147(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (employer's liability to pay statutory sick pay).

7B Regulations under section 149(5)(b) of that Act (requirement to provide statement about entitlement).

*Social Security Administration (Northern Ireland) Act 1992*

7C Regulations under section 5 of the Social Security Administration (Northern Ireland) Act 1992 (regulations about claims for and payments of benefit), so far as relating to statutory sick pay.

7D Section 12(3) of that Act (duty of employers to provide certain information to employees in relation to statutory sick pay).

7E Regulations under section 122 of that Act (duties of employers), so far as relating to statutory sick pay."

*This amendment would enable the Secretary of State to exercise the powers conferred by Part 5 of the Bill to enforce certain obligations relating to statutory sick pay in Northern Ireland.*

Amendment 247, page 155, line 13, leave out paragraph 13 and insert—

"13 Section 17 of that Act (non-compliance: worker entitled to additional remuneration)."

*This amendment is consequential on amendment 254.*

Amendment 248, page 155, line 22, at end insert—

"(d) regulation 16B(1) (duty to keep records relating to annual leave entitlement);

(e) regulation 29(1) (offences), so far as relating to regulation 16B(1)."

*This amendment would enable the Secretary of State to exercise the powers conferred by Part 5 of the Bill to enforce the duty imposed by regulation 16B of the Working Time Regulations 1998 (inserted by NC35).*

Amendment 250, page 156, line 26, at end insert—

"24A Section 38(2) of this Act (entitlement of social care workers to be paid in accordance with ratified agreements of Negotiating Body).

24B Section 39(5) (entitlement of social care workers to be paid in accordance with regulations made by Secretary of State, etc).".—*(Justin Madders.)*

*The effect of this amendment is that the Secretary of State's enforcement powers under Part 5 of the Bill (in particular, the new power to give a notice of underpayment conferred by NC44) will be exercisable in relation to the entitlements of social care workers to be paid in accordance with agreements of a Negotiating Body or regulations made by the appropriate authority. As a result, clause 42, which would have enabled the application of provisions of the National Minimum Wage Act 1998 for the purposes of enforcing those entitlements, is unnecessary.*

**Schedule 5**

LEGISLATION SUBJECT TO ENFORCEMENT UNDER PART 5

*Amendments made:* 251, page 157, line 2, at end insert—

"(2A) Regulations under this paragraph may not add an enactment that deals with a transferred matter, or vary a reference to such an enactment, without the consent of the appropriate Northern Ireland department.

(2B) For the purposes of sub-paragraph (2A)—

"the appropriate Northern Ireland department", in relation to an enactment that deals with a transferred matter, means the Northern Ireland department which has responsibility for that matter;

"deals with" is to be read in accordance with section 98(2) and (3) of the Northern Ireland Act 1998;

"transferred matter" has the meaning given by section 4(1) of that Act."

*This amendment would provide that the Secretary of State may not amend the list of legislation in Part 1 of Schedule 5 to add an enactment that deals with a transferred matter in Northern Ireland, or vary a reference to such an enactment, without the consent of the appropriate Northern Ireland department. Employment law is generally a transferred matter in relation to Northern Ireland.*

Amendment 252, page 157, line 6, at end insert—

"( ) section (Power to give notice of underpayment) (power to give notice of underpayment);".

*This amendment would enable regulations that added an enactment to Part 1 of Schedule 5 (the list of legislation to be enforced by the Secretary of State under Part 5) to make consequential amendments of NC44, for example to exclude a provision from being a "statutory pay provision" for the purposes of giving notices of underpayment.*

Amendment 253, page 157, line 8, at end insert—

"( ) Regulations under this paragraph that add an enactment which—

(a) confers a right or entitlement to the payment of any sum to an individual, or

(b) prohibits or restricts the withholding of payment of any sum to an individual,

may provide that a notice of underpayment relating to sums due under or by virtue of the enactment may relate to sums becoming due before the coming into force of the regulations."—*(Justin Madders.)*

*This new clause enables regulations that amend Part 1 of Schedule 5 to add an enactment to the list of legislation enforceable by the Secretary of State under Part 5 of the Bill to provide that a notice of underpayment relating to sums due under or by virtue of the enactment may relate to sums becoming due before the coming into force of the regulations. This corresponds to the provision made by subsection (6) of NC46.*

**Schedule 8**

CONSEQUENTIAL AMENDMENTS RELATING TO PART 5

*Amendments made:* 254, page 163, leave out from beginning of line 17 to end of line 3 on page 164 and insert—

"23 Omit sections 19 to 19H (notices of underpayment)."

*This amendment would provide for the repeal of sections 19 to 19H of the National Minimum Wage Act 1998, which enable notices of underpayment to be given in respect of non-payment of the national minimum wage. Those provisions will be superseded by the powers in the Bill.*

Amendment 255, page 171, line 6, at end insert—

*"Criminal Justice and Public Order Act 1994*

69A (1) The Criminal Justice and Public Order Act 1994 is amended as follows.

(2) In section 36 (effect of accused's failure or refusal to account for objects, substances or marks), after subsection (5) insert—

"(5A) This section applies in relation to enforcement officers who—

(a) are appointed by the Secretary of State under section 77 of the Employment Rights Act 2025, and

(b) are acting in the exercise of functions conferred on them by virtue of section 114B of the Police and Criminal Evidence Act 1984,

as it applies in relation to constables."

(3) In section 37 (effect of accused's failure or refusal to account for presence at a particular place), after subsection (4) insert—

"(4A) This section applies in relation to enforcement officers who—

(a) are appointed by the Secretary of State under section 77 of the Employment Rights Act 2025, and

(b) are acting in the exercise of functions conferred on them by virtue of section 114B of the Police and Criminal Evidence Act 1984,

as it applies in relation to constables.""

*The effect of this amendment is that, where an individual is arrested for a labour market offence by an enforcement officer who is authorised to exercise police powers, and the individual (when asked) fails or refuses to account for an object, substance or mark on their person, clothing, etc, or to account for their presence in a particular place, a court or jury may draw inferences from that failure or refusal in any criminal proceedings against the individual for the offence.*

Amendment 256, page 171, line 11, at beginning insert—

"(1) The Employment Tribunals Act 1996 is amended as follows.

(2) In section 18 (conciliation: relevant proceedings etc), in subsection (1)(c), omit ", 19D(1)(a)"."

*This amendment is consequential on amendment 254.*

Amendment 257, page 171, line 12, at end insert—

"(4) In section 21 (jurisdiction of Employment Appeal Tribunal), in subsection (1), after paragraph (ge) insert—

"(gf) Part 5 of the Employment Rights Act 2025,"."

*This amendment provides that appeals in relation to decisions of an employment tribunal under Part 5 of the Bill lie to the Employment Appeal Tribunal.*

Amendment 258, page 174, line 16, leave out "sections 16 and" and insert

"the following—

(a) section 9(1) and (2);

(b) section 16;

(c) section".

*This amendment is consequential on amendment 254.*

Amendment 259, page 175, line 7, leave out paragraph 88 and insert—

"88 In the Small Business, Enterprise and Employment Act 2015, omit the following—

(a) in section 150, subsections (4) and (7);

(b) section 152."—*(Justin Madders.)*

*This amendment is consequential on amendment 254.*

**Schedule 9**

TRANSITIONAL AND SAVING PROVISION RELATING TO PART 5

*Amendments made:* 260, page 183, line 31, at end insert—

*"Notices of underpayment under the National Minimum Wage Act 1998*

17A Except so far as provided for by paragraph 6(1) or (2) of this Schedule, the repeal of sections 19 to 19H of the National Minimum Wage Act 1998 by paragraph 23 of Schedule 8 does not apply in relation to any notice served under any of those sections before the coming into force of that repeal (and accordingly paragraph 6(3) of this Schedule does not apply in relation to things done, or in the process of being done, under any of those sections)."

Amendment 261, page 183, line 33, leave out "28" and insert

"23, 71(2), 84(a) and 88(b)".

*This amendment is consequential on amendments 256, 258 and 259.*

**Long Title**

*Amendment made:* 262, line 5, after "equality;" insert—

"to amend the definition of "employment business" in the Employment Agencies Act 1973;".

*This amendment is consequential on NC36.*

Amendment 263, line 6, leave out—

"the Adult Social Care Negotiating Body"

and insert "Social Care Negotiating Bodies".—*(Justin Madders.)*

*This amendment is consequential on NC37.*

*Third Reading*

*King's consent signified.*

7.3 pm

**The Secretary of State for Housing, Communities and Local Government (Angela Rayner):** I beg to move, That the Bill be now read the Third time.

I refer hon. Members to my entry in the Register of Members' Financial Interests and declare that I am a lifelong proud trade unionist.

Let me begin by thanking right hon. and hon. Members on both sides of the Chamber for their positive and constructive engagement over recent months. In particular, I thank my hon. Friend the Member for Ellesmere Port and Bromborough (Justin Madders) for his superhuman work in steering this Bill through its Commons stages, and all the members of the Public Bill Committee for their thoughtful scrutiny.

When this Government took office, we promised the biggest upgrade to workers' rights in a generation—nothing less than a new deal for working people. We said we would introduce a Bill to deliver that within 100 days, and we heard from Conservative Members who said we should not; and there were those who said we could not, but we did. Today, this House is taking another giant step towards making work pay. Let us be clear: too many working people have had to wait for too long for change. Over a decade, wages flatlined, in-work poverty grew, and growth was strangled. We inherited a failing economy that served no one, but today a Government of working people for working people are turning the tide.

This landmark Bill—pro-growth, pro-business and pro-worker—will put fairness back into work. Almost 9 million employees will be protected from unfair dismissal, up to 2 million will receive a right to bereavement leave and 1 million workers on zero-hours contracts will get the security they deserve. In three weeks' time, over 3 million workers will see one of the biggest rises in the minimum wage on record. We said that we would make work pay, and this Government meant it.

Our vision is backed by many of the best businesses such as the 1,200 members of the Good Business Charter, from FTSE 100 companies to small and medium-sized enterprises. They prove that if you treat people well, you get the best out of them. They know that being pro-worker is not a barrier to success, but a launchpad to it. That is why this Bill takes the very best standards from the very best businesses and extends them to millions more workers. It is also why we proudly say that this is a pro-business and pro-worker Bill.

But we know that this will represent change, and I understand that many businesses want to work with the Government to get the details right. Our commitment in the weeks and months ahead to is do just that.

*[Angela Rayner]*

My message is clear: this transformative package is a huge opportunity. It is a once-in-a-generation chance to reshape the world of work, to drive a race to the top on standards, to deliver growth and to build an economy that works for everyone.

We know that the Tories, in lockstep with Reform, will fight this every step of the way. Over two decades ago, they did the same with Labour's minimum wage. They said then that it would destroy 2 million jobs, and now they are queueing up to vote against every single measure in this Bill, but the truth is that they were wrong then and they are wrong now. The only thing they are consistent on is that every time they have had the chance to deliver basic fairness for workers, they have voted against it. We know that they cannot be trusted to stand up for working people, but this Labour Government will.

For too long, people in Britain have been overlooked and undervalued, and our plan changes that: with jobs that are more secure and family-friendly; with women supported in work at every stage of life; with a genuine living wage and sick pay for the lowest earners; with further and faster action to close the gender pay gap; with rights that are enforced; and with trade unions that are strengthened.

In July, after 14 years of failure, the country voted for change. We promised to deliver a new deal, and today this Labour Government deliver on that promise with a once-in-a-generation transformation to build an economy based on fairness, to raise living standards, to drive growth and to deliver a better Britain for working people. I commend this Bill to the House.

**Madam Deputy Speaker (Judith Cummins):** I call the shadow Minister.

7.9 pm

**Andrew Griffith** (Arundel and South Downs) (Con): Before I summarise the Opposition's view on the Bill, I pay tribute to those on the Conservative Benches who contributed during its passage. My hon. Friend the Member for Mid Buckinghamshire (Greg Smith) has held the Government to account with forensic skill on Report and in Committee. He was joined in the Bill Committee by my hon. Friends the Members for West Suffolk (Nick Timothy), for Bridgwater (Sir Ashley Fox) and for Mid Leicestershire (Mr Bedford), and my hon. Friends the Members for Bognor Regis and Littlehampton (Alison Griffiths) and for Dumfries and Galloway (John Cooper) performed great service as members of the Select Committee. I also acknowledge the work of officials in the Department and in Parliament. Their job cannot have been easy, given the indecent haste with which the Bill has been produced.

We disagree on much, but it would be churlish of me not to recognise that today represents a personal victory for the Deputy Prime Minister, the right hon. Member for Ashton-under-Lyne (Angela Rayner). While the Secretary of State for Business and Trade, the right hon. Member for Stalybridge and Hyde (Jonathan Reynolds) and the Chancellor of the Exchequer, the right hon. Member for Leeds West and Pudsey (Rachel Reeves) lie low, there is no doubt who has been in the driving seat. *[Interruption.]* Well, he is now. He's here now. It is very—*[Interruption.]*

**Madam Deputy Speaker (Judith Cummins):** Order.

**Andrew Griffith:** We welcome him to his place.

At least the Deputy Prime Minister is honest in her unwavering support for the trade union agenda. She is proud to walk in the footsteps of Neil Kinnock, Michael Foot and the right hon. Member for Islington North (Jeremy Corbyn), a conviction politician in the proper sense of the word, not a politician with convictions like the Labour Member for Runcorn and Helsby (Mike Amesbury). It makes a welcome change—*[Interruption.]* Well, he's going. It makes a welcome change from a Prime Minister who pretends the Bill is about growth.

It is not easy for the right hon. Lady. It is always awkward being at odds with your boss: he says grow, you say slow; he wants fewer regulators, you create new ones. We all remember how in 2021 she herself was a victim of fire and rehire by a bad boss. Just wait until he sees the higher unemployment, higher prices and lower growth that the Bill will bring. *[Interruption.]*

**Madam Deputy Speaker:** Order.

**Andrew Griffith:** I'll do that again: higher unemployment, higher prices and lower growth. No wonder the right hon. Lady is in favour of making it harder to be sacked.

This is a sad day for business and a bad day for Parliament. Business will have watched the last two days with dismay—*[Interruption.]* They will watch this with dismay as well, Madam Deputy Speaker. As they struggle with the Chancellor's job tax and with the business rates hike about to hit next month, they see hundreds of pages of red tape heading their way. They will have seen the Minister yesterday, asked to name a single small business who supports the Bill, reel off the names of three large ones, two of which turned out not to support it anyway and the third was a quote from the chief inclusion officer at the Co-op. My right hon. Friend the Member for Wetherby and Easingwold (Sir Alec Shelbrooke) put it well yesterday when he said the Government plan to increase the number of small businesses by starting with large ones and making them smaller.

No one who cares about Parliament legislating well can be proud of how we have got here: a rushed Bill which was introduced at half the length to which it has now grown; an impact assessment which the Regulatory Policy Committee described as not fit for purpose; over 260 pages of amendments, few of which were scrutinized in Committee; and speeches in favour that have leaned heavily in support of the trade unions who stand to gain so much financially from the Bill.

But my final word goes to the real—*[Interruption.]* I can do some more. The final word goes to the real victims—*[Interruption.]* They do not want to hear it, Madam Deputy Speaker. The final word goes to the real victims of this Bill. Faced with this legislation, employers will take fewer risks on new employees. As a result, this Bill will hit young people disproportionately hard. They do not have the track record to rely on someone giving them the chance, a first step into the world of work.

Unlike so many Labour Members, whose first job was at a comfortable desk in TUC Congress House, my first job was at a supermarket. That company was able to take a risk on a young Andrew Griffith with no

career experience; it was able to take that chance because it knew that I could not start work in the morning and then file an employment tribunal claim in the afternoon.

I know that for many Labour Cabinet members career experience on their CV is a sensitive topic, but that does not excuse what is a vindictive attack on the next generation. The truth is that Labour do not understand business. They do not understand what it takes to grow; they never have and they never will. Every Labour Government have left office with unemployment higher than when they started, and that is why we cannot support this terrible Bill.

*Question put*, That the Bill be now read the Third time.

*The House divided:* Ayes 333, Noes 100.

**Division No. 123] [7.16 pm**

**AYES**

Abbott, rh Ms Diane *(Proxy vote cast by Bell Ribeiro-Addy)*
Abbott, Jack
Abrahams, Debbie
Adam, Shockat
Akehurst, Luke
Alaba, Mr Bayo
Aldridge, Dan
Alexander, rh Mr Douglas
Alexander, rh Heidi
Al-Hassan, Sadik
Ali, Tahir
Anderson, Callum
Anderson, Fleur
Antoniazzi, Tonia
Arthur, Dr Scott
Asato, Jess
Asser, James
Athwal, Jas
Atkinson, Catherine
Atkinson, Lewis
Bailey, Mr Calvin
Bailey, Olivia
Baines, David
Baker, Alex
Baker, Richard
Barker, Paula
Barros-Curtis, Mr Alex
Baxter, Johanna
Beales, Danny
Beavers, Lorraine
Begum, Apsana *(Proxy vote cast by Zarah Sultana)*
Bell, Torsten
Berry, Siân
Betts, Mr Clive
Blackman, Kirsty
Blake, Olivia *(Proxy vote cast by Chris Elmore)*
Blake, Rachel
Blundell, Mrs Elsie *(Proxy vote cast by Chris Elmore)*
Bonavia, Kevin
Botterill, Jade
Brackenridge, Mrs Sureena
Brash, Mr Jonathan
Brickell, Phil
Buckley, Julia
Burgon, Richard
Byrne, Ian
Byrne, rh Liam
Campbell, rh Sir Alan
Campbell, Irene
Campbell, Juliet
Campbell-Savours, Markus
Carling, Sam
Chowns, Ellie
Coleman, Ben
Collinge, Lizzi
Collins, Tom
Conlon, Liam
Coombes, Sarah
Cooper, Andrew
Cooper, Dr Beccy
Corbyn, rh Jeremy
Costigan, Deirdre
Cox, Pam
Coyle, Neil
Craft, Jen
Creagh, Mary
Creasy, Ms Stella
Crichton, Torcuil
Curtis, Chris
Daby, Janet
Dakin, Sir Nicholas
Dalton, Ashley
Darlington, Emily
Davies, Ann
Davies, Jonathan
Davies, Paul
Davies, Shaun
Davies-Jones, Alex
De Cordova, Marsha
Dean, Josh
Denyer, Carla
Dhesi, Mr Tanmanjeet Singh
Dickson, Jim
Dixon, Anna
Dixon, Samantha
Dodds, rh Anneliese
Dollimore, Helena
Doogan, Dave
Doughty, Stephen
Dowd, Peter
Duncan-Jordan, Neil
Eagle, Dame Angela
Eagle, rh Maria
Edwards, Lauren
Egan, Damien
Elmore, Chris
Eshalomi, Florence
Esterson, Bill
Fahnbulleh, Miatta
Farnsworth, Linsey
Fenton-Glynn, Josh
Ferguson, Mark
Fleet, Natalie
Flynn, rh Stephen
Foody, Emma
Foster, Mr Paul
Foxcroft, Vicky
Foy, Mary Kelly
Francis, Daniel
Frith, Mr James
Furniss, Gill
Gardner, Dr Allison
Gelderd, Anna
Gemmell, Alan
German, Gill
Gilbert, Tracy
Gill, Preet Kaur
Gittins, Becky
Glindon, Mary
Goldsborough, Ben *(Proxy vote cast by Chris Elmore)*
Gosling, Jodie
Grady, John
Greenwood, Lilian
Griffith, Dame Nia
Gwynne, Andrew *(Proxy vote cast by Chris Elmore)*
Hamilton, Fabian
Hamilton, Paulette
Harris, Carolyn
Hatton, Lloyd
Hayes, Helen
Hayes, Tom
Hazelgrove, Claire
Hillier, Dame Meg
Hinchliff, Chris
Hinder, Jonathan
Hodgson, Mrs Sharon
Hopkins, Rachel
Hughes, Claire
Hume, Alison
Huq, Dr Rupa
Hurley, Patrick
Hussain, Mr Adnan
Hussain, Imran
Irons, Natasha
Jameson, Sally
Jermy, Terry
Jogee, Adam
Johnson, rh Dame Diana
Johnson, Kim
Jones, Gerald
Jones, Lillian
Jones, Louise
Jones, Ruth
Josan, Gurinder Singh
Joseph, Sojan
Juss, Warinder
Kane, Chris
Kane, Mike
Kaur, Satvir *(Proxy vote cast by Chris Elmore)*
Khan, Ayoub
Khan, Naushabah
Kinnock, Stephen
Kirkham, Jayne
Kitchen, Gen
Kumar, Sonia
Kyrke-Smith, Laura
Lake, Ben
Lamb, Peter
Lavery, Ian
Law, Chris
Law, Noah
Leadbeater, Kim
Leadbitter, Graham
Leishman, Brian
Lewell-Buck, Mrs Emma
Lewin, Andrew
Lightwood, Simon
Logan, Seamus
MacNae, Andy
Madders, Justin
Martin, Amanda
Maskell, Rachael
Mayer, Alex
McAllister, Douglas
McCarthy, Kerry
McCluskey, Martin
McDonagh, Dame Siobhain
McDonald, Andy
McDonald, Chris
McDonnell, rh John
McDougall, Blair
McEvoy, Lola
McFadden, rh Pat
McGovern, Alison
McIntyre, Alex
McKee, Gordon
McKenna, Kevin
McKinnell, Catherine
McMorrin, Anna
McNally, Frank
McNeill, Kirsty
Medi, Llinos
Midgley, Anneliese
Minns, Ms Julie
Mishra, Navendu
Mohamed, Iqbal
Moon, Perran
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Mullane, Margaret
Murphy, Luke
Murray, Chris
Murray, rh Ian *(Proxy vote cast by Chris Elmore)*
Murray, Katrina
Myer, Luke
Naish, James
Naismith, Connor
Nash, Pamela *(Proxy vote cast by Chris Elmore)*
Newbury, Josh
Nichols, Charlotte
Norris, Alex
O'Hara, Brendan
Onn, Melanie
Onwurah, Chi
Opher, Dr Simon
Oppong-Asare, Ms Abena
Osborne, Kate *(Proxy vote cast by Kim Johnson)*
Osborne, Tristan
Owatemi, Taiwo
Owen, Sarah
Paffey, Darren
Patrick, Matthew
Payne, Michael
Peacock, Stephanie

Pearce, Jon
Pennycook, Matthew
Perkins, Mr Toby
Pitcher, Lee
Platt, Jo
Pollard, Luke
Powell, Joe
Powell, rh Lucy
Poynton, Gregor
Prinsley, Peter
Quigley, Mr Richard
Qureshi, Yasmin
Race, Steve
Ramsay, Adrian
Rand, Mr Connor
Ranger, Andrew
Rayner, rh Angela
Reeves, Ellie
Reid, Joani
Reynolds, rh Jonathan
Rhodes, Martin
Ribeiro-Addy, Bell
Richards, Jake
Riddell-Carpenter, Jenny
Rigby, Lucy
Roca, Tim
Rodda, Matt
Rushworth, Sam
Russell, Mrs Sarah
Rutland, Tom
Ryan, Oliver
Sackman, Sarah
Sandher, Dr Jeevun
Saville Roberts, rh Liz
Scrogham, Michelle
Sewards, Mark
Shah, Naz
Shanker, Baggy
Shanks, Michael
Siddiq, Tulip
Simons, Josh
Slaughter, Andy
Slinger, John
Smith, David
Smith, Jeff
Smith, Nick
Snell, Gareth
Sobel, Alex
Stainbank, Euan
Stevenson, Kenneth
Stone, Will
Strathern, Alistair
Strickland, Alan
Sullivan, Dr Lauren
Sultana, Zarah
Swallow, Peter
Swann, Robin
Tami, rh Mark
Tapp, Mike
Taylor, Alison
Taylor, David
Thomas, Gareth
Thompson, Adam
Tidball, Dr Marie
Timms, rh Sir Stephen
Toale, Jessica
Trickett, Jon
Tufnell, Henry
Turmaine, Matt
Turner, Laurence
Twigg, Derek
Twist, Liz
Uppal, Harpreet
Vaughan, Tony
Vince, Chris
Wakeford, Christian
Ward, Chris
Ward, Melanie
Waugh, Paul
Webb, Chris
Welsh, Michelle
Western, Andrew
Western, Matt
Wheeler, Michael
Whitby, John
White, Jo
White, Katie
Whittome, Nadia
Williams, David
Wishart, Pete
Witherden, Steve
Woodcock, Sean
Wrighting, Rosie
Yang, Yuan
Yasin, Mohammad
Yemm, Steve
Zeichner, Daniel

**Tellers for the Ayes:**
**Kate Dearden and**
**Anna Turley**

**NOES**

Anderson, Stuart *(Proxy vote cast by Mr Mohindra)*
Andrew, rh Stuart
Argar, rh Edward
Atkins, rh Victoria
Bacon, Gareth
Baldwin, Dame Harriett
Barclay, rh Steve
Bhatti, Saqib
Blackman, Bob
Bool, Sarah
Bowie, Andrew
Brandreth, Aphra
Braverman, rh Suella
Burghart, Alex
Cartlidge, James
Clifton-Brown, Sir Geoffrey
Cocking, Lewis
Cooper, John
Costa, Alberto
Coutinho, rh Claire *(Proxy vote cast by Joy Morrissey)*
Cross, Harriet
Davies, Gareth
Davies, Mims
Davis, rh David
Dewhirst, Charlie
Dowden, rh Sir Oliver
Evans, Dr Luke
Farage, Nigel
Fortune, Peter
Fox, Sir Ashley
Francois, rh Mr Mark
Freeman, George
French, Mr Louie
Fuller, Richard
Gale, rh Sir Roger
Garnier, Mark
Glen, rh John
Griffith, Andrew
Griffiths, Alison
Harris, Rebecca
Hayes, rh Sir John
Hinds, rh Damian
Hoare, Simon
Holden, rh Mr Richard
Hollinrake, Kevin
Huddleston, Nigel
Hudson, Dr Neil
Jenkin, Sir Bernard
Jenrick, rh Robert
Johnson, Dr Caroline
Jopp, Lincoln
Kearns, Alicia *(Proxy vote cast by Joy Morrissey)*
Kruger, Danny
Lam, Katie
Lamont, John
Leigh, rh Sir Edward
Lewis, rh Sir Julian
Lockhart, Carla
Lopez, Julia
Mak, Alan
Malthouse, rh Kit
Mohindra, Mr Gagan
Moore, Robbie
Morrissey, Joy
Morton, rh Wendy
Mullan, Dr Kieran
Murrison, rh Dr Andrew
Norman, rh Jesse
Obese-Jecty, Ben
O'Brien, Neil
Paul, Rebecca
Philp, rh Chris
Raja, Shivani *(Proxy vote cast by Mr Mohindra)*
Rankin, Jack
Reed, David
Robertson, Joe
Rosindell, Andrew
Shannon, Jim
Shastri-Hurst, Dr Neil
Simmonds, David
Smith, Greg
Smith, rh Sir Julian
Smith, Rebecca
Snowden, Mr Andrew
Stafford, Gregory
Stephenson, Blake
Stride, rh Mel
Stuart, rh Graham
Swayne, rh Sir Desmond
Thomas, Bradley
Timothy, Nick
Vickers, Martin
Vickers, Matt
Whately, Helen
Whittingdale, rh Sir John
Wild, James
Williamson, rh Sir Gavin
Wilson, rh Sammy
Wood, Mike
Wright, rh Sir Jeremy

**Tellers for the Noes:**
**Paul Holmes and**
**Jerome Mayhew**

*Question accordingly agreed to.*
*Bill read the Third time and passed.*

**The Secretary of State for Business and Trade (Jonathan Reynolds):** On a point of order, Madam Deputy Speaker. It has come to my attention that in a speech that I gave on 28 April 2014, recorded in column 614 of *Hansard,* on the subject of high-speed rail, I made a reference to my experience of using our local transport system in Greater Manchester when

"I worked as a solicitor in Manchester city centre."—[*Official Report*, 28 April 2014; Vol. 579, c. 614.]

I should have made it clear that, specifically, that was a reference to being at the time a trainee solicitor. This was an inadvertent error and, although the speech was over a decade ago, as it has been brought to my attention, I would like to formally correct the record, and I seek your advice on doing so.

**Madam Deputy Speaker (Judith Cummins):** I thank the right hon. Member for giving advance notice of his point of order and for placing his correction on the record.

## Business without Debate

### DELEGATED LEGISLATION

EMPLOYMENT AND TRAINING

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

That the draft Industrial Training Levy (Construction Industry Training Board) Order 2025, which was laid before this House on 5 February, be approved.—(*Gerald Jones.*)

*Question agreed to.*

## DELEGATED LEGISLATION (COMMITTEES)

### Local Government

*Ordered,*

That the Local Authorities (Changes to Years of Ordinary Elections) (England) Order 2025 (SI, 2025, No. 137), a copy of which was laid before this House on 11 February, be referred to a Delegated Legislation Committee.—*(Lucy Powell.)*

### Delegated Legislation (Church of England (General Synod) (Measures))

*Ordered,*

That the Measure passed by the General Synod of the Church of England, entitled Church Funds Investment Measure (HC 772), a copy of which was laid before this House on 11 March, be referred to a Delegated Legislation Committee.—*(Lucy Powell.)*

*Ordered,*

That the Measure passed by the General Synod of the Church of England, entitled Chancel Repair (Church Commissioners' Liability) Measure (HC 773), a copy of which was laid before this House on 11 March, be referred to a Delegated Legislation Committee.—*(Lucy Powell.)*

## Swann Report: 40th Anniversary

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

7.29 pm

**Kim Johnson** (Liverpool Riverside) (Lab): This month marks the 40th anniversary of the publication of the groundbreaking Swann report "Education for All". The first of its kind, the report was commissioned to examine disparities in educational attainment and experiences among ethnic minority pupils, and made recommendations to tackle institutional racism in the education system. The inquiry, led by Lord Swann, was launched in response to a number of campaigns against racism in education, in particular the high-profile scandal of educationally subnormal—ESN—schools that disproportionately removed higher numbers of black Caribbean children from mainstream education settings, and wrongly labelled them educationally subnormal.

A mixture of education policy and racist attitudes was responsible for this shocking discrimination. The 1960s was a time of rising immigration, with the post-war British empire's invitation to the Windrush generation of workers from the Caribbean and its other colonies to rebuild Britain. It was also a time of significant racist backlash, with the overt racism of Enoch Powell and the notions of racial superiority that gained traction in the political mainstream. These ideas worked their way into our national education policy, with the aim of creating and maintaining a two-tier labour force and a deliberately under-educated black population to fill all the menial jobs that white Brits did not want.

This significant miscarriage of justice took place in the 1960s and 1970s, and saw hundreds of black—mostly Caribbean—children wrongly sent to schools that were meant for pupils with severe physical and mental disabilities. These schools had existed since the 1940s, due to the provision, under the Education Act 1944, of appropriate schools for pupils with severe mental or physical disabilities. But by the late 1960s, almost 30% of pupils in ESN schools in London were black immigrant children, compared with 15% in mainstream schools.

It was clear that decisions were being made by teachers, educational psychologists and local education authorities to place these children in ESN schools for reasons other than mental or physical disabilities. Although parents were aware that their children were being forced to struggle against a racist system, most were isolated and not given the information that they needed to make informed decisions about their child's education. It was not until an Inner London Education Authority report was leaked that the true extent of this shocking discrimination was revealed.

Grenadian educator Bernard Coard took the initiative to write and publish the groundbreaking pamphlet "How the West Indian child is made educationally subnormal in the British school system", making the leaked ILEA information accessible to parents and communities. Mass community mobilisation as a result of Coard's pamphlet inspired parents and community organisations to campaign against the now undeniable institutional racism in British schools. That forced the Government to respond, and these schools were eventually shut down in the early 1980s.

*[Kim Johnson]*

Published in March 1985, Swann's report confirmed Coard's analysis: the persistence of racist stereotypes, biased IQ tests, a deep misunderstanding of culture and language, and biases in teacher expectations, disciplinary practices and curriculum content were creating significant barriers to education for black children. It challenged the racist myths that black children were less intelligent than their white counterparts, and recognised instead that the structural racism embedded in the British education system was disadvantaging them. Inadequate support for pupils with English as a second language, a lack of diversity in the curriculum, and a significant disconnect between schools and parents from ethnic minority backgrounds were identified as further barriers to black children achieving their full academic potential.

**Jim Shannon** (Strangford) (DUP): I commend the hon. Lady for securing the debate. I spoke to her beforehand to ask permission to intervene. I looked at the Swann report, which she has outlined very clearly. Does she agree that although substantial strides have been taken since that eye-opening report, the learning curve for the integration and understanding that we all wish to see must continue, as we strive to ensure that each of us can claim the best of British education, incorporating our own ethnic backgrounds and rich cultural history and heritage? Things are better, but there is still a lot more to do.

**Kim Johnson:** I thank the hon. Member for his intervention. However, as I will say later in my speech, I do not think that things have substantially improved, as he suggests, for lots of black children in our education system.

The report produced several key recommendations, including diversifying and decolonising the curriculum, more diversity in teacher recruitment, anti-racism training for teachers, more resources for language support, better data collection and monitoring, and a better approach to working with parents and communities to build trust and encourage active participation in pupils' education.

Predictably, the Thatcher Government did little to progress those recommendations. However, the following Labour Government took some of the lessons learned as a framework for our Race Relations (Amendment) Act 2000, particularly the introduction of the duty for public institutions, including schools, to promote racial equality.

However, we know that many racist barriers still exist in education—from disparities in educational attainment to the school-to-prison pipeline, the adultification of black pupils, to the presence of police in schools and the need for a truly anti-racist curriculum. Today's patterns of racism, segregation and exclusion in education have evolved directly from the policies and attitudes that drove the ESN scandal. The closure of ESN schools in the 1980s led directly to a rapid expansion in the use of school exclusions. We began to see higher numbers incarcerated in prisons, and the expansion of the use of sets and tiering in education, whereby certain groups of children are increasingly denied the opportunity to sit exams at certain levels and then the opportunity to progress in educational settings, including university.

The establishment of pupil referral units is recognised as another method of systematic exclusion from education. We must be clear: the use of PRUs and exclusions are a symptom of failure of the education system. The disruptive behaviour of a child is a cry for help, not a crime. An education system that does not respond with care and support is an education system that is broken. The number of exclusions have soared in recent years, with children as young as five being kicked out of school. Draconian behavioural policies disproportionately impact on poor children, those living in care, and those from black Caribbean, mixed and Gypsy, Roma and Traveller backgrounds.

Swann's recommendations for an inclusive education system are more important today, and we must take this opportunity to update the lessons learned and apply them to our current system. The societal impact is still as relevant today as it was in the 1960s and 1970s. Lessons must be learnt on the 40th anniversary of the Swann report in order to put an end to this systemic discrimination. Evidence of the scale of the injustice of children being forced needlessly into ESN schools in the 1960s and 1970s is scarce, but we do know about the impact that misclassification as educationally subnormal has had on survivors, some of whom have joined us in the Public Gallery. I would like to take this opportunity to thank them for all their work in exposing this scandal and campaigning to raise awareness of the racial injustice that they suffered. Their work has already made a huge difference, and they have my commitment to keep fighting for the justice and dignity that they deserve.

We heard from some of the survivors at the event I held yesterday in Parliament. We heard from Noel Gordon, who told us that he was wrongly misclassified as educationally subnormal after a chain of events starting with him being diagnosed at the age of four with sickle cell. He describes being bullied and abused by teachers, running away from school and his mum fighting tooth and nail to get him out, but to no avail. Through his determination, he has achieved several qualifications including a degree.

We heard from Maisie Barrett, who is a natural creative. She described how she needed support with her academic skills and her stutter, but those resources were and still are systematically denied to black children. She has said that her grandchild is a victim of today's SEND system, just like she was a victim of ESN. She told us that if she had received a proper education, she might have pursued her dreams and migrated to Jamaica, and fought for recognition for being wrongly classified as educationally subnormal.

We heard from Rene Stephens, who was expelled from his mainstream secondary school after his teacher assaulted him and was sent to an ESN school that neglected his academic development. He left school with no qualifications. Deprived of education and support, he has now spent 18 years in and out of the criminal justice system due to his misclassification. He was forced to abandon his dream of becoming head chef at the Savoy hotel. He says he continues to struggle with societal participation as a direct consequence of being denied a proper secondary education.

We heard from Denise Davidson, who described how, even in her innocence as a young girl, she realised that her school was different to other schools. She remembers challenging her educational psychologist, and described how her experiences now help her as a children's social worker to support vulnerable children in similar positions.

This is not only an historic injustice; it is a living one for all who went through it. Most left school at 16 or earlier, unable to read, write or count, and were denied the opportunity to thrive and achieve their full potential. The survivors of ESN still have significant problems with self-worth and with accessing meaningful, well-paid work after they were denied an education.

**Jeremy Corbyn** (Islington North) (Ind): I thank the hon. Member for her excellent speech and for the brilliant event that was organised last night. Does she agree that many brave black parents in the late 1960s, and even earlier than that, recognised the abominable way in which their children were being treated, including people like Bernard Coard who led the campaign against the banding policy in Haringey? At that time, black children were unfairly treated and classified in the way that the hon. Member has described, and we should pay tribute to the brave work of those people and acknowledge the abuse that those families suffered because they stood up for their rights. Her debate today and the meeting she held last night are a testament to the efforts that they put in all those years ago.

**Kim Johnson:** I thank my right hon. Friend for that intervention, and I totally agree with him about the amazing work that Bernard Coard and all those families were involved in as they tried to seek justice and to enable their children to fulfil their potential. That needs to be recognised.

Opportunities to access meaningful, well-paid work were denied to those children, and they continue to face financial hardship because of the barriers to work for those without an education. This has had an impact on their families. A few have succeeded in the face of adversity, gaining qualifications and better jobs. That is a testament to their strength and determination, but they should never have had to struggle in this way.

I would like to take this opportunity to recognise all those whose campaigning helped to get us here today, as well as the incredible campaigners who were misclassified as ESN and who are fighting for justice. My thanks go to Bernard Coard, who pioneered this campaign; to the educator and anti-racist campaigner Gus John for a lifetime of work challenging racism in the British education system; and to all those parents and communities who organised and fought for change so that our children could receive fair and equal treatment and thrive and achieve their full potential. The incredible No More Exclusions group has done invaluable work shining a light on the injustices of the current system of exclusions, and challenging the racist policies and educational segregation that drive the school-to-prison pipeline.

I want to recognise the work of Frances Swaine and Leigh Day solicitors in their pursuit of justice for the survivors, and thank Professor Leslie Thomas KC, Dr Cynthia Pinto and Professor Christine Callender for their pioneering work in this area. I also recognise the incredible work of journalists and producers Lyttanya Shannon and Sir Steve McQueen for exposing this scandal with the BBC documentary, "Subnormal: A British Scandal" and the incredible "Small Axe" series. We have seen with "Mr Bates vs The Post Office" and Jimmy McGovern's "Common" just how crucial TV and film can be in bringing miscarriages of justice to light, and I hope the same will prove to be true here and that the momentum from this campaign and these dramas will secure justice for those impacted and change a system still producing the same racist outcomes today.

I hope the Minister will join me today in recognising the wrong that was done to the survivors of ESN. A public inquiry into the scandal of ESN schools is necessary, not only to secure justice for the victims of these historical discriminatory policies, but for us to understand how systemic racism and discrimination take form in our current education system and how we can eradicate them. The survivors and campaigners are calling on the Government to give due consideration to a public inquiry, four decades on from the first public inquiry report into racism in education, to learn the lessons of the past and secure justice for all those whose lives were impacted and who continue to suffer.

7.46 pm

**The Minister for School Standards (Catherine McKinnell):** I congratulate my hon. Friend the Member for Liverpool Riverside (Kim Johnson) on securing this important and, indeed, timely debate on the 40th anniversary of the Swann report. The report is an important and stark reminder of the unacceptable treatment of young people, the majority of whom were from the Caribbean, who were inappropriately placed in so-called educationally subnormal schools during the 1960s and 1970s. My hon. Friend spoke passionately when sharing the experiences of Noel, Maisie, Rene and Denise, ensuring that their voices are heard.

The report serves as a timely reminder to all of us that the mistakes that were made must never be repeated and that we must never be complacent. No children or young people today should suffer from the structural barriers and entrenched racism that held back many in previous generations, and that legacy prevails today. Let it be clear that there is no place for hate or prejudice in our education system, and this Government are determined to root out structural inequality, as well as direct discrimination, to create a genuinely level playing field.

We cannot reflect on the Swann report without acknowledging the history of so-called educationally subnormal schools. We owe it to the campaigners who exposed this and refused to accept that these children were somehow less capable but rather the victims of racism. My hon. Friend mentioned people like Bernard Coard, and more recently the campaign has rightly received renewed attention through the work of the filmmaker Sir Steve McQueen, whose documentary "Subnormal: A British Scandal" shed light on the impact of these policies. It has also sparked important conversations about the ongoing challenges faced by black and ethnic minority students in our education system.

Britain has made strides in tackling overt racial discrimination over the past half century, but despite progress, there is no room for complacency or, indeed, self-congratulation. That is why this Government want to ensure that whoever you are and wherever you come from, Britain will respect your contribution and give you a fair chance to get on in life.

Our opportunity mission will build opportunity for all by setting up every child for the best start in life, helping them to achieve and thrive at school, build skills, and achieve growth and family security. Our work on the opportunity mission will focus cross-Government

*[Catherine McKinnell]*

attention and collaboration on ensuring that every child and young person truly believes that success belongs to them.

We are more committed than ever to tackling the disparities in educational outcomes that persist. The picture of educational achievement across ethnic groups is complex, and different social, economic and cultural factors contribute to that, including parental income, parental career and educational achievement, geography, family structure and attitudes to education in the family and wider community. While overall the outcomes of some ethnic groups now compare positively with national average outcomes, for some groups, outcomes are significantly below average, or worse than for other groups throughout the education system, and that includes black Caribbean children.

One of the most significant factors affecting pupil attainment, which cuts across all ethnicities, is economic disadvantage. International studies show that attainment has broadly improved or remained stable over the last 30 years. However, disadvantaged pupils persistently perform significantly worse on average than their peers at all stages of their education, and there is considerable variation in attainment by region and ethnicity. That is just not acceptable, and it why this Government's opportunity mission will break down barriers and the unfair link between background and success.

We are determined to help all children achieve and thrive. High and rising standards are at the heart of the mission, and are key to unlocking stronger outcomes. We will deliver those improvements through excellent teaching and leadership; a high-quality curriculum that seeks to deliver a rich, broad, inclusive and innovative education that readies young people for life and work, but that reflects the issues and diversities of our society, ensuring that all children and young people are represented; new regional improvement for standards and excellence—RISE—teams; and a system that removes the barriers to learning that hold far too many children back.

The Department for Education acknowledges that some groups of children have a greater likelihood of exclusion than others. Local context means that there are different patterns across the country, but we are determined to get to grips with the causes of exclusions to ensure that every child, no matter their background, can succeed. We have already committed to providing access to specialist mental health professionals in every school. We want earlier intervention in mainstream schools for all pupils, but particularly those at risk of exclusion.

We are absolutely committed to improving inclusivity and expertise in mainstream schools, and to strengthening accountability by reforming Ofsted. We will enhance the inspection regime by replacing the single headline grade with a new report card system, telling parents how schools are performing, and introducing a new annual review of safeguarding, attendance and pupil movement, including off-rolling.

**John McDonnell** (Hayes and Harlington) (Ind): One of the lessons learned through the work that people have done on the ESN scandal is about the role of unconscious bias. We hear from parents, experts, teachers, educational psychologists and others that unconscious bias has the same cause as exclusions. One of the reasons why people are calling for an inquiry is to look at the lessons that can be learned by Ofsted and other agencies about how we support schools and address their practices.

**Catherine McKinnell:** The right hon. Gentleman raises an important point. We have learned a lot in the past 40 years about unconscious bias and its impact. I will come on to the points he raised about the public inquiry, and the developments over the years—the protections put in place, which we need to work to enforce.

First, I want to touch on the challenges in the special educational needs and disability system today. We have a clear commitment to addressing those challenges. We are prioritising early intervention and inclusive provision in mainstream settings, because we know that early intervention will prevent unmet needs from escalating. It will support all children and young people in achieving their goals, prevent the gap in achievement from growing, and get that support to children at the very earliest stage, so that issues do not escalate.

Underpinning our ambition to create a fairer society is the Equality Act 2010, which enshrines in law that schools must not discriminate, in a number of respects, against a pupil on the grounds of a protected characteristic. Part 6, chapter 1 of the Act ensures fair treatment for all pupils by prohibiting schools from discriminating against, harassing or victimising pupils when it comes to education, access to benefits, facilities and services, exclusion, and other detriments. Additionally, the public sector equality duty requires schools to eliminate discrimination, advance equality of opportunity and foster good relations among people of all characteristics. That is what will underpin the improvements that we need to see.

**James Asser** (West Ham and Beckton) (Lab): I thank my hon. Friend the Member for Liverpool Riverside (Kim Johnson) for securing this debate; she has made important points. The voices of the people affected 40 years ago will never have been heard. Does the Minister agree that poverty and deprivation—she talked about their impact on educational standards—often make it challenging for people to get their voice heard when there are problems? On the Equality Act, does she agree that in making the system fairer, we must ensure that when there are problems, people can speak out and know that they will be heard?

**Catherine McKinnell:** My hon. Friend raises a really important point. One of the reasons why we are so focused on early intervention, particularly for children who have experienced a more socioeconomically disadvantaged start to life, is to help children find their voice, so that they can speak up and be a part of the national conversation. That is what we want for every child in our education system.

I am conscious of time, and I want to address the point that my hon. Friend the Member for Liverpool Riverside raised about the public inquiry. The Government do not currently plan to establish a public inquiry on the policy framework surrounding the placement of children in schools for the so-called educationally subnormal in the 1960s and 1970s.

The 40th anniversary of the Swann report is a timely reminder to reflect on the progress that has been made, but also to ensure that mistakes made at that time are

never repeated. It reminds us that there are always ways in which we must go further to ensure that no children or young people today suffer from the structural barriers and entrenched racism that held too many of our young people back in previous generations. I reassure my hon. Friend that we are not complacent; we are committed to delivering a fairer society with better opportunities for all. We firmly believe that every child should know that success belongs to them, which is why we must break down the barriers to opportunity. We are committed to changing the school system so that every child can achieve and thrive.

**Kim Johnson:** Will my hon. Friend give way?

**Catherine McKinnell:** I will. I have maybe a few seconds.

**Kim Johnson:** I just wanted to ask my hon. Friend whether she could provide some rationale for why the Government have not decided to go down the route of a public inquiry.

**Catherine McKinnell:** I think we are out of time, but I am supposed to meet my hon. Friend next week. We can discuss this in more detail then, when we will have more time, but I look forward to continuing to work with her to redress race disparities and work on these issues, which I know she is rightly incredibly passionate about.

*Question put and agreed to.*

7.58 pm

*House adjourned.*

# Westminster Hall

*Wednesday 12 March 2025*

[Sir Jeremy Wright *in the Chair*]

## Use of Stop and Search

9.30 am

**Saqib Bhatti** (Meriden and Solihull East) (Con): I beg to move,

That this House has considered the matter of the use of stop and search.

It is a pleasure to serve under your chairmanship, Sir Jeremy. I called for this debate today because I am greatly concerned about the increasing prevalence of knife crime in our society, and it is rather apt, given that the Crime and Policing Bill had its Second Reading just this week. In the year ending September 2024, knife-enabled crime increased by 12% on the previous year. As a west midlands MP, regrettably, I am no stranger to the devastating impact of knife crime in the region on families and communities. I feel that stop and search, as backed up by evidence, can play a very important role in tackling knife crime, and that is why I have called this debate today.

Let me start by talking about the impact of knife crime. The West Midlands police area recorded the highest rate of knife crime offences in England and Wales in 2023. Sadly, we are experiencing worse levels of knife crime than London, which is under the stewardship of Sadiq Khan. In 2023, offences involving a blade totalled 180 per 100,000 of the population, up from 167 in 2022. The figure for the London Met police force area was 165. That gives a sense of the scale of the problem in the West Midlands.

Since being elected in 2019, which seems an age away now, the realities of the knife crime epidemic in the West Midlands have regrettably been all too clear for me. In 2019, there was the tragic case of Jack Donoghue, who was punched, kicked and stabbed in the chest in a four-on-one attack near Popworld in Solihull. In October last year, 17-year-old Reuben Higgins was stabbed on Station Road in Marston Green, near Solihull. Reuben's family said in a statement following his tragic death:

"Reuben was a loving son, grandson, brother, nephew and cousin who will be dearly missed".

On a recent edition of "BBC Politics Midlands", I discussed the horrifying death of James Brindley, who was killed in 2017 in Aldridge, not too far from where I was brought up. I was touched by his father's sincere hope that the lives of many young people could still be changed, so that they did not feel the need to carry knives.

Just last week, the friends and family of 12-year-old schoolboy Leo Ross put him to rest. Mourners gathered at Christ church in Yardley Wood to say their final farewells to Leo, who was described by Christ Church of England academy as a "lovely and bright" pupil. Given the advice I have received, I will be very careful in what I say, because it is a live investigation, but on 21 January this year, Leo was stabbed in the stomach while walking home from school. Not only was a promising young boy's life cut far too short, but a whole community is left grieving. Leo's family will never get over the tragic loss of their son. His friends will have an unfillable void in their lives, and I can only imagine how worried they and their parents will be every time the school bell rings and it is time to go home. The simple act of walking home from school unaccompanied is a huge part of a young person's life as they grow up and become independent, but now, for many in the area, it may take a bit longer to have the confidence to go out on their own.

Devastating and shocking events such as these underline the importance and necessity of stopping young people getting hold of, carrying and using weapons on our streets. Although I will focus much of my speech on the importance of using stop and search, I want to put on record my view that tackling violent knife crime encompasses more than just the use of stop and search. As my right hon. Friend the Member for Chingford and Woodford Green (Sir Iain Duncan Smith) outlined in the debate on the Crime and Policing Bill on Monday, we also need to tackle the issue of people, especially young boys, being sucked into gangs in the first place.

I urge everyone with an interest in this issue to read the Centre for Social Justice's report "Lost Boys", which was published last week. It is an excellent report that highlights the issues that drive young boys—who overwhelmingly make up the victims of knife crime—to end up in criminal gangs. Although I will use my time today to advocate in favour of stop and search, I do not dismiss for a second anyone who thinks we need to take preventive action, too. My case is that they must go hand in hand. As my right hon. Friend the Member for Chingford and Woodford Green said on Monday, in many cases the knife is very much the last act.

My constituents in Meriden and Solihull East are very proud of our brave police officers who work 24 hours, seven days a week to keep us safe. I want to put on the record my personal thanks to our police officers who work tirelessly to keep us all safe. I pay tribute to the chief constable, Craig Guildford, who has a great reputation in tackling some of the most violent crimes; I hope he will have that impact in the West Midlands area, too. The police work in difficult circumstances, and policing today is very different from how it was just a few decades ago. That is why I want our police forces to have everything they need, and stop and search is absolutely necessary for them to do their job effectively, without fear of being reprimanded for just doing their job.

Let me be unequivocal: stop and search saves lives. There is a very strong consensus among police chiefs that it is an important tool for disrupting crime and taking weapons off our streets quickly. We can see that in London, without a doubt. It is unquestionable that there is a correlation between the Mayor's decision to allow stop and search to drop by 44% over two years and the fact that, since he took office, knife crime offences in London have increased by 38%. Stop and search allows the police to pre-empt dangerous situations and offers an effective and credible deterrent to violent criminals who might think about carrying a dangerous weapon. Critically, stop and search not only protects the public, but might actually stop a potential perpetrator from crossing the Rubicon and taking part in illegal activity. Very simply, we need stop and search, and the law must make sure that the police are unafraid to use it.

*[Saqib Bhatti]*

The case for stop and search is backed up by research from the Oxford journal of policing, which found that stop and search can cut the number of attempted murders by 50% or more. I do not believe we can have sensitivities around this issue. Stop and search undoubtedly has a huge role to play in cutting crime and ultimately saving lives. I proudly back the police and want them to have the appropriate powers, because every single life lost to violent crime is a tragedy. Every time a violent crime could have been prevented but was not is a shameful failure. It is a failure of national Government, of all parties of all ilks, of local government and regional government. Too often we say in the House "never again", and yet it happens again and again. So I want to call for more stop and search powers so that we can make real and meaningful change.

While there continues to be a knife crime epidemic we cannot be sensitive about the powers that we give the police to keep us safe. The work of Professor Lawrence Sherman, former chief scientific officer for the Metropolitan police, is an interesting point. Mr Sherman is very supportive of the use of stop and search, and suggests that we should focus on areas that are deemed to be high risk. He argues that the effective use of stop and search requires it to be legitimate and supported by local people. To that end, he suggests that targeted stop and search in high risk areas is necessary and has the scope to be effective. Crucially, he argues that although using data and bias might be controversial, the need to protect people should come first.

In addition, Sherman, working with Alex R Piquero and the Cambridge Centre for Evidence-Based Policing, conducted 15 years of research in London, which demonstrated how effective stop and search really can be. Their paper, "Stop, Search and Knife Injuries in London", concluded that

"increased SSEs"—

stop and search encounters—

"can significantly reduce knife-related injuries and homicides in public places".

It is clearly backed up by the science and the data. Alongside strong academic evidence suggesting that stop and search is effective, His Majesty's chief inspector of constabulary also strongly advocates its usage. The report is thought-provoking and points out that little academic research has been conducted on one of the most crucial benefits of stop and search: deterrence. That is a really important point. It is likely that someone considering carrying a deadly weapon or drugs might think twice if there is a credible chance that they will get stopped and searched.

In August 2022, under the guidance of the former Home Secretary, my right hon. Friend the Member for Witham (Priti Patel), the previous Government empowered more than 8,000 police officers to authorise enhanced stop and search powers. It came after a smaller pilot contributed to nearly 7,000 arrests for offensive weapons and 900 arrests for firearms following a stop and search. The evidence is abundantly clear that it is effective at taking weapons off our streets, which will help to bring down violent crime. Stop and search is also overwhelmingly backed by the public.

In November 2022, Crest Advisory found that stop and search has a high level of support across all ethnic groups, and it found that a total of 86% of adult respondents supported the police's right to stop and search someone if they were suspected of having a weapon on them. Of those, 77% of black adults supported the police's having the right to stop and search to find weapons, and 71% to find class A drugs. Stop and search is a very useful and important mechanism that can be used to cut crime and keep us safe. One other statistic that I would like to share at this stage is that black people are four times more likely to be murdered as a result of knife crime. That might be some of the reason why there was so much support for stop and search among ethnic minority groups.

However, these powers can only work if we have a clear police presence on our streets. Under the previous Conservative Government, I was proud that we achieved our manifesto commitment to recruit 20,000 new police officers. That allowed crime in the West Midlands to come down by 10% and led to reduced wait times after 999 calls. The new Government have a target to recruit more police officers, but I feel their numbers fall short when we properly assess their plans, because only 3,000 of them will be new officers—most of the 13,000 are either reassigned or redeployed, or are part-time volunteers or police community support officers with no powers of arrest. Perhaps the Minister may comment on that.

In Meriden and Solihull East, my constituents remain concerned that their local police and crime commissioner, Simon Foster, has failed to commit to keeping Solihull police station open, and failed to have a front desk at Chelmsley Wood police station, which I have been campaigning for. The public will have greater confidence in the police force if there is a visible presence. That does not just mean police officers; there has to be infrastructure, such as police stations, that is clearly visible to warn criminals that they will be caught.

It is clear that stop and search is an essential tool in law enforcement, but we cannot underestimate the centrality of prevention, as I touched on earlier. That is why the estates strategy in the West Midlands is important. Perhaps the Minister might be able to comment on that, or write to me with further details.

If an individual knows that the police can stop and search them, it becomes a powerful deterrent, which may prevent some from carrying a knife. When in government, the Conservatives recognised that prevention and early interventions are as important as enforcement. That is why, between 2019 and 2024, we funded initiatives known as violence reduction units in areas across England and Wales that were most affected by serious violence.

**Jonathan Hinder** (Pendle and Clitheroe) (Lab): I note the hon. Gentleman's comments about the last Conservative Government, but does he agree that there was a slightly confused and mixed message from the 14 years of Conservative Government? We had a large portion of it where the former Prime Minister—then Home Secretary—was trying to reduce the amount of stop and search, and then, much like with the officer numbers, in 2019 there seemed to be a very sharp about-turn and an encouragement to do more. Does he agree that that was a confusing message for police officers, like myself, who were serving at the time?

**Saqib Bhatti:** I am pleased to hear from the hon. Gentleman, and I wish him all the best in all his previous and future service. However, I do not agree

that there were mixed messages. We were very clear in 2019 that we would increase the police force, and we hit that manifesto target. I think the confusion comes now with the new targets put forward by the Labour Government, and the lack of clarity on whether there will actually be 13,000 new officers.

I was speaking about the violence reduction units, which reached over 271,000 people in their fourth year alone and, in combination with additional visible policing patrols, prevented an estimated 3,200 hospital admissions for violent injury. Stop and search is a vital tool, but by cutting the sale and distribution of knives, we can further keep knife crime down. That is why I was proud that between 2019 and 2024, more than 138,000 weapons had been removed from Britain's streets, with almost half seized in stop and search.

On Monday, on Second Reading of the Crime and Policing Bill, I listened to powerful speeches from Members across the House. I agreed when the shadow Home Secretary, my right hon. Friend the Member for Croydon South (Chris Philp), argued that it was vital to have stop-and-search powers—as I had also previously said. However, stop and search numbers are currently down due to, in my view, misplaced concerns about community tensions. As the Bill progresses through Parliament, I deem it essential that the Government get police forces to use stop and search more. That means that legislation should be amended to make stop and search easier. In particular, what steps is the Minister taking to amend the Police and Criminal Evidence Act 1984—specifically, code A—to make it easier for police officers to use stop and search?

As outlined by police chiefs and academics, stop and search is an important tool in the fight against violent crime. But I fear that police are not using this power to its fullest extent because of fears of being sued, disciplined or called racist. I am afraid that, given the horrific impact of knife crime, we cannot be sensitive about this. That is why I join the shadow Home Secretary, my right hon. Friend the Member for Croydon South, in calls to amend PACE guidelines to make it easier for the police to use these vital powers.

In addition, just before the election, in May 2024, the Conservatives gave the Home Office a £4 million boost to fight knife crime, with £3.5 million put into research and development for new technologies, which can detect knives carried from a distance. I think the following point was addressed on Second Reading, but could the Minister reaffirm? It has been indicated that this technology is nearly ready to be used and rolled out in its entirety. It has the potential to greatly improve the police's detection powers, which will help to keep knives off our streets and protect vulnerable people. To that end, what steps has the Minister been taking to harness new technologies in the fight against knife crime? This is not party political; it is an issue that affects us all. I am happy to work with and support the Minister on a cross-party basis, because I want knives off the street.

As I outlined at the start, the West Midlands is experiencing a higher rate of knife crime per 100,000 of the population than London. I hope this debate will put pressure on our PCC in the West Midlands, Simon Foster, who is presiding over a catastrophic escalation in knife crime in the region. My offer of support also goes to him, because the issue is too important. The knife crime epidemic in London and the West Midlands is a deep cause for concern, but in some areas knife crime is coming down and there may be lessons to learn. I pay tribute to the PCC for Leicestershire, Rupert Matthews, who has helped drive down knife crime by 8%; the PCC for Staffordshire, Ben Adams, who has seen knife crime fall by 10%; the PCC for Kent, Matthew Scott, who has seen it fall by 16%; and the PCC for Warwickshire, Philip Seccombe, who has seen it fall by 18%.

Everyone in this House has a duty to keep our constituents safe. Since being elected in 2019 I have seen plenty of tragic reminders that, despite all the good work of our police, killings by knife crime are still happening on the streets of Britain. That is why I believe that stop and search must be used responsibly to help fight crime and prevent tragic deaths on our streets.

9.46 am

**Jim Shannon** (Strangford) (DUP): It is a pleasure to serve under your chairship, Sir Jeremy. I thank the hon. Member for Meriden and Solihull East (Saqib Bhatti) for setting the scene so well. I recall that the hon. Member has had a debate on this issue in Parliament previously; it is important to revisit the subject and comment on it.

I am a supporter of stop and search as a way to ensure public safety and reduce crime. Our streets must be a safe place for everyone, which is the thrust of what stop and search tries to achieve. Over the past few years we have witnessed some horrific incidents of crime and violence, so it is important to discuss and raise these matters. As I often do, I will bring a Northern Ireland perspective to the debate, by speaking about what we are doing in Northern Ireland in relation to stop and search. We have a different aspect, in that we have had a terrorist campaign for some 30-plus years. That is thankfully much reduced and a peace settlement is place that both communities seem to have bought into. None the less, the Police Service of Northern Ireland's policy is to continue stop and search.

Stop and search is used to prioritise public safety throughout the UK and, in this case, Northern Ireland. Most recent statistics from the PSNI highlight that between the start of January and the end of December 2024, the PSNI conducted 19,288 stop-and-search operations—a 24% decrease compared with 2023. In 2023, there had been a 6% increase on the year before. There have been ups and downs and disparities, but the PSNI sees stop and search as a clear, consistent enforcement measure that reduces crime and the threat of violence on the street, while addressing what law-abiding citizens want to see in their country. I commend the PSNI for that, and am glad to report that crime levels in my Strangford constituency are down. That might be inconsistent with the trend elsewhere, but it is welcome that the police are very active and, alongside the community and elected representatives, are able to reduce crime noticeably.

There is a history of conflict in Northern Ireland, which everyone will recall and be aware of, so there are still concerns about terrorism, even though its level is much reduced, and about its impact on crime and modern society. Even beyond potential terrorism, stop and search has been used to address several crimes, including drug use and trafficking, gun violence, gang activity and carrying violent weapons. We have to remember

*[Jim Shannon]*

this about Northern Ireland: although the paramilitaries may not be fighting a "cause" as such, from either side of the community, and some have walked away from their past, others have just changed their affiliation and become criminal gangs, which the PSNI has to take on to reduce what they are doing in communities and on the streets.

Conducting stop and search is supposed to remain a positive attribute in society. In my opinion—from experience in my constituency and further afield in Northern Ireland—it works, provided it is done sensitively. We have seen more than 10,000 arrests for illegal drug possession and use, so there is proof that it is a worthy method. Is it successful? It is. Does it reduce crime? It does. These things are factually and evidentially true.

However, there need to be assurances that different communities across the United Kingdom of Great Britain and Northern Ireland do not feel threatened. It must be emphasised that the scheme is not out to single out certain groups or people. This is not about skin colour or ethnicity. It is about crime and those who break the law, irrespective of who or what they are in the community. Confidence in policing is crucial and we must ensure that the disproportionate use of stop and search does not undermine the need and necessity for good policing.

There is crime everywhere. It is a fact. But the job of the PSNI in Northern Ireland, and the job of the police across the United Kingdom, is to stop it. That is what the normal person in society wants to see. Some areas are worse than others when it comes to crime, and particular crimes are more prevalent in some areas. However, the intent remains the same. There is good cause, I believe, to use stop-and-search powers transparently, to preserve individuals' rights and equally to maintain and improve public safety.

At the beginning of my remarks I should have welcomed the Minister to her place, as I always do. I look forward to her contribution. I know that she has responsibility for England and not Northern Ireland, but I also know she is keen to work alongside all the other regions in the United Kingdom to improve things for everyone. She sits here at Westminster because that is what she was elected for; I sit for Northern Ireland, including Strangford. The policing improvements that can happen here through her work and her Department's work will benefit us all.

I also look forward to the contribution from the Conservative spokesperson, the hon. Member for Stockton West (Matt Vickers), and from the Lib Dem spokesperson, the hon. Member for Hazel Grove (Lisa Smart). Everyone's contribution enlightens this debate and targets agreement on the need to have active stop and search, respecting the human rights of everyone in this country. I look to the Minister to respond with a commitment to ensure that Northern Ireland and all the devolved nations here on the mainland are able to improve conviction rates through the efficient and proper use of stop and search. If it is done the right way, it is the right thing to do.

9.53 am

**Bell Ribeiro-Addy** (Clapham and Brixton Hill) (Lab): It is always a relief to serve under your chairmanship, Sir Jeremy. I congratulate the hon. Member for Meriden and Solihull East (Saqib Bhatti) on securing this debate, which comes at a crucial time as we discuss the new Government's Crime and Policing Bill. When we legislate to give the police more powers, it is important that we properly assess the powers they currently have and how they are already being used.

Police stop and search is an issue of serious importance for my constituents. The reason is twofold. First, my constituency of Clapham and Brixton Hill has a high proportion of young black and ethnic minority men, who we know are disproportionately targeted for random stop and search. Secondly, and unfortunately, my constituency experiences high levels of gang violence, drug dealing and antisocial behaviour more generally, which creates serious issues for the area. My remarks today will address those two points.

First, on the disproportionate use of police stop and search on black, Asian and ethnic minority communities, the evidence is clear. According to the latest Government data, in the year ending 31 March 2023, some 529,474 stop and searches were conducted in England and Wales, equating to 8.9 stop and searches per 1,000 individuals. However, when the figures are disaggregated by ethnicity, we see that black people were subject to 24.5 stop and searches per 1,000 people, Asian people 8.5 stop and searches per 1,000 people and white people 5.9 stop and searches per 1,000 people. That means that black people are over four times more likely to be stopped and searched.

Report after report reveals the severe problem of institutional racism in the Metropolitan police. The overuse of stop and search to target black and ethnic minority communities is stark evidence of that. It has resulted in entire communities feeling unfairly targeted, over-policed and alienated from law enforcement, and this does not serve anybody. Black and ethnic minority people are no more likely to commit crimes than their white counterparts. I repeat that: black and ethnic minority people are no more likely to commit crimes than their white counterparts. They are also no more likely to be in possession of illegal substances or objects than their white counterparts. Yet they are more likely to be stopped and searched, and it is for this reason they are more likely to appear in criminal statistics.

The disproportionate use of stop and search has a severe impact on community trust in the police, which is at an all-time low, particularly in boroughs like Lambeth, which already has the lowest trust in policing across London, according to the Mayor of London's most recent data. Many people simply do not believe officers will treat them fairly, because the reality is that they do not, and that lack of confidence makes community policing far less effective. This is not just a question of numbers: it is about lived experiences. It is about young black men being stopped multiple times a week for no good reason. It is about people feeling criminalised simply as they walk down the street and go about their business. It is about communities feeling that the police are there not to protect them but to harass them.

Policing by consent is a fundamental principle of British policing. The relationship between the police and the public should be built on trust, respect and co-operation. Random, unjustified stop and searches undermine that principle entirely. That is why I have been steadfast in calling for the abolition of section 60 stop-and-search powers. To be clear—I want to be

absolutely clear on this—intelligence-based stop and search can be, has been and will continue to be a useful tool to tackle crime.

**Jonathan Hinder:** On disproportionality, the UK figures are really quite misleading, because they take into account huge swathes of the country that are almost overwhelmingly white and where no stop and search is done. The fact is that black people disproportionately live in the cities and that is where stop and search is being done, and they happen to live in areas such as my hon. Friend's constituency, where a lot of stop and search is being done. I urge some caution when we look at the disproportionality figures, to ensure that we do not mislead people and undermine confidence in the police in these ethnic minority communities by suggesting that all police use these powers inappropriately. In my experience, that is not the case with the vast majority of officers; the vast majority of stop and searches are conducted appropriately.

**Bell Ribeiro-Addy:** I thank my hon. Friend for his contribution, but the figures are absolutely clear. Although I get what he says about the proportion of black people across the country, I am talking about lived experiences. I am talking about the experiences of people who live in my constituency and in other parts of the country who feel like they are being targeted. This is not just about the numbers: it is about what is happening to people on a daily basis.

The reality of the situation is that people need the police. We have heard in the debate already that black people can in some cases, in relation to particular crimes, be disproportionately the victims of crime. For that reason, we need to be able to work with the police in our communities, but it is difficult to do that if people feel like they are being harassed by them. The reason why I point to intelligence-led policing is that if police are able to work with the people in their communities and they are able to trust the police, they can often be the ones to provide the intelligence that helps to prevent other crimes. But if they feel like they are being impacted by stops and searches, they see the police as an enemy. I want them to see the police for who they are meant to be—the people who keep them safe.

The second point I want to raise is about increased gang crime, drug dealing and overall antisocial behaviour in Clapham and Brixton Hill. As I have said, effective, intelligence-led stop and search could help to clamp down on that, but its inconsistent application is undermining police efforts. In areas such as Brixton, known drug dealers and criminals are often not targeted with stop and search, while young black men with no criminal records are repeatedly stopped. This selective approach raises concerns about policing priorities, and about whether the police are focused on reducing crime or on maintaining control over certain communities.

When I raise the issue of known offenders not being searched, I am often told that the police do not currently have the powers to intervene. I find that incomprehensible. It cannot be true: the police arguably have more powers now than they have had in a very long time, so I cannot begin to imagine what more powers they could possibly need to carry out their work. Things may need to be done to increase their confidence, but they certainly do not need more powers.

Rather than creating new police powers, which is the current trend, we ought to look at how the police are using the powers they have and how they can use them more effectively. If people are going to trust the police, there has to be genuine transparency and accountability around their powers, and that has include stop and search. Stop and search has to be evidence-led, and to tackle crime the police have to work with the communities they serve.

10.1 am

**Lisa Smart** (Hazel Grove) (LD): It is a pleasure to be in this debate and to have you in the Chair, Sir Jeremy. I congratulate the hon. Member for Meriden and Solihull East (Saqib Bhatti) on securing a debate on this important topic.

The hon. Gentleman powerfully laid out some utterly tragic cases, and made the point, rightly, that far too many young people are losing their lives to knife crime. I strongly agree with him on the need to support our police as they tackle and prevent crime, and I particularly agree with his point about the importance of preventing crime. He said there is not one simple answer to how we do that, and I very much agree. However, many of my remarks will mirror those of the hon. Member for Clapham and Brixton Hill (Bell Ribeiro-Addy).

The foundation of the policing model in this country is trust. The police are a vital part of our community, and trust is built and protected by using approaches and tactics that both show results and apply fairly to us all. Any successful policing model must strike the right balance between individual freedoms and keeping our communities safe, and any discussion of stop-and-search tactics is really a discussion of where we think that balance sits.

For too many, stop and search is not a policing tactic that builds trust. Trust is undoubtedly the foundation of any effective policing model, and without it, communities can disengage, co-operation can dwindle and crime prevention can suffer. Today, too many communities who should feel protected by the police are instead made to feel like targets. According to Home Office stats, which the hon. Member for Clapham and Brixton Hill mentioned, in the UK black people are around four times more likely to be stopped and searched than white people. When it comes to suspicionless stop and search under section 60, the figure is even higher.

The Liberal Democrats are calling for an end to the disproportionate use of stop and search, and that includes abolishing suspicionless stop-and-search powers. The evidence is clear: the surge in the use of section 60 stop and search between 2016 and 2020 coincided with a drastic decline in arrest rates. Polling from the Criminal Justice Alliance found that three quarters of black, Asian and minority ethnic young people believe that their communities are unfairly targeted by stop and search.

We want all members of our community to engage with policing efforts to keep our neighbourhoods safe, but that is made difficult if people do not trust the police to act fairly. We must not forget that these are not just statistics; we are talking about the everyday lives of people in our local communities. We need a police force that serves and protects, not one that alienates and discriminates. That is why the Lib Dems are fighting to ensure that stop and search is always used fairly, proportionately and only when there is a genuine suspicion of wrongdoing. That is how trust is built.

*[Lisa Smart]*

However, this debate is not just about what we must stop; it is also about what we must start and what we must do more of. The new Labour Government have a unique chance to consider exactly that. As I outlined on Monday in the Second Reading debate on the Crime and Policing Bill, we will support the Government in any efforts they make to return to proper, visible neighbourhood policing.

Everyone deserves to feel safe in their own home and walking down their own streets, yet under the previous Conservative Government that was far from the reality. Our police forces remain overstretched, under resourced and unable to focus on the crimes that affect people the most. The record speaks for itself: every day 6,000 cases or so are closed without a suspect being identified, and only 6% of reported crimes result in a suspect being charged. In a move that defies logic, the last Government slashed the number of police community support officers by more than 4,500 since 2015. Those PCSOs were the backbone of community policing. They were familiar, trusted faces in our neighbourhoods—building relationships, offering support and preventing crime.

This new Government have an opportunity to do much more than tinker around the edges of policing, and we will push them to commit to restoring proper community policing, which is a model that has been abandoned for too long. The use of stop and search disproportionately can divide our police from our communities, whereas proper neighbourhood policing builds the trust and co-operation that our police force so desperately needs. Our communities deserve better, and the Lib Dems will continue to fight for a fairer, more effective approach to policing—one that prioritises neighbourhood policing and community trust. That is how we make our communities safer and build trust: by building a policing system that works for everyone.

10.6 am

**Matt Vickers** (Stockton West) (Con): First and foremost, I extend my condolences to the families of those who lost their lives so tragically to knife crime. Every life lost as a consequence of knife crime is a tragedy. As Members from all parties acknowledged during Monday's debate on the Crime and Policing Bill, we owe it to the victims and their families to support police forces by ensuring that robust measures are in place to stop those crimes. Incidents of knife crime reiterate our responsibility to our constituents. We must support the police, and provide them with the powers and resources to intervene and take those horrendous weapons off the streets.

I thank my hon. Friend the Member for Meriden and Solihull East (Saqib Bhatti) for securing this debate, and for rightly highlighting the need to remove offensive weapons from our streets if we are to save lives. He is right that we cannot have sensitivities around the issue; we must ensure that the police have the ability to stop and search any individuals they believe pose a danger. We must ensure that they have the power and the freedom to achieve that, if we want them to effectively protect the public.

As a number of Members have highlighted, stop and search remains a critical tool for the police in stopping crime. One figure alone underlines its necessity: the number of weapons being found. The data released covering the period until March 2024 showed that 16,066 stop and searches resulted in an offensive weapon or firearm being found. That statistic alone is sufficient to justify the use of stop and search.

In London, stop and search has taken 400 knives a month off the streets in the past. We have consistently seen a significant number of weapon seizures in London—seizures that would not have happened without stop and search. Over the past four years, 17,500 weapons were seized as a result of stop and search, including at least 3,500 in 2024. However, the issue is not confined to London. In 2023-24, in the west midlands there were over 6,000 resultant arrests, while Greater Manchester reported 5,620 resultant arrests.

Rightly, we focus on the impact that stop and search can have in apprehending those who carry dangerous weapons. However, I appreciate that weapons are not always the most common reasons for stop and searches. That should not undermine the need for the police to stop individuals when they have reasonable grounds to suspect that they are carrying illegal drugs or stolen property. Both of those activities are illegal, and the police should be able to intervene to prevent them. Drug offences remain a flagrant breach of the law, undermining our communities.

Members will be aware that PACE code A sets out stringent criteria regarding stop and search. It is appropriate that the extensive guidance in its 39 pages ensure that it is conducted properly. However, historically a number of officers have raised concerns that stop and search numbers are down due to misplaced concerns about community tension. I echo the words of the shadow Home Secretary, my right hon. Friend the Member for Croydon South (Chris Philp), and encourage the Government to ensure that police forces use stop and search more. Where appropriate they should amend legislation, including PACE code A, to make its use easier for officers. We cannot be in a situation where officers have significant concerns about intervening.

Moving forward, we should all be able to agree on the need to improve the effectiveness of stop and search. In the past, police forces have had to make changes to ensure that it is used more effectively. We should always strive to make searches more efficient and increase the number of positive outcomes. Research suggests that when police communicate effectively with the public, the stop and search process can become significantly smoother. Although there may be occasions when attempts to communicate are met with undesirable outcomes, such as hostility, that does not mean that fewer searches should be carried out, but rather that we should conduct them even more effectively.

It was welcome to hear the Minister speak, on Second Reading of the Crime and Policing Bill, about the Home Office's continued work with industry partners to develop systems capable of detecting concealed knives from a distance. The shadow Home Secretary was correct to allocate funding to such projects in his former role, to ensure that we develop the necessary resources. Phase 1 of that Innovate UK project is expected to be completed by the end of May, resulting in the first prototype systems, so it would be interesting to hear whether the Minister believes that the work produced by the Innovate projects can help the police act more effectively in this area.

It will be essential to integrate technology with the available stop and search powers. In parts of London we have already seen how effective that technology can be. For example, deployments of facial recognition technology in London across January and February this year recorded a maximum false alert rate of just 0.008% in a single deployment. That demonstrates how we can enhance police effectiveness with technology and how crucial it will be to use these tools alongside stop and search to strengthen policing capabilities. Police forces, including the Met, have worked with a range of stakeholders to develop a stop and search charter. Communication from Met officers clearly highlights their strong support for stop and search.

I think that everyone in this debate would welcome attempts to build trust in the system, particularly by fostering an open dialogue with local communities. However, that must be balanced with ensuring that police forces, such as the Met, retain the freedom to operate effectively. Across the country, other forces have implemented similar measures. Will the Minister commit to monitoring the impact of community involvement to ensure that police forces are not unduly influenced by a vocal minority opposed to stop and search and instead listen to the broader community, whose main concern is reducing crime?

Like other hon. Members, I want stop and search to be applied as extensively as necessary. Given the prevalence of knife crime, we must recognise that an increase in the use of stop and search can have serious benefits. However, such an increase is contingent on the availability of police officers. The funding pressures facing police forces in the coming financial year amount to approximately £118 million more than the funding increase they are set to receive. As the National Police Chiefs' Council has warned, that funding gap will

"inevitably lead to cuts across forces".

The 43 police forces of England and Wales may have to cut as many as 1,800 officers to make up for the shortfall. It would be valuable to hear whether the Minister believes that funding gap will impact the police's ability to conduct essential activities such as stop and search.

Everyone who has participated in this debate has recognised the need to make our communities safer. We believe that stop and search plays a vital role in enabling the police to take the action necessary to achieve that. I hope that the Government will commit to ensuring that stop and search remains a key tool in the fight against crime.

10.13 am

**The Minister for Policing, Fire and Crime Prevention (Dame Diana Johnson):** It is a pleasure to serve under you this morning, Sir Jeremy. I thank the hon. Member for Meriden and Solihull East (Saqib Bhatti) for securing this important debate, and for an eloquent speech setting out his concerns about the issues of knife crime and stop and search. I want to remember, as the hon. Gentleman did, the young people who he referred to—the victims of knife crime in the West Midlands. Jack Donoghue, Reuben Higgins, James Brindley and Leo Ross were all victims of knife crime, and all our thoughts and prayers will be with their friends and family.

I also acknowledge, just as the hon. Gentleman did, the work of the police. They work tirelessly, day in and day out, to keep us all safe. And I pay tribute to West Midlands police, Chief Constable Craig Guildford and the police and crime commissioner, Simon Foster. I was also just reflecting on the fact that in the West Midlands, the figures for knife-enabled robbery are declining, so the data is going the right way in the West Midlands on that particular issue, which is worth flagging.

I am very grateful to all hon. Members who have contributed to this wide- ranging and very thoughtful debate on this important topic. Of course it is always helpful to hear from the hon. Member for Strangford (Jim Shannon) about the experience in Northern Ireland. He is absolutely right that, as the Policing Minister, I am very keen that we learn from the different nations and countries and regions about what is working. We all want to see a reduction in the crime that blights parts of our communities, so I welcome his insights from Northern Ireland.

As ever, my hon. Friend the Member for Clapham and Brixton Hill (Bell Ribeiro-Addy) spoke thoughtfully and with great eloquence about the knotty problems around stop and search, its disproportionate use on certain communities and the lived experience of individuals. I will make some comments about that in a moment, but first I note the interventions by my hon. Friend the Member for Pendle and Clitheroe (Jonathan Hinder). Again, it was very helpful to hear his perspective as a former police officer; his experience adds to the richness of the debate that we can have in this place.

As I said, I will talk about stop and search, but I will also make some comments about knife crime in a moment. Stop and search is a complex issue and, as we have heard, often a divisive issue as well. It is a vital tool for tackling crime, but it must be used fairly and effectively. Getting that balance right is key to this Government's mission to make our streets safer and restore confidence in the police.

I will just refer to two points made by the hon. Member for Meriden and Solihull East. The first one was about officer confidence. It is absolutely essential that the police have the confidence of the communities they serve, but of course it is also essential that officers have the confidence they need to do the vital and often extremely difficult job of keeping us all safe. Every police officer should have the confidence to use stop-and-search powers where they have reasonable grounds to suspect that someone is carrying weapons, drugs or other illicit items.

Chief constables and other police leaders play a critical role in ensuring that officers have that confidence. We have been discussing how important it is that police officers understand PACE code A and use it properly. Of course the College of Policing also provides detailed and authorised professional practice on stop and search, to ensure that police officers have both knowledge and confidence.

In the majority of forces across England and Wales, the total number of searches conducted has risen for the last two years in a row; that is not the case in the Metropolitan police area, but in the majority of areas the number is going up. The shadow Minister, the hon. Member for Stockton West (Matt Vickers), asked me about knife detection technology, as did the hon. Member for Meriden and Solihull East. I agree with the shadow Minister that technology has an important part to play; I know that the former Policing Minister, the right hon. Member for Croydon South (Chris Philp), is very passionate about this issue and talks about it a lot.

*[Dame Diana Johnson]*

As I said on Second Reading of the Crime and Policing Bill, the Home Office is working with industry partners to develop systems that are specifically designed to detect knives concealed on a person at a distance. Phase one of that work is expected to be delivered by the end of May, resulting in the first prototype systems, so I hope I will be able to talk more about that technology after May.

I will just say again why we think stop and search is so important. In the year to March 2024, stop and search led to over 16,000 offensive weapons being taken off our streets. There were more than 75,000 arrests following a stop and search for a range of offences, including weapons possession and intent to supply drugs. In short, stop and search helps police to save lives and tackle crime. When officers have reasonable grounds, they should, as I have said, feel confident using these powers.

Policing sector leaders, including Metropolitan Police Commissioner Sir Mark Rowley, His Majesty's chief inspector of constabulary Sir Andy Cooke and the Independent Office for Police Conduct, are all clear that stop and search is an important part of the police toolkit. Public opinion agrees: recent research shows that a majority of people, across all ethnic groups, support the use of stop and search, and a majority of young people also agree that the police should have stop-and-search powers. However, policing sector leaders stress that, if done badly, stop and search undermines trust in the police and can damage their relationships with the communities they serve, which in turn can lead to less co-operation and compliance and ultimately make it harder for the police to keep people safe.

Turning to the issue of fairness, stop-and-search powers have long been seen to affect some communities disproportionately, with stark ethnic disparities in their use, as my hon. Friend the Member for Clapham and Brixton Hill mentioned. This Government cautiously welcome the fact that disparities in the use of stop and search have fallen in recent years. Five years ago, black people were over nine times more likely to be stopped and searched than white people, but that has fallen to 3.7 times more likely in the most recent data. That number is still far too high, which is why the Government backs the National Police Chiefs' Council's police race action plan. Earlier this month, I met the NPCC team leading the work on that action plan, along with the independent scrutiny and chair of the oversight board.

The plan aims to foster anti-racist culture, values and behaviours in policing that will inform all operational policing practices, improving experiences and outcomes for black people. On stop and search in particular, the plan commits chief constables to identifying and addressing stop-and-search disparities, particularly on drug searches and the searches of children. I will work with police leaders to ensure that the aims of the plan are adopted and embedded in all forces. The Government are also introducing a requirement for police forces to collect data on the ethnicity of people stopped by police under section 163 of the Road Traffic Act 1998, which will help to address concerns about potential disparities in the use of traffic stops.

I turn now to section 60 "without suspicion" searches. Where serious violence has occurred, or where intelligence suggests that it may occur, a senior police officer may authorise police to use stop and search without reasonable suspicion. These authorisations, known as section 60 authorisations, are limited to a particular area for a particular period of time, usually no longer than 24 hours. The powers are used exceptionally and are rightly subject to strict constraints, but these searches are contentious within communities, and it is concerning that rates of ethnic disproportionality for section 60 searches are particularly high. The Home Office is introducing new data collection on section 60 that will come into effect from April, including on the authorisation decisions and the locations authorised. That will help improve transparency and accountability for the use of this power.

His Majesty's inspectorate of constabulary and fire and rescue services has made a range of recommendations on section 60 for police forces and agencies, and the public will expect to see the policing sector respond comprehensively to those recommendations. Looking at the effectiveness of stop and search, we know that it works best when it is used in a targeted and intelligence-led way against active offenders and when officers have strong grounds for suspicion. This point is supported in recent work by the highly respected Youth Endowment Fund.

I will move on to knife crime. We should not lose sight of the fact that, while stop and search is one part of how we address the problems around knife crime, enforcement is only one part of the overall approach. We need to tackle knife crime in many different ways and prevention remains the most effective mechanism for tackling crime, which is why this Government have made a commitment to halving knife crime. Within that effort, investing in vulnerable young people is a key priority. The Young Futures programme aims to intervene earlier, ensuring that vulnerable children are identified and offered support in a much more systematic way. It will also create more opportunities for young people in their communities through the provision, for example, of open access mental health support, mentoring and careers support.

We are also bringing in new and stronger laws to crack down on the sale of dangerous knives. These measures will help to deter potential perpetrators—young people—and make our streets safer. It is also worth referring back to a manifesto commitment that this Government made to ensure that every young person found in possession of a knife is referred to a youth offending team and given a mandatory plan to prevent reoffending.

To the questions raised about neighbourhood policing, part of making our streets safer is seeing that visible police presence, which, sadly, has reduced over recent years in our neighbourhoods, town centres and villages. That is why we are putting 13,000 uniformed officers back on to our streets. A question was asked about the allocation of that 13,000. The 13,000 is over the course of this Parliament. The Government have doubled the amount of money going into neighbourhood policing from next month to £200 million. We initially identified £100 million in the provisional police settlement, but we have doubled that to £200 million. We are in discussions with police forces to make sure that the allocations work for the individual police forces; they are coming forward with the workforce mix that they believe will work best for them in the communities that they serve. That announcement will be made shortly.

**Matt Vickers:** In terms of the big concerns around redeployment in that space, does the Minister think there is any risk that the redeployment of police officers from response policing could affect the response times when people dial 999?

**Dame Diana Johnson:** Of course we want to see all parts of policing properly staffed and funded. That is why there is more than £1 billion going into the policing settlement for the coming year, over and above what was in the 2024-25 Budget. This Government are committed to making sure we have officers in our neighbourhoods and communities. Equally, response is something that PCCs and chief constables will be very mindful of, but it is clear that policing can walk and talk at the same time. We are saying that neighbourhood policing needs to be built up again after the decimation that we have seen, but that does not mean that other parts of policing will not be business as usual. Policing will be able to deal with that.

There was mention of the Metropolitan police and their stop-and-search charter; I think that was raised by the shadow Minister. I welcome that charter, with its emphasis on respect, training, supervision and oversight. I look forward to seeing how its delivery plan progresses, and what impact it has on the work of building public trust that my hon. Friend the Member for Clapham and Brixton Hill referred to.

On violence reduction, we recognise the valuable work and significant progress made by violence reduction units, which were set up under the previous Government to understand what is going on with serious violence. The police funding settlement for next year includes £49.7 million for the continuation of their work to prevent serious violence, delivered through their VRU programmes. The VRUs bring together local partners to understand and tackle the drivers of serious violence in their area and facilitate the sharing of data across organisational boundaries to build a shared understanding of the root causes of violence locally. In response to those programmes, VRUs are delivering a range of early interventions, doing preventive work to divert young people in particular away from a life of crime. That work includes mentoring, trusted adult programmes, intensive behavioural therapies and sports-based diversionary activities, which are all really positive.

We want the Young Futures programme to build on the work of the VRUs to improve how we identify, reach and support young people at risk of being drawn into violence. That is why we will be asking them to play a leading role in the establishment of the Young Futures prevention partnerships programme, which builds on the existing partnership networks and their considerable experience and expertise to test and develop a model before moving to national roll-out.

It is also worth mentioning the coalition to tackle knife crime. We have an ambitious target of halving knife crime over the next 10 years, but we will not be able to achieve that in isolation; we need to work together with those who share our vision for safer communities. That is why the Prime Minister launched the coalition to tackle knife crime in September, bringing together campaign groups, community leaders, the families of those who have tragically lost their lives to knife crime—James Brindley's family are involved with the coalition—and young people who have been impacted, united in their mission to save lives. From the west midlands, we have Pooja Kanda, Lynne Baird and, as I said, Mark Brindley as members of the coalition. Having the lived experience of young people is critical to the coalition, and we are keen to ensure that they have a platform to share their views, ideas and solutions to make Britain a safer place for the next generation.

I also want to mention serious violence reduction orders, because they are pertinent to the west midlands. Four police forces, including West Midlands police, are currently piloting serious violence reduction orders, as part of a two-year pilot that began in April 2023 and is due to finish in April this year. These are court orders that can be placed on adults upon conviction of a knife or offensive weapons offence, and they provide police with the power to automatically stop and search individuals convicted of knife offences, with the aim of deterring habitual knife-carrying behaviour. The pilot is being robustly and independently evaluated in terms of its effectiveness in tackling knife crime, as well as any disproportionality in its use, and I look forward to seeing the results.

Finally, I want to talk about gangs, which a number of Members referred to. It is crucial that we tackle the gang culture that lures children and young people into crime and runs county lines through violence and exploitation. As we committed to do in our manifesto, we are introducing a new offence of criminal exploitation of children in the Crime and Policing Bill. That new criminal offence is necessary to increase convictions of exploiters, deter gangs from enlisting children and improve identification of victims.

Alongside the new offence, we are creating a new regime for child criminal exploitation prevention orders, to prevent exploitative conduct committed by adults against children from occurring or reoccurring. We all know that county lines are the most violent model of drug supply and the most harmful form of child criminal exploitation. Through the county lines programme, we will continue to target exploitative drug-dealing gangs and break the model of organised crime groups behind the trade.

We know that through stop and search, police may come into contact with children who they suspect are victims of criminal exploitation, and it is vital that police take an appropriate safeguarding approach to potential victims and ensure they receive appropriate support. We are providing specialist support for children and young people to escape county lines and child criminal exploitation, and we will be delivering on our manifesto commitment to roll out further support through the Young Futures programme.

I repeat my thanks to the hon. Member for Meriden and Solihull East for securing the debate, and to all Members who have participated. This is a sensitive issue, and I am grateful for the constructive and insightful nature of the discussion today. The Government's position is clear: stop and search is an important tool, but it must be used fairly and effectively. Getting that balance right is key, and I am keen to carry on working with the police to achieve the best outcomes we can.

**Sir Jeremy Wright (in the Chair):** With a little more than the usual two minutes, I call Saqib Bhatti to wind up the debate.

10.34 am

**Saqib Bhatti:** Thank you for calling me, Sir Jeremy; you will be pleased to know that I do not have a 26-minute winding-up speech. I thank all Members across Westminster Hall for their contributions. I thank the shadow Minister, my hon. Friend the Member for Stockton West (Matt Vickers), for the challenge he set, and the Policing Minister for the constructive way in which she engaged in the debate.

I absolutely accept the stats that the hon. Member for Clapham and Brixton Hill (Bell Ribeiro-Addy) set out. Although the suspect-adjusted disparity stats still show that black men are more likely to get searched, it is much more targeted, but no stats are perfect. It is really important that communities have trust in policing, and I am conscious of a narrative being built up that might undermine police officers in those communities.

I suspect this debate will rage on. I will continue to work with the shadow Minister, and I offer to work with the Minister to change the guidance to make the lives of police officers easier. I want the Minister to succeed, because her success means saving lives, and it means that when we say, "Never again", it really does mean never again.

*Question put and agreed to.*

*Resolved,*

That this House has considered the matter of the use of stop and search.

10.35 am

*Sitting suspended.*

## Community Theatre

11 am

**Sir Jeremy Wright (in the Chair):** I will call Lisa Smart to move the motion, and I will then call the Minister to respond. As is the convention for 30-minute debates, there will not be an opportunity for the Member in charge to wind up.

**Lisa Smart** (Hazel Grove) (LD): I beg to move,

That this House has considered Government support for community theatre.

It is a pleasure to present this debate with you in the Chair, Sir Jeremy. Community theatres across the country empower young people and enable them to find and amplify their voices. It is also wonderful fun to be part of the audience. I will make the case for community theatres to be treated as an asset that saves money for our communities. I will also make the case for community theatres to be able to access capital funding to keep the show on the road and, because of the important role that local councils play in supporting community theatre, I shall make the case for sustainable funding for local government.

In my constituency, the Forum theatre in Romiley provides enriching opportunities to many young people from different backgrounds, including those who would otherwise not naturally feel able to get involved in the arts, as well as those with physical or learning disabilities. I have had the great pleasure of attending a whole range of performances at the theatre. The standard of production is extraordinarily high. It is especially uplifting to see the progression of young people moving from the chorus to a leading role, and then, for a few, to the country's top drama schools.

**Jim Shannon** (Strangford) (DUP): I commend the hon. Lady for securing this debate. I am very fortunate to have the Web theatre in Newtownards, which gives people the opportunities that she referred to. Does she agree that community theatre binds people together? And yet, with the escalation of costs, it is getting harder for theatres to keep the lights on. Does she further agree that arts funding has been put on the back burner for far too long and that it is now time to change that position, so that the community theatre space can be at the forefront of the regeneration and rejuvenation that she clearly wants?

**Lisa Smart:** I am grateful to the hon. Gentleman for his intervention. I obviously agree with him about the important role that community theatres play in our communities, and I will comment on the importance of clarity on longer-term funding. As he rightly says, theatres face increasing costs. When energy bills go up and it costs us more to heat our homes, they go up significantly more for theatres. I will come on to the capital spending that is needed and how we are putting at risk some of the community cohesion work that theatres can do.

The Forum theatre in my constituency faces an uncertain future because it has reinforced autoclaved aerated concrete in the roof. It was forced to close while temporary repairs were made, and it was repaired with a temporary lifespan of five years. After a phenomenal campaign by the local community and local councillors pushed the local council to provide funding, the theatre is thankfully back open and back at the heart of the Romiley community.

Last April, the estimates for the cost of the work to fully remove the RAAC panels at the Forum and deliver a permanent fix was forecast to be up to £2 million. The work involves removing the current roof coverings, removing each of the RAAC panels individually and disposing of them, and then creating a new roof structure and making it watertight. Although the work will disrupt activities at the theatre, it is crucial to securing the long-term future of a beloved community asset.

The Forum theatre is owned by Stockport council. We all know there is a crisis in local government funding, and local councils across the country, including my Stockport council, have to deal with severe budgetary constraints. Simply put, Stockport council does not have the funds for the necessary building renovations at the Forum theatre to permanently remove the RAAC. Any money invested in local councils to support our cultural landmarks is undoubtedly well spent and will pay dividends.

**Alison Bennett** (Mid Sussex) (LD): Does my hon. Friend agree that had previous Conservative Governments valued community theatres such as Clair Hall and the Martlets Hall in Mid Sussex, my constituents would still be enjoying all the benefits that arts and social spaces provide, and our council would not face the invidious choice between non-viable community spaces and entirely commercially led offers that simply cannot put the performing arts front and centre while staying financially afloat?

**Lisa Smart:** My hon. Friend makes a powerful point about the perilous state of local government finances, the knock-on impact on assets and services provided by councils, and how councils can support important work in our communities. It is quite difficult to measure the impact of bringing people together. I feel that we look at the arts as a cost rather than as an asset and a way to reduce costs in other areas. I will come to those points later.

The Forum serves as a hub for more than 30 local organisations: dance schools, community groups, bands, comedians and schools use the space. They rely heavily on the Forum for their events, because it is an affordable space compared with going into town and paying the price for city centre venues. Its usage is a testament to its importance and significance. The level of activity not only enriches the cultural life of my constituents, and more widely, but it stimulates the local economy. A study by the Society of London Theatre shows that for every pound spent on a theatre ticket, £1.40 is spent in the local economy. That boost is vital for the many independent shops, cafés and wine bars in Romiley, which benefit from the theatre's bustling schedule.

At the centre of those statistics are the real lives of those in my community who benefit from the Forum. The theatre brings together children and young people from different backgrounds, from those who are more affluent to those who currently live in the care of the local authority. At the theatre, they grow together with shared passions.

**Gareth Snell** (Stoke-on-Trent Central) (Lab/Co-op): I thank the hon. Lady for securing this debate. The Forum theatre in her constituency sounds like a venue that I should put on my to-visit list, because she is making such a great pitch for it. I am very lucky in my constituency to have the Rep theatre, the Mitchell arts centre, the work by Restoke at Fenton town hall and the Dipping House, which is a community venue running high-profile performances. Those venues bring opportunities for local people not only to engage in the arts, but to hear their stories reflected back in the stories of our community played out on stage. Does she agree that such stories are often overlooked by national production companies? If we do away with community theatres, we end up losing our history to what is commercially viable nationally.

**Lisa Smart:** I strongly agree. I remember growing up, with this accent, and really welcoming it when somebody sounded like me on the BBC or in a theatre production. It matters to all of us to see and hear ourselves and to hear our stories being told. Community and local theatre plays a hugely important role in that.

Community theatre also plays an important role in saving money from the public purse. We have so many young people on a waiting list for assessment and treatment by child and adolescent mental health services. They might be out of mainstream school and struggling as they live with a mental health condition. Participating in the life of a theatre, whether in a production or at the front or back of house, can make people feel they belong. It can help them to find their voice and support them, thereby reducing the cost to the state in other areas. It also offers invaluable educational opportunities.

At the Forum, local schools benefit from theatre experience days, when students can learn about career opportunities in the creative industries, which can be life changing. I am thinking about David, who discovered his passion for lighting and sound design during a school visit. When he left school, he became the theatre's first apprentice, allowing him to master his passion over a two-year programme.

The charity that operates the theatre, NK Theatre Arts, also ensures that financial hardship does not prevent participation. The theatre vowed never to turn down a potential member due to financial difficulties. Recently, a long-time member of a much-loved drama class stopped attending, because her family was experiencing a tough time financially, and they decided they could no longer afford it. The theatre team pushed through and insisted that the member continue and only pay what she could.

**Bobby Dean** (Carshalton and Wallington) (LD): My hon. Friend's passion for her local theatre is clear to see. She mentioned the form of ownership, a charity in that case. In Carshalton, we have the CryerArts centre, a local theatre owned and operated by the local community, by a company specifically set up for that purpose. Does she agree that that kind of ownership structure should be encouraged by the Government and supported as much as possible?

**Lisa Smart:** I strongly agree that assets that are owned and run by the community are a powerful way of empowering that community to deliver what it needs. The Forum theatre is owned by the council but run by NK Theatre Arts, and I will come to some of the challenges that that funding model presents, but I think that communities being involved in improving themselves brings about the best for them.

**Jess Brown-Fuller** (Chichester) (LD): As my hon. Friend knows, I am a keen supporter of the arts, especially community theatres. Will she join me in congratulating Chichester Community Development Trust, which has managed to secure national lottery funding to redevelop part of the former hospital at Graylingwell and create a community hub that will be used as a rehearsal space for creatives and community theatres in the Chichester area? Does she also agree that sustainable funding, once the creative hub is up and running, will be key to ensuring that it is there for future generations?

**Lisa Smart:** I will certainly join my hon. Friend in congratulating the team in her constituency. Having participated in some bids for lottery funding, I know it is not always an easy process, so they have done very well to be successful. Community hubs are also so much more than just a rehearsal space. They bring light, laughter and so much warmth to a community, so I absolutely agree with her.

All hon. Members will know that theatres are facing higher running costs. If we think about the impact of higher energy bills on households, the cost of heating a very large, high-ceilinged space is even greater. Energy bills are increasing, and rises in wages and national insurance for staff mean that there is less and less money available to spend on improving things around the theatre. I spoke to people from NK Theatre Arts and they summarised my point perfectly:

> "Although it's great to put on a brilliant show, it isn't really about the shows and the events. It is all about the social benefits it brings to the children, young people and adults, and all of our partners who use The Forum Theatre, but it needs investment."

That investment would be its lifeline.

I appeal to the Minister and the Government to take action to support councils to maintain and renovate cultural buildings such as community theatres. The previous Government provided schools and colleges with the funding that they needed, more or less, to permanently remove the RAAC. Considering the hugely important service that our cultural buildings provide and the amount they save the broader public purse, it makes sense for the Government to provide similar funding to remove RAAC from community theatres across the UK.

Romiley Forum is, of course, not the only theatre in Hazel Grove. We also boast the Carver in Marple, which, while relying solely on volunteers, has been entertaining my community since 1906, and is where I have enjoyed the unforgettable Marple gang show. I should not forget Romiley Little Theatre, which is another charity that has been part of Stockport's cultural landscape for over 70 years.

Without our community theatres, the immensely valuable services that organisations such as NK Theatre Arts provide to young people would not be able to exist. The workshops and experiences offered by the theatre company not only provide accessible ways to get involved in the arts, but help keep young people off the streets and involved in their local communities. Any funding for community theatre would be an investment in our young people. We would be investing in our local communities and in the UK's proud and storied cultural heritage, providing opportunities for the many extraordinarily talented young people in our constituencies who may not otherwise be able to get involved with their passions.

I ask the Government to support community theatre and treat them as assets that bring money into our communities while saving money from the public purse, whether we are talking about CAMHS for young people living with anxiety, or day centres or other activities for those with learning disabilities. I also ask the Government to make funding available for capital repairs for theatres like the Forum in Romiley, as the Department for Education did for schools and colleges, to give a secure future to these vital community assets. Although I am aware that this might not be in the Minister's gift alone, I also ask for local government to be given clarity over its long-term funding, so that we do not lose the local connection to the arts that so many of us cherish.

11.14 am

**The Minister for Creative Industries, Arts and Tourism (Chris Bryant):** It is very good, Sir Jeremy, to have you in the Chair, not least because you know a thing or two about the Department, having played a role there for a while. I also congratulate the hon. Member for Hazel Grove (Lisa Smart) on securing not only the debate but quite a large audience for it—certainly bigger than many audiences that I have seen in Westminster Hall.

The hon. Member is right to refer to the Forum theatre, which reopened after £300,000 of investment. She was a bit modest because, as a councillor, she was one of the leading figures who campaigned to get it reopened—perhaps that played a part in her getting elected to this place. I see that she is smiling. It is not quite a Mona Lisa smile; it is more of a "Yes, I did, and thank you very much, Minister, for mentioning it" smile.

I gather that the Forum theatre reopened with "Everybody's Talking About Jamie", which I think was for just one night only. The young lad playing the lead had effectively grown up in that theatre and learned his craft there. That is yet another aspect of community theatre, namely that young people become engaged in the arts through it. Sometimes, they are young people who would not necessarily be interested in other academic subjects in school, but who see that the creative industries are a career choice or option for them, and they have a moment of extraordinary bravura on stage. Alternatively, somebody might work backstage and decide that that will not be the career for them, but none the less gains a degree of confidence and a sense of working as part of a team. People learn how to take a cue or prompt a cue, and so on.

All those elements are part of growing up as a young person and those skills are essential life skills for nearly every work environment, which is why the creative industries are so important. That is true when there is a massive production of "Matilda" by the Royal Shakespeare Company, which ends up becoming a worldwide success, or "War Horse" by the National Theatre, or "Les Mis", which was originally an RSC production. That is also true, however, when we are talking about much smaller venues where the subsidy is a key aspect of managing to keep the whole thing going.

Incidentally, I should say that Dan Gillespie Sells, who is a friend of mine, wrote the music for "Everybody's Talking About Jamie". As I will say more about later, theatre is not just about buildings; it is also about having the writers and the musicians coming into the pipeline, so that we have shows in the future that people really want to see.

**Peter Swallow** (Bracknell) (Lab): I thank the Crowthorne Musical Players for putting on a fantastic production of "The SpongeBob Musical" in the South Hill Park theatre in my constituency last week, which I enjoyed. Seeing young people on stage and the confidence that they were able to exude filled me with such hope for the future. Can the Minister expand further on the benefits for our young people of being involved in the theatre and the creative industries?

**Chris Bryant:** I am not sure whether that was really a question or an advert. It would seem that all the world's a stage, and all the MPs merely players. It is good that everybody appreciates the cultural institutions in their constituencies and that we all try our best to support them when we can.

The Park & Dare is the theatre in my patch with a beautiful 19th-century building. One of the most exciting nights that I have ever had was seeing Joan Armatrading perform there. When a performer of global standing comes to a local community theatre, that is really important. I think Paul Young is playing at the Forum theatre in a few weeks' time; the audience then will no doubt be living in the "Love of the Common People".

We have all used the term "community theatre" in the debate, but it does not really exist. According to the Society of London Theatre and UK Theatre, roughly 50% of the 1,100 theatres in the UK are community theatres, so we are talking about 500 or so of them. All those theatres are on a spectrum, however, that ranges from the tiny venue that seats only 100 people and is entirely run by the community on an almost-voluntary basis to much bigger venues, such as Nottingham Playhouse, that are run by the local authority but are still very much part of the local community.

Actually, I would argue that no theatre is really a theatre unless it is a community theatre, even many of the big theatres that we see in London's west end, which are such an enormous attraction for people around the world. Incidentally, if anybody in the United States of America is watching this debate, the productions in our west end theatres are much better value than Broadway theatres, and their productions are of much better quality too.

Whatever kind of theatre we are talking about, in the words of Peter Brook, every theatre is in essence an "empty space", and it is only when somebody walks across it that it becomes a theatre. To do that, however, it has to have a story to tell, it has to have people to tell that story and it has to have an audience. All of that is what turns a theatre into a community. The theatre industry in the UK generates something like £2.39 billion in gross added value, employs 205,000 workers and has a turnover of £4.4 billion a year. We already support it in many of the ways that the hon. Member for Hazel Grove has asked us to support it, so I am quite pleased that she asked those questions rather than more difficult ones.

The higher rate of theatre tax relief that comes into force on 1 April is a significant investment in the theatre industry across the whole UK. It will be set at 40% for non-touring productions and 45% for touring productions and ones that involve music. Arts Council England is going through the next round of looking at its national portfolio investment programme, which will provide something like £100 million a year to 195 theatres across the UK.

People might think that a lot of that is going to the big theatres, which might not qualify as a community theatre, but that is stuff and nonsense—sorry, that is the name of a theatre in Dorset. The Stuff and Nonsense theatre is one of Arts Council England's national portfolio organisations, as are the Nottingham Playhouse, Z-arts in Manchester, the Little Bulb theatre in Mendip and Scratchworks theatre in Exeter. Interestingly enough, the programme does not just fund theatre buildings; it also funds the Writing Squad in Stockport, which is bringing on new writing talent in the north of England, because that is absolutely essential to making sure that there are new plays coming along.

I love J. B. Priestley, and one day I will tell the embarrassing story of when I was in a production of "Time and the Conways" many years ago, but we cannot endlessly put on the classics. Much as many of the classics are really important—I have seen productions of "Richard II", "Edward II" and "Hamlet" in the last few weeks—we none the less need live, modern stories that reflect people's lived experiences.

**Helen Maguire** (Epsom and Ewell) (LD): On the point of funding, Leatherhead theatre is a grade II listed building leased by a small local charity. It faces ongoing maintenance challenges, but its ownership model makes covering those costs extremely difficult. The £85 million creative foundations fund is welcome, but past experience suggests that not owning the building or having a long-term lease could preclude access to such funding. Would the Minister look into ensuring that funding is accessible to all community theatres regardless of ownership to ensure that they continue enriching our communities?

**Chris Bryant:** I like the way that the hon. Lady casually dismisses the £85 million of capital investment—it took quite a lot of work to secure that money. One of the first things that the Secretary of State for Culture, Media and Sport and I were lobbied about when we came into government last July was the state of many of the cultural institutions—theatres, museums, galleries and so on—that have been run by local authorities and are in dire capital need. Many of the organisations that we are talking about will be covered by that. If she wants to write to me about the specifics of that case, I will look into it. We had to decide where our priorities should lie. There are other avenues that other organisations can go down, but we wanted to make sure that there was a solid amount of money available in a single year: £85 million for capital projects in 2025-26 for the kind of theatres that many of us will be talking about that are, or have been, local authority-run.

The other intervention that the Department is engaged in is the Theatres Trust, which provides a great deal of unbiased advice to a variety of different theatres about their funding mechanism, their legal structures, their governance and what they can do about energy costs—a whole series of different things. I am very grateful to the Theatres Trust team, who play an important role in making sure that the whole sector works.

It is clearly easy for us to celebrate the big shows that I have already mentioned in the west end, such as Tom Hiddleston in "Much Ado About Nothing". Those productions get lots of coverage and are very successful commercially, but we cannot have a successful commercial UK theatre industry without a successful subsidised

*[Chris Bryant]*

UK theatre industry. We need that whole mix. An actress such as Glenda Jackson, who ended up winning two Oscars and was nominated for two more, and who was a great star of stage and screen making her way partly in theatre and partly in the movies, started in rep in Hoylake and West Kirby. We must remember that it is that whole mix, even in the changing environment of modern theatre, which has very few repertory theatres in the classic sense, that we really have to sustain.

I have already referred to the £85 million creative foundations fund, but I should also refer, as the hon. Member for Hazel Grove rightly did, to local government. The new plan for neighbourhoods that is being developed by the Ministry of Housing, Communities and Local Government is precisely designed to look at how we can make sure our local neighbourhoods flourish. A key aspect of that must be the creative industries and our cultural institutions. People take so much pride in having a local theatre, a local music venue or whatever else it may be. We lose those organisations at our peril, although there are enormous challenges.

**Alison Bennett:** My concern is that, in west Sussex, we are on the fast track for local government reorganisation, and without a quick resolution to how we fund social care, many of the community theatres, which are council-owned assets, are at risk of being sold off. Would the Minister press the Ministry of Housing, Communities and Local Government on that point?

**Chris Bryant:** I have already had those conversations with the Ministry; it is obviously not simple when we are talking about local government reorganisation. I used to be a councillor in Hackney, so I know the pressures that are always on local government, but those pressures have been so intense for the last 14 years, with an ageing population taking up a much greater proportion of funding through social care, and looking after children in care, as well as very diminished budgets. Local authorities have really struggled to do what they are required to do, let alone what they are allowed to do, such as providing culture and leisure facilities.

One of the problems has been that local authorities have tended to have annual settlements rather than three-year settlements, and I hope that more of the latter will make a dramatic difference to how local authorities can plan for big and medium-sized projects in the cultural sphere. However, I will always make the case to any local councillor who walks through the door that simply cutting funding for the local theatre or leisure centre is an own goal. I tell them that they would then struggle to provide other services, lose pride in their local place, deprive people of career opportunities and make it more difficult to grow the local economy. We know that for every £1 spent on a theatre ticket or a live performance ticket, people are likely to spend several more on other things in the local community.

**Gareth Snell:** The other point that the Minister is making is that community theatres tend to solve the problems that drive the demand in those acute and expensive services in the first place, by giving people a social outlet.

**Chris Bryant:** That is a very good point. As I have regularly said, youth services have suffered tremendously in the last 14 years. If we can get the whole congregation of cultural, youth and leisure services to work together in the local community, it can radically affect people's life chances and life choices.

My final point is that community theatre is not just about buildings. It is terribly easy to become obsessed about buildings, but my concern is whether we are getting the young actors we need from every type of background, not from only one background. That depends on making sure that every single school provides a proper creative education.

**Sir Jeremy Wright (in the Chair):** That brings the curtain down on this debate. I am grateful to all hon. Members who have participated, both in leading roles and walk-on parts.

*Question put and agreed to.*

11.30 am

*Sitting suspended.*

# Housing Development Planning: Water Companies

[Mrs Emma Lewell-Buck *in the Chair*]

2.30 pm

**Helen Morgan** (North Shropshire) (LD): I beg to move,

That this House has considered the role of water companies in new housing development planning.

It is a pleasure to serve under your chairship, Mrs Lewell-Buck. It is something of a cliché for a Liberal Democrat to be talking about sewage, but today I am breaking the mould and talking not about sewage in seas, lakes and rivers but about sewage in people's homes and gardens. Buying a home in the UK is not easy. People spend years and years saving penny after penny, and when they finally sign on the dotted line and complete the purchase, they are relieved and delighted. They are not expecting to be forced to become an expert in complex regulations relating to drainage and the planning process. Most of all, they are not expecting raw sewage to start backing up through the manhole covers in their garden, the drains or, in the worst-case scenario, their downstairs loo, but unfortunately, that is what some of my constituents have had to deal with when buying or living near newly built houses in North Shropshire. I think the whole House should be asking itself how any water company, developer, conveyancer or local authority could think that this situation is acceptable.

During my time as MP for North Shropshire, there have been multiple incidents in which constituents have been put in this troubling position by the sewerage network failing, and I am quite angry about the lack of progress in dealing with the issue. Just two weeks ago, I attended a meeting with residents of a village in my constituency that has seen a relatively large amount of development in recent years; their village is low-lying and on a gentle slope. Severn Trent, the water company, has adopted the drainage system from the new developments, so this is not a case of a dodgy developer failing to build suitable infrastructure, but it is an old, medieval village and unfortunately the existing combined sewer infrastructure is inadequate to deal with prolonged rainfall and the additional homes connected to it.

**Sarah Dyke** (Glastonbury and Somerton) (LD): I thank my hon. Friend for securing this really important debate. Speaking of medieval villages, I met residents of a little village called Mudford in my constituency last week. Two new housing applications have recently been approved for up to 1,000 homes just upstream on the River Yeo. Mudford already suffers from extreme flooding and relies on inadequate and fragile sewerage systems that already overflow regularly during heavy rain. Worryingly, the developers plan to use the same system despite clear environmental risks. Does my hon. Friend agree with me that water companies must be fully involved in the planning system, to ensure that water infrastructure can handle the demand and prevent future flooding and spills of sewage?

**Helen Morgan:** My hon. Friend describes a situation that I think we are all familiar with. I agree with her about the role of water companies and will go on to talk about that point at some length in my speech, so I thank her for that intervention.

When there is heavy rain, the residents I met struggle with surface water flooding and, unfortunately, with sewage backing up into homes and gardens, which we all agree is pretty horrible. Further homes in the area are in the planning process, so the residents are extremely concerned. Each year, their situation gets worse. An elderly resident told me that sometimes, when it has been raining heavily, she has to ask her neighbours not to use their bathroom, because sewage will flood into her garden if they do. That is not a position that any homeowner should be put in, so we need to ask ourselves how we have allowed this to happen in the first place.

We are acutely aware of the need to build more homes, and we support the Government in their mission to build more homes, but it is essential that the infrastructure for both new and existing residents keeps pace with development. Astonishingly, water companies are not statutory consultees when a housing development goes through the planning process. That means that there is no statutory safeguard for home buyers that the company responsible for dealing with their foul waste has ensured or confirmed that its existing sewers will cope; nor is there any statutory safeguard for existing residents against a new development bringing some unpleasant surprises.

**Helen Maguire** (Epsom and Ewell) (LD): I thank my hon. Friend for securing this very important debate. River Mole River Watch, a local citizen scientists' charity, has found that smaller pumping stations near new housing developments are seeing a sharp rise in storm overflows. More homes mean more sewage, as she has eloquently explained, and if the infrastructure cannot cope, raw sewage ends up in the River Mole. Does she agree that water companies must be statutory consultees in the planning process, so that sewage infrastructure is upgraded at the same time as building takes place? Otherwise, the problem will only get worse.

**Helen Morgan:** My hon. Friend is exactly right. Water companies have certain powers to object to developments that exacerbate existing capacity problems, but they are very much constrained by duties under the Water Industry Act 1991, which obliges them to accept domestic flows from new developments. Moreover, developers have an automatic right to connect to the existing network for domestic flows, which limits the ability of the water companies to object solely on the basis of network capacity. They can apply for Grampian conditions—planning conditions attached to a decision notice that prevent the start of the development until off-site works have been completed on land not controlled by the applicant. Developers can do that through the planning authority, but only if there is already a scheme promoted and a date for the improvements to be delivered has been set, so Grampian conditions are rarely used.

My hon. Friend the Member for Westmorland and Lonsdale (Tim Farron) tabled an amendment in Committee to the Water (Special Measures) Bill, which would have provided some of those safeguards by making water companies statutory consultees and ensuring that water infrastructure requirements were considered.

**Tim Farron** (Westmorland and Lonsdale) (LD): I congratulate my hon. Friend on securing this important debate. She mentions the amendment we pushed in the Bill Committee, which was not accepted by the Government. It is indeed vital that water companies are statutory

*[Tim Farron]*

consultees throughout the process, but we should bear in mind that there is an incentive for water companies to say that there is no problem: the additional buildings mean more water bills and more income for the water company. If the company concedes that there is a problem, it may have to respond by making improvements to the infrastructure, costing it money. Do we not need better regulation? Ofwat and the Environment Agency need to be put together into a single, new clean water authority, so that we enforce clean water standards on the water companies that are currently running rings around our regulators.

**Helen Morgan:** I thank my hon. Friend for his intervention. He has campaigned endlessly and consistently on that point and I entirely agree with him. I was concerned when both the Government and the Conservatives voted against his amendment in Committee. Perhaps in their winding-up speeches, they will explain the rationale to my constituents, who are faced with the reality of putting cling film over their toilet every time there is a big storm.

The current requirements, all of which allow consultation, have been inadequate in the example I have given, and indeed in many others. The local plan process requires local authorities to consult the water companies on infrastructure requirements. That should be a positive step; it is how future infrastructure should be determined, with plans made by both the local authority and the water company. However, many councils fail to develop local plans. Shropshire's Conservative council has just had to withdraw an inadequate plan, having failed to satisfy the requirements of the planning inspectors, leaving the county open to a planning free-for-all in which it is unnecessary to consult water companies. I therefore urge the Minister to ensure that in the review announced at the beginning of this week, water companies are added to the list of statutory consultees. I urge him also to tighten up the rules to prevent such a fiasco from emerging again, when after years of work and of taxpayers' money being spent on a local plan, it is not fit for purpose and the whole process has to be started again. That is unacceptable for my residents, who are paying their council tax.

Another development 10 miles to the north has had similar issues, but in that case, in addition to concerns about the capacity of the pumping station and existing surface water flooding problems, Severn Trent has refused to adopt the drainage network, citing as its reason that the sewers were not built to the standard agreed under the section 104 arrangement in place. The developer, which I should say disputed that there were defects in the system, requested that Severn Trent return its section 104 bond, and it did. All of that was done without the residents' knowledge. They only found out nearly three years later, following repeated complaints to the water company, which is tanking sewage away from the village on a weekly basis.

**Alison Bennett** (Mid Sussex) (LD): On the section 106 moneys being returned to the developer, this week I had a meeting with Southern Water and then a meeting with a significant regional house builder in the south-east. A very similar situation was presented to me, wherein Southern Water had not actually managed to carry out the £2 million of improvements to the sewerage network that were required as part of the section 106 agreement. Does she agree that in such a situation it is incredibly hard for politicians and councils to make the case to residents that development is justified, when time and again they are let down by the development system?

**Helen Morgan:** I thank my hon. Friend for her intervention. Residents are genuinely concerned about the impact on their village or town when the rules clearly are not allowing for additional infrastructure to be built. It is reasonable for them to expect that infrastructure to be built. We would see far less nimbyism if people had confidence that the infrastructure will be there when new houses are built.

The point I am trying to make is that the section 104 process is not fit for purpose. It is ridiculous to require a financial bond. The point of that bond is to deal with exactly the situation where the sewerage network has been inadequately built and needs to be adopted. The bond is there to ensure that the water company brings that sewerage system up to standard, so that it can be adopted.

**Mike Martin** (Tunbridge Wells) (LD): My hon. Friend has just said that a lot of sewerage is unadopted. Say it was built in the 1800s by public subscription and nobody has adopted it since. That allows water companies to shrug and say, "Search me, guv'" when there is a problem. Does she think that the Government should by statute or law require that all of these unadopted watercourses be adopted by a water company or the Environment Agency, so that when there is a problem there is someone we can point to and say, "This is your problem to solve"?

**Helen Morgan:** The problem of historical sewers is particularly difficult, because there is no immediate developer to put on the hook. We certainly need a mechanism for dealing with historical sewers. It is a complicated problem, because we certainly do not want sewage from inadequate systems to start going into the main system, and it is difficult to say the taxpayer should to have to pay for something that happened a long time ago. Nevertheless, we need a mechanism to deal with historical sewers; there is no doubt about that.

The homeowners in The Pines in Higher Heath are in a situation where the developer has refused to rectify the issues and Severn Trent has washed its hands of the matter by returning the bond. They have nowhere else to go. One resident told me:

> "The whole system has failed us, from start to finish…we have layers upon layers of Water, Building, Planning, Council Regulations, Controlling Authorities and processes and procedures, all designed to protect the public and the environment. Yet, a pre-existing local drainage problem, a planning process and building supervision and approval all failed to pick up and address it, and then allowed 'defective' drains to be built, then a Developer and a Utility company agree among themselves to terminate the S104 and totally wash their hands of us/the people who pay the taxes that fund the system that is supposed to protect us/the people."

We see there the root of the problem. People who rely on the regulatory system to protect them in their homes are being hopelessly let down by a system that provides no protection when the worst happens and push comes to shove. Clearly, the section 104 process is not fit for purpose. The conveyancing process, when solicitors are involved, never seems to detect this type of situation either.

I have sympathy for the people affected. When the section 104 agreement and bond have been put in place, and people have found that through their search, they should be able to have reasonable confidence that the sewerage network will be completed as planned.

I have raised many times the situation of people living in The Brambles in Whitchurch, so I will not go into all the details again. People bought houses in that development, but the developer was a rogue developer, who collapsed the company as soon as the final house was occupied. The sewage pumping system was inadequate, and another property was illegally connected to it. Fourteen households had to spend £1 million between them to fix that situation. Those householders were the people left holding the management company when everything crashed down around them, and they were liable to fix that situation. That was totally unacceptable, as well.

**Richard Fuller** (North Bedfordshire) (Con): I congratulate the hon. Lady on securing this important debate. I have a couple of questions. In North Bedfordshire, the pace of housing growth is about two and a half to three times what it is nationally, and we also have two major watercourses—the River Ouse and the River Ivel. The issue with the way that section 106 moneys go with new housing developments is that it is always about the incremental impact on the network, but the problem is that the overall structure needs financial support. The hon. Lady has been thinking about making water companies statutory consultees. Does she think that that could help with a more comprehensive understanding of the impact across a network of any major development? Secondly, does she think that it could change the system to have greater demand for an escrow of funds by developers for the long-term issues she mentioned, rather than leaving those to individual householders?

**Helen Morgan:** The hon. Gentleman makes a good point, particularly about holding funds in escrow, which is a sensible suggestion. I am reluctant to let water companies off the hook, because they have made enormous profits, and they have been able to predict the growth in housing and changes in the weather, but they have done nothing to invest in the existing infrastructure. Let us not feel too sorry for them, but there clearly needs to be a long-term plan in place for overall infrastructure in an area. I agree that that needs to be taken into consideration in the planning process.

Local planning authorities have discretionary powers to try to prevent the situations I have described. They could stop occupation of the final properties on the development until the defective sewerage has been remediated. There are various conditions they could put in place up front to prevent these situations, but in practice that is not happening.

**Ben Maguire** (North Cornwall) (LD): In my constituency, South West Water promised residents in the Chapelfields development in the village of St Mabyn that sewage treatment would be put in place, only for families to move in and find raw sewage being collected in tankers, with no proper connections and frequent sewage back-ups, which is similar to what my hon. Friend has described. Does she agree that water companies must be held properly accountable to ensure that infrastructure is in place before homes are built, not years later when the damage is already done?

**Helen Morgan:** My hon. Friend makes a good point. That is where we are going with having them as statutory consultees in the process. It is no good the water companies saying, "You cannot build those houses." They need to be able to say, "We have this plan to improve the infrastructure. You can build those houses when we have done it." It is probably also quite critical that they are able to say, "We are doing it fairly quickly."

I will come back to section 104 for a second. One problem is that council planning departments are hollowed out. They have neither the human nor financial resources to get involved in expensive planning enforcement action, or to ensure that every person has been thought about and invited to consult on a planning application. They need to be required to do that, because the idea that cash-strapped councils will go above and beyond is currently unlikely; many are desperately just trying to stave off a section 104 situation.

We have planning legislation coming, which is welcome. I implore the Government to address section 104 agreements and the bonds that secure them, because at the moment they are not the iron-clad guarantees they should be. We need to ensure that drainage systems are built to an appropriate standard and adopted, so that people can have confidence that, when they buy a home, they will not have to deal with a raw sewage problem for years and be unable to sell their house in many instances.

**Adrian Ramsay** (Waveney Valley) (Green): The hon. Lady makes an eloquent and moving case about the impact of inadequate sewerage systems on residents moving into new properties. Does she agree that there is also a need for a stronger regulatory system for the supply of fresh water? In my constituency we have a water management zone, which prevents new businesses, such as a brewer I spoke to recently, from expanding. At some times of the year, there is too much water, and at other times, there is too little. Does the hon. Lady agree that more effort needs to be put into strategies to manage the supply of fresh water, as well as the issues she raises?

**Helen Morgan:** The hon. Gentleman makes a good point. Shropshire is quite wet, so we do not often find ourselves talking about a lack of water; it would have to be an extreme summer before we found ourselves in that situation. He makes a good point that the country increasingly sees very dry periods and then extreme rainfall in winter. We need a water system fit for the future to deal with that and with localised capacity issues in the freshwater network.

Finally, I call on the Government to implement the recommendations of the report published by the Department for Environment, Food and Rural Affairs in 2023 on schedule 3 to the Flood and Water Management Act 2010. The schedule would provide a framework for the approval and adoption of drainage systems; a sustainable urban drainage systems approving body, or a SAB; and national standards on the design, construction, operation and maintenance of sustainable urban drainage systems, which also have a lovely acronym—SUDS. Critically, it makes the right to connect surface water run-off to public sewers conditional on the drainage system being approved before any construction work can start. Currently, that is not a statutory requirement, but those things are often built as part of the planning process. That means

*[Helen Morgan]*

that when a development happens in an area that has previously been, say, fields, the water must drain off at the same rate as it would have done had the area still been a field. That is a clever way of managing surface water, and it seems odd that the previous Government, and indeed the current Government, have not yet adopted schedule 3. That would be an important start in protecting new and existing residents from the nightmare of both surface water and foul water flooding.

In conclusion, the current planning-led approach is clearly not fit for purpose. Numerous colleagues have turned up today to tell similar stories of residents dealing with raw sewage in their homes, which is just not acceptable. The planning process is failing to protect residents of both new and existing homes, opening the risk of surface water and foul water flooding. Most of us cannot imagine how awful untreated sewage in the home must be, but a failed planning system is making it a reality for far too many people. I urge the Minister to make water companies a statutory consultee in planning, to implement schedule 3 to the Flood and Water Management Act and to tighten the rules around section 104 so that rogue developers cannot get away with building illegal connections to the sewers.

**Mrs Emma Lewell-Buck (in the Chair):** I remind Members that if they wish to be called to speak, they should bob. I ask Members to try to keep their contributions to around four minutes so that everybody who has put in to speak can get in.

2.52 pm

**Dan Aldridge** (Weston-super-Mare) (Lab): It is a pleasure to serve under your chairship, Ms Lewell-Buck. I congratulate the hon. Member for North Shropshire (Helen Morgan) on securing the debate; we are all impatient for change and proper accountability from water companies, so it is an important one.

I am grateful for the opportunity to speak on an issue that directly impacts communities such as mine in Weston-super-Mare. Irresponsible water companies, failing regulation, red tape and suffocated local planning departments have created a perfect storm when it comes to developing the infrastructure and services that we need to deliver for our communities. For too long, our local communities have been underserved by a "computer says no"—or, in this case, a "red tape says no"—approach to planning. It is astounding how many cases I have seen as an MP of sensible, well-thought-out, environmentally based planning applications, that are clearly in the public benefit and that could be easily actioned, being held up by needless and inexplicable bureaucracy.

When I speak to people in Weston, it is clear that although new housing developments bring much-needed growth, that is not without concerns about water infrastructure—not to mention roads, health, offices and retail infrastructure—failing to keep pace. However, the hand-wringing has to stop, and I am genuinely impressed by the ambition the Government have shown in the Planning and Infrastructure Bill to deliver for our people, who are sick of delay after delay and of a "Britain cannot get projects moving" mentality.

These things are not just constraints in an inbox to be managed, but genuine concerns that affect people's daily lives. Residents feel frustrated by rapid developments proceeding without the necessary improvements to essential services such as water supply, drainage and—this is really important in my constituency—rhyne maintenance, which is such a fundamental part of flood prevention.

My constituents are frustrated that water companies do not currently have a formal role in the planning process, so I really am supportive of changing that. The Water (Special Measures) Act 2025 is the first part of the transformation of the English water system, not the sum total of the Government's ambitions—I am sure the Minister will talk about that later. I am proud that the Government have acted on these issues, and I was able to play an active role in the passage of the Act, which strengthens accountability.

Locally, we have seen the consequences of generations of poor management. Weston's main beach, as well as Sand Bay and Uphill, are all now classified as having poor bathing water quality. The issues the hon. Member for North Shropshire talked about in her constituency—the flooding and sewage—come to coastal constituencies all around the country. These issues are really interlinked.

The people of Weston and North Shropshire have always deserved so much better. With our water and planning and infrastructure reforms, we are turning the tide on a broken system that has left far too many with a seemingly inevitable decline in opportunities, living standards and water quality. This issue is about getting the balance right, delivering the homes and services we need, while ensuring that our infrastructure keeps pace. I know that the Government are committed to that, and I will continue to work with all concerned to make sure that communities such as Weston-super-Mare are not left behind by an outdated attitude to red tape and bureaucracy, but also by inaction on critical infrastructure such as our water.

2.55 pm

**Jess Brown-Fuller** (Chichester) (LD): I thank my hon. Friend the Member for North Shropshire (Helen Morgan) for securing today's important and timely debate on an issue that is critical for my constituents in Chichester and for people up and down the country.

The challenges facing our water infrastructure are well documented, and waste water treatment works across the country have been operating well beyond their capacity for years, with serious consequences. During the general election, I knocked on the door of a lady in my constituency called Alison, who I had not seen in many years. She is a wheelchair user, and she told me how delighted she was to have been moved to a new social home. She had lived there happily for two and a half years until a new development was built in the field just next door. Suddenly her toilets no longer flushed, and she had no access to her wet room. When she spoke to her water company about sewage rising up in her toilet, it recommended that she go to the local pub to use its facilities. That is totally unacceptable for Alison and for every single constituent facing such situations.

When our systems become overwhelmed, storm overflows and sewage spills pollute our rivers, harbours and coastline—failures that are visible nationwide. Water companies have a duty not only to provide clean water, but to manage waste water safely and effectively. Yet the system has been failing for many years. In my constituency alone, there were 990 recorded sewage spills last year, which lasted over 17,000 hours.

**Dr Al Pinkerton** (Surrey Heath) (LD): I slightly regret asking my hon Friend to give way at this particular moment, because she has just mentioned 17,000 hours of sewage. As a result of a recent freedom of information request related to my constituency, Thames Water had to reveal to me that it has released sewage into Surrey Heath's rivers for 543 hours since the general election on 4 July. That is a slightly more modest number than the 17,000 hours my hon Friend's constituents have faced, but it is none the less hugely significant, given that we have only four sewage outlets in the whole of my constituency. Does my hon. Friend agree that if we want new housing built—which we do—then water companies, which we are often very hard on, need to be treated as strategic partners in development, and forced through tougher regulation to deliver the rapidly growing communities we want for all of our residents?

**Jess Brown-Fuller:** My hon. Friend is absolutely right that we are tough on water companies—and so we should be. As my hon. Friend the Member for North Shropshire said, they have made large profits and they have a duty to make sure that every single constituent in this country has access to clean and safe water and that it is disposed of appropriately. But I absolutely agree that they should also be included as a strategic partner, and I will come on to that.

Those failures harm our environment, endanger public health and threaten local economies, particularly tourism, which relies on clean water and a thriving natural landscape. In the Government's plan for change, they set out an ambitious proposal to build 1.5 million homes in England and accelerate planning decisions. While there is no doubt that new homes are needed, they must be accompanied by the appropriate infrastructure to support them. Water companies have a duty to maintain, improve and extend their water supply networks to account for future water needs, but they are currently excluded from the planning process by not being listed as a statutory consultee.

That omission means that, when a development is proposed for a site where there is no capacity, water companies lack the opportunity to formally object or to insist on necessary infrastructure improvements before the permission is granted. The issue is compounded by how capacity in our waste water treatment plants is measured. Instead of assessing the real-world resilience of our waste water infrastructure, capacity is gauged by measuring dry spells over a 12-month period. That means that a company's capacity can change year on year, depending on the weather. With an ever-changing climate, that is not an accurate measure of the capacity that a site can cope with. It is not a realistic reflection of demand on new developments.

If they were statutory consultees, water companies could highlight those inefficiencies at an earlier stage, ensuring that essential upgrades are planned and delivered before new developments are approved. In Chichester, we are currently dealing with the absence of a proactive water management system; a lack of capacity at a specific waste water treatment works in Apuldram is delaying the regeneration that the city centre so desperately needs.

To address these challenges, we must adopt a more proactive and consistent approach to waste water management. As my hon. Friend the Member for North Shropshire mentioned, sustainable drainage systems—otherwise known as SUDS—are a key element of this. I am pleased that Chichester district council has included SUDS as part of its local plan, which is currently being consulted on, but they should not be applied on an authority-by-authority basis; we should have legislation making SUDS the standard across the country.

3.1 pm

**David Reed** (Exmouth and Exeter East) (Con): It is a pleasure to serve under your chairship, Mrs Lewell-Buck. I thank the hon. Member for North Shropshire (Helen Morgan) for securing this important debate. This is an issue on which I hope we can find cross-party consensus and bring about the meaningful and effective change that we and our constituents badly want to see in the water industry.

I start with a case study from my constituency that illustrates the problematic nature of how the current planning framework operates in relation to water companies. Cranbrook is a rapidly growing new town in east Devon: the 2021 census recorded just 6,700 people, but the local council is proposing to grow the town to 8,000 homes, which will accommodate around 20,000 people. During the planning phase for the town, our local water company, South West Water, promised a dedicated sewage pumping station to treat waste locally and prevent the overloading of existing infrastructure.

However, South West Water has since scrapped the proposed pumping station, and instead redirects Cranbrook's waste six miles away to the Countess Wear sewage treatment works in Exeter. Countess Wear is already under pressure and suffers regular sewage spills into our beautiful River Exe. It does not take big brains to work out that, at Cranbrook's projected growth rates, the current plan is unsustainable at best and dangerous at worst. If local politicians and pressure groups had known at the time that South West Water would not make good on its promise or be held accountable, I should imagine that objections to the town being built would have been louder and more persistent.

As we all know, this Labour Government have committed to building 1.5 million new homes in this Parliament, yet they have not adequately explained how they will ensure that infrastructure will keep pace with development. With multiple proposals for new housing in my constituency, as well as proposals for a new town—in addition to Cranbrook—I fear that the same avoidable mistake will happen to my home twice. For the record, I am not against house building, but I am against house building that is delivered without the corresponding infrastructure.

The issue of water infrastructure planning has long been overlooked, yet it is crucial to ensuring that new housing developments do not lead to avoidable environmental and public health disasters. As we have heard, water companies are not statutory consultees in the planning process. Their role is limited to local plan development, meaning that they often engage far too late, once planning applications are well under way. This lack of early involvement leads to delays, uncoordinated infrastructure and, ultimately, a failure of accountability when things go wrong.

To offset that flaw in planning law, local councils are resorting to other mechanisms to force compliant behaviour from water companies. We have heard about Grampian conditions, which are designed to prevent development

*[David Reed]*

from proceeding until certain infrastructure requirements are met. However, they do not force water companies to deliver the necessary infrastructure. If a water company delays investment, a development can be stalled indefinitely —or, worse, proceed without proper infrastructure, leading to sewage overflows and environmental damage.

We have heard about section 106 agreements, which are legally binding and require developers to fund infrastructure projects. However, water companies are not legally required to use these funds for local improvements, meaning that money intended for vital infrastructure could be diverted elsewhere.

**Mr Bayo Alaba** (Southend East and Rochford) (Lab): Water companies have a responsibility to the community they are in and the developments that they play a part in. I am keen to hear from the Minister what the Government's reforms will do to encourage water companies to be front and centre on plan-making and infrastructure building.

**David Reed:** I too want to hear from the Minister what plans he has to make sure that infrastructure keeps pace with development.

The community infrastructure levy is another funding mechanism, but CIL revenue is stretched across multiple infrastructure needs, and not all funds go towards water and the sewerage system. The local plans allow local councils such as mine, East Devon district council, to set policies to ensure sustainable development. However, the policies depend on voluntary co-operation from water companies and developers. If a water company refuses to engage early, the council lacks the full picture when making planning decisions. Developers can also challenge infrastructure requirements if they increase costs, which leads to weak enforcement.

Given these issues, I argue, as other Members have, that water companies must become statutory consultees in planning applications. That would mean that developments could not proceed unless water companies confirm that infrastructure is in place to support them. The case of Cranbrook in my home area demonstrates the consequences of failing to integrate water infrastructure planning with house building. If we do nothing, we will see similar issues arise across the country, with more communities left to suffer the consequences of inadequate water and sewerage systems.

3.6 pm

**Richard Foord** (Honiton and Sidmouth) (LD): It is an honour to serve with you in the Chair, Mrs Lewell-Buck. I congratulate my hon. Friend the Member for North Shropshire (Helen Morgan) on securing this debate on both housing and sewerage. These matters are clearly important to the 13 Liberal Democrat MPs who have been present in the debate, but they are frankly important to all 72 of us. I am pleased to follow my constituency neighbour, my hon. Friend the Member for Exmouth and Exeter East (David Reed)—I do regard him as a friend on this issue, because we share the same sea, which has been dogged by sewage pollution from the same water company. We co-operate very well on this issue.

I recognise what my hon. Friend the Member for North Shropshire talks about regarding sewage backed up in people's homes; at a surgery six weeks ago in the village of Feniton, I had people come to see me who showed me photos of sewage in the leat or stream at the end of their garden. It was very visible; the toilet paper and condoms give us a pretty good idea that it is not naturally occurring sewage. They told a story of neighbours having to knock on the doors of people in their street to ask that flushes are not pulled and baths are not emptied at a time of heavy rain, for fear that the sewage will back up into people's private homes.

Water companies and Ministers, when seeking to excuse the volume of sewage that is spilled, have told us for a while that it is a simple choice between either having sewage backing up into people's homes or its being emptied into our rivers and seas. The purpose of this debate is to show that it is not a straightforward, binary choice. There are other options. We heard this week that the Government are removing Sport England, the Theatres Trust and the Gardens Trust as statutory consultees on planning. I am hoping to hear that they are doing that to make way for water companies.

To again use the example of Feniton, the village has been subject to flooding over a very long period, a fact well recognised by both councils and the water company. East Devon district council has spent £6 million of taxpayers' money to introduce a flood alleviation scheme to the village. That spending would not have been necessary had there been good advice at the outset from water companies when planners were proposing to build in that area. In Acland Park in Feniton, residents have been left to try to get their sewer adopted by the water company themselves because the developer has gone bust; again, had the water company been consulted at the planning stage, that might not have come about.

We have heard about water companies objecting to being statutory consultees. That is not my experience. I met the chief executive of South West Water in recent months—I have been a thorn in the side of South West Water; if we are having a competition this afternoon about the volume of sewage spilled, I think I can win it, with over half a million hours of sewage spills in 2023 in the south-west region, though I confess that is not the figure for my constituency alone. The south-west region is dogged by sewage spills, and there was an 83% increase in spills from 2022 to 2023.

The chief exec of South West Water asked me to lobby the Government to have water companies as a statutory consultee. I say that not because I am being lobbied, but because it is in the interests of the residents I represent. I would be curious to know whether the Minister, too, has been asked to make water companies statutory consultees.

3.11 pm

**Jim Shannon** (Strangford) (DUP): It is a pleasure to serve under your chairship, Mrs Lewell-Buck. I congratulate the hon. Member for North Shropshire (Helen Morgan) on securing the debate. As I said to her beforehand, it has been a while since we were in Westminster Hall together; now we have renewed that acquaintance once again.

Housing development in Northern Ireland is a completely different ballgame, as the Minister will know—he has not answered my queries about that, because it is not his

responsibility. The system is very different, but this debate gives us an opportunity to participate. I welcome this Labour Government's commitment to 1.5 million houses, which will potentially regenerate the economy and create jobs and development. It gives people opportunity, and it is the right thing to do, but we need enough skilled workmen to be able to do that job.

To give a local perspective from Northern Ireland, water infrastructure for new housing developments there is managed by Northern Ireland Water, which is a Government body. Some people might say, "At least that way, you only deal with one person and it all gets done." Our system is quite simple. My office deals with numerous issues each week that are under the responsibility of NI Water and I am glad to have a good working relationship with it. We do complain now and again, and we find that its reaction to our complaints is positive, and it does its best to deal with them. The hon. Member for Honiton and Sidmouth (Richard Foord) referred to the half a million hours of sewage spills in the south-west region—it gives me goose pimples just to think about that.

In addition to NI Water, we have dozens of fantastic developers looking to expand and enhance the property scene across Northern Ireland, and they will have to work closely with Northern Ireland Water on decent infrastructure, which is critical to departure. In many cases, network reinforcement and new infrastructure is needed, which can be very costly but is necessary for new and improved housing developments.

Another pivotal issue over the last couple of years has been flooding. We used to always talk about 100-year floods, but they now happen about every two to three years and have become the norm rather than the exception. The hon. Member for Chichester (Jess Brown-Fuller) referred to looking to the future and what the stats suggest needs to be done.

I have dealt with many flooding issues in my constituency, and it is important that this issue is taken into consideration in terms of water supply and drainage in new housing developments. Developers must comply with many environmental regulations from the Northern Ireland Environment Agency, including those relating to water pollution and sustainable drainage. I am old enough to remember a time, not too far back, where the sewerage system and the storm drain water all went into the same system. That is not the case today—nor should it be, because the capacity is not there to take it all—but it did happen in the past.

We need to ensure good communication and good working relationships with Government and non-governmental agencies, from planning to environmental and from water companies to developers. Northern Ireland Water and water companies are obligated to supply water connections to all residential properties, but there has to be good engagement. Northern Ireland Water has good capacity and a good relationship with elected representatives. Developers have the working relationship with Northern Ireland Water that they need to make it work. On the occasions when the sewerage system is unable to take a development of, say, 100 houses, the developer must take it upon himself or herself to provide for those 100 houses a system whereby the sewage can be taken away, either by lorry or whatever.

The Minister perhaps cannot answer this point, but some of the things we do in Northern Ireland, including having Northern Ireland Water as a governmental body, may just be the answer. I am not a socialist, by the way —just for the record—but some things are just right. It does not matter whether it is a socialist policy or another policy; if it is right, it is right. I gently suggest to all Members in this Chamber that maybe all the water companies need to have a new boss.

3.16 pm

**Vikki Slade** (Mid Dorset and North Poole) (LD): It is a pleasure to serve under your chairmanship, Mrs Lewell-Buck. I thank my hon. Friend the Member for North Shropshire (Helen Morgan) for securing this important debate.

It was deeply disappointing to hear this week about the bodies being removed as statutory consultees. I completely agree with my hon. Friend the Member for Honiton and Sidmouth (Richard Foord). Although it is deeply regrettable that we are taking away rights from organisations like Sport England, I hope that will make space for the water companies. We have been calling for them to be statutory consultees for a long time.

Although water companies have a statutory duty to connect all new homes to the sewerage system, it seems quite ridiculous that, apart from us, nobody seems able to speak up in our communities to say that there is no capacity left in the system. If water companies are not allowed to say no, how can we make sure that there is enough space?

I have been working with the local water company, Wessex Water, and a fantastic campaigner, Bill Burridge, to deal with a problem in the village of Merley. The community was built predominantly in the '70s and '80s, and the sewerage system is already at bursting point—literally. Most of the homes were built at a time when the surface water was allowed to go into the sewerage system. As a result, whenever it rains a brown sludge washes across the Stour Valley way, which is a well-used leisure route, and directly into the nature park and the River Stour, exactly where the local rowing club trains and the Wimborne angling club fishes. It is beyond ridiculous—you can see the two side by side.

Six hundred new homes are about to be built at the location, between the existing homes and the river, which will increase the capacity the community needs by 25%. Although some section 106 obligations are in place, there appears to be little enforcement. When we told the people at the sewerage company that some of the houses were already occupied, they said, "Oh, we will get a project team down there to see whether things need to be upgraded." It really was laughable. If the Government are serious about getting homes occupied, the water companies need to be required to act before the homes are ready to go, so that we do not end up with situations in which homes are waiting for connections and for sewerage systems to be upgraded.

There is another problem that affects not only people moving into new homes but the people already living there. As water companies are being forced to repair the sewers and reduce the spills, the surface water that has been flowing through the systems, often for decades, is now backing up in people's gardens. The houses were built long ago, the concrete has been laid and there is absolutely nowhere for all this excess water to go. There is water from the ground and water from the surface. Homes in Broadstone, including in the Springdale area,

*[Vikki Slade]*

are finding their gardens unusable, and houses slightly further down the hill are using sandbags to prevent the water from flooding into their homes and gardens, despite the fact they are around 5 miles from the nearest river. The water companies say it is not their problem because they are fixing their drains and sewers, and the councils say it is not their problem because it is not public land. Whose responsibility is it? Homeowners cannot be suddenly faced with gardens that are underwater.

Like the homes my hon. Friend the Member for North Shropshire mentioned, homes in Broadstone have seen sewage bubbling up, sometimes in their living rooms. The only reason the water companies have given us is that they are the oldest homes in the area and are closer to the water treatment plant, and therefore when all the new homes are connected they have to face the consequences of inadequate systems. The water companies have absolutely no answer. Individual homeowners are expected to put up with it, and the only new investment is where the new homes are. What is the Minister doing to ensure that the water companies and developers are providing for the homes that are already in communities?

3.20 pm

**Edward Morello** (West Dorset) (LD): It is a pleasure to serve under your chairship, Mrs Lewell-Buck. I congratulate my hon. Friend the Member for North Shropshire (Helen Morgan) on securing this important debate.

For too long, our rivers, streams and seas have been treated as a dumping ground for sewage. Water companies have failed to maintain and invest in the infrastructure necessary to protect our natural environment. This has a devastating effect on local residents, businesses and tourists, who rely on clean water and unspoiled landscapes.

It is clear that the current system is failing and that urgent action is required, which is why we must make water companies statutory consultees in the planning process for all new housing developments. Currently, water companies are not required to be consulted when new housing projects are proposed; it is merely best practice. That is a glaring omission, considering the fact that the waste water and sewage from new developments will inevitably place further strain on an already struggling system.

The consequences of failure can be seen across the country, including in my West Dorset constituency, where sewage pollution has reached crisis levels. In 2023 alone, West Dorset experienced more than 4,100 sewage spills from storm overflows. Of the 500,000 hours that my constituency neighbour and hon. Friend the Member for Honiton and Sidmouth (Richard Foord) said the south-west has suffered, our beaches and rivers suffered 45,000 hours of sewage discharge from the existing degraded sewerage and water system, tarnishing the landscape that makes my region so special. The River Lim, which flows into Lyme Regis, was declared ecologically dead due to the severe pollution it has suffered. We are aware of that only thanks to the efforts of the citizen scientists of the River Lim Action group. This state of affairs is simply unacceptable.

West Dorset is part of the Poole catchment area, where an excess of nitrogen has had a disastrous effect, leading to significant reductions in biodiversity. Without proper infrastructure, any new homes built in the catchment area will only add to the pollution burden. We must ensure that the impact of the waste water from new developments is properly managed. The Governments' nutrient mitigation scheme is a step in the right direction, but it cannot be the only answer. Water companies must be consulted from the outset to ensure that sustainable infrastructure is in place before new homes are built. Without that, we risk compounding an already dire situation.

The Minister issued a written statement on 10 March 2025 about the reform of the statutory consultee system. That provides an opportunity to review the role of water companies in the planning system. If the Government are serious about tackling the sewage crisis, they must seize the opportunity to ensure that water companies are statutory consultees, without delay.

This is not just about the environment; it is also about our local economy. Tourism is a vital industry for West Dorset. Visitors come to enjoy our beautiful beaches and waterways. It is unacceptable that residents and tourists must check pollution alerts before they can swim. If we do not act now, the economic consequences for my area will be severe, and local businesses and communities will bear the brunt.

We need real accountability and meaningful change. Making water companies statutory consultees will help to ensure that new housing developments do not further damage an already failing system. It will bring transparency to the planning process and force water companies to take responsibility for the new infrastructure planning that is essential for our environment, for our economy and for public health.

3.24 pm

**Olly Glover** (Didcot and Wantage) (LD): It is truly a pleasure to serve under your chairship, Mrs Lewell-Buck. I join colleagues in commending my hon. Friend the Member for North Shropshire (Helen Morgan) for securing time to discuss this vital issue, which I feel is a symptom of a wider malaise in our planning system, as I shall explain.

First, regrettably, I have to add my local examples of the problem to the many others we have heard. In Didcot, during the early stages of building Great Western Park in 2014, there were major sewage issues—so much so that tankers had to be brought in to deal with the sewage created by the new homes. Before long, temporary tanks were installed. Simply not enough capacity was delivered in the local system before the significant housing growth. As colleagues have said, this was accompanied by all the usual extremely circular and tedious arguments about whose fault it all was and where responsibility for sorting it out lay. I am sure that all Members can agree that our local residents are not particularly interested in whose fault it was: they just want these things sorted out—now, and for the future.

In the new street and houses of Anderson Place in the village of East Hanney, the pump station and sewerage system were not constructed to a standard acceptable to Thames Water for adoption, even though the approved plans listed the infrastructure as "proposed adoptable". On the Childrey Park estate in the village of East Challow, the council has been unable to adopt the drainage and residents are currently in a state of limbo. A section 104 application was submitted, but everyone

is unsure whether that means the infrastructure has been adopted. Thames Water says that adoptions are not a short process and that it has a high standard of inspection before it adopts, so it cannot commit to a timescale.

Meanwhile, local planning enforcement is, as we have heard elsewhere in the debate, struggling with how to deal with sewerage systems that are not fit for adoption by water companies. Developments are being built with drainage and sewerage systems that the water company refuses to adopt and that, in any case, are not capable of being adopted without expensive remedial work.

The Liberal Democrats want to ensure that all new development is accompanied by the necessary infrastructure to support it. Given the missed opportunity of the Water (Special Measures) Act 2025, I call on the Government to ensure that provision is made in upcoming legislation to ensure that providers of essential infrastructure are held to account. We will continue to challenge water companies to stop sewage spills, but also hold developers to account so that infrastructure for good water management is built with new developments. This all reflects a wider problem with our planning system. We certainly need houses, but central Government enthusiasm for housing targets is not generally matched with as much passion for ensuring and measuring the improvement of infrastructure and key public services alongside them.

I approach my final point with some trepidation. I have already established something of a reputation as a geek among my hon. Friends, but I will take the risk and continue. I will confess to being a fan of the 2015 computer game "Cities: Skylines". If the Minister has not yet had the pleasure of playing that game, perhaps he could request it as an early Christmas gift. The game is all about the planning and building of cities, and it teaches us much about effective planning. Insufficient sewage and waste water capacity leads to fewer people moving in, as well as reduced tax revenues. The game elegantly demonstrates how a "predict and provide" approach is far better than reactive chaos. I hope the Minister will tell us how the Government plan to move the real world in that direction.

3.28 pm

**Gideon Amos** (Taunton and Wellington) (LD): It is a pleasure to serve with you in the Chair, Mrs Lewell-Buck. I congratulate my hon. Friend the hon. Member for North Shropshire (Helen Morgan) on securing this debate and on her tireless work in North Shropshire, which I have seen for myself.

This is a particularly timely debate, with the Government's Planning and Infrastructure Bill having had its First Reading earlier this week. As Liberal Democrats, we want to see more housing built. In particular, we urge the Government to set a target of 150,000 homes for social rent per year. We also need a new generation of rent-to-own housing for a generation for whom the housing ladder has risen out of reach. However, as the Government push for their 1.5 million homes target, the way to get Britain building is to deliver the infrastructure —the GPs, schools, bus routes, water and sustainable drainage—that communities want to see. The best way to do that is to ensure that local people are at the heart of decisions about how their towns, villages and neighbourhoods should take shape and develop.

Water infrastructure is one of the most challenging things to get right, not least because of the dire state of the existing infrastructure after years of under-investment, as private companies siphoned off funds, often to overseas shareholders and in bonuses, under the previous Conservative Government. Those outflows of money are thrown into even sharper relief by the increasingly unpredictable rainfall and weather patterns that are becoming more frequent and intense as a result of climate change. Fixing this issue is therefore important not just for new homebuyers, but for everyone in communities up and down the country who increasingly face the risk of the disastrous consequences we have heard about.

Many of my Taunton and Wellington constituents know about the risks only too well. In Ruishton, for example, children are frequently unable to reach their local secondary school due to flooding on Lipe Lane, the only road from the village that leads to it. Ruishton is now facing a lot more development that could make things worse. Young people in Creech St Michael face the same problem. Meanwhile, at Hook Bridge in Stoke St Gregory, the River Tone is surging across the floodplain.

**Dan Aldridge:** One of the things that the hon. Gentleman's constituency and mine share is that we are quite close to floodplains. The rhyne management has been a real problem. That goes back to the austerity cuts of the coalition Government, and we still have not got back from that. That is a real problem for many coastal communities, and it should unite us in getting back to a position where rhyne management allows housing to be delivered sustainably.

**Gideon Amos:** The hon. Gentleman is absolutely right that we need more investment in this area, which is why the Liberal Democrat manifesto was the only manifesto to identify the additional funding that the Environment Agency needed for flood defence work, and that Natural England needed. He mentioned the floodplain; much like the other villages that I mentioned, a large part of my constituency is in the floodplain. When the river surges across that floodplain, it far too often carries sewage from the sewage works with it, right across a vast area, in ways that are totally unacceptable. Nobody should have to deal with that raw sewage coming into their home and garden.

My hon. Friends the Members for North Shropshire and for Chichester (Jess Brown-Fuller) are absolutely right that schedule 3 to the Flood and Water Management Act 2010 needs to be commenced. The schedule would require the approval of drainage and would require sustainable drainage systems—SUDS—to be provided in all but the most exceptional cases. It would also establish a proper authority for the regulations to ensure they are properly designed and maintained. It is not right that the burden of poorly constructed drainage systems should fall on individuals, who have saved for years to get their first home, because of inadequate regulation and safeguards.

Alongside schedule 3, we should have proper planning enforcement—too often the Cinderella service of planning, as my hon. Friend the Member for Didcot and Wantage (Olly Glover) mentioned. In fact, planning departments recover nothing like the full costs of planning services from applicants, due to the cap that central Government

*[Gideon Amos]*

has placed on them for decades. Council tax payers are therefore subsidising those developers. My hon. Friend the Member for St Albans (Daisy Cooper), the deputy leader of the Liberal Democrats, was absolutely right in November 2023 to introduce a Bill to remove that cap on planning fees. We were delighted to see in the Planning and Infrastructure Bill published this week that that campaign for full cost recovery has finally won the day; it looks as though it has, in any event.

Without the proper enforcement of sustainable drainage, there is a real risk that the drive to increase housing numbers will exacerbate this problem. Having worked with Sir Michael Pitt in a past life, I looked up last night his report on the 2007 floods and exactly what happened to his 2008 recommendation that schedule 3 should then be commenced. By 2014, the Government had consulted on the necessary guidance and were on track for completion of commencement before 2015. I am sad to say that, in 2015, the trail goes very cold. We had to wait until 2023, when the Conservative Government said in their document, "The Review for implementation of Schedule 3 to The Flood and Water Management Act 2010" that they had instead decided to rely simply on policy. In fact, the 2023 Government review concluded that their approach was—using technical language—"not working". It went on, in yet more technical language, to say that,

"non-statutory technical standards for sustainable drainage systems should be made statutory: as the"

current

"ambiguity makes the role of the planning authority very difficult. The review also found that in general there were no specific checking regimes in place to ensure that SuDS had been constructed as agreed, leaving concerns about unsatisfactory standards of design and construction, and…difficulties of ensuring proper maintenance once the developer has left the site."

If only they had followed the advice of the Pitt review and commenced schedule 3 back in 2015, many of the people we have heard about would not have had the same problems.

In the past, there was a body of law to control drainage into traditional sewers—in the words of the Public Health Act 1936,

"communicating with a public sewer—

but relatively new SUDS do not have the same body of regulation. There is therefore no longer any reason why schedule 3 should not be commenced as soon as possible, if not immediately. It should not take another flood to make that happen. Having water companies as statutory consultees is also an excellent suggestion, as hon. Members from across the country have pointed out, and I am not sure why it cannot be enacted.

In conclusion, it is time to implement the recommendations of the 2008 Pitt review, of the Government's consultation on the response in 2014, and of the 2023 DEFRA review that I quoted, and time to finally implement schedule 3 to the Flood and Water Management Act 2010, before communicating with a public sewer becomes something that our constituents are forced to do in an all too upfront and personal way in their own homes and gardens.

3.35 pm

**Paul Holmes** (Hamble Valley) (Con): It is a pleasure to serve under your chairmanship, Mrs Lewell-Buck. I congratulate the hon. Member for North Shropshire (Helen Morgan) on her speech on issues that all hon. Members in this House can share concerns about. As MPs, we often get the same casework, and there are issues in my constituency similar to those in hers. This debate is particularly timely. I also congratulate the hon. Member for Taunton and Wellington (Gideon Amos) on some charming revisionism of his party's record in government. I will tackle comments made by some of the contributors in this debate and then make some general remarks about this Government's current policy.

The hon. Member for North Shropshire highlighted the genuine hell of her constituents who live in homes that were built many years ago and which are now surrounded by a housing development that has not been properly connected to sewer or drainage systems. That is a particular issue in old villages. In Botley, in my constituency, around 3,000 houses have been built in the Botley-Curbridge corridor. In sections of the Boorley Green development we have a housing estate that cannot be used because the developers did not put in adequate infrastructure. Those houses cannot be sold because backed-up sewage is coming out of the drainage systems. I understand the frustration that the hon. Lady has faced, as a Member of Parliament, in trying to go to the right organisation, and through the right channels of communication, to get those things sorted. I have gone through that and know how challenging it is.

This is genuinely not a criticism of the hon. Lady, but her remarks—and many of the contributions this afternoon—targeted water companies for not doing enough. I agree with those remarks, but there are examples, in my constituency and across the country, where water companies have tried in vain to sound the alert about their frustrations regarding building infrastructure, or to convey their concern about a development. For example, water companies have made it very clear that they are very worried that they have not been listened to in the planning process in connection with One Horton Heath, a large-scale development in my old constituency of Eastleigh, which borders my new constituency. Their concerns about the land that the development is being built on, and where it is to be situated, and their descriptions of the infrastructure that they want provided, have not been heard.

The hon. Member for Chichester (Jess Brown-Fuller) is a local hero in my constituency because she has a history of speaking on issues such as this, although I hope she does not become too much of a hero in the northern villages of my constituency. She will know that our constituencies are sharing infrastructure investment from Southern Water and Portsmouth Water in the water for life scheme. Like her, I have serious concerns about transparency, and some of the plans going forward. She was absolutely right to mention some of the infrastructure that will be built to try and deal with the overall issue that the hon. Member for North Shropshire described, but I remain concerned that this is a lot of money for a short-term project with Southern Water—a company that has shown that, quite frankly, it could not run a bath properly. I deeply share her concern to ensure that it manages the project properly. I hope we can work together to ensure that that project is fully looked at.

My hon. and gallant Friend the Member for Exmouth and Exeter East (David Reed) mentioned a large-scale development in the village of Cranbrook, which is

being expanded, where South West Water has not made good on the promise that it made. He made an interesting point about the 1.5 million homes; he is clear that the Government need to be clearer on reform. As we go through the parliamentary stages of the Planning and Infrastructure Bill—the Minister will be delighted that I will be sitting opposite him for many months to come unless the leader says otherwise—I am hoping that the Government will make that reform clearer. My hon. Friend the Member for Exmouth and Exeter East will know that many people have challenged whether the 1.5 million homes are achievable.

As a party, we have always made it clear that home ownership should be made a reality for many hard-working families, and we do generally support the 1.5 million new homes. However, I must stress an essential caveat: the new homes must be the right homes and be delivered in the right places, as I have said to the Minister. Development must be sensitive to local needs, sustainable in its approach, and guided by the voices of the communities that it serves—including water services. This is important in rural communities, where water supply concerns pose significant challenges. Water demand in rural areas fluctuates due to climate change, tourism, and agricultural needs. Despite that, the Government's new housing targets fail to account for those systemic pressures, leading to a dramatic increase in required housing numbers—106% in New Forest, 199% in North Yorkshire and a staggering 487% in Westmorland and Furness.

Rural voices must be heard, particularly in discussions surrounding water infrastructure and the continued lack of a statutory footing for water companies. To mitigate these challenges, early collaboration between strategic policy-making authorities and water companies is essential. I know the Minister will agree. Last December, the updated national planning policy framework acknowledged this need, continuing the previous Government's commitment to aligning water infrastructure with development. While water companies are not statutory consultees, and we agree that they should be in the later stages of the process, good practice dictates that their involvement in the planning process should be encouraged from the outset.

Simply put, we cannot afford to ignore the critical role of sustainable water management in housing development. That is why the last Government implemented the "Plan for Water", focusing on reducing demand, halving leakage rates, developing new infrastructure and ensuring drought resilience. We set clear, legally binding targets, including a 20% reduction in public water supply usage by 2038 and significant cuts to leakage rates. The previous Government's record is clear. In 2010, only 7% of storm overflows were monitored; under our leadership, we ensured that 100% are now monitored. We fast-tracked £180 million of investment to prevent over 8,000 sewage spills and secured £60 billion from water companies over the next 25 years for the largest infrastructure upgrade in history. However, the Water (Special Measures) Act 2025 does not adequately address the root causes of water pollution. Environmental groups like River Action have criticised the Bill, arguing that "one-off actions" will not resolve systemic pollution issues. The truth is simple: the current system does not ensure that water demand and environmental protection are balanced. There is no real oversight, no accountability, and no sense of urgency to fix the problem.

We also face a major disconnect between planning and water management. Water companies create water resource management plans to project future demand, but these plans do not always account for real-time pressures from new housing developments. Similarly, drainage and wastewater management plans are meant to assess waste water capacity, yet they lack the detail needed to align with local planning. What is worse—as has been outlined by the hon. Member for North Shropshire and many other Liberal Democrat colleagues—water companies are not statutory consultees in the late stages of the planning process when detailed applications go before local authorities. That means that local councils approve new developments without properly assessing whether there is enough water supply or sewage treatment capacity. Under the law, water companies are forced to connect new developments, even when they know they lack the resources to do so sustainably.

Only the Secretary of State can make changes to the list of statutory consultees through secondary legislation. During the passage of the Levelling-up and Regeneration Act 2023, the Government at the time committed to consulting on whether water companies should become statutory consultees on individual planning applications, and if so, how this could be facilitated. Will the Minister outline where we are with that review and whether the evidence is still with his Department? He may not be able to tell us this afternoon, in which case he may write to me and concerned parties. It may be that Members have to propose amendments in the forthcoming Planning and Infrastructure Bill to see that these changes are necessary for water companies.

We call on the Government to publish the review of the statutory consultee system, which I have just mentioned, and look to include the views of water companies on supply and treatment capacity before local authorities grant planning permission. That would enable water companies to input into the planning process effectively and better align investment plans with local development needs.

To conclude, the stakes are clear. We need a housing policy that is ambitious but also realistic. We also need more water infrastructure that is sustainable and resilient. Most importantly, however, we need a Government who listen to local communities, rather than a Government who impose top-down and unachievable targets and remove statutory consultees from the national planning policy framework and other systems. I urge the Government to build upon the solid foundation laid by their predecessors —as they would expect me to say—to deliver on the "Plan for Water" and to ensure that home ownership remains within reach for hard-working families without compromising the integrity of our national resources.

3.45 pm

**The Minister for Housing and Planning (Matthew Pennycook):** It is a pleasure to serve with you in the Chair, Mrs Lewell-Buck.

I begin by congratulating the hon. Member for North Shropshire (Helen Morgan) on securing this important and informative debate, and on not only clearly articulating a number of legitimate concerns about the role of water companies in planning for new residential development but eloquently outlining the plight of her constituents in the cases that she mentioned. In addition, I thank the

*[Matthew Pennycook]*

other hon. Members who have participated in the debate and shared valuable insights and experiences from their own constituencies.

I know and appreciate the various concerns that have been raised about the issue, and I also recognise the strength of feeling. I hope that in my remarks I will convey both that the Government have already acted in numerous respects and that we are alive to the need to do more to address the fact that in many parts of the country the system is clearly not delivering the outcomes that we want to see.

A number of distinct issues were raised during the debate and I will seek to address as many of them as possible in the time that I have available. As ever, if I overlook any specific issues that hon. Members raised, I would be more than happy to find time to discuss them outside the Chamber, and to speak more widely to the group of hon. Members who are here today and others who have concerns about this issue.

I will start by talking about the principle of sustainable development, as set out in paragraph 7 of the national planning policy framework, which states:

"The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner."

The framework goes on to state:

"Planning policies and decisions should play an active role in guiding development towards sustainable solutions".

It also says that sustainable development should be pursued both through the preparation and implementation of local development plans, and the application of policies in the framework. In short, the Government are clear that housing must come with appropriate infrastructure, including appropriate water infrastructure.

A number of Members mentioned sustainable drainage systems, including the hon. Member for North Shropshire. Hon. Members will know that the revised NPPF that we published on 12 December last year makes it clear that developments of all sizes should use sustainable drainage techniques when the development could have drainage impacts and should have appropriate maintenance arrangements in place. These are important changes to the NPPF that will mean that sustainable drainage technologies are taken up more widely in new development. We continue to explore whether more needs to be done, either through planning policy or by commencing schedule 3 to the Flood and Water Management Act 2010, and a decision on the best way forward will be made in the coming months.

On a related matter, I appreciate that there are some instances of existing sewers not being able to cope adequately with new developments; we have heard a number of pretty troubling examples of that this afternoon. To avoid that issue, the planning practice guidance sets out that good design and mitigation measures should be secured during development, both through site-specific and non-site-specific policies on water infrastructure. For example, it suggests using planning conditions and obligations to ensure that development is phased and not occupied until the necessary waterworks have been completed. I would be very interested to hear from hon. Members who said that some local authorities are not using those conditions and obligations as to why that might be the case. However, I will give further thought to the issue in light of the various examples that have been referred to today.

The hon. Member for North Shropshire and other hon. Members rightly mentioned the role of local plans in delivering sustainable development. Planning is principally a local activity and the Government are clear that the plan-led approach is, and must remain, the cornerstone of the planning system. We are determined to progress towards universal local plan coverage. As the Deputy Prime Minister and I have repeatedly made clear, we will not hesitate to use the full range of ministerial intervention powers at our disposal to that end.

A key function of local development plans is to guide development to the most suitable and sustainable locations and to ensure that the associated infrastructure requirements are addressed. As hon. Members are aware, water companies are under a statutory duty to provide new water and sewerage connections to residential properties, as well as planning to meet the needs of growth as part of water resource management plans, and drainage and wastewater management plans. The water resources planning guidance published by the Government set out how those companies should forecast demand for water based on existing customers and planned levels of household and non-household growth, with the number of planned developments being based on published local plans, but I note the comments of the shadow Minister, the hon. Member for Hamble Valley (Paul Holmes), about how the operation of that system might be improved.

Effective co-operation early in the plan-making process is essential to ensuring not only that housing and infrastructure need is appropriately planned for, but that they are aligned with each other. The national planning policy framework makes it clear that local planning authorities should collaborate with each other and with other public bodies, including infrastructure providers, to identify relevant strategic matters to be addressed, including providing for sustainable water supplies. I have heard and noted the concerns of hon. Members that, despite the Government's very clear expectations in this regard, such collaboration is not always evident and I will reflect on the implications of that for national planning policy.

We are very clear that the statutory consultee system is not operating effectively. We have been told as much not only by house builders, but by local planning authorities from across the country. Hon. Members will be aware that the Chancellor and the Deputy Prime Minister have imposed a moratorium on new statutory consultees. I also draw the House's attention to my written statement on Monday setting out how the Government intend to reform the statutory consultee system to ensure it operates effectively, including consulting on limiting the scope of statcons to where advice is strictly necessary and removing entirely a limited number of them.

I have heard the calls made today—organised calls, I might infer—from Lib Dem Members to add water companies to the list of statutory consultees. I gently say to hon. Members that I do not think this is the panacea that they imply it is. Indeed, I think that doing so would risk allowing water companies to argue against the delivery of new homes, rather than focusing on their

responsibility to ensure the appropriate infrastructure is in place at the outset. That is why it is important that, although water companies are not statutory consultees on individual planning applications, statute requires that they are consulted in the preparation of local plans. That is because strategic issues such as water capacity are best dealt with at a strategic level through the plan-making process, rather than through individual planning applications.

Ensuring that we take a strategic spatial planning approach to the management of water, including tackling pollution and managing pressures on the water environment at a catchment, regional and national scale, is a core objective of the ongoing independent review into the regulatory system of the water sector, launched in October 2024 by the UK and Welsh Governments. As I hope hon. Members are aware, the commission is expected to report by the second quarter of next year and I know hon. Members will engage with it.

The Government are acutely aware that the sustainable supply of water in some areas—for example, Cambridge and north Sussex—is an immediate constraint on growth and we are tackling that in various ways. For example, in those instances, we work closely with local authorities, regulators and water companies to find creative solutions to unlock growth and address environmental pressures. Our work in Cambridge to address water scarcity, for example, has already helped to unlock applications for over 9,000 homes and 500,000 square metres of commercial space, and similar initiatives are possible in other areas.

The hon. Member for North Shropshire and a few other hon. Members drew our attention specifically to section 104 agreements outlined in the Water Industry Act 1991. Developers and water companies can enter into these voluntary agreements, which, where they work, ensure that newly constructed sewers, first, are built to an appropriate standard and, secondly, become the responsibility of the local water company for maintenance once they are operational, but I have heard and note the critiques that have been made. If hon. Members will indulge me by putting to me in writing some of the cases that have been specified this afternoon, I would like to look into the matter further to see whether the system needs improvement in various ways.

As I have the time, I will speak briefly about two other issues: first, the Planning and Infrastructure Bill. Alongside targeted local interventions, the Government are taking steps to ensure that we can more quickly and effectively upgrade major economic infrastructure across the whole country, including water supplies. In last year's Budget, the Government confirmed their commitment to delivering a new 10-year infrastructure strategy, providing more certainty and stability for the supply chain and helping to unlock private investment by setting out the Government's vision, objectives and priorities for infrastructure over the next decade.

Additionally, hon. Members will know that yesterday we introduced our flagship Planning and Infrastructure Bill. One of the Bill's five overarching objectives is to deliver a faster and more certain consenting process for critical infrastructure, including vital water infrastructure, through streamlining consultation requirements for nationally significant infrastructure projects, ensuring that national policy statements are kept up to date—hon. Members will know that some of them date back to 2012—and reducing opportunities for judicial review. I encourage and welcome the engagement of hon. Members from across the House as that legislation progresses.

**David Reed:** I hear the points that the Minister has made. Will he confirm that his Department is not going to make water companies statutory consultees in the planning process?

**Matthew Pennycook:** I cannot be clearer than I was in my written statement: the Chancellor and Deputy Prime Minister have imposed a moratorium on new statutory consultees. We do not think that the system is operating effectively—as I said, local authorities and house builders are telling us as much. Water companies have a statutory role in the local planning consultation process, and they can provide their view on any application: not being a statutory consultee does not prevent them from doing so.

I want briefly to comment on water quality and pollution. Beyond the provision of water infrastructure, we are facing challenges in maintaining the quality of our water because of ever-increasing pressures from pollution, climate change and unsustainable practices. This Government are prioritising water quality as a key element of our environmental and public health agenda. Significant steps are being taken to address pollution, enhance infrastructure, and ensure clean and sustainable water sources for future generations. For example, as part of our efforts to create a plan-led system that is underpinned by a genuinely accessible and understandable policy framework, we intend to consult on and produce a set of national policies for decision making later this year. It will include policies on topics such as pollution, plan making, healthy and safe communities, and the delivery of homes, and how all of that interlinks. Further details will be announced in due course.

The Government are also working with farmers to reduce agricultural pollution. The Environment Act 2021, introduced by the previous Government, set a legally binding target to reduce nitrogen, phosphorus and sediment contribution from agriculture by at least 40% by 2038. That is why, alongside developing a new statutory plan to restore nature and meet these targets, we are enforcing key regulations, such as the farming rules for water, and have carried out thousands of inspections through the Environment Agency.

I underline that the Government expect sustainable development to be pursued both through the effective preparation and implementation of local plans and through the application of relevant national planning policy. As a Government, we have already taken, and will continue to take, steps to ensure that new housing developments have adequate water and waste water infrastructure as a matter of course. I have heard the concerns of the hon. Member for North Shropshire and other hon. Members about what more may be required to ensure that that is the case, and I assure all those who have participated in the debate that their concerns will be at the forefront of my mind as we continue to progress our planning reform agenda.

3.57 pm

**Helen Morgan:** I thank everyone who contributed to the debate. It was good to see cross-party agreement on some of the issues that our residents face, such as the

*[Helen Morgan]*

lack of capacity in local drainage systems when houses are built and the lack of appropriate planning conditions in some of these localised incidents.

I also thank the shadow Minister, the hon. Member for Hamble Valley (Paul Holmes), the Minister and the Lib Dem spokesperson, my hon. Friend the Member for Taunton and Wellington (Gideon Amos), for their thoughtful contributions. They were all excellent. I particularly thank the Minister for not ruling out the adoption of schedule 3 to the Flood and Water Management Act.

I understand the Minister's point that water companies being statutory consultees would pose a risk to getting planning applications through the process, but I ask him to consider the fact that the local planning system does not work either. Many councils do not have a local plan. They do not have the planning officers, and cannot afford them, to develop good local plans. We have to find a way to address that problem.

Finally, I will write to the Minister on the specific issues that I have had in relation to section 104 agreements. I would be grateful for a meeting with him to go through them in detail.

*Question put and agreed to.*

*Resolved,*

That this House has considered the role of water companies in new housing development planning.

## Kashmir: Human Rights and Peace

Dr Andrew Murrison *in the Chair*

4 pm

**Tahir Ali** (Birmingham Hall Green and Moseley) (Lab): I beg to move,

That this House has considered Government support for human rights and peace in Kashmir.

It is a pleasure to serve under your chairmanship, Dr Murrison. In south Asia, the long, drawn-out dispute of the state of Jammu and Kashmir remains a hanging fireball between two hostile nuclear neighbours: India and Pakistan. It has brought human misery in the form of wars and human rights violations, and it continues to threaten regional and global peace.

Last week, I spoke in the Westminster Hall debate on Kashmir and made it clear that the international community has been failing Kashmiris for the past 77 years, by not implementing the plebiscite determined by United Nations Security Council resolution 47 in 1948. Instead, for the past 77 years, we have seen the Indian Government take advantage of that failure by subjecting Kashmiris to unlawful killings, torture and multiple human rights violations.

More than half of my Birmingham Hall Green and Moseley constituents are of south Asian heritage, and the treatment of Kashmiris in Indian-occupied Kashmir has worried them for many years. As a born Kashmiri myself, seeing the level of atrocities, brutality and oppression in Indian-occupied Kashmir is devastating. It is also distressing that the international community, along with the United Nations, is not taking matters into its own hands and pushing to make the plebiscite happen and be a reality for many Kashmiris who have been suffering for over seven decades.

Last Saturday marked International Women's Day. It would be remiss of us if, at a time when women's rights and freedoms are celebrated, we do not speak of the cruelty and gendered violence that Kashmiri women are facing in Indian-occupied Kashmir every day. Kashmiri women have been subjected to constant sexism and objectification by the Bharatiya Janata party-led Government, with their bodies used as sexual and political tools to cast fear and intimidation.

According to Kashmir Media Service's research section, between January 1989 and October 2023, more than 11,000 women were subjected to sexual violence. They have suffered through a lifetime of humiliation, rape and domestic violence, causing them non-stop distress and lifelong trauma. A form of repression being used against women in Indian-occupied Kashmir is enforced disappearances. Women are by far the biggest victims of this conflict and are being forgotten and deserted by the international community. The fact that the UK Government, along with other United Nations member states, have not implemented resolution 47 means that those women are living in a society where they are unable to remarry and are forced to suffer in silence, with no hope of justice.

The revocation of articles 370 and 35A in August 2019 by Modi and his BJP-led Government completely stripped Indian-occupied Kashmir of its special status and any form of autonomy, when the right to self-determination

is what Kashmiris have been fighting for tooth and nail for many years. The Indian Government claimed that that move would help to stabilise the situation in the area. Instead, they imposed a lockdown, leading to mass protests, more arrests and further militarisation.

In July last year, Human Rights Watch stated that the Indian Government had still not restored freedom of speech and association since the revocation of article 370 in Kashmir. Nearly six years on, Kashmiris are still being forcibly silenced, and Indian forces continue to carry out repressive policies, including arbitrary detention, making the situation in the area as volatile as ever.

**Jim Shannon** (Strangford) (DUP): I commend the hon. Gentleman for securing this debate. What he says is absolutely right, and I am reminded of Proverbs 31:9:

"Open your mouth, judge righteously, defend the rights of the poor and the needy."

The hon. Gentleman is doing exactly that—well done.

In Indian-administered Kashmir, we cannot ignore human rights, but we also cannot ignore the religious persecution against, for example, Ahmadiyya Muslims, which restricts their right to even exist. Does the hon. Gentleman agree that we must also stand in solidarity against destroying freedom of religious belief? The right to love your God and worship your God as you so wish is part of who we are.

**Tahir Ali:** I wholeheartedly agree with the hon. Gentleman that any persecution or atrocities, whether on humanitarian or religious grounds, are not acceptable, and the international community should be taking them seriously.

In a clear human rights violation, Modi and his Government imposed a total media blackout in the area, leading to a complete lack of international media coverage. Journalists in Indian-occupied Kashmir are being harassed, and it has been reported that surveillance by the authorities has become more common. An Amnesty International report states:

"Thousands of activists, human rights defenders, journalists, and political figures found themselves imprisoned"

under anti-terror laws.

**Debbie Abrahams** (Oldham East and Saddleworth) (Lab): My hon. Friend is making a fantastic speech. Does he agree that the detention of human rights activists, such as Khurram Parvez, is particularly egregious? That individual has been detained without trial for several years and has always fought for the rights of others. Perhaps my hon. Friend can persuade the Minister to inquire after his wellbeing.

**Tahir Ali:** Khurram Parvez is not the only political prisoner; Yasin Malik and many others are in that situation. I am sure that the Minister will respond accordingly to that.

Journalists who work abroad have been stopped from flying out of the country, and others have had their passports impounded without reason—a blatant interference with the right to mobility. Local media has been stripped of its editorial independence. It is heavily dependent on Government advertising and suffused with opinions and news reports tailored to pro-Government narratives.

As I said in last week's debate, if Modi and his Government have nothing to hide, and if everything happening in the area is completely democratic, why are they not allowing international observers and human rights organisations in and out of Indian-occupied Kashmir? It is because they know that, if they do, the lies that they have been spinning to the international community will begin to unravel. Since 2019, Modi's BJP-led Government have cut internet, mobile and telephone lines, which has been an obvious attempt to cut the area off from the outside world, and vice versa.

**Imran Hussain** (Bradford East) (Lab): My hon. Friend is making a very passionate case for the rights of Kashmiris. He is absolutely right to mention the revocation of articles 370 and 35A. Does he agree that that was in direct contravention of international law and a clear attempt by the right-wing Modi Government to quash the Kashmiris' struggle? And is he as concerned as I am at the lack of international condemnation?

**Tahir Ali:** My hon. Friend and I are on the same page when it comes to Kashmir and the struggle for Kashmiris. The violation of international humanitarian law should not fall on deaf ears from the international community.

**Matt Rodda** (Reading Central) (Lab): I commend my hon. Friend for securing today's debate. I want to raise a specific issue about internet communications, which has been raised with me by my constituents and is of great concern to many people. Does he agree that although it is important that India and Pakistan agree a way forward and solve the issues in Kashmir, the needs and views of local people in Kashmir need to be taken into account?

**Tahir Ali:** Absolutely; my hon. Friend's point is bang on. The outcome of the plebiscite has to be one where the Kashmiri people decide. It is their future and they are entitled to decide that.

The Indian Government seem to think that they are above international law, as is evident from their horrific treatment of Kashmiris. Kashmiris have been subjected to physical and sexual violence, emotional distress and having their voices taken away from them. The question now is what more must they go through before the international community starts to pay attention to them?

This Government must now take steps to right the wrongs against the Kashmiri people. Notwithstanding the more than 25 United Nations resolutions calling for a solution of the dispute, India is reluctant to grant Kashmiris the right to self-determination. Kashmiris are not begging for freedom, nor will they beg. It is a birthright that will eventually be achieved. Let me be clear that this is not a bilateral issue between India and Pakistan alone. The international community needs to take responsibility.

United Nations resolution 47 not being implemented is the unfinished business of this Government, given that the resolution was determined when the United Kingdom was under a Labour Government. It was a Labour Government then and it must be a Labour Government now who help the Kashmiri people in their fight against injustice. This Labour Government must not roll out the red carpet for Modi, as the previous Government did. The UK Government must push for the long overdue plebiscite and hold India accountable for its actions against the Kashmiri people.

**Ayoub Khan** (Birmingham Perry Barr) (Ind): The hon. Member is making some very important points, which were also raised last week. As he said, this is not just a bilateral issue between India and Pakistan; by virtue of the origination of the problem, in which Lord Mountbatten was instrumental, Britain has an important role to play. Is he therefore concerned about what the Minister said last week about this being a matter that should be left with Pakistan and India to resolve themselves?

**Tahir Ali:** I am on the record in stating my dissatisfaction, not only as a born Kashmiri but for the Kashmiris seeking justice, with the view that this is a matter for India and Pakistan alone. Successive Governments have taken that view. It is not a view I subscribe to, and I do not believe it is a view that the current Government should subscribe to.

The world cannot afford to ignore Kashmiris any longer, because it is a matter of humanity and justice. The goal for Kashmiris has always been to self-govern and gain the right to self-determination. That right is not a privilege, but a fundamental human right and the United Kingdom must do everything in its power to help Kashmiris towards that. This is an issue of international significance on which the UK should take a leading role, given its historical involvement in the current situation.

Those rights are further secured and protected by the 1948 universal declaration of human rights. The right to self-determination embodies the basic rights of people to make decisions about their destiny. We have an international obligation to support peace and the equal and just treatment of all humans. What happens or is condoned in Kashmir has both regional and global ramifications. It is thus vital that we take sincere steps right now to act in good conscience.

4.14 pm

**The Parliamentary Under-Secretary of State for Foreign, Commonwealth and Development Affairs (Mr Hamish Falconer):** It is an honour to serve under your chairmanship, Dr Murrison. I am grateful to my hon. Friend the Member for Birmingham Hall Green and Moseley (Tahir Ali) for securing this debate. I am also grateful for the contributions of other hon. Members and will try to respond to the points raised.

I note that my colleague, the Under-Secretary of State for Foreign, Commonwealth and Development Affairs, my hon. Friend the Member for Hornsey and Friern Barnet (Catherine West), who has responsibility for the Indo-Pacific, spoke about human rights in Indian-administered Kashmir in a Westminster Hall debate on 5 March. I appreciate the importance and complexity of the issues relating to Kashmir and the strength of feeling about it in the House.

As the House is aware, India and Pakistan are important friends of the UK. We have strong and deep bilateral relationships with both. We encourage them to engage in dialogue and to find lasting political solutions to maintain regional stability. The Government's position is that it is for India and Pakistan to find a lasting political resolution for Kashmir, taking into account the wishes of Kashmiri people. It is not for the UK to prescribe a solution or act as a mediator.

My hon. Friend the Member for Birmingham Hall Green and Moseley spoke movingly about human rights in Kashmir. We recognise that there are human rights concerns in both India-administered Kashmir and Pakistan-administered Kashmir. The UK Government encourage all states to ensure that their domestic laws are in line with international standards. Our position is clear: any allegation of human rights abuses is deeply concerning, and it must be investigated thoroughly, promptly and transparently.

**Debbie Abrahams:** There are various conflicts across the world at the moment and conflicts always require mediators to end them. Given our history with the continent, can the Minister explain why the Government think that the UK does not have a role as a mediator?

**Mr Falconer:** As my hon. Friend knows well, this is an area of the world in which we have long been engaged. It is the position of this Government, as it has been of many previous Governments, that for this issue to be resolved sustainably it will require an agreed compromise between the two countries. That remains our position.

**Imran Hussain:** Will the Minister give way?

**Mr Falconer:** I will make a little bit of progress, and then I will.

It is vital to ensure effective and constructive dialogue with the communities affected. We raise our concerns, where we have them, with the Governments of India and Pakistan. The UK Government are monitoring the situation. I understand that several restrictions put in place in Indian-administered Kashmir have been lifted. We are clear on the importance of human rights being respected, and we continue to call for all remaining restrictions imposed since the constitutional changes in August 2019 to be lifted as soon as possible and for any remaining political detainees to be released.

**Imran Hussain:** I welcome the fact that the Government are calling for the human rights abuses, which have escalated since 2019 after the illegal revocation of articles 370 and 35A, to be ended. Will the Minister clarify one point? While he uses the line used by successive Governments that this is a matter for India and Pakistan, will he at least confirm that we support the Security Council resolutions that very clearly restate the birthright of the Kashmiris to self-determination through a free and fair plebiscite?

**Mr Falconer:** I thank my hon. Friend for his important question. It is our long-standing position that for India and Pakistan to find a lasting political resolution on Kashmir, the wishes of the Kashmiri people do need to be taken into account. I do not want to go beyond the existing position that I have set out.

**Jim Shannon:** The hon. Member for Oldham East and Saddleworth (Debbie Abrahams) asked why the UK Government are not doing more to bring about peace. Could the United Kingdom Government be the mediator or the honest broker here, bring parties together, suggest ideas for solutions and find an honest way forward? That might be what we all seek.

**Mr Falconer:** I thank the hon. Gentleman for his question; I know of his long-standing commitment to peacemaking and mediation. We continue to judge that it is not for the UK to prescribe a solution or act as a mediator.

Returning to the subject of human rights, I want to address the important issues relating to the role of journalists. The UK Government are aware of reports of the detention of a number of journalists in Indian-administered Kashmir. We are clear on the importance of human rights being respected, and we continue to call for any remaining restrictions on journalists to be lifted as soon as possible and for any remaining political detainees to be released.

I now turn to the specific cases raised by my hon. Friends. I am aware that in May 2022, Yasin Malik, an Indian national, was sentenced to life imprisonment after being convicted of funding terrorism. I am aware that he has been in custody ever since. Although it is not for us to comment on an independent judicial process in another country, we encourage all states to ensure that their domestic laws adhere to international standards for free and fair trials, and that they respect international obligations in their treatment of detainees.

**Ayoub Khan** *rose—*

**Yasmin Qureshi** (Bolton South and Walkden) (Lab) *rose—*

**Mr Falconer:** I will give way to the hon. Member for Birmingham Perry Barr (Ayoub Khan), then to my hon. Friend the Member for Bolton South and Walkden (Yasmin Qureshi)

**Ayoub Khan:** It is precisely the language being used by the Minister that undermines the position of Britain on the global platform. Our position is that, on the one hand, we champion human rights and criticise any violation of international law, but on the other hand, we are very selective when it comes to applying sanctions. We are very reluctant to impose sanctions on a global economic power such as India. We say things like, "This is a matter for India and Pakistan." We reach out to them and invite them to negotiate, but we do not actually uphold international law. Does the Minister agree that that is at the core of why Britain is being undermined internationally?

**Mr Falconer:** I do not accept that our position on Kashmir undermines the commitment to international law that this Government have sought to evince in all our actions. In relation to the allegations that have been referenced in this debate and the many other reports from both Pakistani-administered Kashmir and Indian-administered Kashmir, we expect international law to be upheld and we continue to hold our principled position on these questions.

**Imran Hussain:** Will the Minister give way?

**Mr Falconer:** I will give way to my hon. Friend the Member for Bolton South and Walkden first.

**Yasmin Qureshi:** I thank the Minister for giving way. He said that there was a trial process for Yasin Malik in India, but if one looks into that case and how the trial was conducted, it is quite clear that no proper due process or law was followed. For example, he was actually in a prison cell at the time his so-called trial was taking place. He was not able to communicate with, or even see, those sitting in judgment on him. It is not just me saying this; these are documented facts. It is quite clear that the process Mr Malik went through was actually not a trial at all. In the light of that, should we not be asking the Indian Government about their process in relation to Mr Yasin Malik?

**Mr Falconer:** I thank my hon. Friend for her question and her long commitment to these issues. We do encourage all states to ensure that their domestic laws adhere to international standards on free and fair trials, and that that is seen through fully.

**Imran Hussain:** I am grateful to the Minister for sparing so much of his time. I welcome his making the Government's position clear that we will call out human rights violations in the region and condemn violations that occur, but will the Minister also confirm that, in line with our policy and our international obligations, no future trade deals in the region will be agreed at the expense of Kashmiris' human rights? I say this despite the fact that I promote trade deals in the whole region of India, Pakistan and Bangladesh, because it has a great deal to offer.

**Mr Falconer:** I thank my hon. Friend for his important question. We remain committed to the promotion of universal human rights. When we have concerns, we raise them directly with partner Governments, including at ministerial level. That is undertaken completely separate from any negotiations of trade agreements, but agreeing trade deals is part of building open and trusting relationships with important partners, which then allows for some of those free and frank discussions about human rights to take place.

We welcome reports that some detainees have been released, but we remain concerned by some ongoing detentions. I note that the people of Indian-administered Kashmir have recently used their collective voice through a 64% turnout in the state assembly elections last October in what was happily a largely peaceful electoral process. We also note that the state legislative assembly in Srinagar has now been restored.

I reiterate that India and Pakistan are long-standing and important friends of the United Kingdom. We encourage both to engage in dialogue and find lasting diplomatic solutions to maintain regional stability. The UK Government's position is clear: any allegations of human rights abuses are deeply concerning and must be investigated thoroughly, promptly and transparently. In recent years, the UK Government have raised our concerns with the Governments of India and Pakistan.

*Question put and agreed to.*

4.25 pm

*Sitting suspended.*

## Rural Communities: Government Support

4.30 pm

**Caroline Voaden** (South Devon) (LD): I beg to move,

That this House has considered Government support for rural communities.

It is a pleasure to serve under your chairmanship, Dr Murrison. I grew up in Edinburgh, went to Sheffield University and then moved for work to London, where I lived on and off for nearly 20 years, before moving to South Devon in 2007. I did not understand rural life before then; it was something that I had never experienced, because I had not lived it.

Over the past 18 years, I have come to realise that the rural-urban divide is one of the deepest divides in our country. I have learned a lot since about the difference between how a rural economy works and how things function in urban spaces. It is vital that at the top, making decisions, there are people who understand rural communities. It would be great to have someone from the rural south-west at the top table, speaking up for a part of the country that is so often forgotten when spending decisions are made.

I will not talk about farming today, even though we have a Minister from the Department for Environment, Food and Rural Affairs in the room—we are all aware of the immense pressure that farmers are under—but focus instead on the wider issues of rural life, which affect everyone from cradle to grave. If the Government want our economy to grow, they must remember that nearly a fifth of the population of the UK live in rural areas—areas where settlements have fewer than 10,000 residents. Let us look at what defines them.

Ten million people in the UK live in rural areas. The more rural the area, the older the average age, and the faster this average age is rising. Some 30% of the population of my constituency of South Devon are 65 or older—against 17% in urban areas. Work-based incomes are lower in rural areas. Net inward migration to rural areas in the UK is higher and growing, except among those aged 17 to 20, who are leaving in search of education and training opportunities.

People in rural areas travel almost twice as far as those in urban areas, but for those who do not own a car, travelling anywhere can be almost impossible. In many places, bus services do not exist, and taxis are prohibitively expensive: it can cost £150 for some of my residents to do a round trip to the nearest hospital. Access to healthcare is a challenge, because community services have been cut, hospitals can be a long way away and hospital transport is disappearing. My constituency does not have a single dentist taking on new NHS patients. Support for new parents in rural locations is thin on the ground.

The proportion of rural premises with access to gigabit-capable broadband was 47% last year, compared with 84% in urban areas, yet connection to high-speed internet is, if anything, more crucial when services are so scarce. Post offices are closing because of low usage, yet they provide an essential service, particularly to older people who do not drive and who need postage and banking services.

**Jim Shannon** (Strangford) (DUP): I commend the hon. Lady. She is right to mention buses. If I miss a tube in London, another one is along in two minutes; if I miss a bus in Portavogie, I may have to wait half a day to get another one. Eleven banks have closed in my constituency. The alternative of a banking hub is okay, but it takes yonks—years—for it to actually be opened. Does the hon. Lady agree that if a bank closes a branch, it should have an obligation to open a banking hub, in conjunction with other banks?

**Caroline Voaden:** I agree with the hon. Gentleman. In my constituency we have two banking hubs, which are doing a good job and providing a valued service. In fact, he raises my next point, which was going to be that banks are closing; I will skip that.

Village pubs—often the only third space left where people can meet, socialise and build community—are closing. Opportunities for young people are limited, and worsened by the lack of rural transport.

**Vikki Slade** (Mid Dorset and North Poole) (LD): Does my hon. Friend agree that many children in rural areas such as mine rely on the school bus? When the previous Government increased the age of participation from 16 to 18, they failed to also increase the age up to which children who live in rural communities get free transport to school, creating costs of up to £1,000 per family per child. Does she agree that that needs to be resolved?

**Caroline Voaden:** My colleagues are doing well at predicting what I am about to say. I have not shared my speech, but my next paragraph goes on to say that I heard from two pupils this morning about how they miss out on all the after-school clubs and activities because they have to be on the school bus and cannot get home later in the day. That directly impacts kids from more disadvantaged backgrounds, and embeds that disadvantage even further. It is something we must resolve.

We all know that there is an affordability crisis in housing, but it is massively exacerbated in areas with a high number of second homes and flats, and with flats and houses used as short-term lets rather than being residential.

**Jamie Stone** (Caithness, Sutherland and Easter Ross) (LD): My hon. Friend is making an excellent speech. One of the big problems that we have in my very remote constituency is the cost of delivery charges and surcharges. They are a lot higher than one would pay in cities such as Glasgow or Edinburgh. It is the same for the highlands of Scotland as it is for the rural parts of England. Does my hon. Friend agree that it would be good if the Government could look at this and try and take it down to a level playing field, so that people are not disadvantaged because of where they live?

**Caroline Voaden:** I absolutely agree with my hon. Friend, and I will come on to the delivery of services and the costs later on.

Higher than average house prices coupled with lower than average wages is a toxic combination. The median full-time salary in South Devon is significantly below the national average, but the average house price—at £337,185—is significantly above the national average. Newly built homes regularly go on the market for around £1 million. That means the house price to full-time salary ratio in Devon is 10:6, well above the English average of 8:7. Devon as a whole has the highest ratio in the south-west.

On top of all that, we must also look at the issue of deprivation. Deprivation in rural areas tends to be dispersed, which means it is much less well identified. However, south-west England is one of the rural areas where deprivation is more prevalent. In small communities, just one or two very wealthy residents can skew the figures for the whole settlement, meaning pockets of deprivation can be even more hidden. The index of multiple deprivation, used to capture need for core local authority services, is a relative measure of deprivation based on data from 2019. The index is urban centric and it misses small, dispersed rural pockets of acute deprivation. It is simply not specific enough to capture need—especially in social care.

In Devon, most sub-domains are less deprived than the national average. However, Devon is considerably more deprived compared to the national profile, when looking at housing quality and barriers to housing and services. Of the total Devon population, 47% fall into the most-deprived fifth nationally for the indoor environment quality measure. In rural areas, one in four households do not have a mains gas supply, and are more likely to be reliant on oil or solid fuels for domestic heating, which are less efficient and more expensive.

In 2022, the average fuel poverty in rural villages, hamlets and isolated dwellings was nearly three times as high as the average for England as a whole, and 25% of the Devon population were also in the most deprived fifth nationally for the housing services sector, which measures distance from services such as GPs, food shops, post offices and primary schools, along with measures of housing overcrowding and affordability and homelessness. It is not all thatched cottages from the front of chocolate boxes.

The Liberal Democrats are concerned that using deprivation as an indicator of demand for services does not consider local authorities with a higher number of elderly or vulnerable residents, and the additional demands those residents place on our services. Under the previous Government, DEFRA and the then Department for Levelling Up, Housing and Communities commissioned a piece of work to investigate rural deprivation as part of an update to the English indices of deprivation. It was anticipated to complete this year, so I ask the Minister for an update on when this work will be completed and published.

**John Lamont** (Berwickshire, Roxburgh and Selkirk) (Con): The hon. Lady is making an excellent speech about the challenges that her constituents in South Devon are facing. Many of those challenges are similar to those in my own constituency in the Scottish Borders. Does she agree that all decision makers, whether in the Government, the Scottish Government, local authorities or banks, need to do much more rural-proofing of their policymaking process? Before they announce these policies, they need to understand more clearly the impact they will have on those in constituencies such as the hon. Lady's and my own in the Borders.

**Caroline Voaden:** The hon. Member's point comes back to what I am saying about having people at the top table who really understand how these economies work, because so often those smaller communities are lost under the larger voice of the big cities.

In peripheral rural and coastal communities, which have higher levels of high occupational risk groups—for example, farmers and vets—social isolation and loneliness is a cause for concern, with higher levels of suicide and self-harm admissions and lower levels of referral to psychological therapies.

Rural isolation is particularly acute for older people who do not drive. With every pub, café or post office that closes, the opportunity to socialise with others, or even just have a conversation, disappears. It is also damaging for younger people; rural living means fewer opportunities for leisure, sport, socialising and part-time work, embedding disadvantage through a lack of opportunity to gain vital employment skills.

That all sets the scene for the challenges of living in and providing services to rural areas, and I am sure that colleagues will elaborate on many of them, such as buses, banks and broadband, but I would like to finish by looking at funding, because that has a real-world impact on rural communities such as mine, and the figures are—quite frankly—shocking.

Under the 2025-26 local government finance settlement, Government-funded spending power in predominantly urban areas will be £573 per head, compared with £407 in predominantly rural areas. Urban councils will get a huge 41% more per head than rural councils. Over 10,000 people, that equates to £1.66 million a year. Council tax per head will, on average, be 20% higher in rural areas than in urban areas. And, now, predominantly urban areas are to receive over seven times more of the proposed £600 million recovery grant than predominantly rural areas.

Last week, the Government announced continued funding for the rural England prosperity fund, with up to £33 million directed to the fund to

"improve local infrastructure and essential services that benefit rural communities and help businesses…to expand, creating jobs and kickstarting the rural economy."

From 2023 to 2025, that fund was £110 million, so, while £33 million is welcome, it does equate to a 36% cut in annual funding.

We welcome DEFRA's announcement of up to £5 million to go towards the continuation of important services for rural communities, such as capital funding for the refurbishment and development of much-needed community-owned assets, such as village halls and community centres. I have seen several of these projects in my own patch, with upgraded community centres doing vital work in bringing the community together.

However, the Liberal Democrats are concerned by the Government's decision to allocate additional funding within the local government finance settlement on a need and demand basis. The new system of allocation will not recognise that the sparse and isolated nature of rural areas drives higher costs for the delivery of essential services, creates challenges in recruitment of staff for key services, and requires local authorities to provide a greater subsidy for the provision of public transport. We know that the challenges of recruitment are having a direct impact on inward investment into rural areas, because companies who want to invest in South Devon are anxious about doing so because they know that workers cannot afford houses in the area, so where will the workforce come from?

*[Caroline Voaden]*

Likewise, the Government's suggestion is that funding previously allocated to rural local authorities under the rural services delivery grant will be repurposed under the need and demand basis that jeopardises rural local authority funding. That is despite the grant providing rural local authorities with £100 million for the roll-out of essential public services, including emergency services and the provision of social care in 2024-25. We therefore urge the Government to provide rural councils with a funding settlement that reflects the impact of the rurality and sparsity of the areas they serve, through the application of the fair funding formula.

There is a lot to unpack here, but I have secured this debate to urge the Government to think about working more across Departments, and to bring people together to really consider the impact of departmental spending decisions, not only on that Department, but on each other. How do Transport decisions affect Education, and, with it, the wider skills agenda? How do the Health decisions that are made impact the economy in a rural area? How does the closure of hospitality businesses affect rural isolation, loneliness and mental health outcomes? I could go on, but will leave it to colleagues to give examples from their constituencies to highlight many of these issues.

**Dr Andrew Murrison (in the Chair):** I remind Members that they should bob if they wish to be called. Members will have observed that the debate is oversubscribed, with a long list of people who want to contribute. Therefore, I urge discipline and an indicative limit of two minutes, and if you were not here at the start of the debate, you will not be called. We will start the winding-up speeches from the Front Benchers at eight minutes past 5.

4.44 pm

**Lee Pitcher** (Doncaster East and the Isle of Axholme) (Lab): It is a pleasure to serve under your chairmanship, Dr Murrison, and I congratulate the hon. Member for South Devon (Caroline Voaden) on securing this debate.

Representing a rural area and having spent a lot of my career working with rural communities and the land, I am keenly aware of the challenges that the communities in my constituency face. When services fail, it is our rural communities that are hit first and hit hardest. Because of their size, small rural schools and doctor's surgeries are already working with smaller margins than their urban cousins. When budgets have been cut, those cuts have gone straight to the bone. Rural broadband and phone services lag behind, making it more challenging to set up businesses to work from those areas.

I have seen areas where rural bus services have been reduced to almost nothing—when they have not disappeared completely—cutting off communities and massively affecting the lives of elderly and disabled people. The big bus companies have pulled out of many of our rural areas, but I know that those routes can work. Hornsby Travel, a local family company in the Isle of Axholme, is doing amazing work in finding ways to provide vital connections for rural villages. Even roads, the one lifeline to country villages, are falling deeper and deeper into disrepair, as squeezed budgets force local authorities to focus on only the busiest roads.

I recently visited Wroot Travis primary school, which has fewer than 30 pupils. The children had sat down and worked out the one thing that they wanted to speak to me, their MP, about: they wanted a sign outside their school, warning drivers about children crossing the road. I was happy to write to the local council to champion their cause, but I cannot help but feel that a school in a town or city would not even have had to ask; it would have been done automatically. That is such a small thing, but it is symbolic of the way that rural communities have been treated as an afterthought or not even thought of at all.

If that street sign is a symbol of how things have been, I hope that the steps this Government are taking are symbolic of a new relationship with rural communities. The rural England prosperity fund is one such step, helping to support local businesses to establish, grow or diversify and supporting charities and community groups to enrich their areas. Another is the additional funding brought by the rural community assets fund, which will help to preserve and improve cherished local community facilities. Finally, the Action with Communities in Rural England grant will help rural community groups and others to offer social inclusion activities. I am sure that the Minister will talk about many of those measures and more, but I welcome them, and especially their focus on empowering and developing capacity within our rural communities and working with people to give them the tools they need to make their communities flourish.

The knowledge and expertise of generations that have worked and bring great value to our local communities need to be recognised, particularly as we start to meet the challenges that climate change brings. New blue-green engineering will be a huge and vital part—

**Dr Andrew Murrison (in the Chair):** Order. I call Gregory Stafford.

4.47 pm

**Gregory Stafford** (Farnham and Bordon) (Con): It is a pleasure to serve under your chairmanship, Dr Murrison. I congratulate the hon. Member for South Devon (Caroline Voaden) on providing the opportunity to discuss the Government's plans for supporting rural communities with the Minister directly. I take this opportunity to highlight the infrastructure challenges facing my community across Farnham, Bordon, Haslemere, Liphook and the surrounding villages. Those challenges have a significant impact on the daily lives of residents and businesses in our towns. It is crucial that the Government recognise the issues, particularly ongoing gaps in health, broadband, transport, banking and infrastructure. I hope that we can work together across the House to find sustainable solutions that will support my constituents.

At the very heart of our rural villages lies the village pub. Only half an hour or so ago, I spoke in the debate on the Employment Rights Bill—another blow to the pub industry, which will severely impact the hospitality sector. On my pub crawl across my constituency, publicans and landlords pleaded with me to change the Government's red-tape strangulation of these low-profit, high social value organisations, which are core parts of the community. Perhaps it is because the Government cannot nationalise the pub that they have no understanding of its social impact.

Likewise, banking hubs are essential for my constituency. There is now only one bank and one building society for the whole of my constituency of over 100,000 people. While I welcome the banking hub in Haslemere and the one we will get in Whitehill and Bordon, that is simply not enough for people who need to access cash.

Health infrastructure within the ex-military town of Bordon in my constituency is a real problem. Despite having written to the Secretary of State about that, and especially about the Chase community hospital, on numerous occasions—most recently on 28 January—I still have not had a response from the Department.

On transport infrastructure for rural areas, I hope that the Government continue with the previous Government's promise to upgrade Hickley's Corner. I make a plea to the Minister to fund the Wrecclesham bypass in years to come.

I will close there, but I would be grateful if the Minister responded to this: while investment pours into urban areas, rural communities are left behind to battle the infrastructure challenges I have mentioned. Does he share my frustration, and what are the Government going to do about it?

4.49 pm

**Jade Botterill** (Ossett and Denby Dale) (Lab): It is a pleasure to serve under your chairpersonship, Dr Murrison. I thank the hon. Member for South Devon (Caroline Voaden) for securing the debate.

I am deeply proud to have grown up in and to represent a rural area. Anyone from any of the villages could tell the House how unique their community is; from Scissett's wassailing to Shelley's fundraising French Sunday Lunch or the Crigglestone and Durkar Wombles, who help to keep their village tidy, rural villages across my constituency provide rich, distinct communities.

However, their beauty and that community can obscure deep issues, including lack of access to public services, transport and employment opportunities. Following the previous Government's real-terms cut of £1 billion to NHS dentistry between 2010 and 2014, everyone in the country knows the struggle to access a dentist, but in dental deserts in rural communities, the cuts are felt more deeply. The previous Government allowed the roads across our country to fall into disrepair, but in rural communities, where people are more reliant on cars because public transport is so unreliable, people know the real cost and inconvenience of the pothole crisis—and, although everyone has felt the rise of antisocial behaviour since 2010, only rural communities face the full impact of county lines, livestock theft and fly-tipping.

That is why I am so supportive of the Government's efforts to support our rural communities. We are delivering a renewed push to expand 5G and broadband coverage by 2030, so that poor connectivity no longer holds rural communities back. We are providing nearly £1.6 billion in funding to finally get to grips with the pothole crisis, supporting parents taking their children to school and people just trying to get to work. When I report potholes I see across the constituency, I now have confidence that they will be filled.

For constituents like so many in Emley, who are tired of waiting hours for buses that are delayed—if they come at all—we are giving communities the power to take back control of their bus services, with our better buses Bill. For all those unable to see an NHS dentist, forced to go private or to live in pain, 700,000 new dental appointments will be delivered, bolstering the flexible commissioning and golden hellos needed to attract dentists in rural areas.

Those are real, concrete commitments to rural communities across our nation—commitments on potholes, bus services, dentists and rural crime. From the city centre to the village hall, I am proud to support the Labour Government in delivering these much-needed changes to our country and its rural communities.

4.52 pm

**Ian Roome** (North Devon) (LD): I am grateful to my hon. Friend the Member for South Devon (Caroline Voaden) for securing the debate.

My constituency covers nearly 1,100 sq km, which raises some unique challenges for rural services that will be familiar to many hon. Members. The most pressing of those challenges is equal access to local health services, due not just to geography, but to an ageing population; more than a quarter of residents are over 65. My constituents, and many in neighbouring constituencies across Devon and Cornwall, must travel some distance to the remotest acute hospital in mainland England: North Devon district hospital.

That pattern can be seen across the UK: 97% of urban households live within 8 km of a hospital, but only 55% of rural households can say the same. Astonishingly, 98% of the urban population also live within 4 km of an NHS dentist, compared with just 57% of rural residents. Government figures from November suggest that there are 460 more people per dentist in rural areas than in urban areas.

After the removal of the rural services delivery grant, North Devon council highlighted to me the fact that pockets of intense deprivation in the poorest rural and coastal communities can easily be lost in Government statistics for wider areas. According to Government statistics on rural England published last month, when talking about the roll-out of gigabit broadband, Ofcom and DEFRA even use different definitions of "rural" and "urban", defining rural areas as settlements of under 2,000 or under 10,000 people respectively. By those measures, I have either two urban centres in my constituency, or nine, depending on whose maths I use.

We need a reliable picture of just how isolated some people in rural and coastal communities are and how much support they need. Will the Minister tell us what the Government are doing to ensure that publicly funded support for rural areas is targeted effectively, especially in pockets of deprivation?

4.54 pm

**James Naish** (Rushcliffe) (Lab): Thank you for chairing the debate, Dr Murrison. I congratulate the hon. Member for South Devon (Caroline Voaden) on securing this opportunity to talk about rural areas.

I have led a council that covered a rural area, so this is a topic that I am passionate about. I applaud the Government for the important work that they have started. My hon. Friend the Member for Ossett and Denby Dale (Jade Botterill) mentioned broadband, buses and roads, and we have talked about the rural England

*[James Naish]*

prosperity fund, which has been extended, although perhaps not by as much as the hon. Member for South Devon would have liked. Banking hubs have been mentioned. Flooding is a critical issue for our rural areas, and I welcome the Government's £2.65 billion investment to restore some woeful and underfunded flood defences.

GPs are so important to our communities; I am pleased that the GP contract has been agreed, providing an opportunity to end the 8 am scramble, something that is very important for my constituents. I am also delighted to hear that the 2025-26 contract negotiation for pharmacies is under way. Pharmacies are vital to solving some of the issues that our hospitals and our wider healthcare sector face, so I hope the Government will resolve the pressures on our community pharmacies. A lot of good work is under way.

I want to emphasise that much of the change and growth that we want the Government to deliver will be through rural areas. A mile and half from where I live is the West Burton power station site, where we will see a fusion energy plant—the first in the country and one of the first in the world to be built—in a rural area. National grid connections for solar farms and other important infrastructure are in rural areas. Where will we see our housing growth? Much of it will be in our rural areas.

I have written a letter that sympathises with the position the hon. Member for South Devon outlined on funding for rural councils. I believe the growth we need to see over the next few years will be through rural communities. That is why I encourage the Government to value those communities, to engage with them and to ensure they are at the heart of our vision for the United Kingdom.

4.56 pm

**Mr Angus MacDonald** (Inverness, Skye and West Ross-shire) (LD): I thank my hon. Friend the Member for South Devon (Caroline Voaden) for securing the debate. My two main calls for Government support for rural communities are as follows. First, rural communities producing a substantial portion of our nation's electricity should be paid 5% of revenue for all newly consented renewable energy generated onshore and offshore, as a community benefit. That would be transformational for the income of rural areas.

Secondly, many homes in my constituency and throughout the country are forced to heat their homes with electricity, as they are not connected to mains gas. Electricity costs four times the price of mains gas per kilowatt. The reason is that environmental taxes, which make up a substantial part of electricity bills, are levied far more heavily on electricity than on gas. They should be equalised, because that is an unfair punishment for people whose homes are not connected to mains gas in Britain.

4.58 pm

**Charlotte Cane** (Ely and East Cambridgeshire) (LD): It is a pleasure to serve under your chairship, Dr Murrison. I congratulate my hon. Friend the Member for South Devon (Caroline Voaden) on securing the debate and summing up the issues so comprehensively.

I want to talk about transport. Successive Governments have judged transport investment by the number of people using it. Rural areas obviously lose out by that criterion, yet our need for transport is significant. We need cycleways and footpaths because our roads are narrow and unlit. We need regular, reliable and affordable buses, with routes that get us to more places than just the nearest town—we have friends, clubs, GPs, schools and shops in neighbouring villages, and we should not need a car to get there safely.

In my constituency, we have villages with no buses. Other villages do have a bus, but only every two hours, with the last bus at 7 pm and no bus on Sunday. Many of our sixth-form college students have to take two buses and spend two hours travelling each way to college. Four hours' travel a day does not leave much time and energy for study. Rural communities are beautiful places to live, but we need Government to invest in them; otherwise, they will become places where only those fit and wealthy enough to drive can live, and that is not acceptable.

4.59 pm

**Helen Morgan** (North Shropshire) (LD): It is a pleasure to serve with you in the Chair, Dr Murrison.

I congratulate my hon. Friend the Member for South Devon (Caroline Voaden) on making an excellent opening speech. Indeed, because it was so excellent and covered most of the issues I would have liked to cover, and because we have very little time, I will home in on three issues.

The first is public transport, which my hon. Friend the Member for Ely and East Cambridgeshire (Charlotte Cane) also addressed. Shropshire has lost 63% of its bus miles since 2015, compared with a national average of 19%. This is the biggest issue for people who live in my constituency, particularly young people who cannot see their friends or access part-time work and, often, further education. Yet the revenue allocation for Shropshire under the bus service improvement plan is only £2.5 million. Public transport is a massive issue for us, and I urge the Minister to consider whether it is possible to reconsider that allocation.

Poor local authority funding has an impact on cultural opportunities for people in rural areas, including activities such as grassroots sport. For example, Greenfields in Market Drayton is a woefully inadequate sports facility for a growing town of more than 10,000 people. Essentially, the council cannot afford to improve the facility. It has great plans, but it does not have any money to implement them because local councils are so badly underfunded.

The cuts to the rural services delivery grant has cost Shropshire £9 million. Shropshire is much bigger than Greater Manchester, with people spread evenly across the county at about one person per hectare, so the cost of delivering services far exceeds the cost in an urban area. Will the Minister examine how we value the cost of services when funding local councils, because we are in danger of leaving rural councils critically underfunded compared with their urban counterparts.

5.1 pm

**Rachel Gilmour** (Tiverton and Minehead) (LD): Thank you for calling me to speak, Dr Murrison, and it was lovely to see you last night. *[Laughter.]* No, no, but it is a pleasure to serve under your chairmanship. Obviously,

I thank my hon. Friend the Member for South Devon (Caroline Voaden) for securing this vital debate. It is always excellent to see so many of my Liberal Democrat colleagues here in Westminster Hall to support our rural communities.

As the Member of Parliament for the overwhelmingly rural constituency of Tiverton and Minehead, I am incredibly proud to represent such a beautiful part of the world. However, for all our natural beauty, we are not without our problems. On Monday, I met Sir Chris Whitty to discuss how my constituency is at the sharp end of what can only be described as a dentistry crisis, with dental practices closing in droves. My constituency sits within a dental desert.

In 2024, according to the House of Commons Library, the proportion of adults in Tiverton and Minehead who had been seen by a dentist in the previous two years was well below the average in England. In Somerset, the figure was just 32%; in Devon, it was 34.7%; and the average for England was 40.3%. The data for children in my constituency is even more troubling. In Somerset, only 42.3% of children had been seen by a dentist in the previous two years; in Devon, it was 46.6%; and the average across England was 54.4%. The disparity between those figures is appalling.

As many colleagues have mentioned, young people in rural areas such as Tiverton and Minehead are getting a woeful deal. The gaps in sixth-form provision, save for the few places at West Somerset college and Petroc college, are detrimental to the aspirations of students who wish to pursue further education.

Without wishing to sound as if I am asking for the world, there is a lot to be done to improve the lives of people in Tiverton and Minehead. I will not relent in highlighting these issues, because I want to ensure that my constituency, and of course rural communities up and down our country, are not overlooked.

5.3 pm

**Wendy Chamberlain** (North East Fife) (LD): It is a pleasure to serve under your chairmanship, Dr Murrison. I congratulate my hon. Friend the Member for South Devon (Caroline Voaden) on securing this important debate.

My constituency is very easy to point out on a map, mainly because it is on the coast but also because it is big, and it is big because it is rural. We might have relatively large populations in places like Leven and St Andrews, but only 4% of my constituency is built up. It is more rural than people think.

In the short time I have today, I will highlight the importance of connections for rural communities. First, the poor phone signal creates energy problems, because the old-style meters on which most people still rely cannot speak to the system. How can we help people to better manage their energy if they cannot use the systems that are provided?

Poor phone signal also means a reliance on landlines, and Storm Éowyn has taught us all in recent weeks that being without power for days will create challenges as we move to digital by design. In fact, digital by design is particularly unsuitable for rural constituencies. I am sure we have all been to farmers markets and other such locations and seen people waving cash card machines around to try to pick up a signal.

The lack of cash and banking services is a huge issue for many constituencies. Those services are poor, and my constituency has only eight bank branches—that sounds great, but six of them are in St Andrews. If not for the Nationwide building society, we would have no access to cash or face-to-face banking services in my constituency. ATMs are difficult to get to because public transport is hard to access. I understand public transport is devolved in Scotland, but we are in a doom loop of bus services not being used because they do not run at convenient times for people to get to work or services, which end up being cut because people are not using them.

Finally, burgh towns are really important. Cupar is my burgh town, but it is the hub at the centre of a wheel, and that is how communities come together. We need to ensure that we support such areas so that we deliver the services people need. We need to remember that rural areas are different from urban areas.

5.5 pm

**Cameron Thomas** (Tewkesbury) (LD): It is an honour to serve under your chairship, Dr Murrison. I thank my hon. Friend the hon. Member for South Devon (Caroline Voaden) for securing this debate.

Tewkesbury is home to the fastest-growing borough outside London, but almost half of my constituents have the worst 30% of broadband connectivity in the UK. Mobile reception in Bishop's Cleeve, one of the largest parishes in my constituency, is embarrassing. Those are not the only symptoms of a constituency that has had haphazard housing development without any of the necessary infrastructure to support it. My residents resort to travelling by private vehicles because the public transport infrastructure simply is not there. Some of my villagers walk for miles along dangerous roads, sometimes without pathways, to reach a bus stop. If they miss a bus or suffer a cancellation, they might be waiting for several hours.

I have previously called for investment in on-demand bus services, such as the Gloucestershire Robin. Later this year, the Cotswolds Designer Outlet will open just off the M5 on the A46 in Ashchurch. There has been no road or rail infrastructure to accommodate this development, which is likely to draw hundreds of thousands of very welcome shoppers every year to our beautiful constituency, if they can get here. Ashchurch's railway station suffers more delays than 90% of stations nationwide. The A46 is already plagued by daily gridlock because thousands of new homes have been built there by developers with the resources to overpower the local authorities.

Those issues could be alleviated if the Department for Transport accepted and supported Gloucestershire county council's proposal for a new junction 9A on the M5, which would relieve some of the burden from the A46. Our modest Ashchurch station, which also serves Tewkesbury, badly needs investment to accommodate the coming influx of visitors to the constituency.

5.7 pm

**Dr Roz Savage** (South Cotswolds) (LD): It is a pleasure to speak under your chairmanship, Dr Murrison. I thank my hon. Friend the hon. Member for South Devon (Caroline Voaden) for securing this debate.

*[Dr Roz Savage]*

South Cotswolds is an area rich in heritage and beauty, but it faces distinct challenges in, for example, public transport and access to NHS services. The cancellation of the 84/85 bus route last year severed connections from Hillesley and Alderley to Yate. I know of a young man who was raised by his grandparents, who could not afford to run him around the place, so he relied on the bus to get to college. His college course offered him a real opportunity to train for a job with decent prospects, allowing him to escape the cycle of poverty. When the bus route was cancelled, he could not get to college and had to drop out of his course.

A second example is an older lady who used the bus to get into Yate to do her weekly shopping. When the bus route went and she could not get into Yate, she lost her freedom and independence. She became isolated and lonely, the health consequences of which are well documented. Those examples demonstrate the false economy of cutting public transport, which leads only to greater reliance on the state and fewer opportunities for individuals.

Access to NHS dental services is a serious problem. I know of a lady in Tetbury who had severe toothache and had to rely on Bonjela until she was able to arrange for transport for treatment. Meanwhile, I am engaged in an ongoing battle with the local integrated care board to ensure continuity of private care provision in Sherston. The ICB has admitted that its toolkit, the algorithm it uses to decide the distribution of resources for primary care, was designed for an urban context, not a rural one. Coupled with the lack of public transport, this is causing real problems.

**Dr Andrew Murrison (in the Chair):** Order. I call the Liberal Democrat spokesperson.

5.9 pm

**Sarah Dyke** (Glastonbury and Somerton) (LD): It is a pleasure to serve with you in the Chair, Dr Murrison. I also thank my hon. Friend the hon. Member for South Devon (Caroline Voaden) for securing this important debate and for her excellent speech.

Rural communities and farming go hand in hand, as farmers are the backbone of our rural economy. Glastonbury and Somerton is home to more than 800 farms, and a quarter of England's agricultural holdings and a fifth of England's total farmed area are in the south-west. Agriculture employs over 60,000 people in the region, with many more indirectly affected by the industry. However, since the Budget, the only topic on farmers' minds is the lack of support from the Government. They tell me that they did not think their plight could get any worse after the last Conservative Government—because that Government "just didn't care"—but it has.

This Labour Government do not even seem to want to understand the agricultural industry. Yesterday's announcement, with no notice, to halt the sustainable farming incentive has sent shockwaves through farming circles. It beggars belief that the largest farming trade body, the National Farmers Union, had only 30 minutes' notice of the announcement. The absence of warning and communication will only further alarm farmers across the country who are feeling anxious, left behind and forgotten.

The sudden closure of an important scheme has left thousands of farmers cut off from funding, and I worry about the impact this will have on nature-friendly farming. The scheme is vital to incentivising farmers to carry out their work for the public good, such as managing flood water and storing slurry safely—this is of extreme importance in Somerset, given the high threat of flooding.

A beef farmer from Wick, near Langport, recently told me that he has "no confidence" in the Environment Agency to protect his and other people's land from flooding—it is too slow to pump water off fields, which increases the risk of flooding when it next rains.

The closure of the SFI will now make it more difficult for farmers to put flood management measures in place. The scheme had more than 37,000 live, multi-year agreements, and it had the highest demand since it began. The Government have not announced any plans to replace it. This announcement comes at a time when farmers are already losing the vast majority of basic payments this year, and they should rightly be rewarded for good environmental work.

**James Naish:** Will the hon. Member give way?

**Sarah Dyke:** I will not, because of time. Given that the SFI has now finished, will the Department publish the scheme's key performance indicators and how they were met? Or will it keep farmers in the dark again?

The Liberal Democrats are deeply disappointed by Labour's decision to compound the damage done to our farmers by the Conservatives, who left the farming budget with an underspend of hundreds of millions of pounds. Yet again, smaller farmers will be hardest hit, especially hill farmers and those earning significantly less than the minimum wage. We want to see the Chancellor urgently reverse the changes, and we want to see £1 billion a year in support for farmers. We want clarity from the Government about the impact of cutting SFI on farmers' incomes, nature restoration, food production and rural communities.

5.13 pm

**Robbie Moore** (Keighley and Ilkley) (Con): It is a pleasure to serve under your chairmanship, Dr Murrison. I thank the hon. Member for South Devon (Caroline Voaden) for securing this important debate, because supporting rural communities has been a persistent challenge across Government. The siloed nature of Government Departments and the false assumption that DEFRA has sole responsibility for rural affairs has sometimes created delay and confusion in delivering the cross-Government support our rural communities need.

The Conservatives recognised this issue when we were in government and took steps to rural-proof the policies of other Departments and to unlock unique funding streams to tackle uniquely rural challenges. The £3 million rural innovation fund, for example, sought to find new answers to problems specific to rural communities, such as connectivity, social isolation and productivity. However, there is much more to be done, such as banking hubs, post office services and the challenges mentioned by my hon. Friend the Member for Farnham and Bordon (Gregory Stafford), including for areas that have received no hub provision despite having only one bank branch still open. I urge the

Minister to ask Treasury colleagues not to wait for that last bank branch to remain before banking hubs can be applied for.

The challenge of higher prices in rural areas coupled with lower income streams has been mentioned, as has the increased overheads for businesses and local services, whether it is GPs or dentists. Those challenges have been exacerbated by the change in employer's national insurance contributions, which is impacting most of those businesses.

I cannot go any further without mentioning our farming community, which is without doubt the backbone of our rural communities. In many cases, family farming businesses are the core of our rural life and have been for decades, if not centuries. Now, however, we know the damage that Labour's Budget has caused and the upset and the challenges it has created.

I did not think things could get any worse, but then we had the "cruellest betrayal yet"—not my words, but those of the president of the Country Land and Business Association, who was speaking about last night's decision to stop the SFI grants. Those grants were promised to our farmers after Labour slashed the delinked payment rates, which is directly impacting many of our farming communities' cash flows right now in this financial year. I thought that those grants had cross-party support in the House, but it seems not, on the basis of last night's announcement.

Even though we had a statement, many questions still remain unanswered by the Farming Minister. I hope he will be able to answer questions such as, where is the actual farming budget breakdown for the farmers who were benefiting from SFI applications? Where has the basic payments scheme money that was allocated for the delinked payments gone? When can our farmers expect to see the SFI applications open? Does the Minister realise the absolute challenge and distress that has been caused to many of those who were processing their applications, almost had them ready to go and were about to hit the submit button? They are now sitting in limbo, unsure whether it will be six months or even a year before any confirmation is given?

The debate has focused on many other challenges in our rural communities, whether that is connectivity, transport, health, housing, community cohesion, building, businesses or public services. All those issues are made much more complex and nuanced by the practical challenges of delivering them in a rural community. I hope the Government understand that policies that come out of other Government Departments may work in our city-centre environments, but they often do not work in the countryside.

Funding streams such as the rural services delivery grant, which was worth £110 million, specifically recognised the challenges that rural local councils faced. Yet this Labour Government decided to stop that funding stream, and we have had no indication whatever of what will replace it or when. Cutting vital grants such as the rural services delivery grant does not instil our rural communities with any confidence that this Government will recognise the challenges in our rural communities.

The assault on our farmers has already shaken the faith of millions of people living in our rural communities. Quite rightly, our rural communities, like our farmers, fear that Labour does not understand them and does not care to understand them. I hope the Minister will take on board many of the points that hon. Members have made about the challenges for rural communities.

5.18 pm

**The Minister for Food Security and Rural Affairs (Daniel Zeichner):** It is a pleasure to serve with you in the Chair, Dr Murrison. I congratulate the hon. Member for South Devon (Caroline Voaden) on securing the debate. The number of speakers shows how much interest there is, and many points have been covered—too many for me to cover in a short time, although I will do my best.

Both Front-Bench spokespeople—the hon. Members for Glastonbury and Somerton (Sarah Dyke) and for Keighley and Ilkley (Robbie Moore)—raised the issue of the SFI, which I addressed in a statement earlier today. I thought the shadow Minister started so well when he talked about the challenge that faces any Government, given the cross-departmental nature of these issues. We are honoured to have a former Secretary of State, the right hon. Member for North East Cambridgeshire (Steve Barclay), with us, and he will know full well how difficult it is to drive these rural issues from DEFRA. I made a particular pitch to be the rural Minister in Labour's team in the Commons—which is different from before—and I am absolutely determined that these rural issues get a fair hearing.

**Steve Barclay** (North East Cambridgeshire) (Con): I put on record my apologies, Dr Murrison—I was giving evidence to the covid public inquiry, which I hope colleagues will realise was the reason for my late arrival. I have a quick question for the Minister: could he clarify when he was first told of the Government's decision to close SFI for new applications?

**Daniel Zeichner:** We made the decision last night, based on many months of following the budgets, but as I explained earlier, the logic of the change to the system is that if there is a fixed amount of budget, I am afraid there comes a point when the system is full.

Members have raised many other issues, but because we have a three-hour Backbench Business debate on farming in the Chamber tomorrow, I will move on and thank the hon. Member for South Devon for bringing this debate forward. I had an opportunity to visit her lovely constituency very early in my tenure as Minister. I thought she gave a very good account, as did many other Members, of the broad range of challenges faced in rural areas.

I am committed to the rural brief. I have done a number of visits in my first few months that have shown me the importance of applying the Government's missions in rural areas—particularly our aims to grow the economy, develop clean energy and tackle crime. I went to Northumberland to see the excellent work of the national rural crime unit. I spoke to a number of farmers who have sadly had expensive equipment stolen, and I spoke to volunteer crimewatch groups. I have also been to Warwickshire recently to see the positive effect that can be achieved through community shops and community initiatives that ensure that community facilities are in place, such as village halls. I will be doing many more visits around the country and seeing many more of those.

**Claire Hazelgrove** (Filton and Bradley Stoke) (Lab): The issue of rural crime has come up a bit less in today's debate, so I want to make sure that we have some moments to reflect on it, as the Minister has started to. Does he agree that the Government's approach of having a cross-governmental rural crime strategy—it is the first of its kind—will tackle these issues in meaningful and long-lasting ways for rural communities?

**Daniel Zeichner:** My hon. Friend is right. It is long overdue. I have had detailed conversations already with colleagues in the Home Office about how we can take this issue forward, and there will be further announcements in due course. We have been looking at a range of issues that are important to rural areas, but we recognise that there are very specific challenges, a number of which have been touched on today. We also know that direct support through funding programmes is important. That is why we announced last week that up to £33 million will be directed to the rural England prosperity fund and used to help businesses in rural areas to expand. That will create jobs, kick-start the rural economy and help to improve local infrastructure and essential services.

**Calum Miller** (Bicester and Woodstock) (LD): Many of my constituents suffer some of the worst mobile and broadband coverage in the country. That is a particular concern for vulnerable households, who are no longer able to access copper-wire telephony and are forced to rely on internet protocols. What are the Government doing to make sure that vulnerable households still have access to phones in an emergency?

**Daniel Zeichner:** The hon. Member is absolutely right to raise that important point, which I will come to in a moment.

I was about to mention the £5 million in funding for capital grants for the refurbishment and development of community-owned assets such as village halls and community centres. That funding will also support rural housing enablers, who are very important in bringing forward sites to provide affordable housing. We are also providing further funding for Actions with Communities in Rural England to provide advice and support to rural communities and voluntary groups such as those that I mentioned visiting recently.

I recognise the descriptions from a number of colleagues of the need to travel further to access work, education and training. We fully appreciate that that can be much more costly and time-consuming, leading to the frustrations that have been described. I listened closely to my near-neighbour, the hon. Member for Ely and East Cambridgeshire (Charlotte Cane), when she spoke about local bus services. She will know that the mayor of the combined authority in Cambridgeshire has used powers to move to franchising for bus services. We have set out wider plans for the future in our bus services Bill, which will give local leaders the tools they need to ensure that bus services reflect the needs of the communities they serve.

The digital issue, which the hon. Member for Bicester and Woodstock (Calum Miller) has just raised, is central to our view of the future. It was also highlighted by my hon. Friend the Member for Ossett and Denby Dale (Jade Botterill). Through the shared rural network, which has helped to deliver 4G mobile coverage to 95% of the UK a year ahead of target, we are continuing to deliver 4G connectivity to places where there is the kind of limited coverage that has been described. We know that there are still parts that lag behind, and we will work with the industry to deliver improved coverage to those communities via the shared rural network.

**Mr Angus MacDonald:** I wonder whether the Minister can persuade the Chancellor to leave her constituency of Leeds West and Pudsey and explore the reaches of rural Britain. It strikes me that a lot of these issues are due to funding and the fact that rural Britain is substantially underfunded, compared with urban Britain.

**Daniel Zeichner:** That is a very long-running debate that goes back over decades. I will do all I can to persuade the Chancellor of the needs of rural Britain.

Project Gigabit continues to be rolled out. It is delivering gigabit-capable broadband to many UK premises, many of which are situated in rural communities that are not in the commercial roll-out plans.

Hon. Members touched on housing. Access to genuinely affordable homes is absolutely essential. The current housing shortage is driving up rents, leaving some of the most vulnerable without access to a safe and secure home. We are reforming planning policy, but I will not try to cover that complicated problem in one minute. Last year, the Government ran a consultation on the national planning policy framework. The response to the consultation reflected on the higher costs of housing delivery in rural areas and the fact that we want more affordable housing in those areas as part of our ambition to deliver the biggest increase in social and affordable house building in a generation. We will consider how policy can better promote rural affordable housing and wider exception site policies as part of the work we do to introduce those policies later in 2025.

Hon. Members touched on energy costs, which are a huge challenge for rural areas. I am very aware that fuel poverty rates are higher in rural communities. Many homes are off the gas grid and are therefore more susceptible to fuel price fluctuations.

The hon. Member for South Devon asked about the index of rural deprivation report. I am told that it will be published later this year.

**Chris Hinchliff** (North East Hertfordshire) (Lab): Will the Minister give way?

**Daniel Zeichner:** I am afraid I will not give way. I am very conscious that I will run out of time.

We will need to look at skills and opportunities in rural areas. I was very struck by the point that my hon. Friend the Member for Doncaster East and the Isle of Axholme (Lee Pitcher) made about schools. It was all too typical of my experience of the way rural communities often feel they are left out. We are planning to expand our childcare and early years system, drive up standards and modernise the school curriculum. We will boost rural and agricultural skills by reforming the apprenticeship levy into a growth and skills levy. We will also be opening new specialist technical excellence colleges to give rural people a chance to develop the skills they need to empower rural businesses to play a bigger role in the skills revolution.

The health service is a hugely important issue, and I very much agree with the point my hon. Friend the Member for Rushcliffe (James Naish) made about the 8 am scramble. He is absolutely right, and that is just as important in rural areas as anywhere else. His point about dentistry was very well made; it is being addressed, but much more will need to be done.

Demographics show that as people age, many move out of cities to coastal and rural areas. They will need more care, but they increasingly live in places where it is more difficult to provide it, and that needs to be reflected in the way we approach these issues. Integrated care systems will have a role in designing services that meet the needs of local people, but I heard the point about the algorithm; I will go away and look at that. Most importantly, we need to work with clinicians and local communities to ensure that we get those systems right.

Finally, local government is a huge issue that cannot be covered in one minute, I am afraid, but we are making available significant new funding. That includes £1.3 billion in the local government financial settlement for 2025-26, including £600 million to support the most deprived areas, including in shire districts, through the new recovery grant. Alongside that, our commitments can be judged against a guarantee that no local authority will see a reduction in its core spending power in 2025-26, after taking account of any increase in council tax. That will provide protections so that all authorities, including district councils, can sustain their services between years.

I am absolutely determined to drive forward the rural agenda across Government. This debate gives me some confidence that there is support across the House for that endeavour. I am absolutely determined that rural areas will play a key role in delivering the national missions the Government have set out and will share in the benefits they bring.

5.29 pm

**Caroline Voaden:** It has been a pleasure to serve under your chairmanship, Dr Murrison. I will not name all the speakers who contributed but, unsurprisingly, health, transport, phones, broadband and farming all came up in the debate, as did the pubs of Farnham and Bordon, which we must not forget. I urge the Government—

5.30 pm

*Motion lapsed, and sitting adjourned without Question put (Standing Order No. 10(14)).*

# Written Statements

*Wednesday 12 March 2025*

## ENVIRONMENT, FOOD AND RURAL AFFAIRS

### Bathing Water Regulations 2013: Government Response to Consultation

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Emma Hardy):** In November last year, the Government, jointly with the Welsh Government, announced the consultation on reforms to the Bathing Water Regulations 2013, in the first shake-up to our bathing waters since the regulations were introduced. These reforms include removing strict automatic de-designation, amending the designation process to include feasibility of improvement as a criterion for designation, and moving the current fixed dates of the monitored bathing season into guidance.

The Government received clear public support for their proposed three reforms, nine technical amendments, and two wider reforms. These reforms align with the recommendations made in the Office for Environmental Protection's report on the implementation of the Bathing Water Regulations 2013. We now intend to proceed with their implementation. We will also begin robust research and development on the wider reforms to see how they can best be implemented in future. DEFRA will work closely with the Environment Agency to ensure the new measures are implemented effectively and innovatively.

We are also reopening the bathing water application window in 2025. From May, communities in England can apply for new bathing waters, meaning that some additional sites may be designated ahead of the 2026 season. Prospective sites will be assessed against the Government's newly reformed standards, set to become law later this year. Further details of the application process will be published in guidance at the start of the 2025 bathing season.

Updating bathing water regulations is part of the wider action the Government are taking to fix our water system. To meet the scale of the challenge, and deliver transformational change, the Government last year launched an independent commission into the water sector to review its regulatory system. On 27 February, the commission launched a wide-ranging call for evidence, which is open for views from all interested parties until 23 April. The commission is focused on recommendations to strengthen the water sector and the regulatory framework, whereas the planned reforms to the Bathing Water Regulations 2013 are focused on specific improvements to the operation and management of the bathing water system, so that more people have the opportunity to experience the benefits of our beautiful waters.

[HCWS516]

### Sustainable Farming Incentive

**The Minister for Food Security and Rural Affairs (Daniel Zeichner):** With record numbers of farm businesses in farming schemes and the sustainable farming budget successfully allocated, yesterday the Government stopped accepting new applications for the sustainable farming incentive (SFI24).

Our environmental land management schemes will remain in place, including SFI, and there will be a new and improved SFI offer with more information in summer 2025.

Every penny in all existing SFI24 agreements will be paid to farmers, and outstanding eligible applications that have been submitted will also be taken forward.

Our vision is for a sector with food production at its core because food security is national security. We want farm businesses to be more resilient to shocks and disruption, and an agricultural sector that recognises restoring nature is not in competition with sustainable food production but is essential to it.

By pursuing these principles, we will support farm businesses to be more profitable, addressing the underlying problem that some farmers do not make enough money for the hard work they put in.

This Government inherited farming schemes which were underspent, meaning millions of pounds were not going to farming businesses. This Government are proud to have secured the largest budget for sustainable food production in our country's history, with £5 billion over a two-year period to sustainable farming and nature recovery.

We have left no stone unturned in our determination to get farmers into our environmental land management schemes. As a result, we now have a record number of farmers in these schemes with more than 50,000 farm businesses and more than half of all farmed land now being managed under our schemes.

The largest of these schemes, SFI, now has more than 37,000 live agreements in place. It is not only delivering sustainable food production and nature's recovery for today and the years ahead, but putting money back into farm businesses.

However, this Government inherited an uncapped scheme aimed at mass participation of farm businesses, despite a finite farming budget. The high level of participation in SFI means we have now reached the upper limit.

Now is the right time for a reset: supporting farmers, delivering for nature and targeting public funds fairly and effectively towards our priorities for food, farming and nature.

We will take forward any submitted SFI application where the agreement has not yet started. If farmers have already submitted an application, they will receive an agreement. If farmers are in the SFI pilot, they will be able to apply when the pilot agreement ends.

The reformed and improved SFI will:

Deliver our vision of a sector with food production at its core, supporting less resilient farm businesses while ensuring nature recovery;

ensure we deliver value for money for taxpayers as we invest in sustainable food production and nature recovery;

have a clear budget set and put in place strong budgetary controls so that SFI is affordable;

better target SFI actions fairly and effectively, focusing on helping less productive land contribute to our priorities for food, farming and nature.

As we evolve the scheme, we will listen to farmers' feedback to ensure we learn and improve for the future.

Our improved SFI scheme will be another step in this Government's new deal for farmers to support growth and return farm businesses to profitability. In recent weeks we have already:

Extended the Seasonal Worker Visa Scheme for five years.

Outlined plans to back British produce across the public estate.

Protected farmers in trade deals.

Invested £110 million in farming grants to improve productivity, trial new technologies and drive innovation in the sector.

Made the supply chain fairer, including new regulations for the pig sector by the end of this month.

Invested over £200 million in a new National Biosecurity Centre to protect livestock from diseases.

The Government are committed to working with farmers and farm organisations to ensure future policies deliver in the best interests of farming for the long term. For instance, we are developing the first-ever long-term farming road map to understand the barriers facing farmers and identify ways to reform the farming budget so that it can best deliver for food production and the environment.

The land use framework will guarantee our long-term food security and future-proof our farm businesses, supporting economic growth on the limited land we have available.

I will be making an oral statement on this subject later today.

[HCWS514]

## HOME DEPARTMENT

### Statement of Changes in Immigration Rules

**The Parliamentary Under-Secretary of State for the Home Department (Seema Malhotra):** My right hon. Friend the Home Secretary is today laying before the House a "Statement of Changes in Immigration Rules".

*Introduction of a visit visa requirement on Trinidad and Tobago*

We are today introducing a visa requirement on all visitors from Trinidad and Tobago. Nationals of Trinidad and Tobago will also be required to obtain a direct airside transit visa if they intend to transit via the UK having booked travel to another country. The visa requirement comes into force at 15:00 GMT today.

Consequential to this, nationals of Trinidad and Tobago will no longer be eligible to apply for an electronic travel authorisation for travel to the UK.

There will be a six-week, visa-free transition period for those who already hold an electronic travel authorisation and confirmed bookings to the UK obtained on or before 15:00 GMT on 12 March 2025 where arrival in the UK is no later than 15:00 BST on 23 April 2025.

Arrangements are in place so that nationals of Trinidad and Tobago can apply for visas. We are publicising the changes so travellers are aware and can plan accordingly.

We are taking this action due to an increase in the number of Trinidad and Tobago nationals travelling to the UK for purposes other than those permitted under visitor rules. This has included a significant and sustained increase in asylum claims, which has added significantly to operational pressures at the border and resulted in frontline resource being diverted from other operational priorities.

The decision to introduce a visa requirement has been taken solely for migration and border security reasons. Our relationship with our Commonwealth partner Trinidad and Tobago remains a strong and friendly one. Any decision to change a visa status is not taken lightly and we keep the border and immigration system under regular review to ensure it continues to work in the UK national interest.

*Changes to the Ukraine scheme*

The Ukraine permission extension scheme (UPE) opened on 4 February 2025, and allows Ukrainians, and their eligible family members, who have been living in the UK with permission under one of the existing routes within Appendix Ukraine scheme, or outside the immigration rules in specified circumstances, to apply for a further period of 18 months' permission to stay in the UK. The launch of UPE reflects our commitment to providing further support for Ukrainians in the UK while the conflict with Russia continues.

We are making some minor changes to UPE to extend the validity requirements further. This will include bringing in scope children under 18 who were granted leave to enter the UK outside the immigration rules so they could join or stay with their parents who already held Ukraine scheme permission. Going forward, a change to the Homes for Ukraine scheme guidance that was published on 31 January will enable eligible parents to sponsor their children to come to the UK under the Homes for Ukraine route. However, making this change to the UPE requirements now will enable children who have already been granted leave outside the rules in these circumstances to align their status with their parents by enabling them to apply to UPE when their current permission is due to expire. This will provide further reassurance and certainty about their status in the UK.

There will also be some minor drafting changes to the eligibility rules for UPE to better reflect the existing policy intention.

We are also making changes to the Homes for Ukraine (HfU) scheme, to include the "approved sponsor" requirements for eligible minors in both validity and eligibility sections of the rules. This will enable decision makers to determine applications which do not have an approved sponsor. We will also align the definition of parent across HfU and UPE, so it is consistent with the wider immigration system. In order to preserve the integrity of the broader immigration system, we will also introduce a requirement that parents who wish to be joined by their children in the UK under the HfU scheme must be lawfully resident in the UK.

Finally, changes to the immigration rules were laid in November 2024 (HC 334) to end the use of "permission to travel" (PTT) letters on the Ukraine schemes from 13 February onwards. The rules currently allow PTT arrivals to vary their permission in country within six months of their arrival. As there will be no further PTT arrivals from 13 February, no one will be able to vary their permission in this way from 13 August onwards. We are consequently making a change to the rules to remove this provision from that date, as it will no longer be required.

These changes to Appendix Ukraine scheme do not constitute a reduction of support for Ukraine and the UK Government remain steadfast in their commitment to Ukraine and the Ukrainian people.

*Changes relating to the EU settlement scheme (EUSS)*

The EUSS enables EU, other European Economic Area (EEA) and Swiss citizens living in the UK before the end of the post-EU exit transition period at 11 pm on 31 December 2020, and their family members, to obtain the immigration status they need to continue living in the UK, consistently with the citizens' rights agreements.

The main changes enable a non-EEA national applicant to use a UK-issued biometric residence card or permit which has expired by up to 18 months as proof of their identity and nationality; confirm that a person with a pending administrative review of an EUSS decision, who has not left the UK or has been granted entry into the UK—except on immigration bail—will not be removed from the UK; and enable an application to be refused on suitability grounds, without a deportation or exclusion order being in place, where the applicant's conduct before the end of the transition period meets the relevant EU law public policy test applicable under the agreements.

*Changes relating to care workers in the skilled worker route*

The Government value the important contribution care workers from overseas make to social care services. However, too many providers have recruited care workers to the UK and failed to provide them with the work they were promised, or have subjected them to appalling exploitation. We have a duty to protect people against destitution, exploitation and modern slavery, and the best way to do so is through secure, properly paid work and employment conditions.

We are therefore making changes to address the growing pool of care workers and senior care workers in this route who no longer have sponsorship, because their sponsors have been unable to offer sufficient work and or have lost their sponsor licences.

The changes require providers to try to recruit from this pool of workers who are seeking new employment, before seeking to sponsor new recruits from other immigration routes or from overseas.

The changes do not apply to workers outside England, or where providers are seeking to sponsor someone switching from another immigration route who has already been working for them for at least three months. We will keep the geographic coverage of this requirement under close review.

*Changes to the minimum salary for skilled worker visas*

A routine change is being made to update the minimum salary floor from £23,200 per year, or £11.90 per hour, to £25,000 per year, or £12.82 per hour. It is standard practice to update this and other salary requirements across work visa routes each year, using the latest annual survey of hours and earnings (ASHE) data from the Office for National Statistics (ONS). This ensures these salary requirements continue to reflect the latest pay situation for UK workers. As the Government intend to shortly publish an immigration White Paper, the changes are being limited to only updating the minimum salary floor. This is to ensure it reflects the latest ASHE data and remains significantly above the national living wage, which is also increasing in April 2025.

*Appendix ETA—exemption for British nationals (overseas)*

We are removing British nationals (overseas) from the list of nationalities requiring an electronic travel authorisation (ETA) for travel to the UK.

This means that holders of a BN(O) passport will be able to travel to or transit via the UK without requiring an ETA. We will keep this exemption under review.

These changes to the immigration rules are being laid on 12 March 2025. For the changes that introduce a visa requirement on Trinidad and Tobago, due to safeguarding the operation of the UK's immigration system, those changes will come into effect at 15:00 GMT on 12 March 2025. For the changes relating to the Ukraine scheme, those changes will come into effect on various dates from 2 April 2025, as detailed in the statement of changes. All other changes will come into effect on 9 April 2025.

[HCWS515]

# ORAL ANSWERS

**Wednesday 12 March 2025**



# WRITTEN STATEMENTS

**Wednesday 12 March 2025**

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