

**Monday**  
**4 March 2013**

**Volume 559**  
**No. 123**



**HOUSE OF COMMONS**  
**OFFICIAL REPORT**

**PARLIAMENTARY**  
**DEBATES**

**(HANSARD)**

**Monday 4 March 2013**



# House of Commons

*Monday 4 March 2013*

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

## PRAYERS

[MR SPEAKER *in the Chair*]

## Oral Answers to Questions

### EDUCATION

*The Secretary of State was asked—*

#### School Information

1. **Mr Nick Gibb** (Bognor Regis and Littlehampton) (Con): What recent steps he has taken to increase the amount of information about schools available to parents and the public. [145452]

**The Secretary of State for Education (Michael Gove):** School performance tables now include four times as much data as those published before May 2010. In addition, since September 2012, schools are required to publish information on their websites on the use and impact of the pupil premium, their curriculum, their admission arrangements and their policies on behaviour, charging and special educational needs.

**Mr Gibb:** My right hon. Friend will know that the new school information regulations came into force on 1 September last year. Among other things, they require schools to publish details of the curriculum for every subject in each year. Looking at a sample of schools' websites, I do not yet see widespread compliance with this regulation. Given the importance of this information to parents and of parental choice in driving up standards, will he take steps to publicise the new requirement and take measures to ensure compliance?

**Michael Gove:** My hon. Friend is absolutely right to emphasise the importance of ensuring that parents are well informed about schools and the curriculum they offer. The Department sends out termly e-mails reminding schools of their obligations under legislation, and most recently Her Majesty's chief inspector has written to all schools reminding them of the requirement to publish information and pointing out that inspectors will use the publication of this information as a starting point when considering inspection of provision in the school.

**Phil Wilson** (Sedgefield) (Lab): Last week, the Secretary of State said of the schools in east Durham:

"When you go into those schools, you can smell the sense of defeatism."

Will he tell the House which of those schools in east Durham he has actually visited since he became Secretary of State, and will he apologise to the people of east Durham for his outrageous remarks?

**Michael Gove:** I absolutely will not apologise to the people of east Durham for standing up for better education for their children. Perhaps the most telling remarks about the lack of ambition in schools in east Durham were uttered by Lord Adonis. Having visited a school there, he said that a teacher had told him, "In the past children turned right to work in the shipyards or left to work in the coal mines. Now they might as well walk on into the sea." That spirit of defeatism reported by the noble Lord is exactly what we need to attack. Instead of attacking the Government, the hon. Gentleman would be better off tackling underperformance in his own constituency.

**Dr Thérèse Coffey** (Suffolk Coastal) (Con): I welcome the publication of the dashboards launched by Ofsted last week and recommend them to the public, parents and governors. Will the Secretary of State go further, though, and explain how we can reconcile some of the Ofsted judgments with the attainment and other progress reports?

**Michael Gove:** The chief inspector is absolutely right to publish these dashboards, but they are only the beginning of how governors and others can hold schools to account for their performance. For example, if we look at the performance of schools under the English baccalaureate measure, we see that there are many schools across the country whose superficial headline GCSE figures flatter to deceive.

**David Wright** (Telford) (Lab): A number of parents have approached me with concerns about children who are particularly high achievers, whom they feel are sometimes not given the support they require in the classroom. Will the Secretary of State outline how he will ensure that schools provide more information to those parents in order to encourage people to achieve more broadly and ensure that high achievers with particular talents can flourish in our schools?

**Michael Gove:** That is a very good question. We have introduced new papers in primary schools allowing children at the end of key stage 2—the end of their primary curriculum—to aspire to do even better by reaching a level 6, which is a higher level of achievement than was previously available to them, while the changes we hope to make to GCSEs will, I hope, drive a higher level of attainment as well. Furthermore, we have said to all state schools that they have an opportunity to visit for free a Russell group university on behalf of their students in order to aspire to do better. There is much more that we can do, however, and I look forward to working with the hon. Gentleman to do it.

#### Schools: Curriculum

2. **Stephen Metcalfe** (South Basildon and East Thurrock) (Con): What steps he is taking to ensure that schools are able to shape the curriculum to their own pupils' aspirations and priorities. [145453]

**The Parliamentary Under-Secretary of State for Education (Elizabeth Truss):** My right hon. Friend the Secretary of State for Education recently announced our proposals to reform the new national curriculum. In addition to being more rigorous in the core subjects, the new national curriculum will also be much slimmer, meaning that schools will have greater freedom to design lessons that inspire and motivate all their pupils.

**Stephen Metcalfe:** Will the Minister join me in encouraging schools to deliver a curriculum that not only meets the aspirations and priorities of pupils but reflects the needs of local employers—core skills such as maths and English as well as vigorous vocational qualifications in engineering, computer science and technology?

**Elizabeth Truss:** There is much more scope in the new national curriculum for schools to develop programmes involving design, technology and computing to prepare students for high-tech roles, as well as improving their maths and English core skills. The computing curriculum now focuses on programming and understanding how computers work, and has been developed with the British Computer Society. We are also introducing a new technical baccalaureate that will provide a high level of technical training, including maths for students up to the age of 18.

**Clive Efford (Eltham) (Lab):** Flexibility for schools is welcome, but what is the minimum time parents should expect their children to spend on sport and physical activity under the new national curriculum?

**Elizabeth Truss:** We are ensuring that physical education is a core part of the curriculum for children aged up to 16, and we have introduced new topics to the subject.

**Mr Graham Stuart (Beverley and Holderness) (Con):** I am worried about the curriculum for children who are currently being flexi-schooled. The Government recently announced—without consultation and without notice—the abolition of flexi-schooling, which has existed for decades and which meets the needs of many children. How will the Minister ensure that the needs of those children are met in the immediate future?

**Elizabeth Truss:** We will ensure that our attendance procedures are absolutely correct, so that we know whether students are at school or not. If they are being home-schooled, that is a decision for their parents; if they are at school, they must be properly at school, and their attendance records must be properly monitored.

**Kevin Brennan (Cardiff West) (Lab):** May I take this opportunity, on behalf of Her Majesty's Opposition, to wish Her Majesty a speedy recovery?

The Minister is actually making the curriculum less flexible. For instance, she is insisting that primary school children will have to study Dafydd ap Gruffydd. Can she tell us about Dafydd ap Gruffydd, and can she spell Dafydd ap Gruffydd?

**Elizabeth Truss:** The hon. Gentleman is absolutely right, in that we are ensuring that students gain a good chronological understanding of history throughout their school career. During my own school career, I spent one

lesson studying Sir Francis Drake and the next talking about the princes in the tower. I would certainly have preferred a school career that enabled me to learn about chronology and understand our island story.

### Adopted Children

3. **Nick de Bois (Enfield North) (Con):** What steps he is taking to improve outcomes for adopted children in (a) Enfield North constituency, (b) London and (c) England. [145454]

**The Parliamentary Under-Secretary of State for Education (Mr Edward Timpson):** Adoptive families can struggle to get the help that they need, and I am determined to change that. We have already announced measures that give adopted children rights to priority schools admission and free early education, and we are introducing an “adoption passport” so that adoptive families know about their entitlements. Further measures in the Children and Families Bill are aimed at tackling delay and improving outcomes for adopted children, including children in Enfield North.

**Nick de Bois:** Is the Minister aware that the children of adoptive adults who have died without locating their biological families are often left in a quandary, as they are unable to gain access to vital information about their parents' families, including information about hereditary medical conditions? What steps will he take to rectify that? Will he agree to meet me to discuss this important matter, in which the British Association for Adoption and Fostering is taking an interest?

**Mr Timpson:** My hon. Friend is right to raise what is indeed an extremely serious and important matter. We must think carefully about the information that adopted people have to find out about their parents' families, particularly when there may be hereditary medical problems. I know that the matter was referred to the Law Commission in 2010, but we must do more work to establish how we can ensure that more information can be provided when it is needed. I should be happy to meet my hon. Friend and discuss the matter in more detail.

**Andrew Gwynne (Denton and Reddish) (Lab):** Given that adoption is sadly never likely to be the solution for all looked-after children, may I ask the Minister what measures he is introducing to ensure that children in foster care or residential care homes also manage to bridge the attainment gap?

**Mr Timpson:** The hon. Gentleman is right: we need to consider all routes of permanency for children who go into the care system. There is no inbuilt hierarchy, although we know that adoption is a very successful route for many—we think more—children. Through the Children and Families Bill, we are trying to improve the educational attainment of children in care by introducing a statutory duty for local authorities to appoint a virtual school head, whose remit is specifically to try to improve the educational attainment of children in the care of local authorities so that the outcomes are better and they have the prospect of a fulfilling adult life.

**Mr Julian Brazier** (Canterbury) (Con): Having visited on Friday a remarkable lady who both is an adoptive mother and advises Kent county council's adoption panel, may I say that the measures the Minister has announced over the past year are extremely welcome but that the overriding need is to speed up the court processes, which are still much too slow?

**Mr Timpson:** My hon. Friend is absolutely right. That is why, under the Children and Families Bill and the work we are doing with the Family Justice Board, we are trying to drive every element of unnecessary delay out of the court process and are bringing in a 52-week maximum limit on the time a care case should take to ensure that, where there is an opportunity for a child's adoption placement to be made permanent, that happens sooner rather than later and they can get on with their life and form those all-important attachments with their new family.

### School Funding Formulae

4. **Lorely Burt** (Solihull) (LD): What steps he is taking to ensure that the funding formula for school sixth forms and sixth-form colleges is fair and equitable. [145455]

**The Parliamentary Under-Secretary of State for Skills (Matthew Hancock):** In 2010 we committed to ending the historical disparity in post-16 funding so that by 2015 schools and colleges will be funded at the same level as one another for the first time, on a per-pupil basis. Transitional protection will apply for four years from 2011 to give institutions time to adjust.

**Lorely Burt:** I am grateful to the Minister for that answer and to the Secretary of State for his correspondence. In Solihull and elsewhere, differences in funding for sixth-form colleges and state schools are putting sixth-form colleges under great competitive pressure. Will the Minister assure Solihull sixth-form college, and all sixth-form colleges, that he will introduce remedies as quickly as possible?

**Matthew Hancock:** I am a strong supporter of sixth-form colleges, which do excellent work, including Solihull sixth-form college. I congratulate the newly formed all-party parliamentary group on sixth-form colleges. I regularly meet the ministerial working group on post-16 funding to discuss the implementation of the fair per-pupil funding system, and I will bear my hon. Friend's comments in mind.

**Nic Dakin** (Scunthorpe) (Lab): I thank the Minister for attending the all-party group's reception last week. I think that he recognised at the meeting that sixth-form colleges, in particular, face a challenging funding situation because their learners are funded significantly less than those pre-16 or in higher education. Will he commit to addressing that issue as soon as possible?

**Matthew Hancock:** Of course funding is tight, and it is important that we get it to the right place. The starting point is ensuring that, as far as possible, students doing the same sorts of courses are funded the same across different institutions and that, just as we do

before the age of 16, someone in full-time education is funded by broadly the same amount as anyone else in full-time education.

**Sir Gerald Howarth** (Aldershot) (Con): As vice-chairman of the newly formed all-party group, and as the Member who represents the finest sixth-form college in the county, Farnborough sixth-form college, which my right hon. Friend the Secretary of State knows only too well, I welcome the Government's commitment to ending the disparity. However, I have just been on the phone to the principal of the college, who tells me that even now it is looking at being between 9% and 15% less well funded than its counterparts in mainstream education. I would be grateful if my hon. Friend expedited his proposed changes.

**Matthew Hancock:** The changes will be brought in by 2015. We have put in place transitional arrangements to ensure that institutions have time to adjust. Especially in sixth-form colleges such as Farnborough, which has an excellent track record—it is truly inspirational—it is important that we move to per-pupil funding in a considered way.

**Kelvin Hopkins** (Luton North) (Lab): Sixteen to 18-year-olds from disadvantaged backgrounds studying at further education sixth-form colleges do not receive free meals at lunchtime, whereas their counterparts in school sixth forms do. Is not that another injustice that needs to be addressed?

**Matthew Hancock:** Schools do not receive any extra funding for provision of that duty, so when looking at that question we need to be extremely careful not to add new duties without extra funding to go with it.

### Phonics

5. **John Pugh** (Southport) (LD): What recent assessment he has made of the use of phonics in schools. [145456]

**The Parliamentary Under-Secretary of State for Education (Elizabeth Truss):** The phonics screening check confirms whether year 1 pupils can decode using phonics to an appropriate standard. In 2012, the first year of the national roll-out, 58% of children met the expected standard. We have commissioned an independent evaluation of the check over a period of three years, which will examine the impact of the check on phonics teaching.

**John Pugh:** I thank the Minister for that response, but many experienced, skilled and successful teachers of reading are a bit concerned about an over-reliance on phonics. What can she do to persuade them that the Government are not being a little doctrinaire in this area?

**Elizabeth Truss:** I thank my hon. Friend for his question. A large body of research evidence shows that phonics is the most effective way of teaching literacy to all children. Last year's phonics check identified 235,000 children who will now receive extra help, which is very important because PIRLS—the progress in international reading literacy study—showed that this country has one of the largest gaps between the strongest and weakest

performers in reading. It is really important that we identify children who are struggling with reading early, so that they can receive help as soon as possible.

### School Exclusions

6. **Kerry McCarthy** (Bristol East) (Lab): What steps he is taking to ensure that no children with disabilities or additional needs are illegally excluded from school.

[145457]

**The Parliamentary Under-Secretary of State for Education (Mr Edward Timpson):** We have issued new statutory guidance setting out schools' responsibilities on exclusion, making it clear that discrimination against disabled pupils is unlawful and emphasising the importance of stepping in early to address the underlying causes of disruptive behaviour. Early identification and intervention also underpin the Government's planned reforms to the special educational needs system and a new approach to exclusion that the Government are trialling in a number of local authority areas.

**Kerry McCarthy:** I thank the Minister for that response, and he will be aware of Contact a Family's survey of more than 400 families of children with disabilities and additional needs. It found that 22% of these children are illegally excluded at least once a week and 15% are illegally excluded every day for part of the day, with the most common reasons given being that there were not enough support staff to help or that the child had what the teacher described as "a bad day". There are no sanctions against schools that carry out these exclusions and Ofsted does not take them into account in its reports, so what can be done to ensure that schools abide by the guidelines?

**Mr Timpson:** I am aware of the Contact a Family report, which was completely right to emphasise that schools should act lawfully and follow the correct procedures. Ofsted has an important role to play in this regard and, with the new criteria on behaviour and leadership, it will look carefully at where illegal exclusions are taking place, will take them seriously and will take them into account when making its overall judgment on a school's performance. Our trials in 11 local authorities will give a greater incentive for schools to think carefully about what happens after they exclude a pupil and they will have to take greater responsibility.

**Dan Rogerson** (North Cornwall) (LD): I am grateful to the Minister for setting out how those trials are proceeding. Has he any information to share with the House on how the new process for dealing with exclusions is following on from the Education Act 2011?

**Mr Timpson:** My hon. Friend will have heard me refer to the new statutory guidance, which we issued last September, and the new code of practice will strengthen the arrangements for dealing with children with SEN to make sure that there is a clear focus on ensuring that no illegal exclusions take place in future. I am happy to discuss that with him if he wishes to do so.

**Andrew Bridgen** (North West Leicestershire) (Con): What sanctions or actions is the Minister willing to take against schools that are illegally excluding pupils?

**Mr Timpson:** I have already set out Ofsted's role in this area and, clearly, we take any judgment of inadequacy that it makes extremely seriously. As a Minister in the Department, the Secretary of State has powers of intervention that we can use, if necessary, where we feel that a school is failing to provide a fair and adequate level of education; clearly, the factor of illegal exclusions will have to be taken into account.

### School Improvements

8. **Mrs Linda Riordan** (Halifax) (Lab/Co-op): What plans he has for school improvements; and if he will make a statement. [145459]

**The Minister for Schools (Mr David Laws):** We are determined to drive up standards in all schools. We are doing that by providing significant additional funding for disadvantaged pupils, through the pupil premium. In addition, Ofsted has implemented a more rigorous inspection framework. For the lowest-performing schools, we will look to secure a sponsored academy solution, with a high-quality sponsor.

**Mrs Riordan:** Moorside community primary school in Halifax is driving up standards, but it has been waiting for investment in a new school building for far too long. Promises have been made, but there is still no new building. When will the school get that new building, to ensure that another generation of pupils does not miss out?

**Mr Laws:** The hon. Lady will know that when the Government came to power we inherited from the previous Government a complete mess, through the Building Schools for the Future programme. It was over-extended, inefficient and unaffordable. We have now put in place an affordable school building project that is consistent with the finances this nation can afford.

**Mr Philip Hollobone** (Kettering) (Con): One of the best ways of improving schools is by getting former armed forces personnel into teaching roles. What progress are Her Majesty's Government making in turning troops into teachers?

**Mr Laws:** My hon. Friend is quite right that we are pioneering that initiative. We believe that many people who were previously in the armed forces can make a major contribution to learning and we will continue to take forward that project.

### Traineeships Scheme

9. **Rehman Chishti** (Gillingham and Rainham) (Con): What assessment he has made of the potential effect of his Department's traineeships scheme on young people's readiness for work and apprenticeships. [145460]

**The Parliamentary Under-Secretary of State for Skills (Matthew Hancock):** Last week, data showed the lowest number in a decade of people aged 16 to 19 who were not in employment, education or training. One NEET is too many, so traineeships will help young people gain the skills, attitudes and experience they need to get into an apprenticeship or a good job. They will combine

substantial work placements and work skills training with English and maths and will help tackle the scourge of youth unemployment.

**Rehman Chishti:** I thank the Minister for that answer. In Medway, the council-led SUCCES—or sustainable uplifting client centred employment support—initiative, which assists over-16s looking for work who have low skills and little experience, has been named as an example of best practice in Europe, helping more than 500 people. What plans does the Minister have to work with existing schemes and providers to deliver new traineeships?

**Matthew Hancock:** I congratulate Medway council on its success initiative. Traineeships are being designed in a highly consultative way to support and enhance existing best practice not only from councils but from organisations such as the Prince's Trust, which does brilliant work in this area. I am happy to look at the work that goes on in Medway and to ensure that what we do on traineeships supports it.

**Luciana Berger** (Liverpool, Wavertree) (Lab/Co-op): How will the Minister ensure that more apprenticeships go to younger people, as we know that the figures from last year showed that 9,000 fewer under-19s had gone into apprenticeships?

**Matthew Hancock:** Of course, apprenticeships have been a huge success story and the number of 19 to 24-year-olds involved is rising sharply. We must ensure, too, that apprenticeships are rigorous and high quality, so we have taken steps to do that. I hope that the hon. Lady will join me next week, which is apprenticeships week, in celebrating apprenticeships. Every Member of this House has the opportunity to explain to everybody that apprenticeships are good for the apprentices, good for business and good for society as a whole.

23. [145476] **Robert Halfon** (Harlow) (Con): Will my hon. Friend support the roll-out of the scheme initiated by the Department for Work and Pensions, which ensures that companies offering procurement contracts must hire apprentices? Will he ensure that the scheme, which has resulted in thousands more apprentices in the DWP, is rolled out across Government Departments?

**Matthew Hancock:** I know the scheme well and it is both simple and effective. It also takes value for money into account. I was talking to a permanent secretary about it only this morning and I shall be doing far more of that.

**Ms Karen Buck** (Westminster North) (Lab): I welcome investment in pre-apprenticeship training and preparation, but is the Minister not concerned about the accelerating decline in the number of apprenticeships available to 16 to 18-year-olds, which is down 7% from last year's figure alone, and that the funding providers found a shortfall of £61 million in expenditure on that group last year? It is right and proper to invest in pre-apprenticeship training, but does he not agree that the bigger crisis is in whether those young people will have an apprenticeship to go on to?

**Matthew Hancock:** The crisis would be if we did not improve the quality of apprenticeships, because they are vital in getting people into good jobs and ensuring that there is training in jobs. We took out some low-quality provision, which inevitably had an impact on the numbers, but that is a vital part of ensuring that apprentices are seen to be high quality and are regarded as such and that they are an attractive option for young people, adults and employers.

### Early Intervention and Child Care

10. **Robert Flello** (Stoke-on-Trent South) (Lab): What plans he has for early intervention and child care provision; and if he will make a statement. [145461]

**The Parliamentary Under-Secretary of State for Education (Elizabeth Truss):** The affordability and availability of child care are a concern for many working parents, yet staff wages are often too low to support high-quality provision. "More great childcare" outlined reforms to improve quality and availability. We will introduce rigorous new inspection, new qualifications for early years teachers and new flexibilities to enable providers to deliver what is best for children. Childminder agencies will reverse the decline in the numbers of childminders.

**Robert Flello:** Stoke-on-Trent has been hit harder than almost any other local authority in the country, including by a massive hit to early intervention funding—despite it being one of the most deprived areas facing the greatest need. If the Minister expects her claim to want to improve the quality of child care to be taken seriously, perhaps she will tell us what arguments she has had with Ministers in her own Department and indeed in the Department for Communities and Local Government to tackle these pernicious cuts?

**Elizabeth Truss:** Overall, we have increased early intervention funding from £2.2 billion to £2.5 billion. We are also introducing a new scheme for low-income two-year-olds, starting this September and the following September, which will make sure that those two-year-olds access high-quality provision from good and outstanding providers. Let us face the fact, however, that over 13 years of Labour government, what we ended up with was the most unaffordable child care in Europe as well as the lowest salaries with staff paid only £6.60 an hour.

**Caroline Dinanage** (Gosport) (Con): As the Minister said, child care workers in England are paid barely more than the minimum wage. Does she agree that the present rigid staff-child ratios place a cap on wages and therefore on the quality of staff?

**Elizabeth Truss:** I completely agree with what my hon. Friend has just said. Let us make it clear that we will allow more flexibility in ratios only for high-quality providers where high-quality staff are being hired. The aim, as advocated by the shadow Secretary of State, is to move to systems such as those of Sweden and Denmark, which have high-quality providers, high-quality staff and more flexibility and professional judgment operated at a local level. Everyone, from Andreas Schleicher of the OECD to Sir Michael Wilshaw, backs that plan to raise quality.

20. [145473] **Bill Esterson** (Sefton Central) (Lab): In welcoming the move to a better qualified child care work force, I raise the case of Becky, who has dyslexia and will struggle to achieve the necessary GCSEs for working in child care. Does the Minister accept that for people such as Becky there needs to be a balance between academic and vocational child care qualifications, which means that qualifications should be focused on identifying the people who are best at working with children, not just on those who can pass exams?

**Elizabeth Truss:** I thank the hon. Gentleman for his question, but all the international evidence from EPPE—the Effective Provision of Pre-School Education—to the OECD “Starting Strong” survey indicates a strong relationship between the qualifications people have, the quality of the child care provision and the outcomes for the children. I think there should be some flexibility in the system, however, so we can get high-quality people and improve vocational training and apprenticeships. I suggest that the hon. Gentleman respond to the consultation on precisely the point he raised.

**Harriett Baldwin** (West Worcestershire) (Con): Many people, including the shadow Education Secretary, have praised the Scandinavian approach to child care. Will the Minister confirm that in Sweden and Denmark there is no mandatory national child care ratio at all?

**Elizabeth Truss:** My hon. Friend is absolutely right that there are no national ratios. Indeed, in parts of Sweden, no ratios at all are set for some nurseries. What the Swedes do is to rely on high-quality professionals exercising their professional judgment in the particular setting. That is the system we want to move to here. It is backed by the OECD and by Sir Michael Wilshaw of Ofsted, so I suggest the Opposition back it as well.

**Mrs Sharon Hodgson** (Washington and Sunderland West) (Lab): I am sorry to say that I truly believe that the Minister and the Secretary of State sat before us today are the most out of touch in the whole of Whitehall—apart from those in Downing street, that is. They pursue policies such as increasing child care ratios that generate almost unanimous opposition from across the country, to which they refuse to listen while systematically undermining popular services such as Sure Start by slashing the budget by almost half. When will they start listening to the people whom they are supposed to serve and put the best interests of children and families—rather than dogma and pet policies—at the forefront of their policy?

**Elizabeth Truss:** I have already pointed out that there is strong evidence for our reforms, and I point out to the hon. Lady that fewer than 1% of Sure Start centres have closed. They provide about 4% of full-time child care places. I would be interested to hear what the hon. Lady’s policies are for the other 96% of child care places and how she plans to make them more affordable. Under her watch, fewer women or mothers went out to work, and we were overtaken by countries such as France and Germany. What is her solution to that?

## Careers Advice

11. **Andrew Selous** (South West Bedfordshire) (Con): What steps he is taking to ensure that careers advice is available to pupils choosing AS levels. [145462]

**The Parliamentary Under-Secretary of State for Skills (Matthew Hancock):** Schools have a legal responsibility to secure independent and impartial careers guidance in years 9 to 11, and in years 8 to 13 from this September. This requirement will be extended to those up to the age of 18 in colleges. This will help those taking AS-levels to make successful transitions.

**Andrew Selous:** My very excellent Friend the Member for Mid Worcestershire (Peter Luff) has quite properly highlighted the scandal that this country produces only 19,000 graduate engineers a year when we need 41,000 graduate engineers. Unless children take maths and ideally physics at AS-level we are not going to bridge that gap, so will the Minister make it clear to schools that when children make these vital choices, they are told that graduate engineers are being snapped up, the country needs them, and a graduate engineer creates 12 extra jobs in the economy?

**Matthew Hancock:** I can think of few better people to make that argument than my hon. Friend or my hon. Friend the Member for Mid Worcestershire (Peter Luff), with whom I am meeting Professor Perkins, the chief scientific adviser, later today. This is a huge and important area. The lack of engineering skills in this economy is a serious problem, the product in part of 13 years of failure to address the problem. We are working four-square towards that, and we will not rest until it is sorted out.

**Stephen Twigg** (Liverpool, West Derby) (Lab/Co-op): Is not the problem with that answer that the Government are proposing to downgrade AS-levels? Good advice is vital if we are to widen participation in higher education. Cambridge university’s response to the Government’s proposals on AS-levels is that they are “unnecessary and, if implemented, will jeopardise over a decade’s progress towards fairer access.”

Will the Government think again?

**Matthew Hancock:** We are upgrading AS-levels to ensure that we get the best possible and most rigorous education. The Opposition say they are in favour of rigorous education, then they oppose every measure meant to achieve it.

**Stephen Twigg:** We absolutely oppose what the Government are proposing on AS-levels, as do the vast majority of people in the education system, including Cambridge university and the other Russell group universities. Which universities support the Government’s proposals on AS-levels?

**Matthew Hancock:** Seventy-five per cent. of universities do not use AS-levels. What is crucial, therefore, is not only that we work with universities to reform A-levels, but most importantly that we have broadly a rigorous exam system that universities and employers trust. Not only do we in this country have youth unemployment that has been rising since 2004 and became much too

high, but worse than that, we have skills shortages at the same time. That means that we need to reform radically the education and skills system that we were left.

### Academies

12. **Andrew Stephenson** (Pendle) (Con): How many schools have become academies since May 2010. [145464]

**The Secretary of State for Education (Michael Gove):** Since May 2010, 2,470 new academies have opened.

**Andrew Stephenson:** My right hon. Friend will be aware that one of those schools is Colne Primet high school in my constituency, which converted to academy status as part of a multi-academy trust, the Pendle education trust, on 1 January this year. It has recently submitted an excellent bid for capital funding through the Education Funding Agency to carry out much-needed improvements to its school building. Will my right hon. Friend let me know how I can draw this excellent bid to his attention and that of the rest of the team?

**Michael Gove:** My hon. Friend has just done so, with characteristic acuity and passion.

### Secondary School Curriculum

14. **Helen Goodman** (Bishop Auckland) (Lab): What his policy is on the secondary school curriculum. [145466]

**The Secretary of State for Education (Michael Gove):** We recently published a number of proposals for the reform of the national curriculum in primary and secondary schools and those proposals are now subject to public consultation.

**Helen Goodman:** We know from industry that computing science is extremely important, and particularly coding skills. However, two thirds of schoolteachers do not have the relevant skills to teach coding. What does the Secretary of State intend to do about that?

**Michael Gove:** That is a very good question from the hon. Lady. One of the things that we have done is disapply the existing information and communications technology curriculum that we inherited from the previous Government, which was not appropriate, was out of date and ensured that students did not acquire the skills they need. We now have a new curriculum and we are working with industry, including Microsoft, in order to ensure that that new curriculum teaches children the coding skills required. I had the opportunity on Friday to see a school in my own constituency doing just that.

**Justin Tomlinson** (North Swindon) (Con): As chair of the all-party parliamentary group on financial education for young people, I welcome the proposed inclusion of financial education in the maths and citizenship curricula. What more needs to be done during the consultation period to make sure that we deliver on our duty to equip the next generation of consumers to make informed and savvy financial decisions?

**Michael Gove:** I pay tribute to my hon. Friend for the tenacity and skill with which he has fought his campaign. It is important that all of us recognise that we need to equip children with both the mathematical skills and the strength of character to be able to navigate choppy financial waters.

**Diana Johnson** (Kingston upon Hull North) (Lab): I welcome the Secretary of State's decision to include financial education, but what about relationship and sex education? Should they not be part of personal, social, health and economic education, as a statutory part of the curriculum, especially in light of the allegations around Jimmy Savile and Cyril Smith, to ensure that young people know how to deal with sexual predators?

**Michael Gove:** Sex education is a statutory part of the national curriculum. The broader point about the nature of sexual exploitation is most effectively dealt with by ensuring that we can prosecute those people who are responsible for despicable crimes.

**Margot James** (Stourbridge) (Con): My right hon. Friend will be aware of "Informed Choices", which was published by the Russell group of universities and deals with subject selection at GCSE and A-level. Does he agree that all young people, not just those designated as gifted and talented, should be made aware of the implications of subject choices at GCSE so as to maximise their opportunity to attend such universities?

**Michael Gove:** My hon. Friend makes a characteristically good point. It is absolutely right that we do not prematurely curtail young people's freedom of choice. In order to do that, we need to make it clear to them which subjects give them the widest choice later in life, and those are English, mathematics, the sciences, a modern or ancient foreign language, history and geography.

### Special Educational Needs

16. **John Howell** (Henley) (Con): What steps he plans to take to ensure that children with special educational needs receive a joined-up service across agencies. [145468]

**The Parliamentary Under-Secretary of State for Education (Mr Edward Timpson):** Children and young people's needs will drive local commissioning arrangements to deliver joined-up services. The Children and Families Bill will require local authorities and clinical commissioning groups to commission jointly the education, health and care provision needed for children with SEN.

**John Howell:** What action is my hon. Friend taking to ensure that one of those agencies, the health service, can contribute fully to the provision of services for children and young people with special educational needs?

**Mr Timpson:** My hon. Friend highlights an important aspect of the reforms in which many parents are eager to see significant progress. Over and above the new joint commissioning and duty to co-operate, there will be clear and binding duties on clinical commissioning groups to ensure that services meet the reasonable requirements of people for whom they are responsible. The NHS

mandate specifically references children with SEN, and we continue to have discussions with the Department of Health. I hope to make further progress in this area.

**Dr Julian Lewis** (New Forest East) (Con): The Minister is aware of my concern about the gap between the ages of 16 and 18 where children with learning difficulties and special educational needs find that they have only three days a week rather than five. Is there any chance that the new regulations will lay down that such hours will be delivered over at least four days a week?

**Mr Timpson:** My hon. Friend has studiously raised this matter on every occasion that we have debated special educational needs in the House during the last four or five months, and I am acutely aware of the issue that he raises, which is relevant to his constituency. He had the opportunity to meet my officials in order to understand better how our reforms will affect the issue that he raises, and I am happy further to discuss that with him as the Bill now moves into Committee. Our overall objective is to improve outcomes for all children with special educational needs, and clearly making sure that they have quality support and provision is at the heart of those reforms.

**Several hon. Members** *rose*—

**Mr Speaker:** Order. Having myself known the hon. Member for New Forest East (Dr Lewis) for three decades this year, I can testify that he is indeed a persistent woodpecker.

### Priority School Building Programme

17. **Bridget Phillipson** (Houghton and Sunderland South) (Lab): What recent progress he has made on the Priority School Building programme. [145470]

**The Minister for Schools (Mr David Laws):** We are taking forward the delivery of schools being funded using capital grant. We have appointed contractors to build the first two groups of schools, and construction work is expected to start in May. We are also working with the schools that we believe will form the first three privately financed groups of schools.

**Bridget Phillipson:** The Minister is aware of the case of Hetton school in my constituency; it has been affected by delays to the PFI element of the programme. Parts of the school have been closed due to asbestos, there are falling drainpipes and the heating system is failing. Will the Minister resolve the funding issues as a matter of urgency? The situation facing teachers and pupils simply cannot be allowed to continue.

**Mr Laws:** I am aware of the hon. Lady's interest in this issue; she has written to my right hon. Friend the Secretary of State about it on a couple of occasions. From the letter that she has already received back, she will be aware of some of the issues arising in getting the batch ready for private finance. I have seen the most recent letter that she sent to the Secretary of State and I would be happy to meet her to discuss the practicalities of these issues further.

### Munro Review

18. **Meg Munn** (Sheffield, Heeley) (Lab/Co-op): What progress he has made on implementation of the recommendations of the Munro review of social work. [145471]

**The Secretary of State for Education (Michael Gove):** We are making a number of changes to the child protection system. "Working Together to Safeguard Children", the guidance that provides support and advice to those who look after children potentially subject to abuse, risk or neglect, will be republished shortly in a tighter and more focused way.

**Meg Munn:** We are two years on from the original work, whose aim was to reduce the amount of bureaucracy and the time that social workers were spending on form filling. Many social workers are reporting that the situation has not changed at all and that they are still in a system that does not give them sufficient time to work directly with children. Where have things gone wrong and what is the Secretary of State going to do about it?

**Michael Gove:** The hon. Lady is right to emphasise how difficult life is for many social workers at the front line. Part of the problem rests with the complicated process that we inherited, which the revision of "Working Together" attempts to address. The space or gap between the initial and subsequent assessments that children at risk of abuse or neglect have to face is one of the changes addressed through the Munro recommendations. However, we also need to change how local safeguarding children boards operate and to make sure that the capacity of the social work profession to cope with the challenges thrown at it is greater. That is being addressed through the College of Social Work and the additional support that we hope to give through the launch of the Frontline programme.

### Topical Questions

T2. [145478] **Fiona Mactaggart:** If he will make a statement on his departmental responsibilities.

**The Secretary of State for Education (Michael Gove):** On Friday, I was absolutely delighted to publish details of the allocation of money that we are giving to local authorities to help them meet the need for additional pupil places, including in local authority areas such as Slough.

**Fiona Mactaggart:** I am glad of the money for extra places, because we need them.

I want to ask the Secretary of State about his permanent secretary's response at a Public Accounts Committee hearing last week. The permanent secretary said that everything that the Department for Education does is early intervention. Yet the National Audit Office report reveals that 40% of newly sentenced prisoners had been permanently excluded from school. What is the Department doing to prevent the failure in attainment among those 40%?

**Michael Gove:** The hon. Lady is absolutely right to draw attention to the fact that there is an iron-clad link between under-achievement at school and the likelihood of someone's becoming known to the criminal justice system.

The most important thing that we can do is address the particular problem that so many young men have in learning to read properly and in acquiring the qualifications that will give them good jobs. The changes we are making to the national curriculum, to Ofsted and in particular to how literacy is assessed at the end of primary school and through GCSE are all intended to ensure that young men do not continue to be failed.

T3. [145479] **Stuart Andrew** (Pudsey) (Con): I commend my right hon. and hon. Friends at the Department for Education on the Children and Families Bill, not least because it brings about welcome reforms to the special educational needs system. It is clear that pathfinders will have an extremely important role in informing the legislation and the new code of practice. What progress are pathfinders making in that area?

**The Parliamentary Under-Secretary of State for Education (Mr Edward Timpson)**: My hon. Friend is right to point out that the issue is not just about the legislation, but about how the reforms will be implemented on the ground. That is where the pathfinders are so crucial.

A progress report—an independent evaluation of how pathfinders are developing—will be published tomorrow. There has been good progress in the local offer and its development, in the engagement of parents and in the transition into adulthood, as well as in personal budgets and in the continued assessment process becoming more co-ordinated. Of course, pathfinders will continue to inform our legislation and the code of practice and regulation that will follow once we move into the consultation part of the process.

**Lisa Nandy** (Wigan) (Lab): I want more people from all walks of life to come forward to adopt children, and when they do I want them to be welcomed with open arms and given all the help and support they need. Does the Minister share his predecessor's view and recognise his Department's own guidance, which states that adopted children may well need their own bedroom when they join a new family? If so, will he promise them and this House that no prospective adoptive parent will be refused permission to give a child a loving home because of the bedroom tax?

**Mr Timpson**: I know that the hon. Lady has taken an extremely keen interest in this very important issue. Of course we need more people to come forward to adopt, because we have a huge shortfall, and that is a national crisis that we need to address. That is exactly what we are doing through our Children and Families Bill reforms, which will help to drive up the interest and confidence of the many people who want to adopt and enable them to do so. One of the reasons we need to do that is that more children require adoption as their best route into permanency. We need to ensure that the people who come forward have the requisite skills and capability to provide a loving home. I am sure that as we move into Committee and hear evidence tomorrow on the adoption reforms we will enjoy discussing this issue further.

T7. [145483] **Andrew Selous** (South West Bedfordshire) (Con): In addition to improving children's education across the country, the other great commission that Ministers in the Department are charged with is to strengthen family life. The Department runs some great

programmes such as "Let's Stick Together" and "Parents as Partners", but given the scale of the challenge what more can be done to strengthen family life in this country? Will the Secretary of State meet me to discuss this important issue?

**Michael Gove**: I would be delighted to meet my hon. Friend, who has a formidable record in campaigning to support family life. It is a massive challenge. No single set of Government interventions will help to sustain family life, but it is important that we do what we can. I look forward to working with him to ensure that we can support people who stay together and who demonstrate love and support for the next generation.

T4. [145480] **Paul Blomfield** (Sheffield Central) (Lab): The Government have cut Sheffield's early intervention grant by 27%, or £6.8 million, forcing the council to make deep cuts to early years provision. Last week the Secretary of State was invited to present evidence to the council's children, young people and family support scrutiny committee. As he missed that opportunity, will he now tell the House what he would say to some of the most vulnerable families in our city whose child care is threatened as a result of his decision?

**Michael Gove**: I am reliably informed by the Department that in this financial year £25.2 million has been allocated to Sheffield in the early intervention grant. [Interruption.] It is a 3.9% increase on last year.

T8. [145484] **Mel Stride** (Central Devon) (Con): I congratulate my right hon. Friend on his progress with free schools, but may I urge him to go further and faster in opening up free school provision by bringing in profit-making enterprises paid by results and focused on the parts of the country where educational achievement is weakest and where free school take-up is scarce?

**Michael Gove**: My hon. Friend is right. Free schools are making a significant difference in driving up standards in every part of the country from Merseyside to the Mendips. I am absolutely committed to making sure that everyone who is committed philanthropically to supporting state education is given the chance to do so.

T5. [145481] **Mr David Blunkett** (Sheffield, Brightside and Hillsborough) (Lab): When I give the awards at Longley Park sixth-form college on 21 March, I shall pass on the enthusiasm of the Under-Secretary of State for Skills for sixth-form colleges. The college teaches maths and English to 16 to 19-year-olds, and through its teaching enrichment programme, which continues at over 600 hours per year, it has increased access in a way not seen in generations. Is it not strange, therefore, that £740 per student is going to be cut from its budget by 2016?

**The Parliamentary Under-Secretary of State for Skills (Matthew Hancock)**: As we discussed earlier in questions, it is vital and fair that we move to a system where all pupils up to the age of 19, except those with specific needs or those studying particularly expensive subjects to teach, are funded on the same basis. Whether someone is a further education college, a sixth-form college or a school of any description, we must have fair funding

per pupil. That is what we do from the ages of five to 16, and raising the participation age to 19 is an entirely fair way to run the system.

T9. [145485] **Sheryll Murray** (South East Cornwall) (Con): I welcome the Government's move to introduce the pupil premium, which has helped schools in South East Cornwall, but more can be done. What further action is the Minister taking to assist the 40 education authorities, including Cornwall, that are listed by the f40 campaign as receiving the lowest income?

**The Minister for Schools (Mr David Laws)**: My hon. Friend is right that the introduction of the pupil premium has been very important across the country, and we will announce a further increase in its level for 2014-15. She should be reassured to know that, after we have completed the roll-out of the pupil premium, we intend to move to a fairer national funding formula, which will help many of those areas of the country that have been underfunded, unfairly and illegitimately, for many decades.

T6. [145482] **Helen Goodman** (Bishop Auckland) (Lab): The Government claim to be promoting family life, but the truth is that the bedroom tax will penalise non-resident parents who keep a room so that their children can stay with them on a regular basis. What representations have Ministers in this Department made to the Department for Work and Pensions?

**Michael Gove**: I do not know why the hon. Lady and, indeed, all Opposition Members keep referring to this as a bedroom tax. It is not a tax. It is timely and necessary action to deal with our out-of-control welfare bills, and that action is needed because of the way in which our economy was driven into the ground by the Labour party. It was in power for 13 years, during which no effective welfare reform took place and during which money was spent on a series of vanity projects that only left the country saying, "Thank heavens that a coalition Government have two parties clearing up the mess left behind by that crew of socialist wreckers on whom we wish nothing but a rapid path to contrition."

**Gordon Birtwistle** (Burnley) (LD): Over the past 15 years, professional, face-to-face careers advice has virtually vanished from our schools. Could the Minister advise us when it will return?

**Matthew Hancock**: Yes. The new duty for independent and impartial careers advice came into place in September, and this summer Ofsted will do a thematic review to assess how well schools are implementing it, where it is being done excellently and where it is not yet being implemented correctly. I look forward to receiving that review.

T10. [145486] **Bridget Phillipson** (Houghton and Sunderland South) (Lab): The Daycare Trust has warned that it will be children from low-income families in particular who will lose out as a result of Government changes to child care ratios. Will the Minister listen to the concerns of parents, child care staff and experts, and think again on the proposals?

**The Parliamentary Under-Secretary of State for Education (Elizabeth Truss)**: Child care ratios will be flexible only where providers are of high quality and hiring high-quality

staff. This proposal is designed to drive up quality in the child care sector, is supported by Sir Michael Wilshaw of Ofsted and Andreas Schleicher of the OECD, and is best practice in most European countries. Ratios for two-year-olds are higher in virtually every other country in Europe, including Scotland and Ireland. I advise the hon. Lady to look at what goes on abroad and see high-quality child care with well-paid staff.

**Peter Luff** (Mid Worcestershire) (Con): We all want young people to be able to cook, but the design and technology curriculum on which my right hon. Friend the Secretary of State is consulting at present is very important to the whole future of British industry and the British economy, so does he not think that giving primacy to cooking in that curriculum might be over-egging the pudding?

**Michael Gove**: In design and technology, we absolutely need to listen to those sections of our economy that will generate prosperity for the future and that want people to be well trained. However, cooking is not just important, but critical as a life skill and as a means of ensuring that Britain remains a wonderful and attractive place for visitors and our own citizens. I pay tribute to Henry Dimpleby and John Vincent for the fantastic work they have done on the school food plan.

**Grahame M. Morris** (Easington) (Lab): I hope that the Secretary of State will reflect on the inaccurate and deeply offensive remarks about teachers, pupils and parents that he made at a conference in London on Thursday. Given his own culpability and the unlimited finance available to his pet project of free schools, will he think again about the funding for schools such as Seaham school of technology in my constituency, which serves one of the most deprived communities in the country? I have a Latin motto for him: *sublimiora petamus*, or "We must do better."

**Michael Gove**: I am grateful to the hon. Gentleman for the fair way in which he made his point. My comments were reported from a conference that I spoke at last Wednesday on educational underperformance. It is the case that east Durham performs less well than the rest of the county of Durham and that Durham county council has itself acknowledged that with its East Durham area action partnership. It is also the case that half the secondary schools in east Durham are rated by Ofsted as "requires improvement" or "inadequate", which is worse than the national average, and that, whether at A-level, AS-level, GCSE or English baccalaureate, these schools are underperforming. I always enjoy my visits to the north-east, but we must work together to help these children secure a better future.

**Claire Perry** (Devizes) (Con): I am a governor of two academies in my constituency of Devizes, both of which have been asked to become sponsors of primary schools that are doing less well. We are happy to get involved in that process, but the due diligence process is very rapid and there is concern that if we rush, we may ignore important local interests. I have written to the Minister for Schools on that issue. Will he please meet me to discuss this important process as soon as possible?

**Michael Gove:** A Minister will certainly meet my hon. Friend.

**Meg Hillier** (Hackney South and Shoreditch) (Lab/Co-op): First, we had the pile 'em high, teach 'em cheap approach to child care and in the Children and Families Bill, there is a move towards agencies, but there has still been no unveiling of the supposed policy on tax breaks for working parents. Will the Secretary of State let us know when that is coming and whether it will replace the tax credits that parents already get?

**Michael Gove:** All tax issues are a matter for the Chancellor of the Exchequer. His policies are always right and should always be announced when he wishes to announce them and not, however beseeching the hon. Lady's questions are, when she wants them to be announced.

**Annette Brooke** (Mid Dorset and North Poole) (LD): What advice would the Minister give to the governors of the school that I visited this morning, which, despite their best efforts, has a low take-up of free school meals and, as a consequence, is in receipt of considerably less pupil premium than similar schools nearby?

**Mr Laws:** My hon. Friend makes a powerful point. Many schools across the country could be receiving far greater amounts of pupil premium if they ensured that all their pupils were registered. The Department recently put out information showing the great range in the take-up of free school meals and advice on how schools should seek to raise that figure.

**Alex Cunningham** (Stockton North) (Lab): Further to the question from my hon. Friend the Member for Easington (Grahame M. Morris), the Secretary of State has failed to answer the series of questions from

*The Northern Echo* after his disparaging remarks about some east Durham schools. Will he say how many of the schools he referred to he has actually visited or will he have the decency to apologise for his remarks?

**Michael Gove:** I was first alerted to the problems in east Durham schools when I visited schools in north and north-west Durham and those who were responsible for raising attainment in those schools shared with me their concerns about the underperformance in east Durham. I look forward to working with the hon. Gentleman to deal with the problems at Dene community school of technology, Seaham school of technology, Easington community science college, Wellfield community school and St Bede's Catholic comprehensive school, all of which have underperformed dramatically compared with the national average in English baccalaureate scores and all of which do not yet provide the quality of education that children deserve.

**Several hon. Members** *rose*—

**Mr Speaker:** I am sorry to disappoint the remaining colleagues, but we must move on. Before I call Mr John Baron, I should as a courtesy explain to the House that since my selection of this urgent question, I have been informed that it is the intention of the Foreign Secretary to make an oral statement to the House later this week. That is welcome, although we had no way of knowing about it in advance of my decision. In view of that fact and the important legislative business to follow, I might not feel able to accommodate all those who seek to catch my eye today. I ask colleagues to understand that they may have to wait until later in the week to put their questions on this matter to the Foreign Secretary. In the approximately half an hour that is available today, we shall do our best.

## Syria: anti-Government Forces

3.33 pm

**Mr John Baron** (Basildon and Billericay) (Con) (*Urgent Question*): To ask the Secretary of State for Foreign and Commonwealth Affairs whether he will make a statement on support for anti-Government forces in Syria.

**The Minister of State, Foreign and Commonwealth Office (Mr Hugo Swire)**: I confirm that the Foreign Secretary will make a statement on this subject later this week.

The UK's overriding goal is to achieve a political transition in Syria that ends the bloodshed on a sustainable basis. That is why we are working intensively with the United Nations, Arab League Special Representative Brahimi, the United States and our partners in the Friends of Syria to achieve a diplomatic breakthrough. In the meantime, as my right hon. Friend the Foreign Secretary has said, we must continue with our life-saving humanitarian aid and practical support to the Syrian people and opposition.

A key part of our approach is to work to strengthen moderate political forces in Syria that are committed to a democratic future for that country. The Foreign Secretary announced to the House on 10 January that we had committed £9.4 million in non-lethal support to the Syrian opposition, civil society and human rights defenders. As he said at that time:

"All our assistance is designed to help to save lives, to mitigate the impact of the conflict or to support the people trying to achieve a free and democratic Syria...We are also helping the National Coalition to co-ordinate the international humanitarian response, and we have provided a humanitarian adviser to work with it. At all times, we urge the coalition to ensure that all opposition groups meet their commitments on human rights."—[*Official Report*, 10 January 2013; Vol. 556, c. 484.]

Despite that assistance, the situation in Syria continues to deteriorate. According to the United Nations, more than 70,000 people have now been killed, the number of refugees in the region is fast approaching 1 million and more than 4 million people are in need of humanitarian assistance.

The longer the situation goes on, the greater the danger that extremism will take hold, the greater the danger of neighbouring countries being destabilised and the greater the extreme humanitarian distress involved. We must therefore do more to try to help save lives in Syria. That is why we led the way in agreeing an amendment to the EU sanctions regime to ensure that the possibility of further assistance was not closed off. We are now able to increase the range of technical assistance and non-lethal equipment that we can provide to the Syrian opposition.

My right hon. Friend the Foreign Secretary is currently travelling in Mali and will return tomorrow to answer Foreign and Commonwealth Office questions. In addition, I reiterate that he will be making a statement in the House on this very subject later this week.

**Mr Baron**: I thank my right hon. Friend for his statement. I say at the start that the Government have been absolutely right to restrict aid to non-lethal support when assisting anti-Government forces in the civil war. Until recently, a strict arms embargo has been preventing the flow of weapons from the European Union to Syria, but at a recent EU summit the Foreign Secretary appeared

to press for that embargo to be at least relaxed. Yesterday, he appeared to suggest that the British Government might at some stage be prepared actively to arm the rebels.

I appreciate the statement that my right hon. Friend the Minister has made today, but I suggest to him that there can be little doubt that, although there has not been a change in Government policy—there cannot be without EU approval—there has been a change in Government thinking. That prompts a number of questions. Why the change in approach and thinking? It is quite clear from yesterday's statement that the Foreign Secretary believes that a step up in support by way of exporting arms is on the agenda. Let us not forget that, only in January, the Government were strongly advocating non-lethal support for opposition forces.

What discussions has the Foreign Secretary had with fellow Security Council members? I suggest to my right hon. Friend the Minister that any increase in our support by way of arms can only escalate the violence on the ground in the short term, and with it the suffering of the people. Both sides have been accused by human rights groups of committing atrocities, and that is important to remember.

What calculation have the Government made? Is the thinking that a sharp escalation will somehow bring this torrid affair to an end, and that the only way to quicken the end is to arm the rebels? Moreover, there are credible reports that extremists are fighting alongside the rebels. Will the Minister update the House on that matter, and what guarantees can he give that if we were to export arms to rebels, they would not fall into the hands of terrorists? It is difficult to ensure on the ground that that does not happen.

I advise caution. The Foreign Secretary appeared to be contemplating stepping up support for one side in the civil war, but both sides have been committing atrocities. We may be supplying the terrorists of the future and shipping arms does not reduce tensions. Such a policy would also bring us closer to intervention. When we supplied arms to Iraq during the Iraq-Iran war, a lot of people died but in the end neither side became our friend. Interventions rarely go to plan and I hope the Government will think carefully before pushing for a change to this policy with regard to neighbours and friends.

**Mr Swire**: I thank my hon. Friend for his question, which gives me the opportunity to state again that the change in the EU sanctions to which he alluded is about non-lethal equipment and technical assistance. The Foreign Secretary was tempted yesterday on the "The Andrew Marr Show" to go further, but right hon. and hon. Members will have to wait for his statement, because he wishes—quite properly—to make his position clear in this House.

My hon. Friend mentioned the suffering of the people, and that is precisely what the change is designed to help alleviate. It is worth remembering that 4 million people are now in need of urgent assistance and that 2 million have been internally displaced. More than 900,000 Syrian refugees are in need of assistance in neighbouring countries, and my hon. Friend of all people will be acute to the dangers of unsettling regional areas close to that country.

The change under debate is about ensuring that all options are on the table and that EU countries have maximum flexibility to provide the opposition with all

necessary assistance to protect civilians. We want to support moderate groups precisely to boost their appeal and effectiveness over the extremists to whom my hon. Friend alluded. I assure him that the support we provide is carefully targeted and co-ordinated with like-minded countries, consistent with our laws and values, and based on rigorous analysis.

**Ian Lucas** (Wrexham) (Lab): I think on both sides of the House there is a sense of profound frustration and disgust at the continued violence in Syria, and consternation at the remarks made by President Assad over the weekend which—we agree with the Foreign Secretary—were “delusional”. As the Minister said, the death toll in Syria approaches 70,000 people; human rights groups have estimated that 4,000 people died last month alone. We have all been frustrated by the lack of progress at the UN Security Council to reach a collective position, and the pressure to urge for further action is understandable.

We welcome recent steps taken by the Syrian opposition coalition towards a political transition plan, and we must maintain the pressure on Assad. What is the Minister’s assessment of the current sanctions, and what steps can the international community take to ensure that they are comprehensively enforced?

Let me turn to UK support and the potential easing of the EU arms embargo in Syria. Labour Members have repeatedly stressed that all efforts must be focused on bringing an end to the violence, not fuelling the conflict. Given comments by the Foreign Secretary over the weekend, it seems there is some consideration by the British Government for the EU arms embargo to be amended further and—potentially—lifted. Will the Minister clarify today at the Dispatch Box whether that is the case?

Is the Minister aware that last week *The New York Times* reported that arms are being procured from a European source for the Syrian opposition, and that that is happening now? Is the Foreign Secretary aware of those allegations, and when did he and other Foreign Office Ministers become aware of them? What discussions has the Foreign Secretary had with his EU partners on the sourcing of arms for opposition parties in Syria?

In an interview this weekend the Foreign Secretary admitted that when it comes to lifting the arms embargo the

“risks of arms falling into the wrong hands is one of the great constraints. And it is one of the reasons we don’t do it now.”

At the same time, however, he said that he did not rule out anything for the future. What assurances or guarantees will the Government seek before lifting any arms embargo? The Foreign Secretary said that this was a matter of balancing risks, but will the Minister set out further details about how the balance of risk is currently being assessed?

We are aware that al-Qaeda is operating in Syria. What is the British Government’s assessment of the scale of its activity as part of the opposition to Assad? All of us in the House have the same objective: to end the deaths and the violence and to leave the Syrian people free to decide their own future in a peaceful Syria. All our efforts must be focused on that end.

**Mr Swire:** The hon. Gentleman raises a number of interesting points, but he is working on the premise that this is somehow about lifting the arms embargo. He will

be able to question the Foreign Secretary more closely on that matter later this week, but I say again that this is about non-lethal equipment and technical assistance; it is not about lifting any arms embargo. It is worth reiterating the kind of aid that we have been giving. For example, 5 tonnes of water purification equipment, power generators and communications kit were delivered in December. We have agreed funding to train Syrians to gather evidence of torture and sexual abuse, and we have trained activists to form a network of peace-building committees across five cities in Syria—[*Interruption.*] I would have thought that the hon. Member for Wallasey (Ms Eagle) would have been interested in these humanitarian aspects. I shall address my points through the Speaker to the hon. Member for Wrexham (Ian Lucas).

There has been a change, in that the new Secretary of State Kerry and the Foreign Secretary agreed when Mr Kerry visited London last week that, because of the deteriorating situation and the increasing loss of life, the situation in Syria demanded a stronger response from the international community. At the Friends of Syria meeting in Rome, the US announced an additional \$60 million of non-lethal aid to the armed opposition to bolster popular support. We believe that those are all moves in the right direction.

The hon. Gentleman asked specifically what we could do to prevent arms from falling into what he described as the “wrong hands”. We are not providing arms to either side, as he well knows, and we urge countries that are providing arms to the Assad regime to desist from doing so and to stop contributing directly to the misery of that wonderful country.

**Several hon. Members** *rose*—

**Mr Speaker:** Order. In order to maximise the number of contributors, I appeal for short questions and short answers.

**Sir Peter Tapsell** (Louth and Horncastle) (Con): May I put it to the Minister, as I have on previous occasions to the Foreign Secretary, that the carnage in Syria is a manifestation of the 1,500-year religious civil war between Sunni and Shi’a that is now resurgent in Iraq and Pakistan, and elsewhere in the Islamic world? The only way to stop it in Syria is to persuade Saudi Arabia and Qatar on the one hand, and Iran on the other, to stop sending arms to their co-religionists before Syria inevitably breaks up into two separate countries, which would solve no problems at all.

**Mr Swire:** I am grateful to my right hon. Friend for giving us that historical perspective. Although I have not been to Syria for many years, I know the country relatively well, and I weep when I think of the human carnage being wreaked on it by that deluded Assad—given his interview over the weekend, there can be few in the House who would not agree with that term.

On a positive point, the national coalition has committed to protect the rights of minorities and is also working to increase minority representative membership within the coalition. My right hon. Friend is absolutely right to say that we want to ensure that any peaceful, democratic transition to the more open society that the Syrian people deserve should respect the rights of all the citizens of that country, be they Alawite, Sunni or Christian.

**Mr Peter Hain** (Neath) (Lab): I urge the Foreign Secretary, in his forthcoming statement to the Commons, not to change Government policy. This is a military stalemate that cannot be won by the rebels or by the Government. Handing weapons to jihadists and Salafis who are leading attacks and planting bombs will make the killing worse, not better, and will hinder aid efforts with which the UK Government are helping. I urge him not to get dragged into the quagmire of a catastrophic civil war. President Assad, with all his flaws, announced at the weekend that we need to promote negotiations, and the opposition leader has said that he is ready to do so.

**Mr Swire:** My right hon. Friend the Foreign Secretary will hear what the right hon. Gentleman says, and he makes a valid point. I stress again, however, that the change to EU sanctions legislation concerns the provision of non-lethal and technical assistance; it is not concerned with the provision of weapons or with arming either side. I repeat what I said earlier: the countries arming President Assad's Government in particular should stop, because it is they who are directly contributing to the carnage unfolding in Syria.

**Richard Ottaway** (Croydon South) (Con): I congratulate the Minister of State on stepping in at short notice, particularly for a brief with which he is not familiar. I agree with him completely that there are several questions—who is arming, what they are being armed with and the nature of the EU embargo—that will be far better answered by the Foreign Secretary later in the week. A humanitarian disaster is occurring on the Jordanian and Turkish borders with Syria. Will he give us an indication of the levels of help and assistance being given by the British Government?

**Mr Swire:** It is not for me to question the Chair of the Foreign Affairs Committee. I think that somewhere inherent in his remarks was a compliment—at least I like to think so. I assure him that the Foreign Secretary, who as he says is better placed to answer these questions, will give him a full update on humanitarian assistance to the neighbouring countries to which he alluded.

**Angus Robertson** (Moray) (SNP): Advice to UK Governments has been that regime change cannot be the objective of military actions. Although there is cross-party consensus condemning the Assad regime and its brutality, will the Minister assure the House that proper respect will be shown to international law?

**Mr Swire:** I wish only that President Assad showed any interest in international law, any law, or any kind of human decency—a decency that the EU and the countries that are trying to help the people of Syria are currently showing.

**Martin Horwood** (Cheltenham) (LD): I welcome the Minister's cautious yet well-informed replies. In the case of Syria, should we abide by the rule of three used by the Foreign Secretary with regard to Libya, which is that no state should intervene militarily except where there is a strong humanitarian and legal case, regional support and explicit UN sanction—three things notably absent 10 years ago in Iraq?

**Mr Swire:** No one is talking about intervention of that sort, but I ask the hon. Gentleman to reflect on the fact that in Syria there are now 4 million people in need of urgent assistance, 2 million people have been internally displaced, and 900,000 refugees are in need of assistance in neighbouring countries. The instability that that is causing in Syria is evident for all to see, but the instability that it is causing in the region is, in the long term, as much of a worry.

**Mike Gapes** (Ilford South) (Lab/Co-op): Will the Minister clarify what forms of non-lethal force multipliers will be given to help an already well-armed opposition which is being supplied by some Arab countries, and which has captured many arms supplied by Russia and Iran to the Assad Ba'athist-fascist regime?

**Mr Swire:** My right hon. Friend the Foreign Secretary was tempted to list them during his interview on "The Andrew Marr Show" yesterday, but resisted doing so. As a former Chair of the Foreign Affairs Committee, the hon. Gentleman will understand that the proper place for the Foreign Secretary to list them and state policy is right here in the House. He will be doing just that later this week.

**Dr Julian Lewis** (New Forest East) (Con): If the dreadful Assad regime is overthrown, as the Government wish, the Government will no doubt feel very pleased. However, how long will that pleasure last if the successor regime contains elements of al-Qaeda, which then gets its hands on the stocks of Syrian chemical weapons that are known to exist, and uses them against the west?

**Mr Swire:** My hon. Friend makes a valid point, although there are a lot of ifs in his question. The whole point of providing the additional aid is to bolster the opposition groups in Syria in order to prevent the country from sliding into the kind of anarchy that he describes.

**Mr George Howarth** (Knowsley) (Lab): Is it not the case that, although all options are still on the table, the slaughter on the ground continues? Does the Minister agree that sadly this is another demonstration of the inadequacy of international organisations, most particularly the United Nations, in dealing with these problems as they arise, and is it not time for major a reform of how international organisations respond to these situations?

**Mr Swire:** I share the right hon. Gentleman's continuing concern about the inability of either Russia or China to take the same view as other members of the UN Security Council, but I am proud to stand in front of the House to announce that the UK and its EU partners have taken this measure. Where we lead, others should follow.

**Rehman Chishti** (Gillingham and Rainham) (Con): The Minister will note the reports about divisions within the Syrian coalition. For example, Mr al-Khatib, the leader of the Syrian coalition, on the one hand wanted discussions with the regime, but on the other hand did not want to go to Rome to take part in the international conference. What steps are being taken to unite the opposition? Without a united opposition, there will be no real transition in Syria.

**Mr Swire:** These things are never exact in what is an ever changing situation, but clearly the meetings in Rome, those before Rome and those that will follow on from Rome are all designed to bolster the opposition so that it can speak with one voice and be seen as a credible, accountable and democratic alternative, concentrating on human rights and the rights and welfare of the people—in stark contrast to the current regime, which we must all pray the opposition replaces at the earliest opportunity.

**Mr Speaker:** I understand the Minister of State's temptation to look behind him at the person by whom he is being questioned, but if he could face the House, we would all be doubly grateful.

**Ms Gisela Stuart** (Birmingham, Edgbaston) (Lab): Will the Minister update the House on what discussions the Government have had with Turkey and tell us whether Turkey is arguing for or against lifting the arms embargo?

**Mr Swire:** My right hon. Friend the Foreign Secretary will no doubt wish when addressing the House to update Members on the situation in Turkey, as well as that in all other neighbouring countries and others closely involved in Syria.

**Mr Julian Brazier** (Canterbury) (Con): May I urge my right hon. Friend to put Lebanon at the heart of the Government's considerations? It is a country that has been repeatedly destabilised and brutalised by the Assad regime and which currently enjoys the only cross-confessional army in the area, which is widely respected.

**Mr Swire:** My hon. Friend mentions another country affected directly by the actions of the Syrian regime—and a country I know well—and clearly we have to watch the situation there. I think the Foreign Secretary was in Lebanon as recently as last week and again will want to update the House on what he discussed there. He met refugees, among others, while he was there.

**Mr Tom Watson** (West Bromwich East) (Lab): *The New York Times* and other reports have claimed that the Croatians have provided weapons, paid for by the Saudis and with the tacit support of the United States, to the Free Syrian army and that there is emerging evidence that grenade and rocket launchers have been found in the hands of jihadist movements. Is this the case? I know it is difficult on a Monday afternoon responding to an urgent question, but will the Minister say what representations the UK Government have made to Croatia about this?

**Mr Swire:** I am not aware of the story that the hon. Gentleman alludes to, but he follows the press more closely than most people in the House. I will write to him with the full facts.

**Mr Philip Hollobone** (Kettering) (Con): I have recorded in the register my recent visit with the Council for European Palestinian Relations to Lebanon to visit some of its 20,000 double refugees—Palestinian refugees who were living in Syria but who have now fled to Lebanon and so have been made refugees twice over. Will the Minister ensure that his colleagues in the

Department for International Development liaise with the United Nations Relief and Works Agency—because that body, not the United Nations High Commissioner for Refugees, is dealing with these refugees—to see what extra assistance the UK Government can give?

**Mr Swire:** Indeed. I have seen UNRWA's work at close hand in the past, and a very excellent job it does.

I think that the United Kingdom has a good story to tell. Our total funding for Syria and the region now stands at £139.5 million, and will provide humanitarian aid such as food, medical care, blankets and clean drinking water for hundreds of thousands of people in Syria and, critically, in the region. That is something that I feel the House should applaud.

**Mr Khalid Mahmood** (Birmingham, Perry Barr) (Lab): Is the Minister aware that a number of Syrian, Kurdish and Muslim extremists are travelling to Syria to join the rebellion and fight along with al-Qaeda? What steps is he taking to prevent that insurgency from extending to the United Kingdom?

**Mr Swire:** The sooner we can bring the situation in Syria to an end, the sooner we can reduce the need for any kind of people to seek to fight on one side or the other. The way in which to do that is to embolden the official opposition, which we are supporting. We hope that these new measures will go some way towards strengthening the opposition and allowing it to position itself as the Government in waiting.

**Andrew Stephenson** (Pendle) (Con): In response to questions from my hon. Friend the Member for Colne Valley (Jason McCartney) and me during his last statement to the House on 10 January, the Foreign Secretary confirmed that the European Union arms embargo covered non-lethal items such as body armour and kits to protect or guard against the use of chemical weapons, and spoke of the need for flexibility in regard to the embargo. Can my right hon. Friend confirm that the policy has not really changed?

**Mr Swire:** Let me repeat that the amendment of the EU arms embargo allows us to provide a wider range of non-lethal equipment and technical assistance that will do more to save lives. My right hon. Friend the Foreign Secretary intends to make a statement to the House about UK assistance on Wednesday 6 March, and the details are being finalised.

**Stephen Mosley** (City of Chester) (Con): My hon. Friend the Member for New Forest East (Dr Lewis) has already mentioned Assad's stockpile of chemical weapons. What contingency arrangements have been made by the British Government and our allies in case Assad decides to use those weapons, or they fall into the hands of extremist groups?

**Mr Swire:** Any use of chemical or biological weapons would of course be abhorrent, and would send a further signal of the depths to which the Assad regime would be willing to stoop to attack its own people. The regime is under intense international scrutiny, and any use of such weapons would be universally condemned.

**Henry Smith** (Crawley) (Con): May I ask what efforts are being made to bring the Syrian crisis to a conclusion through the G8, especially given that one of its members is the Russian Federation?

**Mr Swire:** I have not seen the agenda for the forthcoming G8 summit, but I have no doubt that Syria will be discussed, even if it is not on the agenda itself.

**Mr Peter Bone** (Wellingborough) (Con): Many people will see this as mission creep, and will feel that we are being drawn ever more into a civil war and the taking of sides. Is that a fair description?

**Mr Swire:** No, it is not a fair description, and I have spent the past 35 minutes or so trying to illustrate why it is not. Today is about non-lethal equipment and technical assistance to embolden the Syrian opposition and encourage it to provide a credible Government to replace the brutal dictatorship of President al-Assad.

## Points of Order

4.3 pm

**Angus Robertson** (Moray) (SNP): On a point of order, Mr. Speaker. Over the last few days, there has been widespread Government briefing about the contents of the impending United Kingdom defence basing review, on which we expect a statement in the House at some point this week. Will you please clarify, Mr. Speaker, whether it is appropriate for newspapers to be briefed in detail by the Government before the House is, especially on such an important subject?

**Mr Speaker:** I am not familiar with the reports to which the hon. Gentleman has referred, but suffice it to say that ministerial statements of public policy should be made first in the House. If the hon. Gentleman has compelling evidence to the contrary and wishes it to be brought to a wider audience, I suspect that he will require no further encouragement from me.

**Mr Peter Bone** (Wellingborough) (Con): On a point of order, Mr. Speaker. The Minister of State has just said that there will be a statement from the Foreign Secretary this week. Would it have been in order for him to tell the House on which day it would be made? [HON. MEMBERS: "He did."] Would it be possible for my hearing to be improved, Mr. Speaker?

**Mr Speaker:** My hunch is that—if I remember correctly, either from what emerged from the lips of the Minister of State or from information from my own usual channels—the intended date is Wednesday this week.

**Mr Swire** *indicated assent.*

**Mr Speaker:** The Minister is nodding, which is encouraging both to me and to the hon. Member for Wellingborough (Mr Bone). I do not think that the hon. Gentleman's hearing requires any improvement.

## Justice and Security Bill [Lords] (Programme) (No. 2)

### Motion made, and Question proposed,

That the Order of 18 December 2012 (Justice and Security Bill) [Lords] (Programme) be varied as follows:

1. Paragraphs 4, 5 and 6 of the Order shall be omitted.
2. Proceedings on Consideration and Third Reading shall be concluded in two days.
3. Proceedings on Consideration shall be taken on each of those days as shown in the following Table and in the order so shown.
4. Each part of the proceedings shall (so far as not previously concluded) be brought to a conclusion at the times specified in relation to it in the second column of the Table.

TABLE

Proceedings	Time for conclusion of proceedings
	First day
Amendments to Clause 6, other than amendments to leave out Clause 6; New Clauses relating to cases to which proceedings under Clause 6 are not applicable; amendments to leave out any of Clauses 6 to 14.	8 pm
Remaining New Clauses and New Schedules relating to Part 2; remaining amendments to Clauses 7 to 16.	10 pm
	Second day
New Clauses and New Schedules relating to Part 1; amendments to Clause 1; amendments to Schedule 1; amendments to Clauses 2 to 5; amendments to Clause 17; amendments to Schedules 2 and 3; amendments to Clause 18; remaining proceedings on Consideration.	One hour before the moment of interruption.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.—(*James Brokenshire.*)

4.4 pm

**Sir Richard Shepherd** (Aldridge-Brownhills) (Con): I believe that the Bill, being a constitutional Bill, is of enormous importance to the well-being of our society. The concepts contained in it touch on the very intimacy of our concepts of liberty and due process. I therefore object to the guillotine motion on the basis that it is a

truncation of the most primary and fundamental charge that this House has: namely, to give all due consideration to Bills that touch on our constitutional rights, our freedoms and our liberty. The Bill seeks to do something very profound indeed: to deny open justice on the basis that we will get better justice by making it covert or secret. It would place a British citizen in the position of not knowing why they might have lost a claim in the courts, and their lawyer will not be able to tell them why either. Surely this House should be given the time it requires to consider the Bill, which is on a constitutional matter of the gravest importance, and examine fully the contentions contained therein.

4.6 pm

**Mr Peter Bone** (Wellingborough) (Con): Following that excellent speech from my hon. Friend the Member for Aldridge-Brownhills (Sir Richard Shepherd), I would like to add my support to his argument. The Government seem routinely to table programme motions of the sort they opposed when in opposition. They really do not need a programme motion. We are not exactly pressed for business at the moment. It seems to me that on the constitutional matter we are discussing, which is extremely important, and there are deep arguments about it on both sides, we should have unrestricted time to scrutinise it.

4.7 pm

**Sadiq Khan** (Tooting) (Lab): I do not disagree with the substance of the comments made by hon. Members, but my concern is that a Division now would eat into the time available for debating some very important clauses. I say to those colleagues who have spoken, who have the best intentions, that by dividing the House we are in danger of eating into that valuable time.

4.8 pm

**The Parliamentary Under-Secretary of State for the Home Department (James Brokenshire)**: I wish to make it clear that the programme motion before the House respects the fact that the Bill's original programming indicated that there would be two days for Report and remaining stages. That is what we have put before the House today. Indeed, the programme motion seeks to reflect the issues and concerns expressed in Committee by prioritising matters to ensure that all issues that need to be debated are discussed fully. Therefore, for the reasons that have been alluded to, to allow debate to take place and not to lose time, I urge the House to accept the programme motion so that we can move on to the debate at hand, which is about underlining that the Bill will deliver more justice, not less.

*Question put and agreed to.*

## Justice and Security Bill [Lords]

[1ST ALLOCATED DAY]

[*Relevant document: The Eighth Report from the Joint Committee on Human Rights of Session 2012-13, Legislative Scrutiny: Justice and Security Bill (Second Report), HC 1014.*]

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

### Clause 6

#### DECLARATION PERMITTING CLOSED MATERIAL APPLICATIONS IN PROCEEDINGS

4.9 pm

**Sadiq Khan** (Tooting) (Lab): I beg to move amendment 26, page 4, line 39, leave out ‘two’ and insert ‘three’.

**Mr Speaker:** With this it will be convenient to discuss the following:

Government amendments 27 and 42.

Amendment 28, page 5, line 4, after ‘proceedings’, insert

‘and such disclosure would be damaging to the interests of national security’.

Government amendments 43, 44 and 29.

Amendment 30, page 5, line 36, leave out from ‘that’ to end of line 37 and insert

‘the degree of harm to the interests of national security if the material is disclosed would be likely to outweigh the public interest in the fair and open administration of justice.’.

Amendment 31, page 5, line 37, at end insert—

‘(6A) The third condition is that a fair determination of the proceedings is not possible by any other means.’.

Amendment 32, page 5, line 38, leave out ‘two’ and insert ‘three’.

Amendment 33, page 5, line 40, leave out from ‘proceedings’ to end of line 41.

Government amendments 46 and 47

Amendment 34, page 5, line 41, at end insert—

‘(7A) Before making a declaration under subsection (2), the court must consider whether a claim for public interest immunity could have been made in relation to the material.’.

Amendment 70, page 6, line 22, at end insert—

‘or proceedings at an inquest conducted by the Chief Coroner or a High Court judge.’.

New clause 2—*Proceedings in which section 6 proceedings are not applicable*—

‘(1) Section 6 proceedings will not be applicable in proceedings where the outcome could result in, contribute to, or impede efforts to challenge the—

- (a) imprisonment; or
- (b) continued detention

of a party, whether in the UK or overseas.

(2) Section 6 proceedings will not be applicable in proceedings—

- (a) relating to conduct which may amount to commission of the following domestic and international wrongs—
  - (i) genocide;
  - (ii) murder;
  - (iii) torture;
  - (iv) slavery;
  - (v) cruel, inhuman or degrading treatment;

(vi) child abuse; or

(vii) other matters that the court regards as breaches of the Geneva Conventions.

(b) where there is a real risk that non-disclosure of that material or information may result in the wrongful imprisonment of an individual in the UK or overseas or the death of an individual overseas.’.

Amendment 1, page 4, line 29, leave out clause 6.

Amendment 2, page 6, line 25, leave out clause 7.

Amendment 3, page 7, line 4, leave out clause 8.

Amendment 4, page 8, line 1, leave out clause 9.

Amendment 5, page 8, line 25, leave out clause 10.

Amendment 6, page 8, line 30, leave out clause 11.

Amendment 7, page 9, line 16, leave out clause 12.

Amendment 22, page 10, line 4, leave out clause 13.

Amendment 23, page 11, line 17, leave out clause 14.

New clause 7—*Notifying the media of CMP applications and media rights to make submissions*—

‘(1) Rules of court relating to section 6 proceedings must make provision—

- (a) requiring the court concerned to notify relevant representatives of the media of proceedings in which an application for a declaration under section 6 has been made;
- (b) providing for any person notified under paragraph (a) to intervene in the proceedings;
- (c) providing for a stay or sist of relevant civil proceedings to enable anyone notified under paragraph (a) to consider whether to intervene in the proceedings;
- (d) enabling any party to the proceedings or any intervener to apply to the court concerned for a determination of whether there continues to be justification for not giving full particulars of the reasons for decisions in the proceedings; and
- (e) requiring the court concerned, on an application under paragraph (d), to publish such of the reasons for decision as the court determines can no longer be justifiably withheld.’.

New clause 8—*Ensuring closed judgments can become open when secrecy is no longer required*—

‘(1) Rules of court relating to sections 6 and 7 proceedings must make provision—

- (a) enabling any party to the proceedings or any intervener to apply to the court concerned for a determination of whether there continues to be justification for not giving full particulars of the reasons for decisions in the proceedings; and
- (b) requiring the court concerned, on an application under paragraph (a), to publish such of the reasons for decision as the court determines can no longer be justifiably withheld;
- (c) ensuring applications under paragraph (a) are not granted more than once in any 12 month period;
- (d) enabling the court to deny a paragraph (a) application if the court views it as an abuse of process; and
- (e) ensuring that all closed judgments undergo a paragraph (a) determination every five years, even in the absence of an application under paragraph (a).’.

Amendment 35, in clause 7, page 6, line 29, leave out from ‘that’ to end of line 30 and insert—

‘any of the conditions in subsections (4) to (6A) of section 6 is no longer met.’.

Amendment 36, page 6, line 33, leave out from ‘that’ to end of line 34 and insert

‘any of the conditions in subsections (4) to (6A) of section 6 is no longer met.’.

Amendment 37, page 6, line 41, leave out from ‘whether’ to second ‘the’ in line 43 and insert

‘any of the conditions in subsections (4) to (6A) of section 6 is no longer met.’.

Government amendment 48.

Amendment 38, in clause 8, page 7, line 18, at end add

‘and that damage outweighs the public interest in the fair and open administration of justice’.

Amendment 39, page 7, line 20, leave out ‘consider requiring’ and insert ‘require’.

Amendment 40, page 7, line 22, at end insert

‘sufficient to enable the party to whom the summary is provided to give effective instructions on the undisclosed material to their legal representatives and special advocates.’.

Government amendments 50 and 65.

**Sadiq Khan:** Let me begin by making it absolutely clear to the House where the Opposition stand on the issue of closed material procedures in civil proceedings. We accept that there may be rare examples where it is preferable for a CMP to be used because there is no other way a particular case can be heard. Our position has been influenced to a large extent by the views of the independent reviewer of terrorism legislation, Mr David Anderson QC. He has written two memorandums on the proposals in the Bill and has given evidence to the Joint Committee on Human Rights. He has said that

“there is a small but indeterminate category of national security-related claims, both for judicial review of executive decisions and for civil damages, in respect of which it is preferable that the option of a CMP—for all its inadequacies—should exist.”

We are persuaded.

There may be rare examples where it is preferable for a CMP to be used because existing tools used by the court—for example, public interest immunity, redaction, confidentiality rings and in-camera hearings—may not be sufficient to allow sensitive intelligence material to be disclosed in court, meaning there may be no other way a case can be heard. However, we do not give unqualified support and shortly I will deal with some of the conditions we consider must be attached to the extension of CMPs, conditions which David Anderson said were important.

**Mr David Davis** (Haltemprice and Howden) (Con): I apologise for intervening so early in the right hon. Gentleman’s speech. David Anderson used the word “small” in those comments, but the Government’s impact assessment indicated that there will be about 15 of these cases a year. We should therefore not underestimate exactly what we are talking about.

**Sadiq Khan:** I believe that one of the impact assessments gave a figure of seven, whereas the press reports I read over the weekend mentioned one of 15. For those reasons, it is important to attach great weight to the conditions to which David Anderson refers. We would not wish, inadvertently, to see more cases than the Government say they expect to be reaching a CMP.

**Minister without Portfolio (Mr Kenneth Clarke):** It seems to me that we do not know how many of these cases there will be, because we do not know what effect the new process will have. This is becoming a popular

jurisdiction and the number of cases is slowly climbing, because no defence is offered to people’s claims and they are being awarded quite large sums of money. Once it is possible for the Government to defend themselves, people will, presumably, think more clearly about the substance of their allegations before bringing claims, and we just do not know how many we will have.

**Sadiq Khan:** May I adopt the Minister’s arguments in support of our sunset clause, which we will be debating later? He cannot predict the number of cases, which is why we think a sunset clause is appropriate.

**Simon Hughes** (Bermondsey and Old Southwark) (LD): Will the right hon. Gentleman give way?

**Sadiq Khan:** Briefly, because I actually want to start my speech.

**Simon Hughes:** Does the right hon. Gentleman mean a sunset clause or does he mean a renewal order, which is a different thing?

**Sadiq Khan:** I mean the latter, and we will discuss that after the votes at 8 pm, when my colleague will be dealing with those things. However, the right hon. Gentleman is right to remind the House of the difference between the two measures.

Our conditions are set out in the amendments standing in my name and those of my hon. Friend the Member for Hammersmith (Mr Slaughter), the right hon. Member for Dwyfor Meirionnydd (Mr Llwyd) and the hon. Member for Moray (Angus Robertson). Labour’s position has been consistent on this matter since the publication of the draft Bill. We said that the legislation was drafted in such a way that there were too few safeguards in place on the use of CMPs. Safeguards are crucial because CMPs are alien to our tradition of open and fair justice, where justice is not only done, but is seen to be done. Any proceedings held in secret are a major departure from that. Given the exceptional and aberrant nature of CMPs, their use should be clearly constrained. That has been our position and remains so now: consistent and clear, balanced and proportionate. The Lords delivered a strong and clear verdict on the Bill last November.

**Mr George Howarth** (Knowsley) (Lab): My right hon. Friend sets up a choice between open proceedings and CMPs, but is not the real choice between public interest immunity, where nothing ever gets heard by anybody, and CMPs?

4.15 pm

**Sadiq Khan:** Public interest immunity is a device by which we can exclude evidence, but it can also lead to hearings with some anonymity of witnesses, to the redaction of documents and to confidentiality rings. The choice is not simply between the exclusion of material or its admissibility—evidence can become admissible through certain devices, which I shall come on to shortly if my right hon. Friend gives me time to develop my argument.

Labour, Liberal Democrat, Conservative and Cross-Bench peers agreed that the original Bill was poorly drafted and gave too much power to Ministers to decide what did or did not stay secret in court proceedings. Amendments were passed by substantial margins to put

[Sadiq Khan]

in place what we considered to be appropriate checks and balances. No longer would the decision on whether a proceeding was held in secret be in reality taken by a Minister with the façade of a judge's rubber-stamping it. Instead, it would be truly taken by a judge, who would be empowered to balance the public interest of holding proceedings in the open against the public interest of holding proceedings behind closed doors due to the harm done to our national security. The Lords amendments would also have ensured that the use of a CMP remained a last resort, as befits something that is anathema to open and fair justice and that, as all sides accept, should be used only in exceptional circumstances.

**Caroline Lucas** (Brighton, Pavilion) (Green): Will the right hon. Gentleman give way?

**Sadiq Khan:** I will, but then I must make progress or we will reach the knife before I have finished my speech.

**Caroline Lucas:** The shadow Secretary of State is very kind to give way. Does he not recognise that if CMPs are available, even if in theory they are a last resort, that very fact will mean that they will be used? Huge numbers in the legal profession want to get rid of secret courts in civil law altogether, which is what my amendments would achieve.

**Sadiq Khan:** If the hon. Lady reads the Supreme Court judgment in *al-Rawi*, she will see that one of the Court's concerns was about not having in its toolkit the ability to have a CMP in an appropriate case. Its point was that it is for Parliament to add the option of a CMP to the armoury in the toolkit to be used after all the other options have been exhausted. Our amendments seek to do that. CMPs will not be the first choice made by a judge, but as a last resort judges might decide to use one if all the other tools in their toolkit are inadequate.

Further amendments were also made that permitted all parties to seek the use of a CMP and not just the Government, and to ensure that the judicial balancing of public interest and national security also took place once proceedings were being held in secret. There was a degree of contentment on Second Reading in the Commons that because of the improvements made by the Lords, the worst excesses of the proposals had been ameliorated. The former leader of the Liberal Democrats, who is also a member of the Intelligence and Security Committee, the right hon. and learned Member for North East Fife (Sir Menzies Campbell), said that

"the amendments made in the House of Lords have been regarded by many people as being entirely favourable and reasonable."—[*Official Report*, 18 December 2012; Vol. 555, c. 713.]

We agree. He not only wanted the Government to accept the amendments but wanted to persuade them to accept further amendments with the purpose of extending the discretion of the court, and we also agree with that.

The pity is that the Government shredded the Lords amendments as the Bill progressed through Committee. I must also, at this point, put on record how disappointing it was that the Government tabled its amendments at such late stages on repeated occasions—they did so at the latest stages possible, both in Committee and now on Report. It is unacceptable that the Bill had its

Second Reading in the House of Lords on 19 June and yet the Government were still tabling amendments as late as last Thursday, thereby depriving us, interested parties and experts a chance properly to analyse those late amendments. That is not befitting of such a sensitive and complex issue.

Let me turn my attention briefly to the Liberal Democrats. If we are to be successful in our attempts to improve the Bill today, we will need their support. During the passage of this Bill, the Liberal Democrats have had a number of different positions, often at the same time. The grass-roots party voted to ditch part 2 in its entirety, but a Liberal Democrat Minister, the noble Lord Wallace of Tankerness, steered it through its Lords stages and resisted any changes or improvements. Liberal Democrat Back-Bench peers, to their credit, supported the amendments made to the Bill. More than 80% of the Liberal Democrat peers in the House of Lords voted with us to amend the Bill to incorporate the concerns of the Joint Committee on Human Rights and the independent reviewer of terrorism legislation. In Committee, the hon. Members for Cambridge (Dr Huppert) and for Edinburgh West (Mike Crockart) sided with Labour in our amendments to restore the improvements made to the Bill by the House of Lords.

**Dr Julian Huppert** (Cambridge) (LD): I thank the right hon. Gentleman for his comments and he is right that a number of Labour Members voted with us on a series of our amendments. I was grateful for that support and I hope that it can continue in other areas. Is he also concerned about the number of Labour peers who went home rather than vote, as many Liberal Democrat peers did, on issues such as Wiley balancing in the second stage and the principle of closed material procedures?

**Sadiq Khan:** That is a curious intervention. I am trying to be nice to the hon. Gentleman because I want his vote, so I will not respond in the way his intervention deserves. Instead, I will remind him and the House of what he said in Committee. In response to what was then Government amendment 55, which undid some of the House of Lords improvements, he said:

"I accept that the Minister's case will be bolstered significantly if the Joint Committee on Human Rights agrees with what he is saying, but"—

this was his advice to the Minister—

"he should reflect carefully on what he will do if that Committee, having looked at the amendments he is proposing and the state of the Bill when that Committee publishes a report, disagrees with him."

He went on to say:

"I will, further, support any other amendments that take us in the direction of improved safeguards and towards the direction of the Joint Committee on Human Rights".—[*Official Report, Justice and Security Public Bill Committee*, 5 February 2013; c. 195.]

I hope the hon. Gentleman and his colleagues will support us and have the courage to vote for our amendments, which reflect the positions taken by Liberal Democrat MPs in Committee and Liberal Democrat peers in the House of Lords. Any other position would be a tragic betrayal of their liberal instincts.

**Simon Hughes:** I want to make it clear to the right hon. Gentleman that my predecessor on the Joint Committee on Human Rights, my hon. Friend the

Member for Edinburgh West (Mike Crockart), and I have worked to make a case to push the Government forward. I will support, on all issues, exactly the position taken by the Joint Committee, which says that the Government have moved forward, made progress and improved the Bill, but that more work is to be done.

**Sadiq Khan:** I thank the right hon. Gentleman for that clarity, which shows the advantages of being nice to Liberal Democrats. In case any of his colleagues have any doubt about the advice given, I have the report with me and will remind them of what the Joint Committee said just last week on the Government's manoeuvres upstairs in Committee.

Given that in Committee the Minister unpicked the Lords changes to the Bill, amendments 26 to 40 are designed to emulate the same improvements as were made in the other place. Our amendments seek to put in place appropriate checks and balances on the use of CMPs. We do not underestimate the difficulties in reconciling the issues of justice and security as contained in the Bill's title, but this is difficult and not impossible. By putting appropriate measures in place, we believe that the use of CMPs could be made proportionate to the scale of the problem they are intended to address. As has been said, our position is backed by the Joint Committee on Human Rights, whose most recent report systematically goes through the changes made in Committee by the Government and is consistent with the Government's independent reviewer of terrorism legislation and with the views of the House of Lords.

So here we are once again, trying at a late stage in proceedings to bring some balance to the proposals in front of us. Our amendments address four main areas: judicial balancing both outside and inside proceedings, the use of CMPs as a last resort and equality of arms. I shall deal first with judicial balancing.

We have consistently agreed with David Anderson when he said that

"the decision to trigger a CMP must be for the court, not the Government."

The original bill, as published, included no substantial role for the judge. I accept that this has been moved on since then, but some of the progress made in the other place has now been undone. Despite claims to the contrary, the Bill does not give a judge the proper discretion to decide between whether to hold proceedings in the open or to move proceedings behind closed doors. The Government chose to remove the Lords amendments that put in place a proper judicial balancing of these competing interests—the so-called Wiley balance.

Last week's report from the Joint Committee on Human Rights is very powerful on this issue. I pay tribute to the Chair of the Committee, my hon. Friend the Member for Aberavon (Dr Francis), for all its hard work on this. In its report—Liberal Democrat colleagues will be keen to hear this—the Committee says that

"there is nothing in the Government's revised clause 6 which replaces it with anything requiring the court to balance the degree of harm to the interests of national security on the one hand against the public interest in the fair and open administration of justice on the other."

**Mr Kenneth Clarke:** I must have misheard the right hon. Gentleman. He seems to think his amendment widens the discretion of the judge. It actually narrows

it. The Bill as it stands says that the judge may hold a closed session after the three conditions are satisfied, which are mainly the fair and effective administration of justice. We have now reached the situation where critics are so nervous about what the judge may do that they want to lay down additional tests that the judge must put to himself before he makes a judgment one way or another. Lord Woolf, the former Lord Chief Justice, this morning made it clear that the judge now has complete discretion to decide what to do, and it is the critics who are so worried that there might be closed material proceedings that they are trying to put in extra tests to try to put the judge off. As the right hon. Gentleman's amendments narrow the judge's discretion, he might at least put his case the right way round. As the Bill stands, the judge has a pretty unfettered discretion.

**Sadiq Khan:** On at least four occasions over the past 18 months the Minister has told the public, the media, MPs and Members of the House of Lords that judges had full discretion, notwithstanding the four changes that he has agreed to make over the past 18 months. He cannot be right on all four occasions. Let me tell him what the House of Lords did, pursuant to the report of the Joint Committee on Human Rights. It put on the face of the Bill the balancing exercise that a judge should undertake, balancing on the one hand the public interest in the open and fair administration of justice and the public interest in making sure that there was no damage to our national security as a consequence of material being disclosed. In Committee the right hon. and learned Gentleman tried to tie the hands of that balancing exercise. In a new report last week from which I quoted, the Joint Committee said that he tried to do the very same thing. He is again arguing today why he is right and all the members of the Joint Committee are wrong.

**Sir Malcolm Rifkind** (Kensington) (Con) *rose*—

**Sadiq Khan:** I will give way to the Chair of the Intelligence and Security Committee, then I will make some progress.

**Sir Malcolm Rifkind:** Does the right hon. Gentleman not appreciate that the bald choice that he is trying to make between national security and the administration of justice certainly applies when one is considering a public interest immunity certificate, because that removes the evidence completely from the consideration of the courts in the interests of national security? But the Wiley test that he referred to just does not apply when one is dealing with closed material procedures because there is a perfectly good argument—the right hon. Gentleman may not accept it—that the administration of justice is better served by at least the judge hearing all the evidence than the evidence being completely withdrawn and not being able to be taken into account at all.

**Sadiq Khan:** That is exactly what the Supreme Court said in the al-Rawi case: that a judge has at his—I am afraid it mostly is "his"—disposal are a number of tools to deal with issues that are sensitive and would create problems for national security. If an application for public interest immunity is made and the certificate is signed by a Minister, the judge will go through a number

[Sadiq Khan]

of loops. He will consider on an application *ex parte* whether, for example, it is possible to have a fair hearing using anonymity. He will decide whether it is possible to have a fair hearing with confidentiality rings. Imperfect as it is, it is one of the ways in which he will reach a conclusion after balancing the public interest in holding an open and fair administration of justice and the public interest and harm to our national security from disclosure. He does that anyway.

The problem that the Supreme Court recognised in its finding on *al-Rawi* is that at present the judge does not have the option of a CMP unless we give him that option. That is what the Bill seeks to do. We have explicitly stated in the Bill that there should be a balancing exercise by the judge. In Committee the Ministers tried to limit that. There is no balancing now. All a judge has to consider is whether the procedure is fair and effective, rather than a balance of what is in the public interest.

I am quoting what the Joint Committee said in its report last week, which the Minister finds so objectionable. After his amendments in Committee were defeated by one vote—the Lib Dems voted with Labour—the Joint Committee said that

“there is nothing in the Government’s revised clause 6”—

[*Interruption*]. The Minister might mutter, but the Committee said that

“there is nothing in the Government’s revised clause 6 which replaces it with anything requiring the court to balance the degree of harm to the interests of national security on the one hand against the public interest in the fair and open administration of justice on the other.”

For us, this is a failing. The test applied at the gateway is very important.

4.30 pm

**Hazel Blears** (Salford and Eccles) (Lab): Will my right hon. Friend give way?

**Sadiq Khan:** I keep saying that I will give way for the last time. This really is the last time.

**Hazel Blears:** For the sake of clarity, will he confirm that there will be circumstances in which it would be appropriate, in the interests of the fair administration of justice, for there to be a closed material proceeding hearing, particularly whereby if there are any allegations against the security services that they have acted improperly, that information ought to be before the court rather than having the option of settling the case and that information never being subjected to judicial scrutiny?

**Sadiq Khan:** I agree with my right hon. Friend. She basically paraphrases the words of David Anderson, who said that there are a small number of cases where it is preferable for there to be closed material proceedings, imperfect as that is. She is right to remind the House of what David Anderson said, albeit in her own words, and I agree.

The Wiley balance is a tried and tested legal mechanism by which courts can balance these competing interests, and there is considerable case law history to back that up. It was supported by the House of Lords, as I said, including by Lord Phillips, the former president of the

Supreme Court. The Government’s changes remove from the Bill all reference to open justice. The fear is that by not taking open justice into account, the likelihood of a CMP taking places will increase to more than the exceptional that the Government have talked about. As I have said, the Government also tabled amendment 55 in Committee, which replaced “open” with “effective”. It is our view, shared by the JCHR and the special advocates, that this is a retrograde step. As I said, the Supreme Court in *Al-Rawi* confirmed that both natural justice and open justice are important but separate fundamental principles, hence our amendment seeks to reintroduce to the Bill the Wiley test of fair and open justice.

**Mr George Howarth:** Will my right hon. Friend give way?

**Sadiq Khan:** I want to make some progress then I will give way.

Paving amendment 26 brings us to amendment 31, which would ensure that the use of CMPs became an option of last resort. Amendment 34 would mean that the court must consider—I emphasise the word “consider”—using public interest immunity before opting for closed proceedings. We believe that those amendments are important for two key reasons. First, deviation from open and fair justice should be considered in only the most extreme of circumstances, and I think there is general agreement there. As the Government have said, CMPs should be used only in exceptional cases. Let me remind the House that on Second Reading the Minister said:

“I agree that we should be talking about a small number of cases where any other process is impossible and it is necessary for it to be handled in this way.”—[*Official Report*, 18 December 2012; Vol. 55, c. 721.]

By placing in the Bill a provision that states as such, this should help ensure that the use of a CMP does indeed remain exceptional, as we all intend. Secondly, because it also allows the consideration of other measures, such as public interest immunity, redaction, in camera hearings, confidentiality rings and anonymity, all of these would protect the precious open and fair nature of our justice system, which must be one of our priorities.

**Mr Howarth:** My right hon. Friend has moved on from the point I was going to make, but I will return him to it. He has explained how the Wiley test works effectively with public interest immunity cases, but he seems to assume that that test will work equally well in closed material proceedings. I fail to understand how he can justify that statement on the basis of what he has already said.

**Sadiq Khan:** The Wiley balancing exercise has been applied for many years, and there is a rich history of precedent. The Minister plucks from the air “fair and effective”, but that was plucked from the air at the eleventh hour, at the last minute that an amendment could be tabled in Committee. What we, the Joint Committee, the special advocates and the House of Lords are saying is that if there is to be a gateway test before the decision about whether a hearing should be open or under a CMP, or about which material within a CMP should be open or closed, the judge should carry out a balancing exercise. He should weigh the public

interest in having an open and fair hearing against the harm done by the revealing of information that would breach national security. That is the test that judges use now and what the Supreme Court judges in *al-Rawi* would like to have used had they had the option of a CMP, which this Bill would give them.

**Dr Huppert:** The right hon. Gentleman is being generous, although it sounds as if he needs to be nicer to some of his own party's Back Benchers to get their support on some of these issues. He is making an interesting point about the last resort, and I have some sympathy with that. He will be aware that closed material proceedings were introduced by the previous Government in respect of a number of other cases in British law—in special immigration cases, control orders and employment tribunals. Will he remind the House whether there was a last resort provision for all those? I simply cannot remember—perhaps he can.

**Sadiq Khan:** As the hon. Gentleman will know, this is an extension into civil actions. He is talking about special immigration appeals hearings, but I am talking about something very different: when one party is suing the Executive—the Government—for damages. Historically, the Government could press the “eject” button, but for the reasons given by the Minister and my right hon. Friend the Member for Salford and Eccles (Hazel Blears), we do not want damages to be paid where a case could be exhausted and there could be a resolution of the disputes. That context is very different from one in which somebody's immigration status is being considered.

**Dr Julian Lewis (New Forest East) (Con):** My question is also to do with the right hon. Gentleman's concept of the last resort. I think he would accept that one of the reasons why we are enacting this legislation is to avoid an unpalatable situation. People who we might know from secret sources, which we cannot expose in public, to be closely involved in terrorism have been able to sue and walk away with £500,000, £1 million or more. That is what is behind the provision.

It will always be open to the Government to pay the money and thus avoid the action. Will the right hon. Gentleman's criterion of the last resort mean that we can go for a closed material procedure to avoid having to pay out the money unjustifiably or that we will have to carry on doing what we are doing at the moment—rather than exposing secret sources or techniques, paying out a lot of money to potentially very dangerous people?

**Mr Deputy Speaker (Mr Lindsay Hoyle):** Order. I ask hon. Members to make shorter interventions, although I know it is important to get things on the record.

**Sadiq Khan:** Thank you, Mr Deputy Speaker. Six interventions ago, I said that I would take my last one; I keep being too generous.

The hon. Gentleman's point would be good if I was suggesting that we remove CMPs altogether. I am saying that a judge should consider—a word that I shall explain in a moment—all other options, including public interest immunity, before going to a CMP. The Government amendment requires the Minister to consider PII; if it is good enough for the Minister, why is it not good enough for the judge?

We are not saying that there should not be CMPs, but that it is exceptional, for the reasons the Government have given. It should happen very infrequently; people have mentioned figures of seven or 15. The Under-Secretary has said from the Front Bench that he is not sure how many, which is why he will be supporting our sunset clause. What I am saying is that asking the judge to consider all the other options would make explicit the intention of Parliament and the Government.

**Caroline Lucas:** Will the right hon. Gentleman give way?

**Sadiq Khan:** I really must make progress; there will be time for hon. Members to contribute after I have finished.

David Anderson, the Government's independent reviewer of terrorism legislation, has himself said that

“the court's power to order a CMP should be exercisable only if, for reasons of national security connected with disclosure, the just resolution of a case cannot be obtained by other procedural means (including not only PII but other established means such as confidentiality rings and hearings in camera).”

We should not legislate in a way that means that CMPs will replace tried and tested methods for dealing with sensitive material in open proceedings if those methods will do the job. Only if it is deemed, after consideration by a judge, that those tried and tested measures cannot be employed in a way that would allow important evidence to be used in a public court, would the option of a CMP be considered. The Bill as it stands does not allow for this. Our amendments would not, as some have argued, including the Minister on Second Reading, mean that a full and lengthy PII exercise had to be undertaken before a CMP could even be considered. On the contrary, the key word in all this is “considered”. Our amendments would deliver this. I hope that the House will support that as part of our efforts to maintain as much as possible of the precious traditions of openness in our justice system.

Some have interpreted the Government amendments tabled at the eleventh hour last week as delivering what we and others have asked for. They will lead to a Minister—in other words, one of the parties in the civil action or judicial review—considering the use of PII and the judge having to take their conclusion into consideration when deciding whether to grant a CMP. In our view, this is not an appropriate check and balance, and we will therefore look to amend the Bill accordingly.

Amendment 38 deals with the Wiley judicial balance within the CMP. The Government's argument for resisting this is the same as their reason for resisting full judicial balancing on the decision on whether to order a closed proceeding in the first place. We are not persuaded of their arguments in that circumstance. We believe that this is another key component of judicial balancing and a crucial check and balance.

Our amendments also deal with the equality of arms. On Second Reading, the Minister said:

“We will also accept that any party, not just the Government, should be able to ask for a closed material procedure.”—[*Official Report*, 18 December 2012; Vol. 555, c. 722.]

We welcomed that statement. After all, equality of arms is backed by the JCHR and the independent reviewer of terrorism legislation, David Anderson QC. However, following the changes that the Government made in Committee, we now know that their idea of equality of

[Sadiq Khan]

arms is very different from everyone else's. The JCHR report published last week is highly critical of what was done to the Bill in Committee. It says:

"in our view the Government's amendment enabling all parties to proceedings to apply for a CMP does not provide for equality of arms in litigation because it would unfairly favour the Secretary of State".

In short, it is a two-tier equality of arms—or, in the real world, an inequality of arms. Our amendment would restore proper equality of arms. I am pleased that the Government have decided to support us and have signed our amendment.

Some have said that the debates at this late stage are nothing more than angels dancing on the head of a pin. I disagree. There remain some fundamental differences, chiefly about judicial balancing and last resort, about which we are still concerned. I hope that colleagues in all parts of the House will support, in particular, amendments 30 and 31. We will first need to vote on amendment 26, which is a paving amendment that would ensure that the Bill contained the proper checks and balances that it needs without having to rely on the other place—with Lib Dem support, I hasten to add—to make sure that there is equilibrium in the great balancing act that we face between our national security and the rights of individuals.

**Mr Kenneth Clarke:** I rise early in the debate because I want to speak to the Government amendments that stand in my name. I have already added my name to two Opposition amendments. As we do not have a great deal of time to discuss some quite complex issues, it will be helpful to set out what those issues are so that we do not have so many interventions when the person who is being intervened on is agreeing with the person making the intervention, as happened several times to the Opposition spokesman.

I think that an ordinary, intelligent person from the outside world who is listening to this debate would be rather baffled as to what is causing us so much concern. It has seemed to me for some time that we are in complete agreement on policy and there is no disagreement between us on the principles of the very great need to protect national security and the equally great need to protect the rule of law, the principles of British justice and all the values that we seek to uphold. We have spent the entire time trying to work out a process for reconciling those principles.

The Opposition spokesman entirely agreed with the interventions by the right hon. Member for Salford and Eccles (Hazel Blears) and my hon. Friend the Member for New Forest East (Dr Lewis), who both put forward the principle that we must find some way of trying these cases properly so that everybody knows that there is justice and that a judge has been able to reach a conclusion on the merits or otherwise of the allegations made. Nobody has yet got up to say otherwise. The real critics of this Bill—I do not think that they are Members of this House—say that, somehow, it is a lesser evil to keep paying out millions of pounds in order to not extend the principle of closed proceedings further than it already exists in British law. The idea seems to be, "What a pity. We hope that none of the millions will go to bad causes," although I do not think that that argument has an advocate in this place.

What we are doing—we have been having this debate for months—is discussing amendments that would underline the fact that this is a judge-made decision, made with proper discretion and taking the right things into account, and that closed material proceedings will only be used in a very small number of cases that would give rise to issues of national security if they were held in open court.

4.45 pm

**Several hon. Members rose—**

**Mr Clarke:** I shall start giving way in a moment and will do so at least as frequently as my opponent, the right hon. Member for Tooting (Sadiq Khan).

I will not use my own words to make the general case for the measure. I think I am in agreement with the Labour party, the Liberal Democrats and, I hope, my own party, or at least the bulk of it—that is sometimes the least certain proposition one can make in British politics these days. A collection of people whom I admire wrote to *The Times* a few months ago:

"In national security matters our legal system relies upon a procedure known as public interest immunity. Under PII, evidence which is deemed to be national security sensitive is excluded from the courtroom. The judge may not take it into account when coming to his or her judgment.

This procedure is resulting in a damaging gap in the rule of law. To protect national security evidence from open disclosure the Government is forced to try to agree substantial settlements with claimants who have not had the opportunity to prove their case. Civil damages claims made against the security services are not therefore being scrutinised by a judge in a court.

It was to resolve a similar problem that previous Governments introduced Closed Material Procedures (CMPs) in immigration and control order cases, and courts have ordered them by consent in the past.

CMPs are not ideal, but they are a better option where the alternative is no justice at all. The Special Advocates who operate within them are more effective than they admit...and the Government loses cases in these hearings.

We believe the Government is right therefore to extend the availability of CMPs to other civil courts. This will ensure that the security and intelligence agencies can defend themselves against allegations made against them, that claimants are given the greatest opportunity to prove their case, and that concerned citizens will have the benefit of a final judgment on whether serious allegations have foundation."

That puts the general case impeccably. One of the signatories was Lord Reid, the former Home Secretary, which is not too surprising given that most Opposition Members who are former Ministers with experience of dealing with these matters are pretty supportive of the Government and have been throughout, particularly those who are still up to date because they are on the Intelligence and Security Committee. Another signatory was Lord Mackay of Clashfern, who was a Conservative Lord Chancellor many years ago, but who was the most independent Lord Chancellor I can recall. He is an impeccable lawyer and a man whom no one could accuse of not having regard to the rule of law.

I stress that the former Lord Chief Justice, Lord Woolf, whose name has entered the fray again today, is a great defender of personal liberties who invented, I think, the whole concept of judicial review by which Governments are now held to account better by the courts for ministerial decisions. I have great respect for his opinion and today—this is my final quote before I start to give way—he has written:

“What is important is that the operation of...CMPs should be under the complete control of a judge. That the Government has now given him that control is to be welcomed. The Bill now ensures that we will retain our standards of general justice, while also putting an end to the blindfolding of judges in this small number of cases.”

I think that we all agree. There may be some rare exceptions from the ultra-liberal end of the left or the right, but by and large practically everybody in this House agrees with that case. What we are arguing about now is the fact that every time we table an amendment, further amendments are tabled in order to make it more practically difficult ever to have a CMP. The lawyers who are persuading various groups to table those amendments and who are drafting them for them actually think that the law as it stands is perfectly satisfactory, but they keep trying to invent fresh conditions, tests and processes to get in the way of CMPs.

The Litvinenko inquest is proceeding under the old law. I gave in to all the lobbyists who said that none of this should ever apply to inquests. In inquests, secrecy must therefore remain the order of the day so far as the coroner, the family and everyone else is concerned once a PII has been applied for and granted. I do not think that that should apply to civil claims, but people will no doubt try to persuade me that it should.

**Jeremy Corbyn** (Islington North) (Lab): I thank the Minister for giving way and for the way in which he is trying to present a not very strong case. If we have a Security Service, it must be accountable, and if we have a criminal law process, it must be open. The process that is being introduced and previous processes end up, in effect, with people being criminalised in secret without knowing the full case against them. Does he not accept that there is a danger in the process that he is presenting?

**Mr Clarke:** The Bill most emphatically does not apply to the criminal process. I would be against any evidence of which the offender was not aware being given in a criminal case. That gets us into the control order problem, which is that sometimes there is no evidence in a case, but responsible people are terrified of the prospect of the person being left at liberty because we cannot prosecute. However, that is for another day. I do not believe that there can be a criminal case with secret evidence. I quite agree about that.

In civil cases, I would prefer there to be open evidence all the time. I particularly agree with the hon. Member for Islington North (Jeremy Corbyn) that the security services must be accountable to the courts and to Parliament wherever possible. At the moment, they are not accountable to the courts, because all the material that the Government want to bring in their defence cannot be given in open court. By definition, this is not evidence about our being involved in torture, rendition or anything like that. We deny that we are and most of the allegations are not that we have done such things, but that we have been complicit in another agency doing them. The evidence that we are talking about is evidence that the security services and their lawyers believe would enable them to defend the action and refute the allegations. At the moment, because we cannot hear such evidence in closed proceedings and because it cannot be heard in open court, it is not heard at all. We just offer no defence and pay out. If we have this procedure, it will make the services more accountable to the courts.

The other half of the Bill greatly strengthens the work of the Intelligence and Security Committee, which I approve of, by making it a proper Committee of this House and by strengthening its powers. I agree with the hon. Member for Islington North that we must reassure the public that we are defending our values by the most reputable methods and that we are respecting human rights. There must therefore be accountability to the courts and to Parliament.

**Several hon. Members** *rose*—

**Mr Clarke:** I will give shorter answers if I can. I will give way to a Member on my side of the House.

**Sir Richard Shepherd** (Aldridge-Brownhills) (Con): My right hon. and learned Friend has come against the rock of the special advocates. They have looked at this business and rejected it universally. They are the ones who are supposed to carry these court cases through and they do not like the proposal. I do not like it and as this debate progresses, I think we will find that many more Members of this House do not like it either.

**Mr Clarke:** I thought we were doing all right with this Bill until the special advocates came out with their remarkable evidence to the Joint Committee on Human Rights. I agree that that got me into a lot of trouble. I do not understand why they take that ferocious view. As I have demonstrated before with plenty of quotations, they do win cases. One would think that they are powerless, but they do succeed. The judges accord to special advocates much more power of persuasion than they seem to accord to themselves, because judges want to have a special advocate to help them test the evidence when they are reaching their conclusion.

Of course, special advocates act on behalf of the claimants, as do most of the people who make these objections. I am not accusing them, because their motives are the highest and most honourable, but they have got into a frame of mind where they think that anything that is not advantageous to the claimant must be bad. Even at the height of my enthusiasm for human rights and the rule of law, I cannot get myself into that position. Claimants should be obliged to prove their case and I believe that special advocates are the most effective means that we have of testing the Government's case on behalf of claimants.

**Dr Huppert:** The Minister made the excellent point that none of this would apply to criminal cases in which somebody's liberty could be at risk, which is important. It is clear that there will not be closed information in such cases. Will he confirm whether civil habeas corpus cases will be covered? Could there be closed proceedings in such cases, which could affect somebody's liberty?

**Mr Clarke:** My off-the-cuff reaction is to say no, but I confess that it is an uninformed one, so I think I ought to check that and return to it later.

**Several hon. Members** *rose*—

**Mr Clarke:** I will give way once or twice more, then I must resume my speech, otherwise this will turn into a question-and-answer session. I must finish my speech, as the right hon. Member for Tooting did with great difficulty.

**Yasmin Qureshi** (Bolton South East) (Lab): May I reiterate what the hon. Member for Aldridge-Brownhills (Sir Richard Shepherd) said? If special advocates, who are independent people and fully aware of cases such as those in question, are expressing reservations and think the provision is wrong, should the Government not take notice of that?

**Mr Clarke:** We have taken notice of it, but I do not understand why special advocates seem to be taking up the arguments of people who say that we should never allow anybody to consider the evidence in question. I never thought that PII was a perfect process, but the critics have suddenly decided they are now that we have brought forward CMPs. If there is a PII, the judge cannot take account of such evidence, claimants and the defence cannot use it, and the lawyers do not know about it. That is held up to me as a superior position to the one we are putting forward, which will mean that the judge can consider that evidence.

**Rory Stewart** (Penrith and The Border) (Con): Will the Minister tell us in broad terms what concessions he has made since the Bill was conceived, and whether there are any further concessions that he can make to address any concerns?

**Mr Clarke:** I was about to move on to that point, having made the general case. Every time I make concessions, they are pocketed and there is a fresh set of demands. I have known that to happen before, but never on the same scale as with this Bill. I will try to explain that when I get on to the matter.

**Caroline Lucas:** I see that the Minister is about to get some advice from behind him on habeas corpus cases. The advice we have received is that they are regarded as civil actions, and that habeas corpus could therefore be at risk in future.

The Minister should not get carried away with the idea that everybody supports the change. Some parties, such as the Green party, do not. That will not surprise him, but the Liberal Democrat conference did not support it, either. It talked about it as a serious risk to public trust and confidence. Many people out there do not support the change or think it is necessary, and I have yet to hear any real argument as to why it is.

**Mr Clarke:** I respect the hon. Lady's sincerity, and she represents those who are against the whole policy. I have met such people outside—to use a flippant phrase, some of my best friends are human rights lawyers, and I have met people who say that the whole idea of CMPs is so bad that it is a lesser evil to keep paying money to the ever-mounting number of people coming forward. That is a judgment for the House to make, but the three political parties do not contain many members who agree with that, and I do not think the public agree with it. I would prefer to see a judge test the evidence and come to a conclusion.

**Several hon. Members** *rose*—

**Mr Clarke:** I will move on, but I will remember who I have not given way to.

I have been given advice on civil habeas corpus cases, and I will read it to the House. It says, “We can't envisage any such cases.” I find that inconclusive, so I will make further inquiries. The question bowled me middle-stump, so I have some sympathy with the unfortunate lawyer in the Box who has had to decide what on earth we can say, and I think we ought to be allowed to go away and consider the matter.

On the point that my hon. Friend the Member for Penrith and The Border (Rory Stewart) made, Lord Woolf mentioned in his letter this morning that before the Committee stage, and again last week, the Government have tabled a lot of significant amendments that, in our opinion, meet every practical objection that has been made by the Joint Committee on Human Rights, the Opposition, my colleagues in the Liberal Democrats and my noble Friends, who defeated us several times. We accepted quite a lot of those defeats, which were improvements to the Bill.

I have tabled four more amendments today and added my name to two Opposition amendments. I considered the point about equality of arms; I think it is slightly overdone but Government Members have added their names to two Opposition amendments so that any party to the proceedings can apply for a declaration that there should be closed material procedure.

Let me remind hon. Members where we have got to. There has been enormous movement since the Green Paper, and quite a big movement while the Bill has proceeded through the House. The court may grant such an application and order a CMP if it—

**Several hon. Members** *rose*—

**Mr Clarke:** Let me remind hon. Members of the position we have reached and then I will give way.

5 pm

The court must be satisfied that the Secretary of State has considered whether to make, or advise another person to make, a PII claim for the material on which the application is based. Therefore, the Secretary of State must have considered that PII claim. We are not in favour—I will come back to this point—of the Secretary of State being put under an obligation to go through the whole PII process, which in some cases can take months, if it is obvious from a sample of the material that the case is likely to involve a CMP.

Now that the Bill has been amended, the tests the judge must apply before going into closed proceedings are clear. The judge must be satisfied that the material is relevant to the case and bears on issues that the judge is being asked to decide on. Secondly, the judge must be satisfied that the material could damage the interests of national security. A case cannot be contemplated for closed proceedings until the judge is satisfied on that point. Thirdly, the judge must be satisfied that a CMP would be in the interests of the fair and effective administration of justice—the proper way a British judge should try the case.

Those three conditions are pretty wide and they have to be satisfied. If the judge, exercising the widest possible consideration, is satisfied that those three conditions have been met, he may allow a CMP. We have removed the wording that he “must” allow a CMP, so the idea

that this decision is not under the control of the judge strikes me as totally fanciful. If a CMP is being considered, the only way it will be workable is if a judge looks at a sample of the material to see whether those three conditions are satisfied. He may then order a CMP.

In a CMP a judge will hear all the material, which can amount to thousands of documents. During that time, when the special advocate is challenging and going through the case, the court is obliged to keep the CMP under review. Again, we have given the judge the power to revoke the CMP at any time. Indeed, the court has a duty to revoke a CMP following the pre-disclosure exercise if it feels that the CMP is no longer in the interests of the fair and effective administration of justice. As Lord Woolf has said, the changes the Government have made put the judge in complete control of whether a CMP can be granted and whether it will continue or be revoked—I could add more but I will not because I have started to give way again. The judge also decides how much of the case will go into open proceedings, how much of a gist can be given to the defendants, and how much can go into open proceedings as long as certain documents are redacted. Of course, the judge will have been informed by evidence and heard it challenged, and will then continue to the rest of the proceedings.

If we started like that, Lord knows where we would be now given the amendments we were facing—I cannot imagine. Some of this is unnecessary because I think a British judge would want to hold open proceedings. People will have difficulty persuading a British judge that it is sensible to go to closed proceedings. The idea that we need a whole lot of amendments that put fresh conditions on the judge, fresh questions for them to ask, and fresh, expensive and long processes to go through, is just an attempt to thwart CMPs. The Bill contains every protection because we have amended it yet again after consideration by the Joint Committee on Human Rights and the Intelligence and Security Committee.

**Zac Goldsmith** (Richmond Park) (Con): I welcome my right hon. and learned Friend's comments. Will he tell the House whether there is a clear and understood definition of the term "national security"?

**Mr Clarke:** There is no definition, because all attempts to define it have got one into worse difficulties.

It is possible to exclude evidence from a case altogether under the existing public interest immunity procedure; the Bill does not touch that. The present PII law will be completely unaffected by the Bill, so people could still go for a PII. One is obviously being actively sought at the moment in the Litvinenko inquest, although I know that only from what I read in the press. That kind of exclusion could be claimed on the ground of damage to international relations, if the Government of some third-party state would be upset if certain evidence were to be published. That goes beyond questions of national security and into total secrecy, allowing the Minister to withdraw the whole blasted thing from the proceedings and not letting even the judge use it. That measure goes much wider. Such exclusions on wider grounds happened under the previous Government.

We are sticking to national security, however, and judges, using the completely unfettered discretion that we are now giving them, will no doubt have regard to what I say. What we have in mind are things that would

cause damage to national security, by which we mean the safety of our citizens, our attempts to counter terrorism, and threats to international order among the wider public. I can assure the House that I am not in favour of excluding ministerial pigs' ears. I am sure that the previous Government made more of them than we did, but I do not believe that that sort of thing should be put away in closed proceedings under any Government.

**Mr George Howarth:** Is not national security rather like reasonable doubt—two well understood English words, as a judge advised the jury in a trial the other week?

**Mr Clarke:** Amendments have been tabled to Bills of this kind to try to define the concept, but that leads to more trouble than it is worth. I entirely agree with the right hon. Gentleman that reasonable doubt is a very good comparison.

**Sir Malcolm Rifkind:** Will my right hon. and learned Friend give way?

**Mr Clarke:** I will in just a second. I am sorry not to give way to the Chairman of the Committee at the moment, but I will before I finish.

I think I have made my point that people are grasping at the straws that keen human rights lawyers have presented to the critics of CMP, and trying to bring in a process to prevent them from happening. That would be the effect of most of the amendments. We have accepted the spirit of the JCHR's amendments, and we have addressed the questions on unintended consequences.

Let us consider amendment 30 and the Wiley balance. I have just mentioned the unfettered discretion that we are giving to judges. Should we add to that discretion a confinement so that a judge would have to apply what is known as the Wiley balance, which is used in PII? I will not repeat the arguments used by my right hon. and learned Friend the Member for Kensington (Sir Malcolm Rifkind), the Chairman of the Intelligence and Security Committee and, I think, the right hon. Member for Salford and Eccles. PII is not the same.

The amendment that the Opposition have been persuaded to table is not actually about the Wiley balance. Whoever drafted it has realised that that would not be quite good enough for their purposes, so they have altered it by adding the words "fair" and "open". I do not understand how, having decided that national security would be at risk and that that would be relevant to the issues, and that such a measure would be necessary for the fair administration of justice, someone might then decide that they preferred open justice and that the evidence should be given in public anyway. That is a complete non sequitur, in a way. It would be slightly absurd to do that. It would be like saying to the judge, "If you agreed with the Green party and were against the policies in the Bill in the first place, you can now throw everything out anyway because you need to consider whether you would prefer open justice, after those three conditions have been satisfied." That would be a slight non sequitur, and it is also a bit deceptive—not deliberately; I am not accusing anyone of acting improperly—to describe this proposal as the Wiley balance. It is the Wiley balance with bits added, which some ingenious lawyer has come up with to try to put a spoke in the wheels.

**Mr Andrew Tyrie** (Chichester) (Con): I am very grateful indeed, in the circumstances, to the Minister for giving way. Did I hear him correctly? Perhaps I will give him the opportunity to correct the suggestion, which I think he pretty much made a moment ago, that the remaining opposition to the Bill has been got up by a few human rights lawyers. Will he explain, which he has still failed to do, why the only people who really understand the system—the people who have experience both of PII and CMPs; that is, the special advocates—have concluded absolutely clearly and unequivocally:

“The introduction of such a sweeping power could only be justified by the most compelling reasons and, in our view, none exists.”?

**Mr Clarke:** I do not think that I would conceivably use the language that my hon. Friend tries to attribute to me. Human rights Members are fervently opposed to the whole idea of CMP. They are extremely able lawyers and draftsmen. I am left in wonder and admiration at their ingenuity at producing an endless procession of amendments, so that every time their principles are adopted by the Government in amendments at various stages, a fresh set of amendments is tabled introducing new concepts that are designed to elaborate on the process. That is enough praise for my opponents, but it is ingenious.

We are not putting in the Wiley test, because we have three perfectly effective tests and complete discretion for the judge anyway. The Wiley test is used for PII, which is a quite different process that tries to exclude the evidence entirely from the judge, the claimant, the lawyers and everybody. PII is an application for total silence. We do not need to put the test in for that.

Amendment 31 is more difficult, as it requires that a CMP may be used only as a last resort. The circumstances I have described are getting pretty near to the last resort. We expect only a handful of cases, because we do not think our intelligence agencies will be sued very often. They are strictly enjoined to follow the principles of human rights, and not to connive at torture and everything else, but we do not know, and the conditions we have applied make it clear that we will only ever have CMPs in national security cases, unless a future Government try to relax them.

The trouble is that the last resort argument will undoubtedly be used for going through the whole PII process before starting on CMPs, and there are some people who want to do that. They say that they do not like the fact that the Secretary of State has to consider an application for PII. They want the Secretary of State to go through the whole process. They do not like the fact that the court has other tests for going to a CMP. They want the court to go through the whole PII process before it gets there. Why? Because it could take months or years. The Guantanamo Bay cases had hundreds of thousands of documents—it is a very elaborate process.

**Mr Julian Brazier** (Canterbury) (Con): Will my right hon. and learned Friend give way?

**Mr Clarke:** I will in just a second.

There is a serious risk, in our opinion and in the opinion of those who have considered the drafting, that it will introduce a huge, expensive and discouraging

process. David Anderson, the independent reviewer of terrorism legislation, has described this sort of clause as requiring the court to bang its head against a brick wall. I think the Lords Constitution Committee also said that it did not want full PII. The hon. Member for Hammersmith (Mr Slaughter), who led for the Opposition, said this:

“None of us wants exhaustive PII or a Minister tied up for a year exhaustively going through paperwork, if it were obvious to all concerned that it was not needed”.—[*Official Report, Justice and Security (Lords) Public Bill Committee*, 5 February 2013; c. 167.]

We are resisting amendment 31 because we think ingenious lawyers will use the argument that we have to settle down to a few years of process and paperwork to satisfy the requirement exhaustively to consider every other possible way of trying the case.

**Sadiq Khan:** Does the Minister accept that good judges will throw out frivolous applications by ingenious lawyers? If he is concerned about judges spending too much time considering documents, why does Government amendment 47 put the same obligation on the Secretary of State to consider PII, which we are seeking to put on the judge? All we are asking is that the judge considers PII, and the Government amendment requires the Secretary of State to consider it. Rather than the defendant in a claim having to consider, why not the judge?

**Mr Clarke:** Let us not make this a competition about which of us most trusts British judges to make reasonably sensible decisions. I have just described how we have put the whole thing in the hands of the judge, and I think that the right hon. Gentleman agrees that a British judge will instinctively want an open hearing and will have to be persuaded to go closed, and he will only do so as a last resort—to use a colloquial term—because his or her preference will be for open justice. There would have to be a very compelling reason for going closed.

5.15 pm

That is the trouble with the amendments. I do not say they are all wicked, but they are designed, I think, to enable people to argue that it is not good enough just for the judge to decide that the tests are settled. They could argue that the judge has to go through an exhaustive procedure and consider every other possible alternative before going ahead. I do not see what on earth that would add. It would insert into the Bill what is almost a colloquial phrase. Whoever drafted it thought, “It’s worth a shot. Perhaps we can get the full process gone through before entering the closed process.”

**Patrick Mercer** (Newark) (Con): On a wider point, has my right hon. and learned Friend thought how much comfort this will give to their cause, in the world of propaganda, when CMPs are used against terrorists?

**Mr Clarke:** I have, but with the greatest respect to my hon. Friend’s expertise in this area, I must say that one of the things that most troubles me, as the Minister enthusiastically in charge of the Bill, is not just the need to save the money or the irritation of being unable to defend claims, but the considerable damage done to the reputation of our security services because they are unable to defend themselves. The House always insists

on being persuaded that the security forces abide by human rights and do not go in for malpractice or unlawful rendition and so on, but their inability to defend themselves against allegations that they have done so is undoubtedly used by our enemies against our security services, and they are very conscious of it—as are our allies and those with whom we co-operate in the security field.

**Several hon. Members** *rose*—

**Mr Clarke:** In order to avoid losing the thread—as far as there is one—of the Opposition’s amendment, I will make some progress.

Amendment 38 would allow the court to order the disclosure of sensitive material, notwithstanding the damage that would be caused to national security, even if the CMP would have been fair without the disclosure. That would make the Bill completely ineffective from the point of view of the main policy, on which we are all agreed, and would give the courts the sort of power that prompted our allies’ concerns following the Binyam Mohamed case. It would seem to allow the judge to look at some material, determine that it was national security-sensitive but then say that there were wider considerations and disclose it anyway. Of course, if such a disclosure was ordered, the Government would have to withdraw from the case and seek to avoid further disclosure in claims for damages.

**Several hon. Members** *rose*—

**Mr Clarke:** I must conclude. I apologise to those distinguished Members to whom I have not given way.

I remind Members of the extraordinarily important objectives that we have for the Bill and which the Government’s amendments support. I do not think that the Opposition wish to destroy the policy of the Bill, but they have tabled amendments that would have that effect. The Bill will ensure that the increasing number of civil claims brought against the Government alleging British involvement in kidnap and torture are for the first time fully examined by the courts and that the agencies are better held to account for their actions both by Parliament, through the Intelligence and Security Committee, and in the courts.

The Bill will enable us to reassure the Heads of State of our closest intelligence-sharing partners that we will keep their secrets. That we cannot do this at the moment has already led to the US putting measures in place restricting intelligence exchange and has seriously undermined confidence among our key allies. As I have already mentioned, the Bill will also stop us having to make unnecessary payouts to people who have not proved their case and reduce the risk of British taxpayers’ money being used to finance terrorism.

We have revised the Bill as far as we can. We all agree on the rule of law and with the principles of justice in this country, but I invite the House to apply a modicum of common sense and a sense of national security to its considerations. We have debated this endlessly. Never can a Government have been quite so responsive to the points put to them, and I fear that I must resist the further pressure.

**Dr Hywel Francis** (Aberavon) (Lab): It is a pleasure, and it is certainly a challenge, to follow the Minister without Portfolio.

On Second Reading, I welcomed the improvements that had been made by the House of Lords, but expressed the view that more significant improvements were required. I hoped that the Bill would be amended in Committee to make it compatible with the basic requirements of the rule of law, fairness and open justice, which, of course, the whole House would wish to endorse. Regrettably, however, the amendments made by the Government in Committee have removed or watered down many of the improvements made in the other place.

In an earlier report on the Bill, the Joint Committee on Human Rights, which I have the honour of chairing, considered carefully whether the Government’s amendments gave effect to its recommendations. In its second report, published last week, it reached the clear conclusion that they did not, and recommended further amendments. The day after we agreed our report, the Government tabled further amendments. I think—I choose my words carefully—that that was regrettable. We would have liked to scrutinise those amendments properly. The Minister, however, told the *Daily Mail* that the Government had now met every sensible legal objection that there could be to the Bill. I welcome some of the latest Government amendments, as does my Committee, but I must add that they meet only one of the seven main concerns expressed by the Committee in the report published last week.

Let me deal first with equality of arms in the ability to apply for a CMP. We welcome and support the Government’s amendment, which is the only one that gives effect to a recommendation in last week’s report. If we are to have CMPs in civil proceedings, it is vital for individuals such as torture victims who are bringing cases against the Government to have the same opportunity as the Government to apply for them, but how does the Minister propose to ensure that such claimants are aware that a CMP might help their case? Can he reassure us that special advocates will be appointed whenever the Government apply for sensitive national security material to be excluded from a case on grounds of public interest immunity, and also that those advocates will be able to communicate to excluded parties the fact that a CMP might help their case? I think that those are both very important questions.

Let me now deal with judicial balancing at the “gateway”—the so-called Wiley balance, which has already been discussed a great deal today. I support the amendment proposed by the shadow Justice Secretary, my right hon. Friend the Member for Tooting (Sadiq Khan). In fact, I shall be supporting quite a few of his amendments, not because of any party loyalty but because he is supporting my Committee’s recommendations.

The Government’s amendments removed from the Bill the Wiley balance between the degree of harm to national security on the one hand and the public interest in the fair and open administration of justice on the other. That important safeguard had been inserted by the House of Lords, following a recommendation from my Committee. As the Committee explained in its report, the purpose of our recommended amendment inserting the Wiley balance was to ensure that the court considered the public interest in the fair and open administration of justice.

**Michael Ellis** (Northampton North) (Con): May I ask whether the Joint Committee also considered the human rights of society more widely, including the

[Michael Ellis]

right not to see millions of pounds of taxpayers' money given to undesirable elements and individuals because cases must be settled immediately rather than explored properly, evidentially, through the courts?

**Dr Francis:** I welcome the hon. Gentleman's point. These are very important issues, and the Committee was cognisant of them.

To return to the point I was making, that purpose is not served if the Bill does not contain any express requirement that the court conduct such a balancing exercise before deciding whether to allow a CMP to be used. By deleting the Government's new condition that it is in the interests of the fair and effective administration of justice in the proceedings to make a declaration and reinstating the Wiley balance as a precondition for a CMP, the amendment would restore a crucial safeguard for open justice.

On last resort, I support the amendment tabled by the shadow Secretary of State for Justice, which would give effect to my Committee's recommendation. The Committee, in its report last week, explained why it does not accept the Government's reasons for removing the "last resort" amendments made by the House of Lords, which are based on a misunderstanding of the effect of the provisions. The Government's commitment to ensuring that CMPs are available only in those cases where they are necessary is most welcome. However, in order to give effect to that intention the Bill must be amended so as to reinstate the condition that the court is satisfied that a fair determination of the issues in the proceedings is not possible by any other means.

The requirement that the court consider whether a claim for PII could have been made must also be reinstated. The Government's latest amendment, which requires the court to consider whether the party applying for a CMP considered applying for PII, does not go far enough, because it does not require the court itself to consider whether PII is a suitable alternative to a CMP.

**Mr Kenneth Clarke:** As I have already argued, that sounds as though it is demanding that both the Secretary of State and the court go through the full process of PII before even getting on to applying for a CMP. From what the hon. Gentleman is saying, it sounds as though that is exactly what the Committee is contemplating, but how can that be justifiable when all the people concerned in some of these cases will rapidly come to the conclusion that they are wasting time, money and effort on a totally unnecessary exercise and it would obviously be more sensible to go into a CMP and consider the nature of the evidence?

**Dr Francis:** I am sure that—

**Sadiq Khan:** On that point, will my hon. Friend give way?

**Dr Francis:** Yes.

**Sadiq Khan:** I think that the Minister without Portfolio is in danger of not understanding his own Bill or the amendments. The amendment would simply require the court to "consider" whether a claim for PII could have

been made in relation to the material. That is the same word used in Government amendment 47, which proposed that the Secretary of State must consider whether PII should be used.

**Dr Francis:** My right hon. Friend has explained that better than I could.

I have a question for the Minister, if he will listen to it, about the effect of the Bill on arrangements known as confidentiality rings. Will he repeat to the House the unequivocal reassurance he gave my Committee that the Bill, as it stands, makes no difference to confidentiality rings, that they will remain available under the Bill as they are now, and that the Government have no intention of taking away the possibility of such arrangements being used as an alternative to CMPs? I am not sure whether he was listening to that, but no doubt his supporters and officials can assist him later.

On the question of judicial balancing in the CMP, I again support the amendment tabled by the shadow Secretary of State. It would give effect to my Committee's recommendation that the Bill be amended to ensure that a full judicial balancing of interests always takes place within the CMP, weighing the public interest in the fair and open administration of justice against the likely degree of harm to the interests of national security when deciding which material should be heard in closed session and which in open session. My Committee's report explains why express provision for judicial balancing of interests needs to take place within a CMP. It is essential to ensure that the judges have the discretion they require to ensure that the Bill does not create unfairness.

Finally, on the question of gisting, I support the shadow Justice Secretary's amendment, which, once again, would give effect to my Committee's recommendation that this crucial safeguard be included in the legislation. On Second Reading, I said that the House needs to listen to the expert views of the special advocates and act on their recommendation that the Bill must include what has become known as a gisting requirement: a requirement that the party excluded from the courtroom must be given a summary of the closed material that is sufficient to enable him to give effective instructions to his lawyers and the special advocate who represents him in his absence. The special advocates have forcefully repeated that view in their most recent submission to my Committee. The courts have held that such a requirement is necessary in order for the legislation to be compatible with the right to a fair hearing, and the House should make it absolutely clear that that is what it intends, by writing this safeguard into the Bill.

5.30 pm

I hope to be called later this evening to make a speech on annual renewal. On behalf of the Joint Committee on Human Rights, may I thank everyone who has been contributing to this debate, because this is a crucial matter and we must all take it very seriously. I, for one, am grateful to have the opportunity to speak this evening.

**Mr Tyrie:** It is rare that I find myself agreeing with the lion's share of what Opposition Members are saying and not agreeing with much that I have heard from my Front-Bench team. This is particularly unusual because of who has been speaking from the Dispatch Box.

I normally agree with a great deal of what my right hon. and learned Friend the Minister without Portfolio says, but I cannot agree with him tonight.

The amendments on closed material procedures may look technical but they are really about the kind of society we want to live in: they are about whether people can get to hear the case that is being made against them; they are about whether we can keep legal safeguards that we have had for generations; they are about whether we are committed to finding out how much Britain has facilitated the United States' programme of rendition—kidnap and, in some cases, torture; and, above all, they are about what values this country is seeking to espouse and export.

Amendments 30, 31 and 34 would take us some way in the right direction, and I will be voting for them. Amendments 31 and 34 would ensure that CMP is used at the discretion of a judge only as a last resort and only if obtaining justice is impossible by other means. For the sake of clarity, let me say that that is certainly not what the Government originally intended. Clause 6(5) of their original Bill required only that

“the Secretary of State must consider whether to make...a claim for public interest immunity”

before making an application for a CMP. A moment's thought can tell us that that was almost worthless, as I believe the Government knew right from the start; all the Secretary of State would have to do would be to think about this matter, and he could do that in the bath if he so chose.

The House of Lords rescued matters, adding another provision requiring the judge to consider whether a PII “could have been made”. That meant that the court would be required to see whether a fair trial would be possible using PII, and so it would be up to the judge, not the Secretary of State, to decide whether PII should apply. We need to be mindful—this point has not been raised today—that the Executive, in general, and Secretaries of State, in particular, advised by officials, have interests of their own to serve. Foolishly, the Government scrapped that sensible House of Lords provision in Committee and they even scrapped the then clause 6(5), which would have required a Secretary of State at least to consider a PII.

The Government now intend to replace all that with their amendment 47, about which there has just been an exchange. It will provide that before making an order for a CMP the judge must be “satisfied” that the Secretary of State has “considered” making a CMP application. How, in a secret area, consideration by the Secretary of State would really be demonstrated is still unclear. Earlier the Minister said that we do not know exactly what effect this new process will have. No doubt officials will be able to provide suitable documentation to the Secretary of State in order for him to make that judgment, but I am not yet convinced that he will not be able to consider that in the bath as well. In other words, the discretion and control will lie fully not with the judge, as Lord Woolf wrongly supposes it will in his letter in *The Times*, but to a significant extent with the Secretary of State.

We have been told several times, and I have also been told in correspondence with the Minister, that this is a crucial area of the Bill on which further concessions would damage the interests of both justice and security.

It is worth pointing out that on this crucial issue the Government have already held three incompatible positions: first, that the Secretary of State must think about PII; then, after Committee, that the Secretary of State should not even think about PII; and now, if amendment 47 is accepted, that the Secretary of State must tell the judge that he has thought very carefully about PII. Frankly, if this were not so serious an issue, all this chopping and changing would look slightly comical.

Amendment 30 is equally important. It would enable the judge to exercise the discretion he or she has now to balance the interests of justice against those of national security in determining what evidence should be disclosed. That is what is known as the Wiley balancing test, which has been discussed and is supported by the JCHR and a large proportion of the legal profession. It is important to be clear that that should not mean that judges will permit disclosure of information that would prejudice our security. I have asked for, but have not yet been told of, any case in which a judge has made that mistake under PII so far. Judges might not be perfect, but so far they have done a very good job of protecting our security and balancing security with justice.

**Mr Brazier:** Will my hon. Friend give way?

**Mr Tyrie:** I am concluding, if my hon. Friend will forgive me.

For those reasons, I shall support amendments 30, 31 and 34. In my view, they give the minimum necessary judicial discretion to the court.

**Hazel Blears:** I, too, intend to speak briefly as I know that a range of Members want to contribute.

My speech follows that of the hon. Member for Chichester (Mr Tyrie) and I have the greatest respect for his point of view on this issue, for the depth of his knowledge and for how he has studied these matters. The sense in the House is that people hold varying views which, in many cases, cross party lines. People feel strongly about trying to strike the right balance between liberty and security, which has been the subject of many of our previous debates.

It is right that these matters should be controversial, because they go to the heart of our legal system, protecting the rights of applicants and respondents, ensuring that the role of the state is in the proper place to hold the balance between parties, and trying to ensure that our justice system retains its respect and integrity across the world. That balance is difficult to draw and is never easy to achieve, and I say that as the Minister with responsibility for counter-terrorism who took the controversial legislation on control orders through the House. We debated them until 5 am in one of our very rare all-night sittings, which was for me evidence of how strongly people felt about these issues and how much they wanted to protect the integrity of our legal system. I share that desire.

The Bill has been debated at length and the issues have been debated in great depth. It is perhaps almost otiose to be debating them again, but a few points need to be made.

We must not forget why we are debating the Bill. If we did not need to debate it, none of us would want to introduce it. Everybody in this House and in the country

[Hazel Blears]

believes in the British system of open justice, an adversarial system in which evidence is brought into open court and tested by the parties, allowing the judge to deliberate on the evidence and make a judgment.

We are in this position for two reasons. First, legitimate concerns have been expressed by our intelligence liaison partners, particularly in the United States of America, about the breach of the control principle for intelligence, which has put sources, techniques and capabilities at risk. That is the issue of national security, which is very much about the assets that are at risk. I am delighted that the Norwich Pharmacal provisions have gone through with agreement on both sides, which has been extremely positive, but concerns nevertheless remain about the possibility of information being disclosed in open court proceedings that could damage our intelligence relationships. That is the first reason why we are debating this issue.

The second reason is that we have seen an increasing number of claims of unlawful detention and allegations of mistreatment or torture by the security services against people who have been held in a range of different circumstances. Those allegations amount to more than 20 outstanding cases and the number is likely to increase if there is a jurisdiction within which such claims can be ventilated freely. The position has been that many of those claims have had to be settled because the evidence necessary to prove the case either way impinges on national security. That is why we have seen payments made to some claimants without having the opportunity to decide whether their claims were well founded as the evidence has not been put into a judicial setting.

I feel particularly strongly about this matter. If the security agencies have been conducting operations in a way that falls outside our framework of human rights, I want those issues to be put before a court and to be litigated. The fact that they cannot be goes to the heart of the reputation of our intelligence services. People will always say, "Well, you are settling that case because something in it was well founded. That is why you are prepared to pay £2 million, £3 million or £4 million to avoid litigation in our courts." I want that information; I want to know what happened. Equally, if these claims are unfounded and unfair allegations are being brought against our security services, I want them to be able to defend themselves and the good name and integrity of our intelligence agencies.

**Yasmin Qureshi:** Will my right hon. Friend take it from me that using the concept of national security as something to hide behind is not right either? This has been used by states all too often. We know from our history that things can be hidden behind national security issues and the truth does not come out.

**Hazel Blears:** My hon. Friend makes my case for me. If she wanted the information about these matters to be put before a court for a judge to decide, she would support the idea that, in a small number of cases, closed material procedures are necessary. I am afraid that I must tell her that in some circumstances if the secrets we hold, the capabilities, the agents and the capacities we have were to be put in open court, the security of our nation would be threatened. If she does not accept

that—I genuinely say this with respect—she has no appreciation of the importance of those secrets to our national security.

**Yasmin Qureshi:** That is completely wrong. As one who has spent many years prosecuting, dealing with issues such as PII, making applications in front of judges relating to informers, issuing evidence for public interest immunity applications and being sensitive to issues on behalf of victims, I can assure my right hon. Friend that the suggestion that we do not appreciate these things is not right. I am saying that it is possible to have these discussions and to find out what is happening. Special advocates, for example, who are experts and independent people belonging neither to the defence nor to the prosecution, have said that these particular procedures in civil cases are completely inappropriate. A criminal trial is a different matter, but these procedures are not right in civil cases.

**Hazel Blears:** It may well be that some people take a principled position that paying out millions of pounds is a price worth paying if they do not want to have closed proceedings. That is a perfectly legitimate place to be, but it does not happen to be a situation with which I agree. My hon. Friend talks, as many Members do, about PII, which is about excluding information; I want to be in a position where we maximise the inclusion of information and bring it before the judge.

**Mr Tyrie:** The right hon. Lady and a number of others have fallen into the same trap as did the Advocate-General in the House of Lords, and the point was decisively knocked down by Lord Pannick when he said that the Advocate-General

"wrongly presents PII as a mechanism which, when it applies, necessarily means that the material is excluded from the trial. It is on that premise—a wrong premise...that he suggests a CMP is preferable...The reality...is that the court has an ability applying PII to devise means by which security and fairness can be reconciled"—[*Official Report, House of Lords*, 19 June 2012; Vol. 737, c. 1694.]—

by the use of other mechanisms. He then listed what they were. Because I am making an intervention, I will not list them, but they are obviously to do with redaction, the anonymising of witnesses and the use of confidentiality rings. There has been a serious misrepresentation of the effects of PII.

5.45 pm

**Hazel Blears:** I am sure the hon. Gentleman would make an amazingly creative lawyer, if he is not already one. By any interpretation that was a list of the items that could be included. I am probably in good company if I am in agreement with the Advocate-General. There is fairly overwhelming evidence that the list that the hon. Gentleman tried not to give would not be suitable for some cases where a huge amount of the information impinges on national security.

**Dr Julian Lewis:** Does the right hon. Lady accept that if sensitive material is redacted under PII, that may be the very sensitive material—the secret source, the secret technique or whatever—which is the thing that proves the Government's case? Therefore it is not good enough to say that PII could be used with redactions,

because the redactions themselves may be the key component of the evidence that the Government need to present.

**Hazel Blears:** As ever, my colleague on the Intelligence and Security Committee makes the point in straightforward, direct and proper terms. My understanding is that the Opposition accept that in a small number of cases it will be necessary to have closed material proceedings and that PII does not meet the case in every set of circumstances.

**Sir Richard Shepherd:** On the point that the right hon. Lady was making in respect of balance, there is another element that is not often discussed but which is surely central to our system of justice—the openness of it and the confidence, therefore, that the general public can have in due process. That is what this debate obscures. I grew up with Matrix Churchill, and I think the right hon. Lady's time in Parliament coincided with that. Those are the worries that inform part of the anxiety about the Bill.

**Hazel Blears:** The hon. Gentleman, as ever, speaks with passion on these issues and I respect his point of view. I was a lawyer a long time ago and I understand how important it is to have open justice, but it is also important to get the balance right.

Amendment 30 is about the Wiley balance. I have some difficulty with the amendment because I feel that the Wiley balance is perfectly appropriate for PII, because it is used to decide whether to include or exclude material and whether or not there should be an open hearing. It strikes me that in relation to closed material proceedings there is a more complex and nuanced decision to make which contains different factors. I am keen that we get a balance and that we get the balance right, but I am convinced that the Wiley balance is one that we can simply transpose into the new legislation and that it will be effective.

Amendments 34 and 37 are about whether every other method has to be exhausted before we can get to a closed material proceeding. I am disappointed that there is not more agreement across the House on this. We all want to see whether cases can be dealt with in another way, because closed material proceedings should be the absolute minimum—an irreducible core, as I put it, of cases. I wonder whether the determination could be made by the Secretary of State, having considered whether PII would be suitable, and whether there could be some mechanism for the court to exercise a scrutiny function on whether the Secretary of State's consideration had been more than cursory.

There will be concerns if the Secretary of State just ticks a box and says, "I've considered PII, in my bath"—as the hon. Member for Chichester said—rather than going through a proper process. I would like to see, whether or not we end up in ping-pong with the Lords, something in the Bill that says that the court has to take a proper look at the Secretary of State's consideration of PII. That would not be exhaustive, but would have some substance to it. I ask the Minister to consider taking that into account.

**Mr Kenneth Clarke:** The judge will have to be satisfied that the Secretary of State has considered the matter. He will not take that as just having thought about it in

the bath; that is not how the judge will test whether the Secretary of State has seriously considered it. The judge has such a wide discretion that he could decide that in the fair and effective administration of justice, for some peculiar reason the case should be PII; he should not be listening to a CMP application. That would be one reason for using his discretion. Having listened to the two principal advocates of these further tests, I think they are advocating that the court and the Secretary of State should go through the whole process of PII first. That is not what the Opposition intend, but that is what their amendments would do. The Government have met the right hon. Lady's case perfectly satisfactorily in the Bill.

**Hazel Blears:** I hear what the right hon. and learned Gentleman says. He has been very inventive and creative in trying to table amendments, and it would not be beyond him to put something in the Bill that reassured people that there was a proper check on whether the Secretary of State had properly considered whether other methods could be used. I leave him to reflect on that.

Amendment 70 seeks to add inquests to the Bill. It originates from my right hon. Friend the Member for Wythenshawe and Sale East (Paul Goggins) and he will speak to it with his depth of knowledge, experience and appreciation of the issue, and I simply say that I will support him on it 100%.

It is important in a justice system for people to have sufficient notification of the circumstance to be able to give instructions, but at the moment the bar is set a little high, because there may well be circumstances in which the gisting goes right to the heart of national security. Therefore, by giving a gist that is wide enough to enable instructions to be given, the national security case is given away. Again I wonder whether something could be included about there being a presumption in favour of gisting that could be subject to rebuttal in circumstances that merited it. I would feel more reassured if there were something along those lines. The process adopted so far has been an attempt to try to get some agreement and consensus on these issues. It is difficult to do so, but the issues at stake are so important, both for our national security and for the integrity of our justice system, that we need to keep trying to see whether, on a couple of those issues, even at this stage, there is room for a little more movement to get us to a better place.

**Mr David Davis:** It is a particular pleasure to follow the right hon. Member for Salford and Eccles (Hazel Blears). Her speech was well thought through and persuasive. We do not always agree on these issues, but on one aspect she persuaded me, and I shall say in a minute what that was. In this area of argument, which goes right to the heart of what makes British justice special and right to the heart of our national security, we are all inclined sometimes to put things rather too heavily in black and white. I have every sympathy with the agencies that are trying to preserve their own security. They have plenty of threats; past agencies, the David Shaylers, the Richard Tomlinsons, leaking their information, even Ministers—I remember that Ted Rowlands once in the House gave away some Crown jewels—and most ironically of all, Washington. Given the genesis of the Bill, some of the biggest leaks relate to our biggest ally, whether it is Pentagon papers four years ago or, only

[Mr David Davis]

two months ago, what sounds from the British papers to be the putting at risk of the life of an Anglo-Saudi agent whom it used in one of its operations and then talked about afterwards. Nobody, certainly not I, would challenge the right of the agencies to preserve their own proper security—I stress “proper security”.

**Mr Tobias Ellwood** (Bournemouth East) (Con): My right hon. Friend mentions how things have changed over 40 years and how things have happened. It is clear from this debate how things have moved on. The clandestine community is very different from what it was in the past. It is now scrutinised in a way that has never been done before. We can now mention John Sawyer and Jonathan Evans, names that could never even be mentioned in the Chamber, let alone in MI5 or MI6. Will he concede that we are now having to look at a new level of scrutiny, and that that is why these CMPs have to be put in place. Forty years ago, we could not even discuss the matter.

**Mr Davis:** As one of the two junior Ministers who took the Secret Intelligence Service Bill through the House and asked the then head of MI6 whether he really meant this, I can take his point. But the simple truth is that we have to live up to those standards of accountability, and that means open justice wherever we can have it.

One of the interesting divides that has taken place in all this is almost a generational one. We have had closed material procedures only since—

**Mr Jack Straw** (Blackburn) (Lab): 1997.

**Mr Davis:** Yes, 1997; for only a decade or two. A generation of special advocates have taken a strong stance on this, and they have taken a different stance from everybody else because they have experienced both sorts of procedure. Nearly all of them have personally understood the closed material procedure and the PII procedure, and most of them know both procedures inside out. One of the things they argue—a point made by my hon. Friend the Member for Chichester (Mr Tyrie) in his brilliant speech, every word of which I agreed with—is that PII has been misrepresented. Any special advocate will say that PII is a much more complex, judge-created, judge-evolved process than is being represented. Of course there can be simple blocking; of course, in addition, there can be redaction; of course there can be circles of confidentiality; of course there can be in-camera hearings. The Minister without Portfolio rather dismissively said that this is the system that gave us arms to Iraq. Even in that process, which involved at least one ex-Minister and one Minister in the House today, early on in the development of PII, we saw one category of certificate refused, one category accepted and one category heavily redacted. That gave the court enough information to make Alan Clark face the interrogation in which he came out with those famous words “economical with the actualité”, which collapsed the case because the prosecution recommended an acquittal on the basis of the evidence.

**Yasmin Qureshi:** Just to continue to emphasise the PII point that the right hon. Gentleman makes, he will be aware that at this moment and for many years in our

country, covert operations have been carried out evidence from which has been used to convict people, yet the methodology used, where the operatives were and the locations were always kept secret, and that was part of the PII application. PII is not about excluding evidence, it is about including evidence, but not letting the other side know what is adduced. The majority of people seem to be working on the totally wrong basis of what a PII is.

**Mr Davis:** The hon. Lady is of course right, but let me come to the point that I was driving towards, which is that none of the systems that we are talking about are perfect. PII clearly has weaknesses. Everyone who has spoken has said something to that effect, and the hon. Lady was particularly correct about that; there are weaknesses to PII. We should not accept that that is the perfect outcome either.

**Mr Kenneth Clarke:** My right hon. Friend rightly says that in PII, because people do not like excluding all the evidence, there is a perfectly legitimate argument about how much we can gist and how much can be redacted, and then it can be put into the open court. But everything that does not get there is entirely left out; it is not available to claimant, judge, lawyers or anybody else. In a CMP, exactly the same thing can be done, because the judge will be required to consider how much we can gist, how much we can redact, and what can be shared with the defendant. The only difference is that in a CMP, the evidence, including, as my right hon. Friend said, some things that might be absolutely key to the case that cannot unfortunately be disclosed, can be considered by the judge. PII shuts out all that which is not possible to gist. With a CMP, there can be all the gisting and redaction that one wants, but all the evidence is considered.

**Sir Malcolm Rifkind** *rose*—

**Mr Davis:** I give way to my right hon. and learned Friend.

**Sir Malcolm Rifkind** As a Minister who signed a PII certificate in the Matrix Churchill case and was vindicated by the Scott inquiry for having done so, may I say, yes, of course, some things can be permitted through PII? As my right hon. and learned Friend the Minister said, the real issues that would damage national security cannot be considered either by the judge or by anyone else. My right hon. and learned Friend perhaps does not appreciate that even when closed procedures may be approved by the court, once special advocates have been appointed, if the special advocates, having had access to the secret material, put forward a convincing case to the judge that some of that need not continue to be held under closed procedures but can be held in open court, the judge, if so persuaded, is perfectly free to do so. The special advocates themselves, unlike their clients, can put forward that argument, and have done so in immigration cases, and that point has not been mentioned in this debate so far.

6 pm

**Mr Davis:** I do not dispute any of that; that is where I am coming to with respect to the attitude of the special advocates. Clearly, of the two they do not like

CMPs, for reasons that I am about to elaborate. That means not that CMPs should be impossible to use, but that restriction should be the order of the day.

The best outline of the weakness of closed material procedures came from Lord Justice Kerr, who effectively said—I am now desperately paraphrasing—that unchallenged evidence can be “misleading”, which was the word he used. That came up any number of times during the Lords debate from a number of lawyers. Helena Kennedy, for example, cited a case in which a tape recording of a conversation that appeared to incriminate a defendant was played in court. When the defendant heard it, he said, “I’m sorry, but I left after about five minutes.” People listened carefully and could hear the door opening and closing as he went. So a piece of evidence that appeared to be incredibly incriminating became not incriminating at all. David Anderson put a similar point to the Lords Committee when he was giving evidence.

The issue of challenge is important; it is critical to our judicial process—completely different from any other judicial process around the world. The challenge is vital. Without it, the judicial process is not operating properly. That is why we have to take on board what the special advocates say and effectively build it into the structure of the Bill—to create, as it were, a hierarchy. We have to go through that thought process.

I am cognisant of the point made by the Minister without Portfolio. We do not want a Minister to be pinned down for a year working on one PII. I am sure—indeed, I know from experience—that some of the Guantanamo cases are incredibly complicated and involve very many documents. I do not think it is beyond the ken of the House to achieve that.

I will support the Opposition’s amendment today, although I am open to argument if we can find better wording to get what we are trying for. I am talking about a hierarchy, a priority—first, open hearings; then the PII process, if that is appropriate; if it is not, CMPs in the final analysis. I agree with my right hon. and learned Friend the Member for Kensington (Sir Malcolm Rifkind) that the process should be more open than it currently is.

**Paul Goggins** (Wythenshawe and Sale East) (Lab): The right hon. Gentleman is making a characteristically interesting speech. He has referred several times to a hierarchy in relation to openness, in which he places PII above closed material procedure. I am sure that the House would be interested to know his rationale.

**Mr Davis:** All right, let me give the right hon. Gentleman an example. The question is whether or not there can be a challenge; if the evidence can be in court, it should be capable of being challenged. There is an example that goes back to 2006 relating to the current CMPs used in the Special Immigration Appeals Commission. I shall read from the Press Association release:

“A judge in a secret hearing has criticised the Home Office over contradictory MI5 intelligence in the trial of two terrorism suspects. The intelligence only came to light because—by chance—the same barrister was acting in both cases.

Mr Justice Newman said the ‘administration of justice’ had been put at risk in the trial of Algerian Abu Doha and a suspect known as MK...Both sets of contradictory evidence had come from MI5.”

There had been a false passport that was claimed to have been used by two different people in two different places at the same moment on the same day—clearly impossible. That became apparent only because the same barrister was acting as a special advocate in each case. The problem is that there was no process of challenge; if there had been, the contention would have been denied and struck out. As it was, both cases were struck down because they were clearly implausible. The process of challenge is vital.

For that reason, I am entirely with what the Joint Committee on Human Rights wants—gisting, if it is possible.

**Paul Goggins** *rose*—

**Mr George Howarth** *rose*—

**Mr Davis:** Forgive me, but I am just coming to an end.

The right hon. Member for Salford and Eccles was persuasive in arguing that if there is to be some sort of opt-out on gisting if things are really serious, only the judge should decide that. I take that point, and it is a good argument. There should be proper, explicit judicial balance in the decision to go to a CMP that takes into account all the interests of justice, and not just national security. There should be the argument of strict necessity; that is what I mean by the hierarchy. On that basis, the House could come to a conclusion in which we effectively have the best of all worlds.

**Mr Straw:** I begin by drawing the House’s attention to the fact that, along with Her Majesty’s Government and an official, I have been a defendant in civil actions brought by two Libyan nationals and their families—Mr al-Saadi, whose case was settled just before Christmas, and Mr Belhaj. In the case of Mr Belhaj, proceedings are still active; in the circumstances, I am sure the House will understand how constrained I have to be in respect of those matters at present. I hope to be able to say much more about the cases at an appropriate stage in future. However, I should make it clear that at all times, in all the positions that I occupied as a Secretary of State, I was scrupulous in seeking to carry out my duties in accordance with the law.

My purpose in rising to speak now is to explain why I believe that the Government’s formulation for the conditions for a closed material proceeding are to be preferred to those of the Opposition. However, I want to make two more general points to begin with.

First, the freedoms that we in this country take for granted are built on our system of justice, which is among the very best in the world. It is independent, fair and fearless—and it is transparent, for the very obvious but crucial reason that justice must not only be done, but be seen to be done. It follows that we should permit departures from that principle of openness only in the most exceptional circumstances.

Whenever Parliament has been asked to agree to having part of a court’s proceedings in camera or to having the identity of witnesses, or most seriously the evidence itself, withheld from one of the parties to the proceedings, it has scrutinised the legislation with the greatest care. It has nonetheless been convinced that, in some cases, the interests of justice do require such special procedures.

[Mr Straw]

Thus in 2008, Parliament agreed, in the Criminal Evidence (Witness Anonymity) Act, new statutory procedures for the taking of anonymised evidence in criminal trials. That evidence has to be heard by the defendant and the jury, but its origin—the names involved and often the exact circumstances in which it came to be produced—is kept secret and away from the defendant.

More relevantly to today's proceedings, in 1997 Parliament decided on a cross-party basis to establish the first arrangements for closed material proceedings in respect of persons whose deportation had been ordered on grounds of national security but where the evidence against them could not safely be disclosed to the deportee or their representatives.

I note what the special advocates have said, because we are all reluctant to see such a system operate, although it has to be because it is better than any alternative. In the intervening period, that system has worked for the Special Immigration Appeals Commission, and worked reasonably well. The senior judges who preside at these proceedings, in SIAC, have shown themselves to be robustly independent. Of 37 substantive cases before SIAC since 2007, the tribunal—a senior judge with colleagues—has found against the Government in at least seven. The procedures in the Bill build on the 15 years' experience of SIAC.

Secondly, I commend my right hon. Friend the Member for Tooting (Sadiq Khan) and his colleagues for the constructive approach that they have adopted towards the Bill. I spent 18 years on the Opposition Benches between 1979 and 1997 and then witnessed the Conservative Opposition during their 13 years on these Benches. The temptations on Oppositions to oppose in a destructive way are considerable, and so too are the pressures from outside on them to operate in that way. We in my party succumbed to those pressures too often in 1980s, and, I am afraid, so did the Conservative party on many occasions, including on Bills like this, during part of its 13 years in opposition.

By contrast, my right hon. Friend and his colleagues, from the outset of the publication of the Green Paper—I well remember his response to that a year and a half ago—have accepted, as he said in his opening remarks, that there may be circumstances in which closed material procedures have to be applied in civil cases, but argued that there should be greater safeguards in the Bill and, crucially, that the court, not the Secretary of State, should decide whether a CMP should operate in any particular case. As a result, the Bill has been significantly improved, and my right hon. Friend and his team can rightly claim considerable credit for that.

Let me turn to the key amendments 30 and 31 and the amendments to which they are linked. The amendments seek to reword clause 6(6) and to add a third condition. Thus the Government propose,

“The second condition is that it is the interests of fair and effective administration of justice”

to use a CMP, while the Opposition instead propose that the second condition should be a relative one—that “the degree of harm to the interests of national security if the material is disclosed would be likely to outweigh the public interest in the fair and open administration of justice.”

They also propose to add:

“The third condition is that a fair determination of the proceedings is not possible by any other means.”

As the Minister said, this is colloquially called the Wiley balance test. However, when I looked at the definition of the Wiley test I noted that the Joint Committee on Human Rights has turned it into something else. It is a test, but it should not be adorned with the phrase, “the Wiley test”, because it goes considerably further. I do not dispute anybody's motives in dealing with this incredibly difficult issue. However, shifting the test, even if it were the accurate Wiley test in respect of PII's, to CMP's has the defect of arguing by analogy. It is appropriate in PII cases but not in this regard.

We have had a great deal of elucidation. I commend—but do not, with respect, agree with—what the hon. Member for Chichester (Mr Tyrie) said about the uses of PII's. I also accept the comments of the right hon. Member for Haltemprice and Howden (Mr Davis). During the nine years for which I was responsible for the various agencies, I quite frequently had to make applications to a court for a PII. Even in respect of marginal evidence, PII's are hugely time-consuming. It is not like dealing with a letter to a Member of Parliament on an issue that one knows backwards where one can virtually top and tail it in one's sleep. One has to read every single piece of evidence that one is certifying ought to be—in one's own view, although it is a matter for the court—excluded on grounds of national security, or whatever the grounds may be. I accept the burden of what the right hon. Member for Haltemprice and Howden and the hon. Member for Chichester said. Yes, it is true—this was brought out by the court's judgment in *al-Rawi*—that when the court receives an application for PII it is able not only to accept or reject it but to take a middle way—a third way, as it were—of gisting, confidentiality rings, and so on.

However, the profound difference in this regard is that ultimately, if the respondent party, which in civil cases is inevitably the Government—it is completely different in criminal cases, but this is not about criminal cases—do not like the decision that the court has come to, they have to decide not to contest the case at all. That is why there is a lacuna in the current arrangements, and that is the mother and father of this Bill. That does not apply in respect of CMP's, where the Government will not be able to use PII's to exclude evidence as they can now, because the judge will say, “Hang on a second. Why are you applying to exclude evidence which is absolutely central to the case? You need to put it in, and I will decide, thank you very much, whether it should be kept completely secret or there ought to be some kind of gisting or summary of that evidence.” The right that accords to the state in respect of PII does not accord to it in respect of CMP's.

6.15 pm

PII's have taken on a life of their own, with some people having suddenly decided that they are a touchstone of British justice. They are being presented as though they are a better alternative than CMP's. I signed all the PII's that I dealt with, as others in this House have had to, with a great burden on me and while looking at the evidence. Like anybody else, I did not just do what I was asked to do. Rule No. 1 to anybody in a ministerial position who wishes to survive is every day never to do that which they are asked to do but to make their own decisions. That is what I did, and I am still here. At the heart of PII's is the application by the relevant Secretary

of State to exclude evidence. The paradox is that the more sensitive and secret the evidence, and the more crucial it is to a case, the more likely a judge is to exclude it altogether rather than allow it to be gisted or summarised, and so the interests of justice are not served.

Interestingly, unless things have changed since I made PII applications, special advocates have no role in the PII process. Nobody challenges what the Secretary of State has done apart from the poor old judge, whereas in respect of applications for CMPs there will be special advocates acting like terriers, as we have seen from SIAC. As the right hon. and learned Member for Kensington (Sir Malcolm Rifkind) said, if at any stage the special advocate believes that the CMP should not continue, he or she will make an application to the judge.

**Mr Ellwood** The right hon. Gentleman said that he is still here, and I think that the House very much appreciates that given what he is offering to the debate with his experience. Does he agree that, as my hon. Friend the Member for New Forest East (Dr Lewis) said, PIIs offer an opportunity for judges to redact information that could otherwise be used in the processes proposed for CMPs, or for that argument to be put forward?

**Mr Straw:** Of course. Those of us with experience of SIAC will know that it too could be seen as a parody of a secret court. In SIAC cases, the chairman of the tribunal, who will be an experienced senior judge, issues a closed judgment with all the argument in it and a redacted judgment with a very great deal of evidence in it. The idea that it is—fortunately nobody in the Chamber has used the term, “a parody”—a secret court worthy of Kafka’s “The Trial” is, frankly, utter nonsense.

**Richard Fuller** (Bedford) (Con): It is helpful for those of us who are amateurs with regard to these issues to benefit from the right hon. Gentleman’s judgment. He has referred a couple of times to the administration of SIAC. My understanding of and opposition to CMPs results from the case of a constituent who was subject to the restrictions of SIAC. His understanding of, and the way in which he was treated by, the criminal justice system and the impact of that form of justice on his physical and mental well-being are some of the reasons why I am emboldened to oppose the Government’s measures. Now that the right hon. Gentleman is no longer in office, has he had the opportunity to meet people who have been subject to CMPs in order to understand the implications that SIAC has had for their lives?

**Mr Straw:** Let us be clear that SIAC does not deal with criminal cases. There is no procedure in our system, north or south of the border—and nor should there ever be—whereby, in any criminal trial, somebody can be tried and lose their liberty without being able to hear all the evidence.

**Dr Huppert** *rose*—

**Mr Straw:** I recommend that the hon. Gentleman not test me on the details of the Criminal Evidence (Witness Anonymity) Act 2008, because I know every part of it and why we had to go through with it.

**Dr Huppert:** I cannot resist the temptation. To amplify the point that was just made by the hon. Member for Bedford (Richard Fuller), does the right hon. Gentleman agree that in SIAC cases, as happened in control order cases, people’s liberty could be significantly curtailed without them knowing the evidence against them?

**Mr Straw:** Of course I do, and that was going to be my next point. No one is suggesting that SIAC deals with trivial matters. It deals with whether an individual should be deported on national security grounds, while the control order tribunals deal with restrictions of individuals’ liberty.

I have met one individual who was subject to a control order and will tell the hon. Member for Bedford (Richard Fuller) about the circumstances outside the Chamber. The heart of the issue is about protecting our national security. That has been discussed in abstract terms today, but what we are actually debating is how to protect the sources of information on which intelligence depends. These individuals are developed by our intelligence and security agencies and they place themselves at considerable risk. In essence, they provide information to the United Kingdom—as they would to a foreign intelligence agency—that they are not supposed to provide. Sometimes they betray their own Government or country. They are, by definition, giving away confidences and they do so for a variety of motives: some say that they are doing it for the highest of motives, which are that they fundamentally disagree with the system in which they are operating; some do it for the lowest of motives, because they have committed a criminal act and want some form of escape; and some are somewhere in between, in that they have high motives but they also want some money.

In every case, that information would simply dry up if the identity of that individual, or information leading to their identification, was compromised. That is the fundamental dilemma, and there is no way out of it unless we want to abandon our intelligence and security agencies. Let us remind ourselves—this is not scare-mongering; it happens to be true—that, had we abandoned those agencies, scores of serious atrocities would have killed our constituents and many others. If we had explained how we had ended up in such a situation by saying that information had to be provided in its entirety in open court in all circumstances, people would have said, “Thanks very much, but my relative, wife or child has just died.” That is the dilemma and it is not abstract—it is absolutely real.

**Jeremy Corbyn:** Will my right hon. Friend give way?

**Mr Straw:** I hope that my hon. Friend will allow me to make progress, because I have already used up a lot of time.

This leads me back—I will finish shortly—to the reason why, with great regret, I cannot support the endeavours of my hon. Friends on the Front Bench to set a relative test that

“the degree of harm to the interests of national security if the material is disclosed would be likely to outweigh the public interest in the fair and open administration of justice.”

That could lead, inadvertently and unintentionally, to a situation in which a judge might decide that the identity of an agent or other crucial information about the work

[Mr Straw]

of our intelligence agencies needed to be disclosed in the interests of open justice. We have to accept that the justice under discussion is, by definition, not open. It cannot be—we cannot have it both ways. There is no doubt about that. I understand why the test has been proposed, but it does not work.

Finally, many Members have reputations as liberals, including the Minister without Portfolio, the hon. Member for Chichester and many on the Liberal Benches. I have never sought that reputation, and nor has it been offered to me, but Lord Woolf, the former Lord Chief Justice, is someone of impeccable liberal credentials—he even lives in Barnes. He wrote in a letter to *The Times* that the Bill as drafted

“now ensures that we will retain our standards of general justice, while also putting an end to the blindfolding of judges in this small number of cases.”

To be frank, if it is good enough for the liberal Lord Woolf, it ought to be good enough for this House.

Several hon. Members *rose*—

**Mr Deputy Speaker (Mr Nigel Evans):** Order. I ask Members to show some time restraint, because, as they can see, a lot of Members want to speak to the amendment.

**Dr Huppert:** It is a pleasure to follow the right hon. Member for Blackburn (Mr Straw). Although I am not sure that we agree on everything, I think we do on some things. There have been some interesting discussions between Front and Back Benches.

I want to focus on some of the amendments. I am pleased to see the recommendations of the Joint Committee on Human Rights, which I used to have the pleasure of serving on. I pushed a number of those proposals during the Bill's Committee stage and we had interesting debates and votes on a range of things. I do not plan to go through every single aspect, because we rehearsed them thoroughly. I am delighted to see that a number of the amendments that I tabled and supported in Committee have come back.

I hope that the Minister will clarify the position on habeas corpus. Indeed, I would be happy to take an intervention from him, because it is a very important issue. I was happy with his clear answer of no. If he can stick to that, it would be fantastic; if not, we should be clear.

I welcome some of the Government's good amendments. One that has not really been mentioned—it was tabled in the Lords and accepted by the Government—is that which changes “must” to “may”, allowing discretion to the judge, rather than the Minister. That is very welcome and has made a significant improvement. I am pleased that the Government have stuck to it.

I am also pleased that the Government have agreed to amendments on equality of arms to achieve true symmetry. They were recommended by the JCHR and I spoke to them at great length in the Bill Committee. We lost the vote, but I am glad that the Government have now come around to them. Symmetry is important, because one can think of a number of examples where an ex-employee of MI6 may not be able to raise publicly a document that is important to a case that they may wish to bring.

In such circumstances, they may wish to have a CMP themselves so that the document can be debated without putting other things at risk. Such cases may be relatively rare, but ensuring pure symmetrical equality is absolutely the right thing to do.

I am also pleased to see reinstated, at least in the text of the Bill, the role of public interest immunity. There is a debate about whether it goes far enough and about what it does, but including it in the Bill is extremely good. I share the view of those who think that PII is not a perfect process. I do not like the secrecy involved, and there is certainly not a great case for it—we have seen, for example, some of the concerns in the Litvinenko case.

There is an issue with regard to last resort. I would like to see closed proceedings as a last resort. I do not think that this is entirely about openness; it is also about fairness and the principle that both sides should have the chance to see the same evidence. I think that it would be accepted everywhere that a CMP can never quite get to that point, because one person is not able to see everything. That is not a great situation.

**Simon Hughes:** May I reinforce the point that has been made to the Minister without Portfolio by Members from across the House? The Joint Committee on Human Rights did not argue for an exhaustive exploration of PII, but for an assessment by the court of whether PII would be a realistic and sensible option and, if not, for the court to move on and look at other things. The Minister has said that that would be reasonable, so I do not think that there is much between him and those of us who take the position of the Joint Committee. I hope that we can reach agreement on that, even if it does not happen tonight, because the Joint Committee was clear that what we are arguing for is not an extreme position, but a moderate, modest, sensible and pragmatic one.

6.30 pm

**Dr Huppert:** None of us wants to see Ministers' time sucked up for a year reading documents and signing them. That would not be in anybody's interests.

Why do we believe in the concept of last resort? The Government have an advantage in these cases because they know what the evidence is and the other party does not. That is why we want more balanced processes to be tried first. That changes slightly if the other party has applied for the CMP. To take the case that I advanced earlier of an ex-employee who knows of a document, we should probably say that a CMP would be the preferred option for them, rather than allowing the Government to keep something away. We want a slight bias away from the Government—not a huge bias, but a slight one—to make up for their advantage of being able to see all the documents.

**Mr Kenneth Clarke:** On the hon. Gentleman's point about the last resort, I am grateful that both the Labour party spokesman and the Liberals who have spoken so far have agreed with what we have said. We do not want a statutory provision that requires people to go through immense procedures to eliminate every other way of dealing with a case. Unfortunately, there are later Opposition amendments that would have that effect. It is very late in the day. In conversational terms, we are all agreed that closed proceedings are a last resort. We want closed

proceedings only when national safety is in danger and where there is no other sensible way of trying the case. I will go away and consider the matter, but we are rather late in the proceedings. Of course, the rules of the court still have to be made and it may be possible to address the matter there. In practice, there is not much between us, because judges and lawyers will not want to go into closed proceedings other than as a last resort. What we do not want is to introduce a process that involves months of time and vast sums of money, the intention of which is really to stop anybody taking on a closed procedure at all.

**Dr Huppert:** I thank the Minister for saying that he will look more carefully at the matter. However late in the day it is, we would be grateful for any changes he could make that might take us in the direction of what has been suggested by the JCHR and others.

While the Minister is in the mood for looking at other issues, can he be absolutely clear about confidentiality rings? This matter was raised earlier, so I will not go into it. As was discussed in Committee, there is a change in the wording that has led to the impression that the test is about the material rather than the disclosure. I hope that it will be made very clear that there is no sense in which that would apply to confidentiality rings. I believe that Opposition amendment 28 is intended to explore that issue.

I look forward to supporting any of the amendments that would take us towards the proposals of the JCHR. I look forward to amendment 1 being debated and for any opportunity to test the will of the House on that issue.

I was surprised to see amendment 70 and I look forward to the explanation from the right hon. Members for Wythenshawe and Sale East (Paul Goggins) and for Salford and Eccles (Hazel Blears). I am pleased that, owing to the influence of the Liberal Democrats, inquests were taken out of scope after being included in the original proposals. It is important, particularly at an inquest, that the family knows the grounds for the conclusion. It would be very unsatisfactory for people who had lost a loved one to be told, "We cannot tell you why it happened." I am pleased that inquests are not included. I am surprised that there is a move to put them back in. I had hoped to ask the shadow Secretary of State whether he supported that move, but I suspect that I can guess the answer.

Amendments 39 and 40 relate to "gisting". My hon. Friend the Member for Edinburgh West (Mike Crockart) and I tabled similar proposals in Committee. I find it hard to see why there would be many cases in which a judge would not want a gist to be made available. We want that to happen. I understand that there may be cases in extremis where no gist would be possible. It would be helpful if the Minister made it clear that it is the intention that judges should always gist to the maximum extent possible. As long as that is said in this place, I think that we will be able to make progress.

**Mr George Howarth:** The hon. Gentleman makes a good point about gisting. In an exchange with him in Committee, the Under-Secretary of State for the Home Department, the hon. Member for Old Bexley and Sidcup (James Brokenshire), gave a verbal assurance that gisting would be an acceptable way of proceeding.

If that assurance was repeated today, and then taken with what the hon. Gentleman has just said, it would give a good indication of Parliament's intention and would probably satisfy the point.

**Dr Huppert:** I dare say that it would. We will have to see what happens.

To return to the principle, I talked earlier to the right hon. Member for Blackburn about the range of civil proceedings into which the previous Government introduced close material proceedings. I find many of those far more objectionable than civil cases. I do not like the introduction of closed material proceedings into civil cases and find the principle very difficult. However, I find it worse when people's liberty is at risk. That is the case with control orders, terrorism prevention and investigation measures, and SIAC.

I know something of the case referred to by the hon. Member for Bedford (Richard Fuller) because we have discussed it in the past. The gentleman referred to has had his liberty considerably infringed. It is not a simple question of whether he is allowed to stay in the country or not. He has been detained for a considerable time now, given that it is two years since we last spoke about the case in great detail, based on evidence that he does not have the chance to see. That strikes me as deeply alarming. I am sure that the whole House would hold the position that criminal sanctions should not be allowed. We are edging very close to that if we are detaining somebody for years.

**Mr Straw:** None of us likes the idea of closed proceedings or proceedings in which the evidence is kept from one of the parties. However, on the assumption that the court has decided that the evidence cannot be made available in open court because another individual, perhaps an informant or an agent, could be killed—I am not joking—what is the hon. Gentleman's answer to this dilemma? Is it to leave the person at liberty or to do what used to happen in the past, which was that the Home Secretary would make such decisions without any proceedings? What is his alternative?

**Dr Huppert:** I think that it is the same as the right hon. Gentleman's alternative would be in a criminal case for which the evidence needed to convict somebody could not be gathered. If one cannot gain that evidence, one cannot proceed. It is important that that applies when people are being deprived of their liberty. I made the same argument when we were getting rid of control orders. One must try to provide the evidence that is needed to convict people. Failing that, I do not like the idea that people are simply held for many years, with very little freedom. I believe that control orders had 23-hour curfews. That is an extreme infringement of liberty. I know that we are not discussing criminal issues principally, but there are many cases in the criminal system in which the police are sure that somebody is guilty, but they cannot find evidence that may be used in court. None of us would want to see such cases proceed and the same should apply to any other serious deprivation of liberty.

I look forward to the votes. It is not clear to me exactly which matters we will have the opportunity to vote on. I will stand by all the votes that I cast in Committee, where we came very close to changing the

[Dr Huppert]

Bill, but never quite close enough. I think that we won one vote on a new clause being read a Second time, but the decision was reversed immediately afterwards by the Chairman's casting vote. I hope that we will change the provisions either so that we do not have these proceedings, which would be my ideal, or we at least move them closer to the proposals of the JCHR. I accept that we should not keep every word of what the Joint Committee suggested and that tweaks could be made. I hope that the Minister will consider that at the point at which he confirms the position on habeas corpus and my other questions.

**Mr Kenneth Clarke:** I may have misheard, but the hon. Gentleman is not rejecting closed material proceedings altogether, is he? He would be the first person in the debate who has gone that far if that is what he is saying. He suggests that he might vote against clause 6. Two Members from smaller parties have tabled an amendment that would delete that clause. That would take us right back to square one after we have spent the last three hours agreeing that there are cases in which national security requires there to be closed proceedings.

**Dr Huppert:** I am sure that the Minister will be aware that I and my hon. Friend the Member for Edinburgh West did press for a vote in Committee to remove clause 6. Sadly, it was defeated.

I look forward to hearing the Minister's responses on habeas corpus and the other points that I have made because what he says may well affect what happens, and liberty is a very important principle.

Several hon. Members *rose*—

**Mr Deputy Speaker (Mr Nigel Evans):** Order. May I re-emphasise the time constraint?

**Caroline Lucas:** I am pleased to speak in favour of my amendments 1 to 7, and I hope to press amendment 1 to the vote. As colleagues will know, they are designed to get rid of part 2 in its entirety. That part would allow Ministers to use secret courts in a wide range of cases, for example any in which they could claim that national security was involved.

Let us look at some examples of when secret courts could be used, such as the cases of the bereaved families of soldiers bringing negligence claims against the Ministry of Defence. Debi Allbutt, whose husband was killed in a so-called friendly fire hit on his Challenger tank in Iraq, has said:

"I really don't think people in the country realise how dangerous this new law will be for justice. I think anyone in my position deserves to know the truth about how their husband, a brave soldier fighting for his country, lost his life."

Let us think of cases involving victims of torture or rendition in which the Government have been involved, who are seeking redress. They would also be affected, including such people as Khadija al-Saadi, who was 12 years old when she was rendered by MI6 to Gaddafi's Libya along with her mother, three younger siblings and Gaddafi-opposing father. In a letter published by the prisoners' human rights group Reprieve, she has said:

"I wrote to Ken Clarke when I heard about the secret courts plan, but he would not say that he would not seek to try my case in secret. I still feel this would have been unnecessary, unfair, and unworthy of the UK. I hope the inquiry will be as open and as fair as the phone hacking inquiry.

Secret courts could also be used in actions against the Government over corruption in arms deals. On Second Reading, Ministers refused to rule out the possibility of that in some cases:

"if there was embarrassment over arms sales to a particular country, where those sold arms had been used to deny the human rights of many others, against the policies and wishes of this country, and there was a desire not to make that too public".—[*Official Report*, 18 December 2012; Vol. 555, c. 722.]

A case of corruption in arms deals is therefore another that would not be held in open court.

Habeas corpus claims are at risk, too. Claims under the centuries-old safeguard against illegal detention, which forces the authorities either to charge or release a prisoner, are generally considered civil actions, so secret courts could mean people being imprisoned without knowing why. That was exactly what the Under-Secretary of State for the Home Department, the hon. Member for Old Bexley and Sidcup (James Brokenshire), said in the Public Bill Committee—that the Bill would cover habeas corpus claims. My new clause 2 would address that.

The question this evening is whether we really want to allow the Government to ensure that everything from state involvement in torture to the neglect of British soldiers could be hidden from public view. After a decade that has seen our intelligence agencies become involved in unprecedented complicity in wrongdoing, we should ask how we can prevent that from ever happening again, not how to remove the safeguards that allow us to hold the state and its agencies to account. That is especially true when, as the high-profile case of Binyam Mohamed has amply illustrated, the security agencies have shown that they are prepared to mislead the judiciary, and given that judges tend to defer to Ministers when faced with arguments about national security.

**Mr George Howarth:** I take it that the hon. Lady's case is that better than a closed material procedure is public interest immunity, in which case nobody ever gets to hear anything about what happened and what evidence exists.

**Caroline Lucas:** Like the special advocates and many others in the legal profession, I believe that PII is a safer way forward than having hearings in closed courts, and I stand by that.

**Stephen Phillips (Sleaford and North Hykeham) (Con):** On a related point, the Government are currently obliged to settle cases, with none of the evidence ever being disclosed and no hearing at all. They never go before a judge. How would deleting clause 6 assist in ensuring that there is justice in such cases? At the moment, there is no trial at all.

**Caroline Lucas:** I would argue, and a huge amount of legal opinion argues with me, that secret courts are a worse option. We would not choose either option, but I strongly believe that closed courts are a step too far for British justice.

**Jeremy Corbyn:** I agree with the thrust of the hon. Lady's speech. Does she accept that one problem with the secret courts process is that it would create a culture of impunity among the security services and allow them to develop relationships with other security services knowing that they would be protected and would be unlikely ever to have to face anybody's wrath?

**Caroline Lucas:** Indeed, and I pointed out earlier the complicity of the intelligence services. Such arguments are mounting up, and they explain why opponents are lining up to denounce the Government's proposals for closed material procedures. The special advocates have called them "fundamentally unfair", and the former Director of Public Prosecutions, Ken Macdonald, has warned that secret courts will

"damage public confidence in our judiciary"

and are

"not fair because they are not balanced".

The Law Society and the Bar Council have warned:

"Secret trials and non-disclosure of evidence are potential characteristics of repressive regimes and undemocratic societies."

The Equality and Human Rights Commission has published expert legal advice finding that secret courts are

"incompatible with the common law right to a fair trial"

and

"incompatible with article 6 of the European Convention on Human Rights".

6.45 pm

**Mr Robert Buckland** (South Swindon) (Con): On that point, is the hon. Lady aware that closed material procedures are already used by, for example, the Special Immigration Appeals Commission, and have been held not to be incompatible with the European convention? Is she not waving her shroud a little too strongly?

**Caroline Lucas:** As somebody who has a constituent who has been subject to SIAC, I can assure the hon. Gentleman that I am not waving my shroud nearly strongly enough. The SIAC process is inhumane. We can discuss later whether it falls foul of article 6, but the idea that because we already have CMPs in that example it is somehow appropriate to export them to civil cases is misguided.

**Richard Fuller:** The hon. Lady is making a strong point about the continuation in a new area of a procedure that applies in certain areas. What does she feel will be the implications for how British justice is perceived around the world, in countries where we would like the standards of our justice system to be adopted, if we proceed with the proposal in the Bill?

**Caroline Lucas:** That is a good question. We like to hold our justice system up as an example to the world, yet if we go down this route, we will fundamentally undermine some of the principles of British justice that we have rightly been proud of for many years, and people around the world will look on with genuine shock.

Last week, more than 700 figures from the legal profession, including 40 QCs, had a letter published in the *Daily Mail*—not a newspaper that I have often

quoted in the Chamber—stating that the proposals in the Bill to allow a huge extension of court hearings behind closed doors would

"erode core principles of our civil justice system".

They argued that if the Government's changes were allowed to go ahead, they would

"fatally undermine the court room as an independent and objective forum in which allegations of wrongdoing can be fairly tested and where the Government can be transparently held to account."

The proposals, they concluded, were "dangerous and unnecessary".

The Scottish Cabinet Secretary for Justice also has serious concerns about the Bill's provisions relating to closed material procedures in certain civil proceedings, and the Scottish Government have concluded that they are

"unable to support any extension—under any circumstances—of the Bill into devolved areas."

**Mr Ellwood:** I understand the thrust of the hon. Lady's argument and the position that her party takes, but does she recognise that the House's first obligation is the protection of the nation? One way in which we thwart many potential attacks against this nation is through our work with intelligence services from other countries. If we go down the route that she suggests, that relationship will break down. No other country will trust us with information if it is then exposed in court, which will make our country even more vulnerable to attack.

**Caroline Lucas:** Is the hon. Gentleman seriously suggesting that, right now, other countries are not sharing their information with us because of the current situation?

**Mr Ellwood:** Yes, that is exactly what happened.

**Caroline Lucas:** I disagree with the hon. Gentleman. No one is suggesting that PII will not still be available so that we can have measures such as redactions.

**Mr George Howarth:** It is generous of the hon. Lady to give way to me a second time.

As a member of the Intelligence and Security Committee, I have spoken to members of the Obama Administration and the American agencies, and they are quite emphatic that they are now giving us less information than before the Binyam Mohamed case.

**Caroline Lucas:** Well, all right. I stand corrected by the right hon. Gentleman, but if he is suggesting that we go down the route that the US has been going down over the past few years with the invasion of Iraq and everything that has gone with it, that is up to him. It is not the road that I want to go down.

I have received a huge number of e-mails and letters from constituents who argue that although our legal system is not flawless, the new measures are an attack on its founding principles. Any Liberal Democrat Ministers and MPs who back part 2 of the Bill do not have the support of their party members who voted at the party conference last September to oppose secret courts. I therefore remind Liberal Democrat colleagues that party members have reaffirmed their opposition to secret courts as well as their commitment to the rule of law, open justice and holding the Government to account,

[Caroline Lucas]

the right to a fair trial and the protection of civil liberties. They have called on Liberal Democrat MPs to vote against part 2 of the Bill, and I hope that colleagues will bear that in mind when we come to vote.

**Sir Menzies Campbell** (North East Fife) (LD): Will the hon. Lady give way?

**Caroline Lucas:** I will make a little more progress. The TUC has taken a similar line and passed a motion that condemns secret courts as posing a significant threat to public security and accountability. Such widespread opposition stems not just from principles, because there is a complete lack of evidence to back up the proposals in part 2 of the Bill. The Bill is about security yet the Government do not claim that closed material procedures would do anything to promote national security. Indeed, they accept that the existing process of public interest immunity already provides effective safeguards for that process.

The Government have been unable to demonstrate that the courts cannot resolve issues fairly because they lack recourse to secret courts. They refer to 20 or 30 cases that they say require closed material procedures, yet they have refused so far to allow any proper access to the details of those cases so that their claims can be evaluated for accuracy, for example by the special advocates. As the Joint Committee on Human Rights stated, the Government have not demonstrated with evidence that there is a real and practical problem. Until they can prove that public interest immunity is not sufficient, there can be no justification for the introduction of closed material procedures. Even then we would need guarantees that the basic rights and principles of justice are not being undermined.

There have been attempts to amend part 2 of the Bill; indeed, I have tabled a new clause to limit the circumstances in which closed material procedures can be used. Let me be clear, however, that that is a last resort and the best option by far remains to scrap part 2 of the Bill. The amendments that have been tabled by the House of Lords only slightly modify the process by which a secret court is imposed on a case. Even if closed material procedures are considered a last resort after public interest immunity is exhausted, simply having such a measure on the statute book is likely to lead to its increased use.

Hon. Members will be aware that the Government are seeking to undo many of the changes made by the House of Lords, claiming to have listened to widespread and grave concerns about the Bill. They effectively want to reinsert the original test for triggering closed material procedures, thereby scrapping the requirement that such procedures are a last resort once a judge has decided that a fair determination of proceedings is not possible any other way. That removes the only real bar on secret courts becoming routine in civil cases, and negates the move to introduce judicial discretion. In common with the Government's recent amendments that require the Secretary of State to report annually to Parliament on closed material procedures and keep their use under independent review, such measures are frankly just tweaks that leave intact the core of the Bill. Secret courts will still be available across the civil justice system, and will

still be fundamentally unfair. The only way to safeguard Britain's system of fair justice is by removing from the Bill clauses 6 to 11 that provide for secret courts.

Closed material procedures would allow Ministers to exclude their opponents from the courtroom, along with the press and the public, and provide a one-sided case to the judge, free of effective challenge.

**Sir Menzies Campbell:** I do not challenge the hon. Lady's sincerity for a moment, but I hope she will accept that when it comes to voting on matters of such important principle, every Liberal Democrat MP is obliged to use his or her judgment. She speaks as if Ministers were in a position to resolve these matters. Ministers are entitled, through barristers or advocates, to make application to a court on which the judge has to decide. Ministers may wish to bring about such an objective, but unless a judge is satisfied that that is in the interests of national security, they will not be successful.

**Caroline Lucas:** I thank the right hon. and learned Gentleman for that intervention but I am afraid that that response does not give me the comfort it obviously gives him.

In conclusion let me say a few words about new clause 2. Although I judge that the House is not with me on amendments 1 to 7, new clause 2—which will be taken as part of the same group—looks at how we can try to restrict the number of cases where CMPs are used. Proposed subsection (1) concerns circumstances in which the liberty of the individual is at stake. Ministers have confirmed recently to the Bill Committee that CMPs could be used in habeas corpus cases where an individual seeks to challenge their detention by the state. Although such cases may not be common, the current Bill would leave us in a position whereby an individual losing their habeas corpus claim could, as a result of a CMP, remain imprisoned without knowing the reasons why. Subsection (1) of new clause 2 seeks to rule out such a possibility by ensuring that a CMP will not be available

“where the outcome could result in, contribute to, or impede efforts to challenge the imprisonment; or continued detention of a party, whether in the UK or overseas.”

Subsection (2)(a) of new clause 2 aims to ensure that a CMP cannot be used by the Government to cover up some of the most serious international crimes—for example where genocide or torture are at issue. That is fairly straightforward, as there is clear public interest in those proceedings taking place in as open and even-handed way as possible, and the use of a CMP would be entirely at odds with that aim.

Finally, subsection (2)(b) aims to ensure that material will not be withheld in a CMP where doing so may result in the wrongful imprisonment or death of an individual, whether in the UK or overseas. For example, that could apply where an individual potentially faces capital charges on the basis of “evidence” extracted under torture, as with Binyam Mohamed.

I will now conclude my speech, but let me say that an awful lot of people are watching the House tonight. Although I accept that my words are the minority view in this Chamber, huge numbers of people are deeply concerned about the direction in which closed material proceedings would take us. I hope that hon. Members will be mindful of that when the matter is put to a vote.

**Sir Malcolm Rifkind:** The hon. Member for Brighton, Pavilion (Caroline Lucas) does no service to the causes in which she believes by the extraordinary exaggeration of her remarks, although she is not the only one. I noticed, for example, that Shami Chakrabarti—who really ought to know better—referred to:

“Government arguments for morphing British courts into shadowy Soviet-style commissions”,

and that Amnesty International said that the system could come

“straight from the pages of a Kafka novel”.

The hon. Lady must try to rely on facts and not on rhetoric. For example, we have the constant use of the phrase “secret courts” but there are to be no secret courts. We are talking about cases in which the vast majority of evidence will be heard in open session. If closed material procedures do apply, they will apply usually to a very modest part of the total evidence. Thousands of civil cases are brought each year and estimates for how many cases would be affected by CMPs are somewhere between seven and 15 a year. The idea that we are transforming our society into one in which civil liberties are not recognised does not bear credence.

I have been somewhat amused by the extraordinary affection that has grown over the past 15 years for public interest immunity certificates. As I mentioned earlier, I signed one of those and I remember hearing howls of execration from the Labour Benches at the time and from the whole civil liberties movement. We were told that public interest immunity certificates were going to send innocent people to jail and do all sorts of terrible things that were incompatible with a free society. Well, we have moved on. Those who denigrated PIIs now see them as a way of preserving our liberties against evil Governments, intelligence agencies and the like.

Let us consider the views of those who have had greatest involvement in such matters, and remind the House what has been said by two people when comparing PIIs with closed material procedures. Lord Carlile, formerly a Liberal Democrat Member of this House and independent reviewer of terrorism legislation, said:

“CMP hearings, with special advocates representing the interests of the individual litigant concerned, are fairer and more searching than the significantly more secretive PII hearings process.”

Lord Justice Woolf, in addition to other remarks that have been cited, said he thought Lord Carlile was right and that

“in most situations that are covered by the Bill the result will be preferable to both sides”—

that is crucial; it will be preferable not just to the Government or the defendants, but to the plaintiff as well—

“if the closed hearing procedure is adopted rather than PII, because PII has the very unfortunate effect that you cannot rely on the material that is in issue, whereas both the claimant and the Government”—

not just the Government; the claimant as well—

“may want to rely on that material. That is a good reason for having the closed-hearing procedure.”—[*Official Report, House of Lords*, 11 July 2012; Vol. 738, c. 1189.]

**Mr David Winnick** (Walsall North) (Lab): Will the right hon. and learned Gentleman clarify whether that is the same Lord Carlile who argued endlessly in defence and justification of 90-days pre-charge detention?

7 pm

**Sir Malcolm Rifkind:** I have no idea whether it is the same one or not; that will be a matter for Lord Carlile to deal with. He has served this country extremely well in these sensitive areas, and the hon. Gentleman should take account of that.

The whole problem is that the critics of these measures fail to take into account two things. First, although there can of course be qualifications under PII, including redactions and witnesses giving their evidence behind a screen, the core of the secret material cannot be revealed to the plaintiff without it being revealed to the whole world. It is not just a question of the plaintiff hearing it. Those of us who are privileged to serve on the Intelligence and Security Committee have seen examples of the intelligence material that would have had to be revealed if certain cases had not been settled at huge cost to the taxpayer.

In response to a comment by the right hon. Member for Blackburn (Mr Straw), I must point out that this is not just a question of the identity of an individual agent or officer being revealed. It goes far beyond that, because that person could be protected by a screen or by being given anonymity in court in some other way. It is also a question of evidence involving operating methods, for example. The material could reveal how the intelligence agencies quite lawfully obtain their evidence.

It is worth reminding those who are going to vote against the Government how thankful we are that there have been no further terrorist outrages in this country since the 7/7 bombings. In every year since then, major terrorist plots have been prevented by the work of the intelligence agencies, and much of that work relied on obtaining highly sensitive information, sometimes from individuals who were not intelligence officers but who came from the very organisations and communities in which the plots were being hatched. If the methods by which such information is obtained cannot be kept secret, no one should come to the House saying how much they regret some future terrorist incident if that incident has taken place because the agencies have been prevented from getting the support and co-operation that they need.

**Mr Kevan Jones** (North Durham) (Lab): Will the right hon. and learned Gentleman give way?

**Sir Malcolm Rifkind:** I want to make one other point, if I may.

The other element that critics of the Bill do not take into account is that much of the information we are talking about can relate to misunderstandings on the part of the terrorists or criminals, who sometimes do not realise when their conversations are being listened to or when their property has been entered under lawful warrants and information obtained. They do not realise how stupid some of the precautions are that they take to protect their evil plans. That kind of information cannot be released in court. The plaintiff might be an innocent person, but if the information is released in court, it becomes available to the whole world, including the terrorist organisations and criminals themselves.

**Sir Richard Shepherd:** I am moved by the impassioned nature of my right hon. and learned Friend’s response to this matter. He is quite right; this is a serious matter

[Sir Richard Shepherd]

and no one doubts that. Is it not strange, however, that some of the information that we are accused of passing on comes from the American court system? We have been held accountable by American intelligence for that as though it were a fault on our part. If the Americans are able to maintain their tradition of an open court system, why should we not do so?

**Sir Malcolm Rifkind:** I know the case that my hon. Friend is referring to, but that is not really the point at issue. The point is that when intelligence agencies, including the British ones, share information with their friends and allies from other countries, they do so on the strict condition that that information will not enter the public domain without their permission. This is not so much a question of whether the information in a particular document might be harmful; it is a principle, and that principle must not be breached.

**Sir Richard Shepherd** *rose*—

**Sir Malcolm Rifkind:** I am conscious of the time, and I want to make a few more points, if my hon. Friend will forgive me.

This point goes to the heart of what Lord Woolf, the former Lord Chief Justice, has said. The plaintiffs themselves will sometimes benefit from the arrangements, as well as the Government who are defending the case. I can think of current cases, some of which are controversial, in which information given to the judge about the activities of the intelligence agencies some years ago could well help the plaintiff as well as the Government.

Furthermore, if it was suggested that a particular closed material procedure had been drawn too widely to include information that did not need to be protected, the benefit of the special advocate system is that if the advocate was doing their job properly, they would raise the matter with the judge. If the judge was satisfied that the breadth of the closed material procedure needed to be reduced, the evidence in question could be heard in open court.

**Sir Menzies Campbell:** My right hon. and learned Friend makes a powerful point regarding the interests of the plaintiff. If a PII certificate were to be utilised in such circumstances, the plaintiff would have no chance of taking advantage of any conduct on the part of the intelligence agencies and others that could result in his action being successful.

**Sir Malcolm Rifkind:** My right hon. and learned Friend is right.

That leads me to my final point, which goes to the heart of the Opposition's amendment. It concerns the so-called Wiley balancing act, in which a judgment must be made on whether national security is more important than the administration of justice. Of course that is relevant for PII, because that is the absolute choice that has to be made in those circumstances, but the whole point of closed material procedures—unlike PII—is that the evidence will be available to the judge. The administration of justice cannot but be helped if the judge has access to all the relevant information. So the Wiley balancing act is simply not relevant in such

cases. The judge must be satisfied that there is a risk to national security, and he will have the last word on that. At that point, a closed material procedure will be granted, and that is the least bad option. We do not argue that CMPs are a good option, that they are desirable or that they are ideal. They are far from that, but they are better than the alternatives and, sometimes in this imperfect world, this is the only responsible way to behave.

**Paul Goggins:** I shall try to be brief, as I know that other Members wish to speak. It is a pleasure to follow my colleague, the Chair of the Intelligence and Security Committee, the right hon. and learned Member for Kensington (Sir Malcolm Rifkind). I am sure that it was music to the Minister's ears to hear a speech from his own Benches in support of the Bill. I know that he welcomes the fact that there have been a number of speeches from the Opposition Benches, of which this is another, that are broadly in support of the legislation.

There are two fundamental arguments in favour of the direction that the Government are taking. The first is the need to deal with the present inability of the security and intelligence agencies to defend themselves against civil claims. That point has been debated over the past few hours. My right hon. Friend the Member for Blackburn (Mr Straw) did the House a great service by reminding us that we are talking not about bits of paper, but about human sources of intelligence. We are talking about human beings, and the agencies have a fundamental responsibility to protect the lives of those people. Even in the course of protecting their own interests, they can do nothing to undermine the safety and security of those people. Those are vital obligations to human beings, not to scraps of paper with information written on them. The idea that any serious judge would grant closed material proceedings in relation to intelligence that might prove embarrassing or slightly awkward for an agency is preposterous. This is all about highly sensitive intelligence, about sources and about methods.

The second element that makes the legislation imperative is the need to make the agencies themselves more accountable. I do not want to see a PII one-way street that allows an agency to hide material completely or to settle out of court. If intelligence exists that there has been wrongdoing in the agencies, I want that evidence to be considered by the judge and to be weighed in the balance when conclusions are reached.

Reflecting on the debates on these matters, I believe that it should be possible to close the gap between the Front Benches on the ability of the judge to choose the appropriate route to take. I think I heard the Minister say earlier that, even at this late stage, he was prepared to go away and give further consideration to that issue. If there are further opportunities to do so, I hope that he and my right hon. Friend the Member for Tooting (Sadiq Khan) will reach consensus on this point. The Minister has come some way towards that by tabling amendment 47, and that is helpful. The court must now be satisfied that the Secretary of State has considered whether to make an application for PII, and that goes some way in the right direction. I encourage him and my right hon. Friend to try to close what remains of the gap between them. As far as I am concerned, the last resort should be the PII. I cannot agree with the hierarchy set out by the right hon. Member for Haltemprice and Howden (Mr Davis). I want less secrecy and there is less secrecy through closed material proceedings.

On the Wiley test and the substantive difference that clearly still exists between the two Front Benches, I urge further and fresh consideration, if that is possible. I am not a lawyer, as may be evident to anyone who has ever heard me speak on these matters, but if the decision is whether the material should be in or out, then a test of open justice is a fair test, and that is the test that applies in PII. However, if the decision is about closed material proceedings, then, frankly, that is a decision about whether the material is fully in or not fully in. If a judge can see it but others cannot, and if the merits of a particular piece of intelligence can be weighed by the judge, clearly that is a more difficult and complex judgment. It therefore does not surprise me, as a non-lawyer, to know that a different test from the Wiley test may need to be applied.

Amendment 30, tabled by my right hon. Friend the Member for Tooting, sets the bar too high, but I encourage further consideration wherever possible. There are various stages to the closed material procedure. There has to be consideration on whether to enter the process in the first place, and on whether the process should end. Therefore, there has to be an appropriate test and further thought on it, but I think that my right hon. Friend sets the bar too high.

**Mr Winnick:** My right hon. Friend talked about a consensus in this House. I hope there will be the maximum amount of opposition to the proposals. Does he dismiss out of hand the number of people—distinguished lawyers who cannot be lumped together as hopeless liberals and so on—who believe that the proposals, which will no doubt be carried, erode the rule of law? We should be very concerned about what is happening.

**Paul Goggins:** My hon. Friend knows me well enough to know that I do not dismiss critics of the Bill. I listen to them carefully; I just happen to disagree with them. The same applies to my hon. Friend: I listen carefully to what he says on this issue. Sometimes we agree and sometimes we disagree, and I sense that we will disagree on this. I am making a plea for further attempts to achieve consensus, but I am making it clear that if there is no consensus then I think that my right hon. Friend the Member for Tooting is setting the bar too high.

On inquests, I am sorry that the Minister did not take an intervention from me earlier. I would be delighted to take an intervention from him at any stage in the next couple of minutes. I am grateful to Members who supported my amendment 70, which would make closed material proceedings available for inquests as well as civil proceedings. We just need an explanation from the Minister on why the Bill proposes CMPs for civil cases, but does not propose them for inquests. That was in the original plan. He knows that senior members of the Government and senior judges think it is nonsense and inconsistent to have one and not the other.

**Mr Kenneth Clarke:** I think we have had this exchange before. The explanation is simple. The Government were faced, in Parliament and from all the lobbies, with overwhelming opposition to extending CMPs to inquests. We have said throughout today's proceedings that we have been trying to concede as far as possible, and that if people did not want to trust coroners with these powers and the ability to take into account this information,

we decided it was impossible to maintain it, particularly after recent controversy regarding coroners and inquests. All kinds of unlikely organisations were seen to be believing that we were closing down inquests, getting rid of juries and so on, so I am afraid that we took the line of least resistance. The result is that total secrecy and silence will continue to be the case in inquests whenever national security is involved.

**Paul Goggins:** The purpose of tabling amendment 70—again, I am grateful for the support of hon. Members—was not that I thought I would win the day. Clearly, the Minister is not going to support it. I tabled the amendment to encourage him, the Under-Secretary of State for the Home Department, the hon. Member for Old Bexley and Sidcup (James Brokenshire) who is sitting next to him and anybody else who is listening. This issue will come back and either his Government or preferably a Government that I support, will have to deal with it.

**Mr Straw:** I am sure that my right hon. Friend is aware that the idea of having closed material proceedings was not just the policy of the previous Labour Government. Proposals were introduced in legislation, but sadly blocked in the other place.

7.15 pm

**Paul Goggins:** My right hon. Friend is absolutely right. If CMPs are to be available in civil proceedings, they should certainly be available in inquests. There are difficulties concerning families and bereaved relatives, but in the end this about a search for the truth. If there is information and intelligence that reveals the cause of a death, the coroner should know it, even if it has to be kept as secret intelligence.

The Minister himself made the perfect argument today. He went on the radio at lunchtime and made the argument about the limitations of having to have just PII, rather than CMPs. What was the example he gave? The Litvinenko inquest. There are more than 30 historic inquests in Northern Ireland waiting to be resolved. Whether the deaths involved the Army or the police, all of those issues will be there. There will other inquests in future that will bring national security issues into play.

**Mr Kenneth Clarke:** The right hon. Gentleman has been very patient in listening to the whole debate. All the people who are more liberal than we are and who are denouncing CMPs, are defending the existing law. What is at the moment in controversy at the Litvinenko inquest, is that what they are saying is superior to admitting the evidence and having it heard and determined by the judge. One has to bring in the present inquests or inquests will never have this material, because such a fantastic volume of opposition was excited by the proposal when we first put it forward.

**Paul Goggins:** I accept that the Minister felt under enormous pressure to make that concession. Anybody who doubts the minds of coroners and senior judges in relation to the test that will be applied need only look at the coroner in the Litvinenko inquest, Sir Robert Owen, and the comments he made last week. He said clearly:

“I intend to conduct this inquest with the greatest degree of openness and transparency”—

[Paul Goggins]

and that he would give the Foreign Secretary's request for a PII certificate—

“the most stringent and critical examination”.

We ought to trust the coroner and the judges.

In the end, the search for justice is a search for the truth. A secret court is one where information and intelligence is either not considered at all, or where the Government and their agencies cave in and make a settlement where no case has been heard—that is secret justice. Closed material proceedings are not perfection, but we are not dealing with perfection; we are dealing with a difficult issue in a small number of cases. However, we are more likely to get closer to the truth if the judge has seen the relevant information than if nobody has seen it at all.

**Mr Brazier:** This has been a high quality debate, starting with a typically rigorous opening by the Minister without Portfolio. It has been particularly noticeable that, while there have been strong speeches on both sides, all three Members who have had responsibility for this matter—the right hon. Member for Salford and Eccles (Hazel Blears), the right hon. Member for Blackburn (Mr Straw) and my right hon. and learned Friend the Member for Kensington (Sir Malcolm Rifkind), who made an outstanding contribution—have all taken the view that we have to have this kind of legislation, and that the amendments would not be helpful. I want to put forward a couple of underlying reasons why I believe firmly that we need the Bill and that the amendments—some of them, anyway—would wreck it, and then delve a little into the historical background. I am concerned that the civil liberties lobby is just a little bit too free in its claims about British judicial traditions.

The one voice that does not seem to have been heard anywhere in the debate is that of the intelligence service. Baroness Manningham-Buller said:

“At the moment there is no justice at all in civil cases where individuals sue the Government for compensation, claiming, say, mistreatment or complicity in torture. Because the secret material held by the authorities cannot be used in court, the Government is forced to settle without a judge examining the merits of the claim. This is immensely damaging”—

immensely damaging—

“to the reputation of the Government and the intelligence and security agencies which cannot defend themselves; to the taxpayer who has increasingly to stump up millions in compensation; and perhaps most importantly of all to the claimants who, while they may receive large cash settlements, do not get their cases heard and judgment reached.”

I have a further concern. A friend of mine, former SAS officer Colonel Richard Williams, who has allowed me to quote his name in the press, has recently been attacked in one of our newspapers with allegations of brutality. The allegations are lies from beginning to end. Bizarrely, they start with the claim that he is being investigated for wrongdoing in Iraq. As he has never been investigated in any shape or form, that is a lie before we even get into the specific allegations. But let us suppose just for a moment that somebody was to turn those allegations into a court case. The circumstances of the operation concerned in the allegations involve some extremely secret material—where the tip-offs came from, *modus operandi* and so on. Now, it is quite

possible that this man, who has been decorated for gallantry and leadership twice and badly wounded—indeed, he had another operation for his wounds only last year—could find himself facing a court case while being extremely reluctant to use certain material in his own defence, because no procedure is available under which he could do so without the risk of breaching secrecy.

**Mr Kevan Jones:** Does the hon. Gentleman also agree that this concerns not just the sources of intelligence, but the operating systems of troops on the ground? If anything got into the public domain—for example, about operations in Iraq by special forces—it would limit future operations, if those tactics became known to our opponents.

**Mr Brazier:** Of course, the hon. Gentleman is absolutely right. I used the phrase “*modus operandi*”. This brave officer led our special forces operation for so long in Iraq and did so well at a time when, frankly, other parts of our military operation were failing—the verdict of history is that sadly they did largely fail. The hon. Gentleman is right that this is not only about sources, but about *modus operandi*, but there is now a further wrinkle. Because the Government have committed to much more of what is generally called “upstream intervention”—putting small numbers of people into areas where they are not in charge or running the show, but simply mentoring, the dodgiest end of which will inevitably go to special forces—this is not only about our *modus operandi*, but about whether our relationships with host countries, which in almost every case will, I believe, do better in a range of different ways with advice from our special forces, will be possible at all.

I shall move on to the second part of my comments. In Committee, I listened again and again to hon. Gentlemen talking about ancient British traditions of justice. I have listened again and have been reading some of the contributions from the human rights lobby. Although they are perfectly entitled to their points of view and I am willing to listen to them with respect, they cannot claim that the current position of the civil rights lobby, which is reflected in some of these amendments, is in any way rooted in the traditions of British justice.

Let me quote what Lord Denning said in a deportation case some 40 years ago. He was speaking on the *Hosenball* case, which involved the deportation of, ironically, an American journalist. The case was decided unanimously in favour of the Home Secretary, but nevertheless Lord Denning felt that he ought to put some extra remarks on the record, just to remind people where the balance of British justice lay:

“But this is no ordinary case. It is a case in which national security is involved, and our history shows that, when the state itself is endangered, our cherished freedoms may have to take second place. Even natural justice itself may suffer a set-back. Time after time Parliament has so enacted and the courts have loyally followed.”

Time is brief and others are waiting to speak, so I will not go back to the earlier *Liversidge v. Anderson* case during the second world war, where by a 4:1 majority the locking up of everybody who happened to be German, with no procedure at all, was upheld. Suffice it to say, however, that this was the continuous view of the courts all the way through until the *Belmarsh* case. I will give one further quote. Ironically, I would like to quote

Lord Hoffmann, one of the judges who found against the Government in the Belmarsh case, on the rather narrow grounds rooted in the then brand-new human rights provisions. In 2001, he commented in a lengthy judgment in the Rehman case:

“I shall deal first with the separation of powers... What is meant by ‘national security’ is a question of construction and therefore a question of law within the jurisdiction of the Commission, subject to appeal. But there is no difficulty about what ‘national security’ means. It is the security of the United Kingdom and its people. On the other hand, the question of whether something is ‘in the interests’ of national security is not a question of law. It is a matter of judgment and policy. Under the constitution of the United Kingdom and most other countries, decisions as to whether something is or is not in the interests of national security are not a matter for judicial decision. They are entrusted to the executive.”

The concessions that the Government have already made, even without going down the route of amendment 30, go much further than any court would have required 10 or more years ago. Whatever the claims of the human rights lobby, the British judicial system always used to understand the vital demands of our national security, and I urge the Government not to give any further ground.

**Mr George Howarth:** It is a pleasure to follow the hon. Member for Canterbury (Mr Brazier). I shall try in a moment to give some examples of how important the point is that he finished on.

My right hon. Friend the Member for Blackburn (Mr Straw) referred to the well-known liberal credentials on these matters of the Minister without Portfolio. I would go further—perhaps my own Front Benchers will take this into account—and say that if someone is as liberal as he is, they are probably in the wrong place and, on this occasion, if someone is even more liberal than he is, they are almost certainly in the wrong place.

I would like to make one further point by way of introduction. I came here genuinely hoping to be persuaded by my right hon. Friend the Member for Tooting (Sadiq Khan) to follow the course of action he has outlined in the amendments. I wanted to hear what he had to say—that was why I made at least one, perhaps two, interventions—and to see whether he had an answer to some of the dilemmas I felt still existed in our approach to the Bill and, more particularly, our amendments. Before arriving here, I decided to read what he said on Second Reading about the tests he set for the Bill at that time and what it would look like when it left Committee.

My right hon. Friend relied heavily, though not exclusively, on the words at the time of David Anderson QC, who concluded that there was a

“case for restricting the novel application of Norwich Pharmacal jurisdiction to national security information”—

the relevant clause at the time was clause 14—but that the Bill at the time was

“too broad in its application.”

Beyond that, however, no specific tests were set other than those set by the Joint Committee, which its Chairman listed at the time.

7.30 pm

Two of those tests are relevant to the speech that I am making now. The first was the judicial balancing of interests—which we have discussed quite a bit—and the second was a more proportional response to the problem

of preventing the ordering of disclosure of national security and other sensitive information. I think that the Bill, as amended, meets those two tests. Clause 7 now sets out in some detail the conditions that apply in the determination of whether closed material proceedings are justified. That includes the disclosure of sensitive material, the possibility of a PII's being appropriate, and no disclosure by voluntary means. In this last event, the case collapses and someone usually ends up with a large payment as a result.

Clause 7(2) relates to the rules governing proceedings once an application for use of a CMP has been granted. It states:

“The court must keep the declaration under review, and may at any time revoke it if it considers that the declaration is no longer in the interests of fair and effective administration of justice in the proceedings.”

There is a test there, requiring the judge presiding over the case to make those considerations. That is not too distant from the conditions that my right hon. Friend and others are seeking, but, as we heard earlier today, it is different in some important ways.

The Wiley balancing test of fair and open administration of justice simply cannot be applied. I cannot imagine circumstances in which it would be possible to justify describing closed material proceedings as open; that strikes me as an absolute contradiction in terms. I believe that if amendment 30—which my right hon. Friend intends to press to a Division—were passed, it would have a wrecking effect, although I know that that is not his intention. In my view, the Government's test of fair and effective administration of justice is proportionate—as the Joint Committee required—and workable.

It must be borne in mind that the purpose of CMPs is to ensure that cases are considered by the courts, rather than the opposite. My right hon. Friend the Member for Salford and Eccles (Hazel Blears) made that point very strongly. The opposite is a PII, and on that basis I think that this is more a progressive move than the opposite. One of the strange ironies of politics that I have observed over the years is that there are occasions when the progressives adopt the reactionary position, and the reactionaries—although I hesitate to call the Minister without Portfolio a reactionary—adopt the progressive position. I think that this is one such occasion, and my right hon. Friend made that case very effectively.

I said earlier that my right hon. Friend the Member for Tooting relied heavily on David Anderson's evidence, which was available at the time. Since then, David Anderson has been given an opportunity to inspect the relevant files on the cases that are pending, and has concluded:

“We are in a world of second-best solutions: but it does not seem to me that the level of injustice inherent in the use of CMPs in a case of this nature necessarily exceeds either the injustice to the claimant of a case being struck out, or the moral hazard and reputational damage to the intelligence agencies that is caused by settling a case which, had it been possible to adduce all the evidence, would have been fought.”

What he meant was that it cannot be justifiable to make large cash settlements rather than taking a case to court. I hesitate to interpret what such a distinguished gentleman said, but that seems to me to be the gist of it.

Having listened carefully to what was said by my right hon. Friend the Member for Tooting and one or two others, I honestly cannot support amendment 30.

I believe that, albeit unintentionally, it would have the effect of wrecking what I consider to be progress rather than the opposite. I find it difficult to do this—I do not do it regularly, and when I do, I do it with a heavy heart—but I am afraid that, on this occasion, I do not feel able to support my own Front Benchers.

**Mr Edward Leigh** (Gainsborough) (Con): I know that you are anxious to allow others to contribute, Mr Deputy Speaker, and I hope to encompass my remarks in two or three minutes. I also hope that the right hon. Member for Knowsley (Mr Howarth) will forgive me, a reactionary, for being progressive, but occasionally that is what one has to do.

I think I could have made this point very simply to my right hon. and learned Friend the Minister in an intervention, but I was unable to catch his eye. The general tenor of his remarks was that this was an argument got up by lawyers, that he had tried to make more and more concessions, and that we were dancing on the head of a pin. I think that there is a fundamental point of principle that can be expressed very clearly by a Conservative. There has been a great deal of reportage this week about what the Conservative party stands for. In my view, it stands for a deep and abiding distrust of the state and its agencies, and a desire always to stand up for civil liberties. That is why our party was founded.

When the Minister leaves the House tonight, as he goes through the Members' Entrance he will see on his right a small plaque which marks the site of the Court of Star Chamber. Why did Toryism develop in the 17th and 18th centuries? It was in retaliation against the powers of states encompassed in that secret court, whereby people could be tried without knowing the evidence against them. I know perfectly well that we are not talking about criminal cases now, but civil cases too are very important. Justice, in my view, is indivisible.

The principle of justice in this country as I understand it, and as maintained by the Conservative party for centuries, is that any citizen can go to a court of law as a litigant, and his case will be heard in public. He will give his evidence in public, the defendant will give his evidence in public, the plaintiff can cross-examine the defendant on that evidence, and the defendant will know the evidence that is adduced against him. That is a fundamental principle of our courts of law.

It is not good enough to say that the judges will be very careful, or that it will be just a matter of a few cases out of several thousand. Perceptions are important, and what does our country stand for, above all else? It stands for the principle that a defendant knows the evidence against him. It is not good enough that some judge, however careful, can cross-examine on the basis of that evidence, and it is not good enough that some special advocate can do the same, because the defendant alone knows his case, and he alone must be allowed to put it.

It is not good enough to say that the present system is unsatisfactory, and to talk about PIIs and all the rest of it. Of course a defendant can always choose not to adduce a particular piece of evidence, and of course the state can always decide that it would be dangerous, and inimical to its own interests, to reveal how it operates. We all know that, and the state may indeed lose the case, but that is its decision. This is something quite

different. We are taking a fundamental step, and it is a dangerous step. That is why I will not support the Government tonight.

**John McDonnell** (Hayes and Harlington) (Lab): I will follow in the tradition of the progressives, and say that I opposed the Special Immigration Appeals Commission when it was introduced. My right hon. Friend the Member for Blackburn (Mr Straw) referred to Kafkaesque language and said that we should not exaggerate, but I opposed SIAC then because I thought that it was Kafkaesque. I think that the idea of being tried for something and not being entirely sure what it is, and of not hearing the evidence and not being able to respond to it, is typical of Kafka. I warned then that if we were not careful, there would be an incremental creeping extension of that into other areas of law. That is what we saw with control orders, and we are seeing it again tonight.

I fear that within five years we will be back here debating certain areas of the criminal law, unless we draw a line in the sand tonight and say that enough is enough. I think that we are undermining the basis of British law, as the hon. Member for Gainsborough (Mr Leigh) said, the fundamental civil liberties that were fought for over generations. When the Supreme Court considered the matter, it made it clear that there should be compelling grounds if we are to take this step, but the only compelling ground we have been told about today is that the Government might have to shell out a few millions pounds in compensation every now and again. That is not compelling grounds for undermining our civil liberties in this way.

There seems to be a bizarre reversal of the history of why we are here. We are not here today to debate how we protect our security services; we are here because the security services were exposed as being associated with other regimes involved in rendition, torture and other human rights abuses. Rather than discussing how we protect our security forces, which of course is fundamental, we should also be debating how we hold them to account. That does not mean closing the doors of the courts; it means opening them to greater scrutiny and accountability. I am concerned that we seem to be heading for a complete reversal of the debate taking place outside across the country.

People have been shocked by the stories they have heard. A constituent of mine, a young man I have known since he was a child, went to Pakistan to work in a hospital voluntarily because he is a doctor. He was picked up by the Pakistani authorities and tortured for six weeks. He was then interrogated by British intelligence officers, after torture. That is unacceptable. He is now in such a state that he does not even want to pursue a claim. He is fearful—

**Hazel Blears:** Will my hon. Friend give way?

**John McDonnell:** I understand why my right hon. Friend wants to intervene, and she has made good points, but I am really short of time and must conclude as best as I can, because the Minister still needs to respond.

On that basis, I thought that in reforming our legislation we would be considering measures that would make accountability more open and acceptable. That is why

I support the amendments tabled by the hon. Member for Brighton, Pavilion (Caroline Lucas). In fact, a simpler amendment would just delete the whole part, not just each clause. That is supported not just by two minor parties, as the Minister suggested, but by a minor party, an individual and another party, and it might also have other support. If those amendments are not made, I support the fall-back protections that Opposition Front Benchers are trying to introduce, which is a commitment of last resort and a reference to open courts. Why can the judges not consider that as a factor as well, because it is one of the key factors they should look at?

I will refer briefly to new clauses 7 and 8, which stand in my name. They are based on the evidence that Dr Lawrence McNamara provided to the Committee when it considered this legislation. We discovered in this whole process that the media have played a fundamental role in exposing what has been happening in relation to the security services. We should recognise that role in statute. New clause 7 is therefore based on an amendment proposed in the Lords and recommended by Lawrence McNamara. It basically states that the media, as the eyes and ears of the general public, should be informed of these cases so that they can intervene if necessary and become involved in proceedings. They would be notified, but they would then also be able to seek a stay or sist of the civil proceedings and be party to at least some element of the debate on whether a closed procedure is necessary. When Ministers responded to that proposal elsewhere, they argued that it would not be suitable in civil damages cases. That was the only argument put up for not involving the media as a party in proceedings. In fact, these are not just normal civil proceedings; they are based on national interests and national security. That is why there needs to be some process to allow full engagement of the media and enable them to become involved and intervene in the proceedings.

New clause 8 also relates to Lawrence McNamara's recommendations and a proposal considered in the Lords. Currently the Bill does not provide for the possibility of closed judgments being made open later. The reason they should be made open at a later stage, some would argue, is so that the courts and the process can be held to account publicly. The proceedings could be reported and then a view could be taken on whether it was correct that they went into secret court procedures. The argument is a recognition that there should be some procedure for opening closed judgments long after the secrecy is no longer necessary. The Government acknowledged on Report in the Lords that review of closed judgments is important, but they never came forward with the amendments necessary to enable that. That is why I tabled new clause 8.

The new clauses would make two minor amendments to the legislation to enable us to prise open the door of the secret proceedings a little bit more and involve the media, who have played such a fundamental role in exposing the operations of the security services that have led us to this debate.

7.45 pm

**Mr Kenneth Clarke:** With the leave of the House, I will respond on behalf of the Government. I will briefly address the comments of those Members who have, with great passion and sincerity, opposed the whole policy of the Bill; who think that closed procedures

should not be permitted and are simply incompatible with our standards of justice; and who plainly wish things to stay as they are. They include the hon. Members for Brighton, Pavilion (Caroline Lucas) and for Hayes and Harlington (John McDonnell), and even the hon. Member for Cambridge (Dr Huppert) got very near to that at one point, rather to my alarm.

I share the exasperation expressed by many Members who are more supportive of the Bill than much of the opposition to it is based on the idea that the present law does not call for amendment and that what happens now is satisfactory. Three or four Members expressed the exasperation I sometimes feel in these debates, because a growing number of people who seem to be more liberal than me, at least on this point, think that PII certificates are the ideal way of handling these cases. Most of the people who have tried to argue that point with me outside the Chamber, I am quite sure, would not have defended the PII certificate system 12 months ago and instead would have attacked it.

As we—the Bill's defenders—have repeatedly pointed out, the whole point of PII is to exclude from anybody's use in a case the evidence that is sensitive. Of course, one can gist and redact such as one can, but what one leaves out is anything that obviously threatens national security, which is the very information that everyone says ought to be heard. I do not accept all those allegations. I would like the civil courts to be able to decide some more of those allegations. To those who, like the hon. Member for Brighton, Pavilion, are convinced that our security services have been torturing and mistreating people and that we are trying to suppress all kinds of outrageous allegations, I can only say that if we stay with the law as it is, none of that will ever appear in a court before a judge.

The problem at the moment is that where a Government wish to bring forward their records and witnesses to try to answer these claims, there is no closed material procedure in civil proceedings to enable them to do so. We used to think that the court did that out of its own volition, but I am afraid that there have been rulings making it quite clear that that is for Parliament to decide. I will not repeat what people said a few moments ago. The absolutism of the people on the ultra-liberal wing is quite extraordinary. They are demanding silence. They are demanding no judgment from a judge. They wish things to stay as they are. I ask them to reflect on the deeply unsatisfactory nature of that. It is not true that there are other countries where one can do that.

I do not think—I am open to correction—that there is any jurisdiction in the world in which someone is trying to create a procedure whereby one can bring in highly sensitive evidence of this kind in a civil claim against the Government. Somebody calmly said that the Americans allow that. I can assure them that the Americans are extremely alarmed about the fact that we are giving those powers to our judges and wish to be reassured that national security will be protected. As has been said, they are already reducing their co-operation with us, and they will reduce it further if they think that we are opening some kind of sieve in their information. Where they issue a certificate of state security it is not challengeable. People are bringing actions in our courts claiming that we are sometimes complicit with what they say American agencies have done because they cannot bring those actions in America. They come here

[Mr Kenneth Clarke]

under Norwich Pharmacal trying to get documents from us to support action in other countries because they think we have the only courts in the world where they might be able to get hold of American intelligence material—and to do so for other people. So in supporting our approach in principle, the Government, the Labour party and the Liberal Democrats are demonstrating how committed we all are to the rule of law, human rights and the wish to be accountable to our courts. We think that we can contrive a process that does secure national security and does respect the interests of our allies while allowing a judge to consider all the relevant evidence and give a judgment.

My next point will be the final one I make on this, because I realise that the right hon. Member for Tooting (Sadiq Khan) has to wind up the debate. I still hope that we get the widest possible all-party support on this important constitutional matter, and I think that the Liberals are with us. Nobody in this House has given views that are contrary to the interests of justice or anything of that kind, but we are almost quibbling about rather important amendments; we are talking about how we can best frame our response to the Joint Committee on Human Rights and so on without actually compromising the process and making it unworkable.

I had the formidable support of the Ministers in the former Government who were responsible for these matters at various times and in various ways: the right hon. Members for Blackburn (Mr Straw), for Salford and Eccles (Hazel Blears), for Wythenshawe and Sale East (Paul Goggins) and for Knowsley (Mr Howarth). I think that the latter was right in saying that I am probably the most liberal of the five of us on most issues that come before this House. I spent my time opposing the right hon. Members when I was in opposition and they still have not persuaded me that 90 days' detention without charge was remotely justifiable—we sat up all night arguing about that. The fact is that we are moving to resolve a serious problem, and the Labour party should give careful consideration to whether they press these measures.

I am asked by Labour Members and by others whether there is any further that we can go. I have already described the number of amendments that we have made, and the huge discretion and control that we have now given to the judge. I have indicated that we will have a look at the rules of court. I cannot be persuaded that putting “as a last resort” in the Bill is not risky. The Wiley balancing test as it is on the amendment paper is not the Wiley balancing test but a stronger version of that test, and it has been argued about interminably. It is totally unsuitable for a closed proceeding; it is designed as a stiff test when one is proposing to take all the evidence out of consideration altogether.

I urge restraint on the Opposition, who claim to wish to be in government one day—needless to say, I regard that proposition with dread. If they take some of these objections to bizarre lengths when there is complete agreement on principle between us, I can say only that were they to succeed, they would regret it. I also think that, for the reputation of our security services, for the reputation of our justice system and for the confidence of our allies, it would be very helpful if we had the support of the bulk of the three major parties. I have

tried to explain why people of utmost sincerity who take the more purist view are actually living in a dream world. We will do better in holding our agents to account by having this Bill.

**Sadiq Khan:** With the leave of the House, Mr Deputy Speaker, may I repeat what I said almost four hours ago by citing the words of the independent reviewer of terrorism legislation? As I said, the Opposition accept that there is

“a small but indeterminate category of national security-related claims, both for judicial review of executive decisions and for civil damages, in respect of which it is preferable that the option of a CMP—for all its inadequacies—should exist.”

That is our position and we are not seeking to exclude part 2 from the Bill—to be fair to the Minister, he did not suggest that we were.

I just remind the Minister that when the Green Paper was published, many on both sides of the House thought that it was perfectly adequate. When the draft Bill was first published, some on both sides of the House thought that it was adequate. We did not think that, and we pushed for improvements. When the Bill was published, before it went to the House of Lords last June, many on both sides of the House, including the Minister, thought that that was perfect and in need of no amendment. The Bill has been changed on three or four occasions in a number of areas, not least by the changes made in the House of Lords. The other place sought to put into the Bill some of the recommendations made by the Joint Committee on Human Rights. Not all of its recommendations were put into amendments standing in the names of Cross Benchers, including Lord Pannick, but some were—the ones thought to be important in order to secure the checks and balances required in this Bill.

I remind the Minister that Labour Front Benchers have on no occasion sought to remove part 2 from the Bill. He will know, as he has been in this game far, far longer than I have, that we could well have won votes in the House of Lords to remove part 2, but we appreciate the important challenge the Government face. As the Chair of the Intelligence and Security Committee and colleagues on both sides of the House have put it, “How do we get the balance with our wish to make sure that our citizens are as safe as possible, bearing in mind the huge heroic work that our security services do, relying on intelligence from other countries?” The Opposition accept the control principle and always have done, and we will debate that after the votes at 8 pm. Nobody who has spoken today in favour of our amendments has tried to caricature the people against them as not being concerned about civil liberties and human rights. To be fair, those against our amendments have not tried to caricature our position as being against, or not understanding the importance of, national security.

The hon. Member for Cambridge (Dr Huppert), who represented the Liberal Democrats in Committee, made a speech today, and I think he indicated that he will be supporting our amendments at 8 pm. I pray in aid the fact that it is not just Opposition Members wishing to press these amendments, as I will shortly. The Joint Committee on Human Rights, in its most recent report last week, confirmed that it was unhappy with the shredding of the Lords amendments in Committee. The special advocates also agree with our amendments, as

does the House of Lords. The independent reviewer of terrorism legislation and the former Director of Public Prosecutions also believe that our amendments strike the right balance between national security and ensuring that individuals are able to hold the Executive to account.

During the debate, my view—the Opposition’s view—has been characterised as considering PII perfect and a utopian panacea for some of the challenges we face, but I have not said that. I deliberately took some time to pray in aid the Supreme Court decision in *al-Rawi*, when the Court said, to paraphrase, that it would like the additional tool of CMPs and suggested that it would like Parliament to give it that ability. That is what I am seeking to do.

I say to the Minister without Portfolio that the danger lies in some of the comments made by others, who gave the impression that CMPs are often preferable to PIIs and that rather than being the exception—a point made by a number of colleagues on the Government Benches—they would become the default position. That is where he must be careful. A number of Members on both sides of the House have said that PII is rubbish, that it is not the answer and that CMPs are far preferable, and they have asked why a judge would not opt for a CMP. We are simply seeking to put in the Bill the amendments passed by huge majorities in the House of Lords on the recommendation of the JCHR to ensure that a judge understands that he must consider the other options before he decides to go for a CMP.

I know that the Minister without Portfolio did not mean it when he said that every time he makes a concession, ingenious lawyers move fresh amendments; our fresh amendment would have become stale by now, as it is four months old. I would like to press to a vote amendment 26, which is a paving amendment for amendment 31 to make CMPs a last resort, and amendment 30, which is the gateway for the Wiley balancing test for maximum judicial discretion.

*Question put*, That the amendment be made.

*The House proceeded to a Division.*

**Mr Deputy Speaker (Mr Lindsay Hoyle):** Order. I ask the Serjeant at Arms to investigate the delay in the Aye Lobby.

*The House having divided: Ayes 225, Noes 298.*

**Division No. 169]**

**[7.59 pm**

**AYES**

Abbott, Ms Diane  
Ainsworth, rh Mr Bob  
Alexander, rh Mr Douglas  
Alexander, Heidi  
Ali, Rushanara  
Allen, Mr Graham  
Anderson, Mr David  
Ashworth, Jonathan  
Austin, Ian  
Bailey, Mr Adrian  
Bain, Mr William  
Baker, Steve  
Balls, rh Ed  
Banks, Gordon  
Barron, rh Mr Kevin  
Bayley, Hugh  
Begg, Dame Anne  
Benn, rh Hilary

Berger, Luciana  
Betts, Mr Clive  
Blenkinsop, Tom  
Blomfield, Paul  
Blunkett, rh Mr David  
Brennan, Kevin  
Brown, Lyn  
Brown, rh Mr Nicholas  
Brown, Mr Russell  
Bryant, Chris  
Buck, Ms Karen  
Burnham, rh Andy  
Byrne, rh Mr Liam  
Campbell, Mr Alan  
Campbell, Mr Ronnie  
Caton, Martin  
Champion, Sarah  
Chapman, Jenny

Clark, Katy  
Clarke, rh Mr Tom  
Clwyd, rh Ann  
Coffey, Ann  
Cooper, rh Yvette  
Corbyn, Jeremy  
Creasy, Stella  
Crockart, Mike  
Cruddas, Jon  
Cryer, John  
Cunningham, Alex  
Cunningham, Mr Jim  
Cunningham, Sir Tony  
Curran, Margaret  
Dakin, Nic  
Danczuk, Simon  
David, Wayne  
Davidson, Mr Ian  
Davies, Geraint  
Davis, rh Mr David  
De Piero, Gloria  
Dobson, rh Frank  
Docherty, Thomas  
Donohoe, Mr Brian H.  
Doran, Mr Frank  
Doughty, Stephen  
Dowd, Jim  
Doyle, Gemma  
Dromey, Jack  
Dugher, Michael  
Durkan, Mark  
Eagle, Ms Angela  
Eagle, Maria  
Edwards, Jonathan  
Efford, Clive  
Elliott, Julie  
Ellman, Mrs Louise  
Engel, Natascha  
Esterson, Bill  
Evans, Chris  
Farron, Tim  
Field, rh Mr Frank  
Fitzpatrick, Jim  
Flello, Robert  
Flint, rh Caroline  
Fovargue, Yvonne  
Francis, Dr Hywel  
Fuller, Richard  
Gapes, Mike  
Gardiner, Barry  
Gilmore, Sheila  
Glass, Pat  
Glendon, Mrs Mary  
Godsiff, Mr Roger  
Goodman, Helen  
Greatrex, Tom  
Green, Kate  
Greenwood, Lilian  
Griffith, Nia  
Gwynne, Andrew  
Hain, rh Mr Peter  
Hamilton, Mr David  
Hanson, rh Mr David  
Harman, rh Ms Harriet  
Harris, Mr Tom  
Hemming, John  
Hendrick, Mark  
Hepburn, Mr Stephen  
Hillier, Meg  
Hodge, rh Margaret  
Hodgson, Mrs Sharon  
Hoey, Kate

Hood, Mr Jim  
Hopkins, Kelvin  
Hosie, Stewart  
Hughes, rh Simon  
Hunt, Tristram  
Huppert, Dr Julian  
Irranca-Davies, Huw  
Jackson, Glenda  
James, Mrs Siân C.  
Jamieson, Cathy  
Jarvis, Dan  
Johnson, Diana  
Jones, Graham  
Jones, Helen  
Jones, Mr Kevan  
Jowell, rh Dame Tessa  
Joyce, Eric  
Kaufman, rh Sir Gerald  
Keeley, Barbara  
Khan, rh Sadiq  
Lammy, rh Mr David  
Lavery, Ian  
Lazarowicz, Mark  
Leslie, Chris  
Lewis, Mr Ivan  
Love, Mr Andrew  
Lucas, Caroline  
Lucas, Ian  
Mactaggart, Fiona  
Mahmood, Mr Khalid  
Mahmood, Shabana  
Malhotra, Seema  
Mann, John  
Marsden, Mr Gordon  
McCarthy, Kerry  
McClymont, Gregg  
McDonagh, Siobhain  
McDonnell, John  
McFadden, rh Mr Pat  
McGovern, Alison  
McGuire, rh Mrs Anne  
McKenzie, Mr Iain  
McKinnell, Catherine  
Meacher, rh Mr Michael  
Meale, Sir Alan  
Mearns, Ian  
Miliband, rh Edward  
Miller, Andrew  
Moon, Mrs Madeleine  
Morden, Jessica  
Morrice, Graeme (*Livingston*)  
Morris, Grahame M.  
(*Easington*)  
Mudie, Mr George  
Mulholland, Greg  
Munn, Meg  
Murray, Ian  
Nandy, Lisa  
Nash, Pamela  
Onwurah, Chi  
Owen, Albert  
Pearce, Teresa  
Perkins, Toby  
Phillipson, Bridget  
Pound, Stephen  
Powell, Lucy  
Qureshi, Yasmin  
Raynsford, rh Mr Nick  
Reed, Mr Jamie  
Reed, Steve  
Reynolds, Emma  
Reynolds, Jonathan

Riordan, Mrs Linda  
 Ritchie, Ms Margaret  
 Robertson, Angus  
 Robinson, Mr Geoffrey  
 Rotheram, Steve  
 Roy, Lindsay  
 Ruddock, rh Dame Joan  
 Sarwar, Anas  
 Sawford, Andy  
 Seabeck, Alison  
 Sharma, Mr Virendra  
 Sheerman, Mr Barry  
 Shuker, Gavin  
 Skinner, Mr Dennis  
 Slaughter, Mr Andy  
 Smith, rh Mr Andrew  
 Smith, Angela  
 Smith, Nick  
 Smith, Owen  
 Stringer, Graham  
 Stuart, Ms Gisela  
 Tami, Mark  
 Teather, Sarah  
 Thomas, Mr Gareth  
 Timms, rh Stephen

Trickett, Jon  
 Turner, Karl  
 Twigg, Derek  
 Twigg, Stephen  
 Tyrie, Mr Andrew  
 Umunna, Mr Chuka  
 Vaz, Valerie  
 Walley, Joan  
 Watson, Mr Tom  
 Watts, Mr Dave  
 Weir, Mr Mike  
 Whiteford, Dr Eilidh  
 Whitehead, Dr Alan  
 Williams, Hywel  
 Williamson, Chris  
 Wilson, Phil  
 Winnick, Mr David  
 Winterton, rh Ms Rosie  
 Wood, Mike  
 Wright, David  
 Wright, Mr Iain

**Tellers for the Ayes:**  
**Julie Hilling and**  
**Susan Elan Jones**

#### NOES

Afriyie, Adam  
 Aldous, Peter  
 Alexander, rh Danny  
 Amess, Mr David  
 Andrew, Stuart  
 Bacon, Mr Richard  
 Baker, Norman  
 Baldry, Sir Tony  
 Baldwin, Harriett  
 Barclay, Stephen  
 Barker, rh Gregory  
 Baron, Mr John  
 Barwell, Gavin  
 Beith, rh Sir Alan  
 Bellingham, Mr Henry  
 Benyon, Richard  
 Beresford, Sir Paul  
 Berry, Jake  
 Bingham, Andrew  
 Binley, Mr Brian  
 Birtwistle, Gordon  
 Blackwood, Nicola  
 Blears, rh Hazel  
 Blunt, Mr Crispin  
 Boles, Nick  
 Bone, Mr Peter  
 Bottomley, Sir Peter  
 Bradley, Karen  
 Brake, rh Tom  
 Brazier, Mr Julian  
 Bridgen, Andrew  
 Brine, Steve  
 Brokenshire, James  
 Browne, Mr Jeremy  
 Buckland, Mr Robert  
 Burley, Mr Aidan  
 Burns, rh Mr Simon  
 Burrowes, Mr David  
 Burstow, rh Paul  
 Burt, Alistair  
 Burt, Lorely  
 Byles, Dan  
 Cable, rh Vince  
 Cairns, Alun

Cameron, rh Mr David  
 Campbell, Mr Gregory  
 Campbell, rh Sir Menzies  
 Carmichael, rh Mr Alistair  
 Carmichael, Neil  
 Chishti, Rehman  
 Clappison, Mr James  
 Clark, rh Greg  
 Clarke, rh Mr Kenneth  
 Clegg, rh Mr Nick  
 Clifton-Brown, Geoffrey  
 Coffey, Dr Thérèse  
 Collins, Damian  
 Crabb, Stephen  
 Crouch, Tracey  
 Davey, rh Mr Edward  
 Davies, David T. C.  
 (*Monmouth*)  
 Davies, Glyn  
 Davies, Philip  
 de Bois, Nick  
 Dinenage, Caroline  
 Dorrell, rh Mr Stephen  
 Dorries, Nadine  
 Doyle-Price, Jackie  
 Drax, Richard  
 Duddridge, James  
 Duncan, rh Mr Alan  
 Duncan Smith, rh Mr Iain  
 Dunne, Mr Philip  
 Ellis, Michael  
 Ellison, Jane  
 Ellwood, Mr Tobias  
 Elphicke, Charlie  
 Eustice, George  
 Evans, Graham  
 Evans, Jonathan  
 Evennett, Mr David  
 Fabricant, Michael  
 Fallon, rh Michael  
 Field, Mark  
 Foster, rh Mr Don  
 Fox, rh Dr Liam  
 Francois, rh Mr Mark

Freer, Mike  
 Fullbrook, Lorraine  
 Gale, Sir Roger  
 Garnier, Sir Edward  
 Garnier, Mark  
 Gauke, Mr David  
 George, Andrew  
 Gibb, Mr Nick  
 Gilbert, Stephen  
 Gillan, rh Mrs Cheryl  
 Glen, John  
 Goggins, rh Paul  
 Goldsmith, Zac  
 Goodwill, Mr Robert  
 Gove, rh Michael  
 Graham, Richard  
 Grant, Mrs Helen  
 Grayling, rh Chris  
 Green, rh Damian  
 Greening, rh Justine  
 Grieve, rh Mr Dominic  
 Griffiths, Andrew  
 Gummer, Ben  
 Gyimah, Mr Sam  
 Halfon, Robert  
 Hames, Duncan  
 Hammond, rh Mr Philip  
 Hammond, Stephen  
 Hancock, Matthew  
 Hands, Greg  
 Harper, Mr Mark  
 Harrington, Richard  
 Harris, Rebecca  
 Hart, Simon  
 Harvey, Sir Nick  
 Haselhurst, rh Sir Alan  
 Hayes, Mr John  
 Heald, Oliver  
 Heath, Mr David  
 Heaton-Harris, Chris  
 Henderson, Gordon  
 Hendry, Charles  
 Herbert, rh Nick  
 Hinds, Damian  
 Hoban, Mr Mark  
 Hollingbery, George  
 Hollobone, Mr Philip  
 Holloway, Mr Adam  
 Horwood, Martin  
 Howarth, rh Mr George  
 Howarth, Sir Gerald  
 Howell, John  
 Hunt, rh Mr Jeremy  
 Hurd, Mr Nick  
 Jackson, Mr Stewart  
 James, Margot  
 Javid, Sajid  
 Jenkin, Mr Bernard  
 Johnson, Gareth  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Mr Marcus  
 Kawczynski, Daniel  
 Kelly, Chris  
 Kennedy, rh Mr Charles  
 Kirby, Simon  
 Knight, rh Mr Greg  
 Kwarteng, Kwasi  
 Laing, Mrs Eleanor  
 Lamb, Norman  
 Lancaster, Mark  
 Lansley, rh Mr Andrew  
 Laws, rh Mr David  
 Leadsom, Andrea  
 Lee, Jessica  
 Lee, Dr Phillip  
 Lefroy, Jeremy  
 Leslie, Charlotte  
 Letwin, rh Mr Oliver  
 Lewis, Brandon  
 Lewis, Dr Julian  
 Liddell-Grainger, Mr Ian  
 Lidington, rh Mr David  
 Lilley, rh Mr Peter  
 Lloyd, Stephen  
 Lord, Jonathan  
 Luff, Peter  
 Lumley, Karen  
 Main, Mrs Anne  
 Maude, rh Mr Francis  
 May, rh Mrs Theresa  
 Maynard, Paul  
 McCartney, Jason  
 McCartney, Karl  
 McCrea, Dr William  
 McIntosh, Miss Anne  
 McLoughlin, rh Mr Patrick  
 McVey, Esther  
 Menzies, Mark  
 Mercer, Patrick  
 Metcalfe, Stephen  
 Miller, rh Maria  
 Mills, Nigel  
 Milton, Anne  
 Mitchell, rh Mr Andrew  
 Moore, rh Michael  
 Mordaunt, Penny  
 Morgan, Nicky  
 Morris, Anne Marie  
 Morris, James  
 Mosley, Stephen  
 Mowat, David  
 Munt, Tessa  
 Murray, Sheryll  
 Murrison, Dr Andrew  
 Neill, Robert  
 Newmark, Mr Brooks  
 Newton, Sarah  
 Nokes, Caroline  
 Nuttall, Mr David  
 O'Brien, Mr Stephen  
 Ollerenshaw, Eric  
 Opperman, Guy  
 Osborne, rh Mr George  
 Ottaway, Richard  
 Paice, rh Sir James  
 Paisley, Ian  
 Parish, Neil  
 Paterson, rh Mr Owen  
 Pawsey, Mark  
 Penning, Mike  
 Penrose, John  
 Perry, Claire  
 Phillips, Stephen  
 Pickles, rh Mr Eric  
 Pincher, Christopher  
 Pulter, Dr Daniel  
 Prisk, Mr Mark  
 Pritchard, Mark  
 Pugh, John  
 Randall, rh Mr John  
 Redwood, rh Mr John  
 Rees-Mogg, Jacob  
 Reid, Mr Alan

Rifkind, rh Sir Malcolm  
 Robathan, rh Mr Andrew  
 Robertson, rh Hugh  
 Rogerson, Dan  
 Rudd, Amber  
 Ruffley, Mr David  
 Rutley, David  
 Sandys, Laura  
 Scott, Mr Lee  
 Selous, Andrew  
 Shapps, rh Grant  
 Sharma, Alok  
 Shelbrooke, Alec  
 Simmonds, Mark  
 Simpson, Mr Keith  
 Skidmore, Chris  
 Smith, Miss Chloe  
 Smith, Henry  
 Smith, Julian  
 Smith, Sir Robert  
 Soames, rh Nicholas  
 Spelman, rh Mrs Caroline  
 Spencer, Mr Mark  
 Stanley, rh Sir John  
 Stephenson, Andrew  
 Stewart, Bob  
 Stewart, Iain  
 Stewart, Rory  
 Straw, rh Mr Jack  
 Streeter, Mr Gary  
 Stride, Mel  
 Stuart, Mr Graham  
 Stunell, rh Andrew  
 Sturdy, Julian  
 Swayne, rh Mr Desmond

Swinson, Jo  
 Swire, rh Mr Hugo  
 Syms, Mr Robert  
 Tapsell, rh Sir Peter  
 Thurso, John  
 Timpson, Mr Edward  
 Tomlinson, Justin  
 Tredinnick, David  
 Truss, Elizabeth  
 Uppal, Paul  
 Vaizey, Mr Edward  
 Vara, Mr Shailesh  
 Vickers, Martin  
 Villiers, rh Mrs Theresa  
 Walker, Mr Robin  
 Wallace, Mr Ben  
 Watkinson, Dame Angela  
 Weatherley, Mike  
 Webb, Steve  
 Wharton, James  
 Wheeler, Heather  
 Whittaker, Craig  
 Wiggin, Bill  
 Williams, Mr Mark  
 Williams, Stephen  
 Wilson, Mr Rob  
 Wollaston, Dr Sarah  
 Wright, Jeremy  
 Wright, Simon  
 Yeo, Mr Tim  
 Young, rh Sir George  
 Zahawi, Nadhim

**Tellers for the Noes:**

**Joseph Johnson and  
 Mark Hunter**

Anderson, Mr David  
 Ashworth, Jonathan  
 Austin, Ian  
 Bailey, Mr Adrian  
 Bain, Mr William  
 Baker, Steve  
 Balls, rh Ed  
 Banks, Gordon  
 Barron, rh Mr Kevin  
 Bayley, Hugh  
 Begg, Dame Anne  
 Benn, rh Hilary  
 Berger, Luciana  
 Betts, Mr Clive  
 Blenkinsop, Tom  
 Blomfield, Paul  
 Blunkett, rh Mr David  
 Brennan, Kevin  
 Brown, Lyn  
 Brown, rh Mr Nicholas  
 Brown, Mr Russell  
 Bryant, Chris  
 Buck, Ms Karen  
 Burnham, rh Andy  
 Byrne, rh Mr Liam  
 Campbell, Mr Alan  
 Campbell, Mr Ronnie  
 Caton, Martin  
 Champion, Sarah  
 Chapman, Jenny  
 Clark, Katy  
 Clarke, rh Mr Tom  
 Clwyd, rh Ann  
 Coffey, Ann  
 Cooper, rh Yvette  
 Corbyn, Jeremy  
 Creasy, Stella  
 Crockett, Mike  
 Cruddas, Jon  
 Cryer, John  
 Cunningham, Alex  
 Cunningham, Mr Jim  
 Cunningham, Sir Tony  
 Curran, Margaret  
 Dakin, Nic  
 Danczuk, Simon  
 David, Wayne  
 Davidson, Mr Ian  
 Davies, Geraint  
 Davis, rh Mr David  
 De Piero, Gloria  
 Dobson, rh Frank  
 Docherty, Thomas  
 Donohoe, Mr Brian H.  
 Doran, Mr Frank  
 Doughty, Stephen  
 Dowd, Jim  
 Doyle, Gemma  
 Dromey, Jack  
 Dugher, Michael  
 Durkan, Mark  
 Eagle, Ms Angela  
 Eagle, Maria  
 Edwards, Jonathan  
 Efford, Clive  
 Elliott, Julie  
 Ellman, Mrs Louise  
 Engel, Natascha  
 Esterson, Bill  
 Evans, Chris  
 Farron, Tim  
 Field, rh Mr Frank

Fitzpatrick, Jim  
 Ffello, Robert  
 Flint, rh Caroline  
 Fovargue, Yvonne  
 Francis, Dr Hywel  
 Gapes, Mike  
 Gardiner, Barry  
 Gilmore, Sheila  
 Glass, Pat  
 Glindon, Mrs Mary  
 Godsiff, Mr Roger  
 Goodman, Helen  
 Greatrex, Tom  
 Green, Kate  
 Greenwood, Lilian  
 Griffith, Nia  
 Gwynne, Andrew  
 Hain, rh Mr Peter  
 Hamilton, Mr David  
 Hanson, rh Mr David  
 Harman, rh Ms Harriet  
 Harris, Mr Tom  
 Hemming, John  
 Hendrick, Mark  
 Hepburn, Mr Stephen  
 Hillier, Meg  
 Hodge, rh Margaret  
 Hodgson, Mrs Sharon  
 Hoey, Kate  
 Hood, Mr Jim  
 Hopkins, Kelvin  
 Hosie, Stewart  
 Hughes, rh Simon  
 Hunt, Tristram  
 Huppert, Dr Julian  
 Irranca-Davies, Huw  
 Jackson, Glenda  
 James, Mrs Siân C.  
 Jamieson, Cathy  
 Jarvis, Dan  
 Johnson, Diana  
 Jones, Graham  
 Jones, Helen  
 Jones, Mr Kevan  
 Jowell, rh Dame Tessa  
 Joyce, Eric  
 Kaufman, rh Sir Gerald  
 Keeley, Barbara  
 Khan, rh Sadiq  
 Lammy, rh Mr David  
 Lavery, Ian  
 Lazarowicz, Mark  
 Leslie, Chris  
 Lewis, Mr Ivan  
 Love, Mr Andrew  
 Lucas, Caroline  
 Lucas, Ian  
 Mactaggart, Fiona  
 Mahmood, Mr Khalid  
 Mahmood, Shabana  
 Malhotra, Seema  
 Mann, John  
 Marsden, Mr Gordon  
 McCarthy, Kerry  
 McClymont, Gregg  
 McDonagh, Siobhain  
 McDonnell, John  
 McFadden, rh Mr Pat  
 McGovern, Alison  
 McGuire, rh Mrs Anne  
 McKenzie, Mr Iain  
 McKinnell, Catherine

*Question accordingly negated.*

8.18 pm

*Proceedings interrupted (Programme Order, this day).*

*The Deputy Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).*

*Amendments made:* 27, page 4, line 41, leave out from ‘condition’ to ‘is’ in line 42.

Amendment 42, page 5, line 1, leave out  
 ‘(whether or not the Secretary of State)’.

Amendment 43, page 5, line 5, leave out  
 ‘(whether or not the Secretary of State)’.

Amendment 44, page 5, line 11, leave out ‘person concerned’ and insert ‘party’.

Amendment 29, page 5, line 18, leave out subsection (5).  
 —(*Mr Kenneth Clarke.*)

*Amendment proposed:* 30, page 5, line 36, leave out from ‘that’ to end of line 37 and insert

‘the degree of harm to the interests of national security if the material is disclosed would be likely to outweigh the public interest in the fair and open administration of justice.’—(*Sadiq Khan.*)

*Question put, That the amendment be made.*

*The House divided: Ayes 226, Noes 297.*

**Division No. 170]**

**[8.19 pm**

**AYES**

Abbott, Ms Diane  
 Ainsworth, rh Mr Bob  
 Alexander, rh Mr Douglas  
 Alexander, Heidi  
 Ali, Rushanara  
 Allen, Mr Graham

Meacher, rh Mr Michael  
 Meale, Sir Alan  
 Mearns, Ian  
 Miliband, rh Edward  
 Miller, Andrew  
 Moon, Mrs Madeleine  
 Morden, Jessica  
 Morrice, Graeme (*Livingston*)  
 Morris, Grahame M.  
 (*Easington*)  
 Mudie, Mr George  
 Mulholland, Greg  
 Munn, Meg  
 Murray, Ian  
 Nandy, Lisa  
 Nash, Pamela  
 Onwurah, Chi  
 Owen, Albert  
 Pearce, Teresa  
 Perkins, Toby  
 Phillipson, Bridget  
 Pound, Stephen  
 Powell, Lucy  
 Qureshi, Yasmin  
 Raynsford, rh Mr Nick  
 Reed, Mr Jamie  
 Reed, Steve  
 Reeve, Simon  
 Reynolds, Emma  
 Reynolds, Jonathan  
 Riordan, Mrs Linda  
 Ritchie, Ms Margaret  
 Robertson, Angus  
 Robinson, Mr Geoffrey  
 Rotheram, Steve  
 Roy, Lindsay  
 Ruddock, rh Dame Joan  
 Sarwar, Anas  
 Sawford, Andy  
 Seabeck, Alison  
 Sharma, Mr Virendra

Sheerman, Mr Barry  
 Shuker, Gavin  
 Skinner, Mr Dennis  
 Slaughter, Mr Andy  
 Smith, rh Mr Andrew  
 Smith, Angela  
 Smith, Nick  
 Smith, Owen  
 Stringer, Graham  
 Stuart, Ms Gisela  
 Tami, Mark  
 Teather, Sarah  
 Thomas, Mr Gareth  
 Timms, rh Stephen  
 Trickett, Jon  
 Turner, Karl  
 Twigg, Derek  
 Twigg, Stephen  
 Tyrie, Mr Andrew  
 Umunna, Mr Chuka  
 Vaz, Valerie  
 Walker, Mr Charles  
 Walley, Joan  
 Watson, Mr Tom  
 Watts, Mr Dave  
 Weir, Mr Mike  
 Whiteford, Dr Eilidh  
 Whitehead, Dr Alan  
 Williams, Hywel  
 Williamson, Chris  
 Wilson, Phil  
 Winnick, Mr David  
 Winterton, rh Ms Rosie  
 Wood, Mike  
 Wright, David  
 Wright, Mr Iain

**Tellers for the Ayes:**  
**Julie Hilling and**  
**Susan Elan Jones**

#### NOES

Afriyie, Adam  
 Aldous, Peter  
 Alexander, rh Danny  
 Amess, Mr David  
 Andrew, Stuart  
 Bacon, Mr Richard  
 Baker, Norman  
 Baldry, Sir Tony  
 Baldwin, Harriett  
 Barclay, Stephen  
 Barker, rh Gregory  
 Baron, Mr John  
 Barwell, Gavin  
 Bellingham, Mr Henry  
 Benyon, Richard  
 Beresford, Sir Paul  
 Berry, Jake  
 Bingham, Andrew  
 Birtwistle, Gordon  
 Blackwood, Nicola  
 Blears, rh Hazel  
 Blunt, Mr Crispin  
 Boles, Nick  
 Bone, Mr Peter  
 Bottomley, Sir Peter  
 Bradley, Karen  
 Brake, rh Tom  
 Brazier, Mr Julian

Bridgen, Andrew  
 Brine, Steve  
 Brokenshire, James  
 Browne, Mr Jeremy  
 Buckland, Mr Robert  
 Burley, Mr Aidan  
 Burns, rh Mr Simon  
 Burrows, Mr David  
 Burstow, rh Paul  
 Burt, Alistair  
 Burt, Lorely  
 Byles, Dan  
 Cable, rh Vince  
 Cairns, Alun  
 Cameron, rh Mr David  
 Campbell, Mr Gregory  
 Campbell, rh Sir Menzies  
 Carmichael, rh Mr Alistair  
 Carmichael, Neil  
 Chishti, Rehman  
 Clappison, Mr James  
 Clark, rh Greg  
 Clarke, rh Mr Kenneth  
 Clegg, rh Mr Nick  
 Clifton-Brown, Geoffrey  
 Coffey, Dr Thérèse  
 Collins, Damian  
 Crabb, Stephen

Crouch, Tracey  
 Davey, rh Mr Edward  
 Davies, David T. C.  
 (*Monmouth*)  
 Davies, Glyn  
 Davies, Philip  
 de Bois, Nick  
 Dinenage, Caroline  
 Dorrell, rh Mr Stephen  
 Dorries, Nadine  
 Doyle-Price, Jackie  
 Drax, Richard  
 Duddridge, James  
 Duncan, rh Mr Alan  
 Duncan Smith, rh Mr Iain  
 Dunne, Mr Philip  
 Ellis, Michael  
 Ellison, Jane  
 Ellwood, Mr Tobias  
 Elphicke, Charlie  
 Eustice, George  
 Evans, Graham  
 Evans, Jonathan  
 Fabricant, Michael  
 Fallon, rh Michael  
 Field, Mark  
 Foster, rh Mr Don  
 Fox, rh Dr Liam  
 Francois, rh Mr Mark  
 Freer, Mike  
 Fullbrook, Lorraine  
 Gale, Sir Roger  
 Garnier, Sir Edward  
 Garnier, Mark  
 Gauke, Mr David  
 George, Andrew  
 Gibb, Mr Nick  
 Gilbert, Stephen  
 Gillan, rh Mrs Cheryl  
 Glen, John  
 Goggins, rh Paul  
 Goldsmith, Zac  
 Goodwill, Mr Robert  
 Gove, rh Michael  
 Graham, Richard  
 Grant, Mrs Helen  
 Grayling, rh Chris  
 Green, rh Damian  
 Greening, rh Justine  
 Grieve, rh Mr Dominic  
 Griffiths, Andrew  
 Gummer, Ben  
 Gyimah, Mr Sam  
 Halfon, Robert  
 Hames, Duncan  
 Hammond, rh Mr Philip  
 Hammond, Stephen  
 Hancock, Matthew  
 Hands, Greg  
 Harper, Mr Mark  
 Harrington, Richard  
 Harris, Rebecca  
 Hart, Simon  
 Harvey, Sir Nick  
 Haselhurst, rh Sir Alan  
 Hayes, Mr John  
 Heald, Oliver  
 Heath, Mr David  
 Heaton-Harris, Chris  
 Henderson, Gordon  
 Hendry, Charles  
 Herbert, rh Nick

Hinds, Damian  
 Hoban, Mr Mark  
 Hollingbery, George  
 Hollobone, Mr Philip  
 Holloway, Mr Adam  
 Horwood, Martin  
 Howarth, rh Mr George  
 Howarth, Sir Gerald  
 Howell, John  
 Hunt, rh Mr Jeremy  
 Hurd, Mr Nick  
 Jackson, Mr Stewart  
 James, Margot  
 Javid, Sajid  
 Jenkin, Mr Bernard  
 Johnson, Gareth  
 Johnson, Joseph  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Mr Marcus  
 Kawczynski, Daniel  
 Kelly, Chris  
 Kennedy, rh Mr Charles  
 Kirby, Simon  
 Knight, rh Mr Greg  
 Kwarteng, Kwasi  
 Laing, Mrs Eleanor  
 Lamb, Norman  
 Lancaster, Mark  
 Lansley, rh Mr Andrew  
 Laws, rh Mr David  
 Leadsom, Andrea  
 Lee, Jessica  
 Lee, Dr Phillip  
 Lefroy, Jeremy  
 Leslie, Charlotte  
 Letwin, rh Mr Oliver  
 Lewis, Brandon  
 Lewis, Dr Julian  
 Liddell-Grainger, Mr Ian  
 Lidington, rh Mr David  
 Lilley, rh Mr Peter  
 Lloyd, Stephen  
 Lord, Jonathan  
 Luff, Peter  
 Lumley, Karen  
 Main, Mrs Anne  
 Maude, rh Mr Francis  
 May, rh Mrs Theresa  
 Maynard, Paul  
 McCartney, Jason  
 McCartney, Karl  
 McCrea, Dr William  
 McIntosh, Miss Anne  
 McLoughlin, rh Mr Patrick  
 McVey, Esther  
 Menzies, Mark  
 Mercer, Patrick  
 Metcalfe, Stephen  
 Miller, rh Maria  
 Mills, Nigel  
 Milton, Anne  
 Mitchell, rh Mr Andrew  
 Moore, rh Michael  
 Mordaunt, Penny  
 Morgan, Nicky  
 Morris, Anne Marie  
 Morris, James  
 Mosley, Stephen  
 Mowat, David  
 Munt, Tessa  
 Murray, Sheryll

Murrison, Dr Andrew	Spelman, rh Mrs Caroline
Neill, Robert	Spencer, Mr Mark
Newmark, Mr Brooks	Stanley, rh Sir John
Newton, Sarah	Stephenson, Andrew
Nokes, Caroline	Stewart, Bob
Nuttall, Mr David	Stewart, Iain
O'Brien, Mr Stephen	Stewart, Rory
Ollerenshaw, Eric	Straw, rh Mr Jack
Opperman, Guy	Streeter, Mr Gary
Osborne, rh Mr George	Stride, Mel
Ottaway, Richard	Stuart, Mr Graham
Paice, rh Sir James	Stunell, rh Andrew
Paisley, Ian	Sturdy, Julian
Parish, Neil	Swayne, rh Mr Desmond
Paterson, rh Mr Owen	Swinson, Jo
Pawsey, Mark	Swire, rh Mr Hugo
Penning, Mike	Syms, Mr Robert
Penrose, John	Tapsell, rh Sir Peter
Perry, Claire	Thurso, John
Phillips, Stephen	Timpson, Mr Edward
Pickles, rh Mr Eric	Tomlinson, Justin
Pincher, Christopher	Tredinnick, David
Poulter, Dr Daniel	Truss, Elizabeth
Prisk, Mr Mark	Uppal, Paul
Pritchard, Mark	Vaizey, Mr Edward
Pugh, John	Vara, Mr Shailesh
Randall, rh Mr John	Vickers, Martin
Redwood, rh Mr John	Villiers, rh Mrs Theresa
Rees-Mogg, Jacob	Walker, Mr Robin
Reid, Mr Alan	Wallace, Mr Ben
Rifkind, rh Sir Malcolm	Watkinson, Dame Angela
Robathan, rh Mr Andrew	Weatherley, Mike
Robertson, rh Hugh	Webb, Steve
Rogerson, Dan	Wharton, James
Rudd, Amber	Wheeler, Heather
Ruffley, Mr David	Whittaker, Craig
Rutley, David	Wiggin, Bill
Sandys, Laura	Williams, Mr Mark
Scott, Mr Lee	Williams, Roger
Selous, Andrew	Williams, Stephen
Shapps, rh Grant	Wilson, Mr Rob
Sharma, Alok	Wollaston, Dr Sarah
Shelbrooke, Alec	Wright, Jeremy
Simmonds, Mark	Wright, Simon
Simpson, Mr Keith	Yeo, Mr Tim
Skidmore, Chris	Young, rh Sir George
Smith, Miss Chloe	Zahawi, Nadhim
Smith, Henry	
Smith, Julian	
Smith, Sir Robert	
Soames, rh Nicholas	

#### Tellers for the Noes:

Mark Hunter and  
Mr David Evennett

*Question accordingly negated.*

*Amendments made:* 46, page 5, line 41, after ‘conditions’, insert

‘or on material that the applicant would be required to disclose’.

*Amendment 47,* page 5, line 41, at end insert—

‘(7A) The court must not consider an application by the Secretary of State under subsection (2)(a) unless it is satisfied that the Secretary of State has, before making the application, considered whether to make, or advise another person to make, a claim for public interest immunity in relation to the material on which the application is based.’—(*James Brokenshire.*)

### New Clause 5

#### REPORTS ON USE OF CLOSED MATERIAL PROCEDURE

‘(1) The Secretary of State must—

- (a) prepare a report on the matters mentioned in subsection (2) for—

- (i) the period of twelve months beginning with the day on which section 6 comes into force, and
- (ii) every subsequent twelve month period, and
- (b) lay a copy of each such report before Parliament.
- (2) The matters are—
- (a) the number of applications made during the reporting period—
- (i) by the Secretary of State under section 6(2)(a)(i) or 7(4)(a)(i), and
- (ii) by persons other than the Secretary of State under section 6(2)(a)(ii) or 7(4)(a)(ii),
- (b) the number of declarations made by the court under section 6(1), and the number of revocations made by the court under section 7(2) or (3), during the reporting period—
- (i) in response to applications made by the Secretary of State during the reporting period,
- (ii) in response to applications made by the Secretary of State during previous reporting periods,
- (iii) in response to applications made by persons other than the Secretary of State during the reporting period,
- (iv) in response to applications made by persons other than the Secretary of State during previous reporting periods, and
- (v) of the court’s own motion,
- (c) the number of final judgments given in section 6 proceedings during the reporting period which are closed judgments, and
- (d) the number of such judgments which are not closed judgments.

(3) The report may also include such other matters as the Secretary of State considers appropriate.

(4) The duty under subsection (1) in relation to the preparation and laying of a report must be carried out as soon as reasonably practicable after the end of the twelve month period to which the report relates.

(5) In this section—

“closed judgment” means a judgment that is not made available, or fully available, to the public,

“final judgment”, in relation to section 6 proceedings, means a final judgment to determine the proceedings.’

—(*James Brokenshire.*)

*Brought up, and read the First time.*

**The Parliamentary Under-Secretary of State for the Home Department (James Brokenshire):** I beg to move, That the clause be read a Second time.

**Mr Deputy Speaker (Mr Lindsay Hoyle):** With this it will be convenient to discuss the following: Government new clause 6—*Review of sections 6 to 11.*

New clause 4—*Expiry and renewal*—

‘(1) Sections 6 to 12 of this Act expire at the end of the period of one year beginning with the day on which this Act is passed.

(2) The Secretary of State may, by order made by statutory instrument, provide that sections 6 to 12 of this Act are not to expire at the time when they would otherwise expire under subsection (1) or in accordance with an order under this subsection but are to continue in force after that time for a period not exceeding one year.

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

New clause 9—*Recording of data relating to closed proceedings*—

‘(1) Rules of court relating to closed material proceedings under this Act, and applications for them, must make provision—

[Mr Deputy Speaker]

- (a) ensuring that key data is centrally recorded for all proceedings, including—
  - (i) the duration of open hearings and closed hearings; and
  - (ii) the number of witnesses heard in closed proceedings and the nature of those witnesses; and
  - (iii) the length of a closed judgment; and
  - (iv) whether the claimant, defendant and/or intervener applied for closed material proceedings; and
  - (v) whether the claimant, defendant and/or intervener contested the application for closed proceedings; and
- (b) ensuring that centrally recorded data is available to the independent person appointed by the Secretary of State to review the operation of the provisions of the Terrorism Act 2000 and Part 1 of the Terrorism Act 2006.’

Government amendments 49 and 51 to 54.

**James Brokenshire:** The last debate was about the principles of closed material proceedings; we now turn to a new group of amendments relating to additional reviewing mechanisms for the CMP provisions—in particular, Government new clauses 5 and 6 and associated consequential amendments.

In Committee I said that I was prepared to listen further to concerns expressed about transparency and particularly about ensuring that the new provisions did not make CMP commonplace. I undertook to table amendments on that matter. I have considered the issue carefully and decided to adopt the view of the Constitution Committee. I therefore intend to bring forward annual reporting and a review of the CMP provisions to be conducted five years after Royal Assent.

Given the often lengthy nature of litigation, we believe that the frequency set out in the amendments allows for regular but meaningful reporting and for a review to be informed by enough cases to provide for substantiated conclusions and reasoned recommendations where necessary. We believe that an annual report is the most proportionate approach, as it is anticipated that CMPs will be used infrequently.

The consequence is that there is likely to be little to report on a basis more regular than once a year. Annual reports will not, however, be the only way in which facts relating to cases involving CMPs will be made public during the reporting period. The Government have made an amendment in the Lords to ensure that when an application is made under clause 6(1), that must be reported to the other parties in the proceedings. There are already mechanisms through which the courts publish their open judgments.

The reports will focus on court procedures, as CMPs are a procedural option for the courts and not related to the use of Executive powers. The new clauses list the matters of key concern to be included in the annual reports such as the number of CMP applications and who they are made by; how many CMPs are granted and how many revoked; and how many judgments, both open and closed, are published with respect to the determination of section 6 proceedings. That would include judgments made on the substantive trial and regarding the outcome of the application for a CMP declaration. The new clauses would also cover proceedings

deemed to be section 6 proceedings, such as the application process for a declaration and the review of Norwich Pharmacal certification.

In addition to an annual reporting requirement, the Government seek to introduce a provision for a comprehensive review after five years. In line with other legislation, such as the Terrorism Prevention and Investigation Measures Act 2011, it requires the appointment of a reviewer and does not specify the remit of the review except to indicate that it covers the operation of closed material proceedings. That type of review of CMPs would be different from other reviews, in that it would not concern the operation of the Secretary of State’s powers but rather the operation of court processes. That means that the reviewer will have to take care not to review judicial decisions regarding the operation of court processes or the fair running of individual cases.

**Simon Hughes:** I am grateful for the fact that the Government have been responsive to the arguments made on these issues. However, I also support the proposal that there should be a renewal mechanism—a better process than a sunset clause. When the Minister addresses that point, will he reflect on the fact that we have given ourselves the chance in the past of having an annual report and annual confirmation or otherwise of terrorist legislation in Northern Ireland and other legislation in respect of which there are ongoing cases that last a long time?

**James Brokenshire:** I am pleased to engage in that debate. I will come to it when I address the amendments tabled by the Opposition. At this early stage, I should say that in essence it is a question of the assurance provided to external partners as well as the operation of the courts themselves. I hear the point that the right hon. Gentleman makes, but I hope he accepts that the proposal for an annual review or, in effect, an annual sunset clause in the first instance and then an annual renewal thereafter, does not leave a great deal of time for litigation, which is likely to span several years because of its nature and complexity. I am sure that we will hear more from the Opposition about why they have sought to advance this time period over anything else. There is a principle at stake as regards the assurance that we are seeking to provide through this mechanism. We have gone for the option of five-yearly reporting, with a proper examination of the operation of the Bill, to enable Parliament to be properly informed. It will then be for Parliament to consider what further steps may or may not be appropriate at that point.

We would expect such a review to take into account the views of special advocates, among others. We want to ensure that it will involve a proper examination of the operation of CMPs to consider efficiency, trends and types of cases, analysing the numbers provided in the annual reports to reflect on how CMPs are being used.

**Mr Charles Walker (Broxbourne) (Con):** How many CMPs does my hon. Friend anticipate there being in any one year?

**James Brokenshire:** Our latest estimate in October was that about 20 cases would fall within the scope of these proceedings, and the regulatory impact assessment

indicates up to 15 cases annually. The point is to ensure that there is annual reporting of the forthcoming CMP applications and judgments so that Parliament is regularly updated. We will get a better sense of the situation on an annual basis than if we went for quarterly reporting. That would be too short a period given the nature of litigation and the length of time that these cases are likely to take to go through the courts.

Let me deal with the Opposition new clauses tabled by the right hon. Member for Tooting (Sadiq Khan) and the hon. Member for Hammersmith (Mr Slaughter).

**Dr Huppert** *rose*—

**James Brokenshire:** Before I do so, I will of course give way to my hon. Friend. We debated this issue in Committee, and I hope that he will reflect on the changes that the Government are making in the light of a number of representations that he made there.

**Dr Huppert:** I thank the Minister for tabling the two amendments that reflect what we discussed in Committee, where he made commitment that he has followed through on. I have a question about new clause 6. He spoke about a five-yearly review, but that will be after only one period of five years. If that review were to say that further studies would be needed and that the system was still taking time to bed in, would there be the prospect of having further five-yearly reviews as the process continued?

**James Brokenshire:** A five-yearly review with, in essence, each Parliament having the opportunity to examine the operation of CMPs is appropriate. As my hon. Friend will know from our previous debates on, for example, the Terrorism Prevention and Investigation Measures Act, my view has been that that time period or cycle gives sufficient time to enable a proper consideration of the operation of the process. The right period is five years—in essence, once a Parliament so that each Parliament can consider what may or may not be appropriate at that point.

New clause 4 provides that the new CMP provisions would expire only a year after Royal Assent unless a statutory instrument extending the provisions for a further year was laid before Parliament and approved by resolution of each House. The Government believe that the new clause would largely negate the benefit of the provisions in part 2 and that it is disproportionate. The negative impact of what would amount in the first year to a sunset clause could be very serious. As I have said, we know that litigation can be lengthy, lasting a number of months and usually more than a year, while document-heavy cases can last for several years. Creating the possibility that CMPs would cease to be available halfway through the progression of a case where the judge had already decided that a CMP was in the interests of the fair and effective administration of justice in the proceedings would, in our view, undermine the judge's discretion.

I think that the House is in basic agreement that CMPs should be available as a tool to the judge and that the judge should have discretion on whether to use one or not. In exercising that discretion, the judge will consider whether or not he agrees with the Secretary of State's assessment of damage to national security and

how the case should be fairly run. Even once a judge has decided that a CMP should form part of the procedures in the case, each piece of material will be assessed to decide whether it should go into the CMP, be withheld entirely or be redacted, summarised or disclosed. The judge can also decide at any point to revoke a CMP and, indeed, must consider doing so after the disclosure exercise if he feels it is no longer in the interests of the fair and effective administration of justice in the case. Parliament has already decided to provide four CMPs in at least 14 settings, so we do not believe that we are introducing an entirely new concept.

I understand the origin of the new clause. In essence, it is about the provision for annual renewal of control orders under the Prevention of Terrorism Act 2005, which the Terrorism Prevention and Investigation Measures Act repealed and replaced. The 2005 Act was passed under a greatly accelerated parliamentary timetable, with only limited opportunity for debate. By contrast, the Green Paper provided a full consultation and it is fair to say that the Bill has been through parliamentary scrutiny in the other place and this House. It is also worth underlining that the Bill's provisions relate to the procedures of the court, rather than the exercise of controls by the Executive. I note that in the preceding debate the right hon. Member for Tooting said that we are in a "very different context".

The circumstances in which CMPs could be used are limited to national security-sensitive cases and for hearings in the High Court, Court of Appeal, Court of Session and Supreme Court. As I have said, the judge has the discretion to determine whether a CMP is appropriate.

This problem is not likely to go away. Claimants should have the continued ability to bring claims against the Government and matters should be scrutinised by the courts, as opposed to a return to the current system, where in some circumstances justice is simply not possible. We will continue to be faced with the unpalatable dilemma of either damaging national security or potentially paying out significant sums of money.

I should also make clear that, although the Opposition's proposed new clause applies to clauses 6 to 12, it would also affect the reviews of certificates issued by the Secretary of State under the Norwich Pharmacal clauses. Such proceedings are deemed to be section 6 proceedings because the case needs to be heard in CMP in order to ensure that its outcome is not prejudiced by having already publicly disclosed the very information with which the proceedings are concerned. Therefore, the effect of the proposed new clauses would be also to disrupt the Norwich Pharmacal clauses, which are intended to bring clarity and reassurance to intelligence-sharing partners.

International partners have expressed concerns about the Government's ability to defend themselves and protect national security in cases where claimants make allegations against the state and its defence rests on national security material. We risk undermining the confidence of partners who share such information with us if they feel that we do not have in place secure processes to protect their material while defending Government actions.

**Simon Hughes:** I understand the Minister's arguments. May I make two other points? I do not seek to defend the exact wording of new clause 4, but the argument that one cannot change something suddenly in the

[Simon Hughes]

middle of a long court case could be dealt with by negotiating when any change would come into operation. I also remind him that it was the considered view of the Joint Committee on Human Rights that the significance of the change in the Bill merits our being very careful about the length of time for which we introduce the procedure.

**James Brokenshire:** We have all said in a number of ways in Committee and on the Floor of the House that we accept that this is not a perfect solution. We are not in the territory of perfect solutions when we talk about these issues.

I would make a number of points to the right hon. Gentleman. First, one purpose of the Bill is to provide assurance to our external partners on the sharing of intelligence material. Although I recognise the parallel that he draws with other court processes, that assurance is an important additional factor. If a time period was introduced, whether through a form of renewal or sunset, as one got towards the end of that period, there would be significant anxiety about what the future may hold. That would not satisfy the policy objective of giving that assurance to our external partners.

It is interesting that the Constitution Committee did not recommend a sunset clause. Its report said that the House may wish to consider the Bill being independently reviewed—not renewed—five years after it comes into force. The Government have accepted its recommendation in our new clauses.

New clause 9, which the hon. Member for Hayes and Harlington (John McDonnell) may wish to speak to shortly, seeks to provide for the collection of information. We believe that that matter is addressed in a different way by our new clauses, under which the Ministry of Justice will collect and publish data on the number of declarations granted, the number of revocations and the number of final closed judgments.

Regular reporting and a full review of the operation of closed material proceedings will provide an insight into how the provisions are working in practice and a clear mechanism to provide reassurance on their operation. I urge right hon. and hon. Members to support that approach and the Government's new clauses.

**Mr Andy Slaughter** (Hammersmith) (Lab): The Minister has kindly set out in some detail and in his usual authoritative way the basis for the new clauses. Members should not worry, because that is the high point of my compliments to the Government. It is downhill from here.

We had an extensive debate on this issue in Committee. In fact, we spent the whole of the last afternoon's sitting on 7 February deliberating review, reporting and what is colloquially called sunset, but which, now that the Minister has corrected us, should be called renewal, which sounds much better. Two days before that, we debated the equivalent of new clause 9, which has been tabled by my hon. Friend the Member for Hayes and Harlington (John McDonnell).

Two things happened in the debate on review, one of which the Minister has alluded to, that did not happen at any other time during the Committee proceedings.

The first is that the Minister agreed to go away and look at something that we raised and come back with further proposals. The second is that we won a vote. The hon. Member for Cambridge (Dr Huppert) referred to that earlier. For the record, with the support of the Liberal Democrats and in the absence of the hon. Member for North Antrim (Ian Paisley)—I do not want to prejudge how he may have voted—the vote was 9:9. The Chair, as is the convention, voted for the clause to be read a second time, but sadly, two or three seconds later, voted that it not be added to the Bill. However, it was good while it lasted.

There have been some technical changes to the new clause that we presented in Committee, and it is now new clause 4. For the avoidance of doubt, we will press it to a vote, because we believe that otherwise, proper review and renewal of this controversial part of the Bill will not be provided for.

On new clause 9, I put it to the Government in Committee that if they wanted to rely on CMPs, they should document them properly so that they had an evidence base for when they wanted to use them in the future. They were not persuaded. My hon. Friend the Member for Hayes and Harlington has referred to the contribution that Dr McNamara has made to our deliberations at all stages of the Bill. He is a legal academic specialising in open justice and proceedings related to terrorism matters, and his briefings have been extremely helpful, particularly on these provisions. He says about new clause 9:

“There does not appear to be any systematically compiled evidence of the scale of the use of secret evidence in the areas where it is currently used. There does not appear to be any publicly accessible formal or informal recording of the total overall use of CMP, or the total use within the different contexts identified by the Government. Nor is there any indication that such evidence exists out of the public eye...Where records have been requested the Executive has been largely unable or unwilling to provide records. Parliamentary questions in the Commons and the Lords have revealed a paucity of information is available to the current use of CMPs...As it stands, the Bill sets a very, very low threshold of openness for judgments under Clauses 6 and 7. Moreover, there is presently no central recording of how often CMPs are used in any courts, nor any centrally recorded information about them.”

He says that unless there is systematic recording, there is no practical mechanism by which the use of CMPs can be monitored. That is quite an indictment of the current position, and I can only repeat what I said in Committee and hope that it is more persuasive on the Floor of the House. The Minister should consider the matter for his own good, and the Government should take that point on board even if they are not prepared to support new clause 9 today.

On new clause 5, the Minister said that he would consider the issue of reporting and come back to the House, and he has done so. The new clauses on reporting that we pushed for in Committee, and those that the Liberal Democrats pushed for on a slightly different basis, were designed to emulate the situation in comparable legislation. That was why we specified a three-monthly review period. The Minister has come back to us with an annual review period, which seems somewhat parsimonious, if I may say so.

The Minister should take the point that this is controversial legislation—I would make that point even more clearly in relation to new clause 4—and touches

on new ground. It contains many definitions that we are coming across for the first time, so it seems entirely appropriate that there should be more regular reviews. Perhaps we should be grateful for what we get, however, and at least the provision is for recurring 12-monthly reporting. So be it, and we do not intend to oppose new clause 5. We did not press our new clauses to Divisions in Committee but instead waited to see what the Minister would come up with. We are somewhat disappointed, but it is something, and the Government have at least listened.

New clause 6 does not do the job of new clause 4. It seems designed to act as a review for this part of the Bill, but it is wholly inadequate. Even for those who take a strong interest in this issue, including the hon. Member for Cambridge, the Government's approach does not seem clear. I am not used to reading *Liberal Democrat Voice* in my spare time—that would be a terribly sad thing to do in my leisure hours—but I will read out two brief exchanges that put into focus the problem with what the Government are doing.

9 pm

As long ago as last Thursday, the view of the hon. Member for Cambridge on this matter was that

“the Government has put forward amendments to require a complete review of CMPs every five years, and a yearly requirement for a report on the operation of CMPs...The requirement for reporting and reviewing will allow us to scrutinise whether the cases which the Government claims require a CMP really do exist, and it will let us review their operation. If the number of cases is higher than claimed—if the type of cases tried turn out to be inappropriate—we will know that and be able to get rid of it.”

There was a lot of other tosh as well. However, a woman called Jo Shaw, for whom I have a great deal of respect, has hounded the hon. Gentleman about his statements on the Bill and she replied swiftly last Saturday:

“There is no commitment to a review of the legislation every five years. By the government's new clause there would be a review once, five years after the Bill is enacted. There is no provision for review after that. Given the extremely serious implications of this Bill, at a minimum there should be an annual sunset clause. The JCHR called for the Act to lapse every year unless parliament decides to renew it. That would ensure proper scrutiny of legislation with such far-reaching constitutional effects.”

I think the Labour party is rather nearer to the views of Ms Shaw than those of the hon. Member for Cambridge, although perhaps he is once again nearer to us and Ms Shaw. He may have moved position since last Thursday.

**Dr Huppert:** I thank the hon. Gentleman for constantly plugging my Twitter accounts, as he did earlier, and *Liberal Democrat Voice*, and I recommend that he looks at it more often. I know Jo Shaw very well and we speak quite regularly. I think she would share my position of trying to push the vote on amendment 1, rather than that of the hon. Gentleman, and I am sure that if one asked her she would say she does not agree with his position of being in favour of closed material proceedings in principle.

**Mr Slaughter:** I do not think that is for this debate, but good try. I should follow the example of my boss and try not to antagonise the hon. Gentleman if I want him to vote with the Opposition on this matter. That may be contrary to what he said last Thursday, but it is in line with his party's policy, what he did in Committee,

and what seems to be the current position in *Liberal Democrat Voice*. We have heard enough of that; let us consider the Joint Committee on Human Rights which stated in a short but telling paragraph in its most recent report:

“We also reiterate the recommendation in our first Report that the Bill provide for annual renewal, in view of the significance of what is being provided for and its radical departure from fundamental common law traditions.”

I am not sure one needs to go much further than that, and that lies at the heart of new clause 4.

Anyone who has sat through this debate, or previous debates in the other place or Committee, cannot be under any illusion that this Bill is complex, controversial and important, above all, for the reasons given by the hon. Member for Chichester (Mr Tyrie), it attacks and deals with fundamental issues of fair and open justice. It is also, I am afraid to say, confused—perhaps deliberately so—and has had a very confused birth. The Minister said that, contrary to comparable legislation, this Bill has made slow, stately and clear progress, but I beg to differ.

I do not think that anyone would quarrel with my assertion that the Bill is complex. It is complex even for lawyers, 702 of whom wrote to the *Daily Mail* last week saying that they would not support this part of the Bill. Views have been expressed either way on it, and I respect the views of lawyers from the senior judiciary and the Supreme Court, as well as of human rights lawyers and special advocates. We are not short of legal opinion on this matter, and it is not of one mind. Overwhelmingly, however, it takes the view that this is territory into which we should proceed with great care and great caution.

I do not think that the Minister would deny that the legislation was controversial, either. He will find similar sentiments on it being expressed in normally Conservative-supporting newspapers such as *The Mail on Sunday* and normally Liberal Democrat-supporting newspapers such as *The Guardian*. Huge amounts of thoughtful concern are being expressed across the press about the provisions.

I have heard the Minister without Portfolio say many times that secret courts were undesirable and that we would not have them if we did not need them. Where we differ is on how we should use the provisions and how far they should go. Some say that they should not go any distance at all, while others say, as we do, that they should be as closely constrained as possible.

The Under-Secretary of State for the Home Department, the hon. Member for Old Bexley and Sidcup (James Brokenshire) does not agree with my view that this is a confused piece of legislation. I am not going to repeat the vaudeville act that I so enjoyed doing in Committee, in which I pointed out the four different positions that the Liberal Democrats had held on the Bill, some of them simultaneously, or the four occasions on which the Minister without Portfolio had announced that he had seen the light and decided that he was previously wrong to be so terribly authoritarian and that he now had a package of measures that would ensure full judicial discretion and that CMPs were de facto, if not expressly in the Bill, to be used as a last resort. I think we have all seen through those posturings, which were adopted primarily for political purposes.

We have only to look through the list of amendments to the Bill and at what will be in the Bill after tonight—until such time, I hope, that some of it is removed again in

[Mr Slaughter]

the other place—to see that this is all hugely controversial. Yes, we have the six markers that were put down in the House of Lords, and I accept that two of those—the least far-reaching—have been accepted by the Government. The move from “must” to “may” opens the door to judicial discretion; there is agreement on that. There has been some peculiar dithering about equality of arms, which is a strange term to use in this context as it refers simply to the ability for both parties to apply to get into a CMP; it will have nothing to do with equality of arms once the CMP has been invoked. That proposal was put in, taken out and put in again by the Government. I am not making a point about that; it is in there now and the Government are supporting our amendments on that tonight, but—

**Mr Deputy Speaker (Mr Lindsay Hoyle):** Order. Obviously there is a load of historical information that people might wish to discuss, but we need to stick to the new clauses before us tonight, rather than going back through the history. I am sure that that is where the hon. Gentleman is going to take us to next.

**Mr Slaughter:** I am indeed, Mr Deputy Speaker.

The point I was trying to encapsulate is that there is so much in the Bill that is new and highly controversial that it seems utterly right that we should not have to wait five years or have only a single process of review, and that we should have instead a process of renewal. That is to say that this House and the other place should have the opportunity to reject the Bill once they have seen it in operation.

**Dr Francis:** May I place on record the support of the Joint Committee on Human Rights for my hon. Friend's amendment? It is extremely important and one that is part of my Committee's most recent report.

**Mr Slaughter:** I am most grateful, and I think the whole House is grateful for the Joint Committee's work: it has taken a forensic interest, produced three substantive reports and taken a huge amount of evidence. We would all be a lot poorer in discussing this matter were it not for its role.

The Joint Committee felt able to summarise the need for the annual renewal provision in one paragraph because it had highlighted the difficulties that arose from the rejection of the Wiley balance, the rejection of last resort, the rejection of “PII first”, and the rejection of the Wiley balance in the CMP, a matter that I believe we will have an opportunity to vote on when we press amendment 38 to a Division at the end of the debate. That has not been discussed at any length and all I will say is, as a paragraph of the Joint Committee's report makes clear,

“The Special Advocates... consider that once a CMP is ordered, and the court has to decide which documents will be “open”... and which “closed”, the court should be required to perform the Wiley balance between national security on the one hand and the fair and open administration of justice on the other.”

That is a point that the right hon. and learned Member for Rushcliffe (Mr Clarke) constantly rejects in what appears to be a wilful misunderstanding of the way the PII process works, or indeed the way that the Wiley

balance works. All of the proposals, which have had great support from the Joint Committee, the other place, many parties in this House and a substantial number of senior Members on the Government Benches, are dismissed out of hand by the Government in the belief that the new formulation, the revised new formulation or the revised, revised new formulation is good enough. For all those reasons, it will be necessary to have the annual review process.

Finally, not only are there issues with which we are now familiar, some of which we have just voted on, but the Government have slipped in new proposals. The hon. Member for Cambridge mentioned amendment 28. We believe, notwithstanding the Government's reassurances, that the aim is to destroy the use of confidentiality rings. Government amendment 47, which we believe allows—[*Interruption.*] The Government know what their own amendment says. There are serious, additional clauses, which I am sure will be raised in the other place. There has not been the opportunity to raise them on the Floor of the House this afternoon. They have been introduced on Report and not properly debated.

**James Brokenshire:** I would just say that we have had an extensive debate on all the amendments on which he suggests there has been no debate. I wonder whether the hon. Gentleman might like to reflect on that.

**Mr Deputy Speaker (Mr Lindsay Hoyle):** Order. What I can reflect on is that we should be sticking to the new clauses before us, and, as I have said, I know that is what we are going to do now.

**Mr Slaughter:** I do not know how the Minister can say that when he has tabled new amendments on Report that introduce new concepts to the Bill. [*Interruption.*] Well, I am in difficulty here, because Mr Deputy Speaker is asking me to conclude. Perhaps this is a matter we can return to on Third Reading.

**Mr Deputy Speaker:** Order. It is the new clauses that are under discussion and it is the new clauses we need to stick to, because we have dealt with the previous amendments. We are just rounding off on the new clauses. I am sure that that is what the hon. Gentleman wants to do.

**Mr Slaughter:** It might be that we can return to this matter briefly on Thursday, because the other place will want to see what the Government have done to the Bill before it leaves this House. The introduction at a very late stage, both in Committee and on Report, of substantial changes to the Bill does not make for good legislation. At the very least, our new clause would make the provision subject to a process of annual review. The idea of a review after five years that might lead to nothing but a continuation, without any possibility of sanction from this House or the other place, is not reasonable, so I urge all Members to support not only new clause 4, but amendment 38.

9.15 pm

**Mr Tyrie:** I wish to echo the words used a moment ago in support of the work of the Joint Committee on Human Rights, which has done some excellent reporting

on this matter—its investigations and inquiries have been very good—for which I am very grateful to its members.

There are three issues before us—reporting, renewal and review—but I will touch only on renewal and review. I have been arguing for some kind of renewal or sunset clause from the moment I first grasped the implications of the Bill. In the opinion of very many people, including, most notably, the special advocates, who are the only people with extensive experience both of CMPs and PII, CMPs will not make Britain more just, and neither, in my view, will they make Britain more secure. I will be supporting new clause 4, as proposed by the JCHR and tabled by the Opposition Front-Bench team, to introduce a renewal clause, and I will be doing so, above all, because of something the Minister without Portfolio said early on in his speech. He said that the Government did not know what effect the new process would have. That is the clearest indication of something that needs very careful and periodic renewal and review.

I recognise the force of some of the arguments against annual renewal put by the Minister this evening—his thought had occurred to me before he uttered it—particularly in respect of this type of legislation, where there would be so much litigation. Without having thought through all the arguments as carefully as some others, I have a preference for renewal once a Parliament, but the Government have not offered a renewal clause at all. That is a mistake and I hope that they will reconsider.

The Government are offering a review, but even that is defective. For a review to be credible, it must be independent, and be seen to be independent, of the Executive, but clearly that will not be the case with this review. Under new clause 6(1), the Secretary of State acting alone will appoint the reviewer. In another context, this is exactly the problem that the Treasury Select Committee faced when the Chancellor created the Office for Budget Responsibility to make forecasts for him. The Chancellor wanted those forecasts to be seen to be independently prepared, but the Treasury Committee pointed out to him that if he, acting alone, appointed the chairman of the OBR, nobody would believe in its independence.

After discussions with the Committee, the Chancellor decided that the chairman of the OBR should be appointed jointly by him and the Committee. I urge the Government, when they reconsider this matter in the Lords, and their lordships, when examining new clause 6, to make similar provision for the appointment of the reviewer of CMPs. In my view, the reviewer should be appointed only by agreement between the Secretary of State and the JCHR.

**Dr Francis** *rose*—

**Mr Tyrie:** I give way to the Chairman of the JCHR.

**Dr Francis:** I thank the hon. Gentleman for his kind words about the work of my Joint Committee. I am very attracted to the idea he has proposed. It is not the first time I have heard it, because we had this discussion recently, but I am pleased that he has proposed it on the Floor of the House.

**Simon Hughes** *indicated assent.*

**Dr Francis:** I see at least one member of my Committee nodding. I will be putting it to my Committee next week that we ought to discuss the idea, and I hope that it will be endorsed and then officially become part of our work. After that, I hope that it will see the light of day and be endorsed by the Government—if not here, then in the other place.

**Mr Tyrie:** I am grateful for what appears to be, already, the Joint Committee's support for the recommendation. It is an innovation from the Treasury Committee—Parliament has not dealt with any appointments in that way before—but I think that it adds something.

**Mr Slaughter:** What the hon. Gentleman has said is very persuasive, as is what was said by my hon. Friend the Member for Aberavon (Dr Francis). I think that we would support such action, and that the Government should consider it seriously.

**Mr Tyrie:** Well, I have one Front Bench aboard; that leaves another one. I do not see any movement just yet, but if I keep going for a couple more minutes, who knows? I might receive a response.

I think that it is in the interests of the Government to adopt this route, because it would bolster public confidence that the review and the reviewer were truly independent of the Government. My personal view is that five-yearly renewals, informed by a five-yearly review clause, should be satisfactory or at least adequate, but that is certainly the minimum that is required. What the Government have offered so far, which is just some reporting plus a five-yearly review, is clearly not enough. If they do not indicate that they are prepared to move this evening, I will vote against them. However, I hope very much that their lordships are also listening to the debate. They will have an opportunity to improve the new clause in a number of ways, and I hope that those will include the ways that I have suggested.

**John McDonnell:** I tabled new clause 9, which, as has been said, was debated in Committee. I congratulate Lawrence McNamara on his work—on the advice that he gave the House overall, and the evidence that he gave to the Joint Committee on Human Rights. He made a simple point. As we have seen tonight, this is an extremely contentious piece of legislation concerning a contentious procedure, and it therefore warrants close monitoring. The best way of enabling that to happen is to establish a database at the earliest opportunity in order to ensure that the necessary information is recorded.

Lawrence McNamara made a fairly straightforward recommendation to the Committee. He suggested a template-form statement specifying the duration of open hearings and closed hearings, the number of witnesses heard in closed proceedings and the nature of those witnesses, the length of a closed judgment, and whether national security was an issue in the proceedings. The information whose collection is requested is not exactly highly controversial. The reason for requiring it is that it would inform the proposed review, and inform the wider media and the general public about the activities that were being undertaken as a result of the Bill. I am perplexed about why the Government did not simply

[John McDonnell]

accept that recommendation. Surely they would want to collect the information as well, in order to monitor their own legislation.

I welcome new clause 5. At least the Government are doing something about reporting. However, the report that they propose would be undertaken after 12 months of operation. I think that people need an ongoing database to which they can refer regularly, and which can be used when necessary to inform debates in the House and among the general public. The database would also feed into the review itself. It would enable a proper discussion to be held about whether the legislation was being implemented effectively, and about the scale of its implementation.

One of the arguments that we have heard tonight is that the CMPs will be used in only a small number of cases—15, according to the impact assessment, but that figure appeared to have been plucked out of the air when the Minister without Portfolio was interrogated further. Given the uncertainty about the import and breadth of the use of the legislation, there is obviously a need for an ongoing database to monitor the position, and that is all that the amendment does. For the life of me, I cannot understand why the Government are unwilling to accept it. I would expect a good Government to want to manage that information anyway.

With regard to the review, I wholeheartedly support the proposal for Joint Committee approval of the appointment. We had a similar discussion about the Bank of England, although without success, but the Treasury Committee was certainly successful with regard to the Office for Budget Responsibility. I suggest that this post is equally important and that, because the legislation is contentious, it is important that the person who reviews it has the full support of the House, and that could be secured by the Committee.

With regard to expiry and renewal, I remind Members that when the Prevention of Terrorism Act 2005 was introduced, we secured an annual debate and renewal. I cannot remember it being argued at the time that that was because the legislation did not have sufficient scrutiny in its early days. I know that it was introduced as emergency legislation, but subsequently there was fairly intense debate about whether it needed to be amended at different stages. The annual renewal was intended to give us an opportunity to see whether it was working effectively and to estimate the consequences for human rights, a critical debate that a number of us have engaged in year in, year out. It did not mean that there were any major amendments as such; it meant that Members of this House, and through them the general public, could satisfy themselves as to whether the legislation was operating in accordance with the original intentions. That is what an expiry and renewal clause would enable us to do. Again, I cannot for the life of me see that as contentious; it is simply another democratic fall-back or long-stop mechanism to ensure that we are fully consulted and that we are satisfied that the legislation has been implemented effectively.

On that basis, I will support the amendments tabled by the Opposition Front Benchers and will not press new clause 9 to a Division, but I must express my disappointment that the Government have not gone

very far in accommodating what I think would simply be an exercise in openness and transparency for a particularly contentious piece of legislation.

**Dr Huppert:** I wish first to put on the record my thanks to the Minister. In Committee he resisted many of my amendments, which was frustrating, but he did agree to take away my new clauses 1 and 2, which related to reporting and reviewing, and reflect on them. He has been true to his word, and new clauses 5 and 6 are the result. There are a couple of slight differences in the time scales, but, as I indicated in Committee, my aim was to try to achieve regular reporting and review, rather than being fixated on the exact number of months, and clearly, reports that happen so quickly that there is not enough time to get information in are not necessarily better. I am happy to settle for the annual report and pleased to see it.

I am also happy to see the five-yearly review, but I have a slight issue with it and would be grateful for clarification from the Minister. During a brief exchange earlier in the debate, he talked about the five-yearly approach being appropriate, and I think he said “once a Parliament”. As I read it, the wording of the clause indicates that the review would be done after five years and never again, so there is a difference between the two proposals. I hope that he will reflect on which it is intended to be.

The review might find that everything is working fine, and even those of us who are deeply uncomfortable with the whole concept might find that it does not work in the way we had anticipated, in which case we might not need regular reviews, but there might be things we need to consider, in which case we would like to see five-yearly reviews. I think it is important that each Parliament can reflect and conclude, for example, that this has gradually grown, that there are more and more cases, or fewer and fewer cases, or that something else has changed. I hope that the Minister will look at that. I am pleased that there will be the five-yearly review.

I would certainly support the idea of the independent reviewer being appointed more independently, as I think would my Liberal Democrat colleagues. I do not know whether the Government will be able to find a way to deliver that, but I hope that they will, because I do not think that that would cause any significant harm. I have some slight reservations about the five-yearly period.

New clause 4 is similar to the annual renewal proposal that I and my hon. Friend the Member for Edinburgh West (Mike Crockart) made in Committee and to the one proposed by the hon. Member for Hammersmith (Mr Slaughter), who was apparently performing vaudeville at some stage in Committee—I am afraid I must have missed it. I am still keen to see some form of regular renewal. The Government are resistant to annual renewal. I will certainly be supporting such a renewal, but if it continues to be a stumbling block, will they consider five-yearly renewal? I had a similar discussion about that on the same terms with the Minister in respect of the Terrorism Prevention and Investigation Measures Bill. In that case, he and the Home Secretary decided on a five-yearly renewal and perhaps he will make the same incredibly wise decision in this case, as it was clearly a good one.

9.30 pm

We have not yet talked about the other possible venues for review. It is, presumably, open to Parliament to review and debate this legislation at any time; we could repeal some or all of this legislation at any time. The Intelligence and Security Committee has a particular role to play in this regard, and we will discuss it in far greater detail on Thursday, in the next part of this debate. That Committee could carry out an ongoing review and provide the sort of information that the hon. Member for Hayes and Harlington (John McDonnell) was arguing for in terms of monitoring what is happening with ongoing data. I would be grateful if the Minister would examine whether there is a clear role for that Committee here, and I am sure he will have wise words to say about whether such an approach might be taken. It is not as good as a fully open process—one of the great benefits and disbenefits of that Committee is that it operates under conditions of secrecy—but it may provide some of the ongoing reassurance that those of us who remain deeply uncomfortable about much of this would wish to see.

I hope that the Chair of the Joint Committee of Human Rights, whose Committee I also had the pleasure of serving on, would agree that it, too, might have a role to play in keeping some of this under review. I mostly have thanks for the Minister, but we still need this idea of a regular renewal process just in case it turns out that things are going wrong.

**Mr Walker:** In addressing the new clauses, the Minister said it was important to maintain confidence in our legal system—not only for us to do so, but for our many thousands of constituents to do so. That is why it is so important constantly to review the impact of closed material proceedings. The Minister gave a figure of 15 or more cases going through this process, which is not an inconsequential number. Since entering this place, I have seen changes to our legal system that have worried me, such as the introduction of double jeopardy, and the fact that we now seem happy to imprison people for 20 years and when we discover that they did not commit the crime for which they were imprisoned we do not think that they should have much compensation, if any. We are now going down the route of secret courts, so reviewing the impact and consequences of secret proceedings is enormously important, because many thousands of my constituents and many millions of people across the length and breadth of this country are made very nervous by this change, coming on top of other changes. What happens in other EU countries that have proceedings similar to closed material proceedings? What happens in other liberal western democracies?

I conclude my comments by saying that over the weekend a number of Conservative colleagues whom I respect and admire immensely were talking about the UK leaving the European Court of Human Rights. I would support that, but I smile when I find that on the Monday we are talking about bringing in secret courts, as the two things do not make comfortable bedfellows. Thank you very much for allowing me a brief moment on my feet, Mr Speaker.

**James Brokenshire:** We have had an interesting debate on these new clauses. I note that the hon. Member for Hammersmith (Mr Slaughter) described the legislation

as complex, controversial and important and asked whether I would accept his analysis. I agree that it is complex, inasmuch as we are dealing with the need for closed material proceedings and the nature of sensitive material. It is controversial and it is clearly very important, as it relates to the assurances we are seeking to give to overseas partners and, obviously, to the nature of justice itself, which was very much a feature of the preceding debate. In the context of his description, I certainly recognise the need for an assurance to this House and to the public about how the powers and provisions in the Bill will be used in practice, as well as on the points that have been made about that.

In essence, that question was at the heart of our debate in Committee about the utility, effectiveness and proportionality of the use of closed material proceedings and the frequency of their use, which, in many ways, touches on the point alluded to by my hon. Friend the Member for Chichester (Mr Tyrie). We have given an indication of how many cases are expected per year, but clearly the reporting mechanism we envisage is intended to provide a sense of how many times the provisions will be used in that way.

I shall focus on a number of points raised during the debate and characterise some of the themes that emerged. The first is the question of whether there should be a formal renewal process. The Opposition have sought to interpose an annual renewal through new clause 4, but even if we accept the principle, that is simply too short a time period for the reasons given by many right hon. and hon. Members. The House would not be able to assess the effectiveness and operation of the provisions, given that we are talking about cases that are likely to run for an extended period of time.

When we considered the timing and effectiveness of a renewal provision, going back as far as the Terrorism Prevention and Investigation Measures Act 2011, we looked back at what happened under control orders, which is perhaps the closest parallel to an annual renewal debate on which we can draw. I recall the annual debates on control orders and I am sure that the hon. Member for Hammersmith will agree that some of them were sub-optimal, to say the least. In many respects, they became—[*Interruption.*] They were not, perhaps, the kind of fully formed debate that the hon. Member for Hammersmith is seeking through new clause 4, because, in essence, they became a cursory discussion at the time for the annual renewal of the provision. The debates were often short, were not necessarily well attended and did not necessarily apply the level of scrutiny that he is looking for. It is difficult to see, if he is talking about a renewal 12 months after Royal Assent, what information would be available to inform consideration properly of whether the legislation was effective. If we put aside the detail of the principle, there is a clear issue with the timing.

**Mr Slaughter:** I do not think that the Minister's saying that the poor quality of debate in this House is a good reason for not having annual renewal is his best point. Will he deal with a point on which I do not think he agrees with me? New provisions have been introduced to the Bill, in Committee, where they at least received some debate, and today. Amendment 46, in particular, seems to allow material that is irrelevant to the proceedings to trigger a CMP, which is a massive change that has

[Mr Slaughter]

not been debated at all because we have not had time to do so. Is that not a reason for allowing renewal after a short time?

**James Brokenshire:** I hesitate to tread on amendments in the previous group, but ultimately it is for this House to determine the appropriate way to examine legislation. With other legislation, it might simply be the process of review through Government activity or Select Committee activity, but in certain cases, because of the sensitivity, import or nature of the legislation, there might be some form of additional statutory provision. We have certainly touched on areas of legislation where that has had some application. For example, some sort of mechanism or review for reporting back to the House how the legislation has been used applied to previous terrorism legislation and the Terrorism Prevention and Investigation Measures Act 2011. Because of the sensitive nature of the issues in this case, the Government have accepted that the normal scenario whereby Select Committees or other bodies are part of the general rolling assessment of legislation is not sufficient for this particular Bill. That is why we have sought to introduce the new clauses this evening.

**Sir Alan Beith** (Berwick-upon-Tweed) (LD): Now that the Minister is talking about engaging Parliament and now that his right hon. and learned Friend the Minister without Portfolio is back in his place, is it not a good moment to address the idea that Parliament should be engaged by ensuring that the reviewer who can look into all the secret aspects is appointed with the agreement of a Committee of both Houses of Parliament—namely, the Joint Committee on Human Rights?

**James Brokenshire:** I would say that the provisions we have sought to introduce on the appointment of a reviewer are similar to, and in line with, other legislation such as the Terrorism Prevention and Investigation Measures Act, whereby the Secretary of State appoints the independent reviewer of terrorism legislation. The individual holding that office may well be the appropriate person to conduct this type of review or it may be someone else so that David Anderson or whoever is the holder of the office at that time is not overburdened, which could dilute the effectiveness of the independent reviewer's analysis of the legislation. I hope that the Chairman of the Joint Committee on Human Rights would accept that the evidence and information provided by the independent reviewer has been instructive and relevant to that Committee's consideration of the Bill.

I highlight the fact that the independent reviewer has provided quite an important perspective, looking at terrorism legislation as he does, which has added value not just to the Joint Committee's review but to the debates we have had here. I note that David Anderson has been prayed in aid this afternoon and also in debates in the other place. We certainly recognise the value that an independent reviewer can have. I know from my discussions with other Ministers in other parts of Europe and elsewhere that the role of our independent reviewer is recognised for the importance and added value it brings in the analysis of legislation that touches on some sensitive issues.

9.45 pm

I thank my hon. Friend the Member for Cambridge (Dr Huppert) for his contribution, both this evening and in Committee, highlighting the need for information to be available and the need for a mechanism for Parliament to assess these provisions. Equally, there could well be a role for the Intelligence and Security Committee in examining the effectiveness of the legislation. Clearly, it will be for the ISC to examine that, but I note, for example, that the Joint Committee on Human Rights has decided that it wishes to take evidence on the operation of the Terrorism Prevention and Investigation Measures Act 2011 after its first year. The Bill in no way prevents such scrutiny. It sets out the information and the mechanism that Parliament will be afforded to give assurance and to assess how the legislation is being applied.

**Mr Charles Walker:** I am sure I am pre-empting matters and that my hon. Friend was going to come on to this later in his speech. I asked what happens in other western European countries when it comes to reviewing closed court proceedings. Can he tell me what other European countries do on such matters?

**James Brokenshire:** It is difficult to answer my hon. Friend's question. Parallels are difficult to draw in this respect. I can think of one European jurisdiction that is seeking to examine the appointment of an independent reviewer of its own terrorism legislation. We are unusual in having an individual who does such work. People are reflecting on the input from David Anderson, the current reviewer, and his predecessor, Lord Carlile, shining a light and having access to sensitive materials better to inform the debate on sensitive issues relating to terrorist legislation.

I am not seeking to avoid my hon. Friend's question. It is genuinely difficult to draw parallels with the type of court processes and the review structure that we have in this country, and to say that another country deals with the issue by having an x year review or some sort of renewal system or independent reviewer. It is hard to make such an analysis, because countries and their systems are so different.

The hon. Member for Hayes and Harlington (John McDonnell) spoke about the provision of information and the need for a database. On closed proceedings and closed judgments, there is a database which is held and managed by the Home Office and will be updated three times a year in relation to closed judgments, to ensure that special advocates are able to look at summaries of legal principles in particularly sensitive judgments. Those will be added on a less routine basis to reduce the risk of the summary being linked to a particular case, because of the sensitivity of some of the details. It is intended that summaries of all future closed judgments will be entered into the database to inform debates and discussions and the work of the special advocates.

Part of the debate has been on the principle of whether there should be an annual sunset or renewal—whatever language we choose—or whether the system should be on a five-year basis, which I know that others have suggested as an alternative, although that option is not before the House tonight. The choice that the House has is whether to accept the Government's new clauses on the provision of information and the review,

which I hope it will, recognising that this is an addition that seeks to improve the Bill and the scrutiny and analysis that it provides.

Ultimately, if we were to introduce some form of renewal, we would have to face up to the message that that gives to some of our external partners on the control principle and the sharing of intelligence, given that one of the principles behind the changes being introduced is to give assurance to our external partners, recognising the point that David Anderson and others have made that, in essence, our relationship with a number of external partners has been affected by some cases. If we were to provide an annual renewal, it would materially impact on that. Equally, if we were to provide a further formal five-year renewal in the Bill, our judgment is that that would not provide the assurance to our external partners that is anticipated for our intelligence relationships.

**Mr Tyrie:** I am a little concerned that I am listening to a suggestion that the legislation is somehow for the benefit of our closest allies the United States. It should be pointed out that the United States does not rewrite its law to take account of the fact that we send some of our intelligence material to it. Indeed, it is often argued that it is a good deal more leaky than we are. A former head of the CIA counter-terrorism centre recently remarked that he supposed that British intelligence must be very unhappy because it is often exasperated, quite reasonably, with its American friends, who are far more leak prone than it is. Nor has it sought to change its system of law to take account of our requests. Is that not one of my hon. Friend's weakest arguments?

**James Brokenshire:** My hon. Friend says that it is a weak argument, but I disagree. An important part of the Bill is to ensure that justice is achieved in those cases where otherwise evidence would be excluded. Also, through the Norwich Pharmacal provisions, assurance is given that the control principle will be adhered to. That important provision needs to be considered as part of this segment of the Bill and when considering five-year renewal or otherwise. In essence, once we get towards the end of the five-year period, the assurance will not be there. People will be considering what the situation would be, and the issues around the control principle and the assurance that we seek to give to external partners are relevant factors for consideration in this context.

On the point made by the hon. Member for Cambridge on the ISC, under the Bill the ISC's function will be to oversee the expenditure, administration, policy and operations of the security and intelligence agencies and other Government activities in relation to intelligence or security matters. In the course of that work, it may come across information relevant to this issue and it would be open to the committee to report on those matters to Parliament or to the Prime Minister if it found evidence that the Government may have been abusing the CMP. The ISC has the ability to examine some of these issues if that helps for the scrutiny that is applied in respect of the Bill.

The hon. Member for Hammersmith highlighted the conditions for a declaration to be made. They can be met on material that a party other than the applicant is required to disclose. Amendment 46 makes it clear that

the two conditions for a declaration to be made can be met and based on such material. I do not know whether that is helpful to him in the context of the points that he made.

Ultimately, the House will need to determine whether the Government's new clauses are sufficient. We believe that they are; they allow for a reviewer to look at the legislation in five years' time. Following the report that the reviewer provides, it is open to the House to re-legislate if it considers that change is needed. Equally, we judge that the legislation on the provision of information gives assurance within an appropriate period on how the Bill will be used.

Others may take a contrary view, but we judge that the new clauses are appropriate. We recommend them to the House, because it is important for us to have the transparency and that ability to consider. That is precisely what the new clauses will give us.

*Question put and agreed to.*

*New clause 5 accordingly read a Second time, and added to the Bill.*

### New Clause 6

#### REVIEW OF SECTIONS 6 TO 11

'(1) The Secretary of State must appoint a person to review the operation of sections 6 to 11 (the "reviewer").

(2) The reviewer must carry out a review of the operation of sections 6 to 11 in respect of the period of five years beginning with the day on which section 6 comes into force.

(3) The review must be completed as soon as reasonably practicable after the end of the period to which the review relates.

(4) As soon as reasonably practicable after completing a review under this section, the reviewer must send to the Secretary of State a report on its outcome.

(5) On receiving a report under subsection (4), the Secretary of State must lay a copy of it before Parliament.

(6) Before laying a copy of a report before Parliament under subsection (5), the Secretary of State may, after consulting the reviewer, exclude from the copy any part of the report that would, in the opinion of the Secretary of State, be damaging to the interests of national security if it were included in the copy laid before Parliament.

(7) The Secretary of State may pay to the reviewer—

(a) expenses incurred by the reviewer in carrying out functions under this section, and

(b) such allowances as the Secretary of State determines.'

—(*James Brokenshire.*)

*Brought up, read the First and Second time, and added to the Bill.*

### New Clause 4

#### EXPIRY AND RENEWAL

'(1) Sections 6 to 12 of this Act expire at the end of the period of one year beginning with the day on which this Act is passed.

(2) The Secretary of State may, by order made by statutory instrument, provide that sections 6 to 12 of this Act are not to expire at the time when they would otherwise expire under subsection (1) or in accordance with an order under this subsection but are to continue in force after that time for a period not exceeding one year.

(3) An order under this section may not be made unless a draft of it has been laid before Parliament and approved by a resolution of each House.'—(*Mr Slaughter.*)

*Brought up, and read the First time.*

*Question put*, That the clause be read a Second time.

*The House divided*: Ayes 231, Noes 296.

**Division No. 171]**

**[9.56 pm**

**AYES**

Abbott, Ms Diane  
 Abrahams, Debbie  
 Ainsworth, rh Mr Bob  
 Alexander, rh Mr Douglas  
 Alexander, Heidi  
 Ali, Rushanara  
 Allen, Mr Graham  
 Anderson, Mr David  
 Austin, Ian  
 Bailey, Mr Adrian  
 Bain, Mr William  
 Baker, Steve  
 Balls, rh Ed  
 Banks, Gordon  
 Barron, rh Mr Kevin  
 Bayley, Hugh  
 Begg, Dame Anne  
 Benn, rh Hilary  
 Berger, Luciana  
 Betts, Mr Clive  
 Blenkinsop, Tom  
 Blomfield, Paul  
 Blunkett, rh Mr David  
 Brady, Mr Graham  
 Brennan, Kevin  
 Brooke, Annette  
 Brown, Lyn  
 Brown, rh Mr Nicholas  
 Brown, Mr Russell  
 Bryant, Chris  
 Buck, Ms Karen  
 Burnham, rh Andy  
 Byrne, rh Mr Liam  
 Campbell, Mr Alan  
 Campbell, Mr Ronnie  
 Caton, Martin  
 Champion, Sarah  
 Chapman, Jenny  
 Chope, Mr Christopher  
 Clark, Katy  
 Clarke, rh Mr Tom  
 Clwyd, rh Ann  
 Coffey, Ann  
 Cooper, rh Yvette  
 Corbyn, Jeremy  
 Creasy, Stella  
 Crockett, Mike  
 Cruddas, Jon  
 Cryer, John  
 Cunningham, Alex  
 Cunningham, Mr Jim  
 Cunningham, Sir Tony  
 Curran, Margaret  
 Dakin, Nic  
 Danczuk, Simon  
 David, Wayne  
 Davidson, Mr Ian  
 Davies, Geraint  
 De Piero, Gloria  
 Dobson, rh Frank  
 Docherty, Thomas  
 Donohoe, Mr Brian H.  
 Doran, Mr Frank  
 Doughty, Stephen  
 Doyle, Gemma  
 Dromey, Jack  
 Dugher, Michael  
 Durkan, Mark  
 Eagle, Ms Angela  
 Eagle, Maria  
 Edwards, Jonathan  
 Efford, Clive  
 Elliott, Julie  
 Ellman, Mrs Louise  
 Engel, Natascha  
 Esterson, Bill  
 Evans, Chris  
 Farron, Tim  
 Field, rh Mr Frank  
 Fitzpatrick, Jim  
 Ffello, Robert  
 Flint, rh Caroline  
 Fovargue, Yvonne  
 Francis, Dr Hywel  
 Gapes, Mike  
 Gardiner, Barry  
 Gilmore, Sheila  
 Glass, Pat  
 Glindon, Mrs Mary  
 Godsiff, Mr Roger  
 Goodman, Helen  
 Greatrex, Tom  
 Green, Kate  
 Greenwood, Lilian  
 Griffith, Nia  
 Gwynne, Andrew  
 Hain, rh Mr Peter  
 Hamilton, Mr David  
 Hanson, rh Mr David  
 Harman, rh Ms Harriet  
 Harris, Mr Tom  
 Havard, Mr Dai  
 Hemming, John  
 Hendrick, Mark  
 Hepburn, Mr Stephen  
 Hillier, Meg  
 Hilling, Julie  
 Hodge, rh Margaret  
 Hodgson, Mrs Sharon  
 Hoey, Kate  
 Hood, Mr Jim  
 Hopkins, Kelvin  
 Hosie, Stewart  
 Hughes, rh Simon  
 Hunt, Tristram  
 Huppert, Dr Julian  
 Irranca-Davies, Huw  
 Jackson, Glenda  
 James, Mrs Siân C.  
 Jamieson, Cathy  
 Jarvis, Dan  
 Johnson, rh Alan  
 Johnson, Diana  
 Jones, Graham  
 Jones, Helen  
 Jones, Mr Kevan  
 Jones, Susan Elan  
 Jowell, rh Dame Tessa  
 Joyce, Eric  
 Kaufman, rh Sir Gerald  
 Keeley, Barbara  
 Khan, rh Sadiq

Lammy, rh Mr David  
 Lavery, Ian  
 Lazarowicz, Mark  
 Leslie, Chris  
 Lewis, Mr Ivan  
 Llwyd, rh Mr Elfyn  
 Long, Naomi  
 Love, Mr Andrew  
 Lucas, Caroline  
 Lucas, Ian  
 MacNeil, Mr Angus Brendan  
 Mactaggart, Fiona  
 Mahmood, Mr Khalid  
 Mahmood, Shabana  
 Malhotra, Seema  
 Mann, John  
 Marsden, Mr Gordon  
 McCarthy, Kerry  
 McClymont, Gregg  
 McDonagh, Siobhain  
 McDonnell, John  
 McFadden, rh Mr Pat  
 McGovern, Alison  
 McGuire, rh Mrs Anne  
 McKenzie, Mr Iain  
 Meacher, rh Mr Michael  
 Meale, Sir Alan  
 Mearns, Ian  
 Miliband, rh David  
 Miller, Andrew  
 Moon, Mrs Madeleine  
 Morden, Jessica  
 Morrice, Graeme (*Livingston*)  
 Morris, Grahame M.  
 (*Easington*)  
 Mudie, Mr George  
 Mulholland, Greg  
 Munn, Meg  
 Murray, Ian  
 Nandy, Lisa  
 Nash, Pamela  
 Onwurah, Chi  
 Owen, Albert  
 Pearce, Teresa  
 Perkins, Toby  
 Phillipson, Bridget  
 Pound, Stephen  
 Powell, Lucy  
 Qureshi, Yasmin  
 Raynsford, rh Mr Nick  
 Reed, Mr Jamie  
 Reed, Steve

Reynolds, Emma  
 Reynolds, Jonathan  
 Riordan, Mrs Linda  
 Ritchie, Ms Margaret  
 Robertson, Angus  
 Rotheram, Steve  
 Roy, Mr Frank  
 Roy, Lindsay  
 Ruddock, rh Dame Joan  
 Sarwar, Anas  
 Sawford, Andy  
 Seabeck, Alison  
 Sharma, Mr Virendra  
 Sheerman, Mr Barry  
 Shuker, Gavin  
 Skinner, Mr Dennis  
 Slaughter, Mr Andy  
 Smith, rh Mr Andrew  
 Smith, Angela  
 Smith, Nick  
 Smith, Owen  
 Stringer, Graham  
 Stuart, Ms Gisela  
 Tami, Mark  
 Teather, Sarah  
 Thomas, Mr Gareth  
 Timms, rh Stephen  
 Trickett, Jon  
 Turner, Karl  
 Twigg, Derek  
 Twigg, Stephen  
 Tyrie, Mr Andrew  
 Umunna, Mr Chuka  
 Vaz, Valerie  
 Walker, Mr Charles  
 Walley, Joan  
 Watson, Mr Tom  
 Watts, Mr Dave  
 Weir, Mr Mike  
 Whiteford, Dr Eilidh  
 Whitehead, Dr Alan  
 Williams, Hywel  
 Williamson, Chris  
 Winnick, Mr David  
 Winterton, rh Ms Rosie  
 Wood, Mike  
 Wright, David  
 Wright, Mr Iain

**Tellers for the Ayes:**

**Phil Wilson and  
 Jonathan Ashworth**

**NOES**

Berry, Jake  
 Bingham, Andrew  
 Binley, Mr Brian  
 Birtwistle, Gordon  
 Blackwood, Nicola  
 Blunt, Mr Crispin  
 Boles, Nick  
 Bone, Mr Peter  
 Bottomley, Sir Peter  
 Bradley, Karen  
 Brake, rh Tom  
 Brazier, Mr Julian  
 Bridgen, Andrew  
 Brine, Steve  
 Brokenshire, James  
 Browne, Mr Jeremy  
 Buckland, Mr Robert

Burley, Mr Aidan  
 Burns, rh Mr Simon  
 Burrowes, Mr David  
 Burstow, rh Paul  
 Burt, Alistair  
 Burt, Lorely  
 Byles, Dan  
 Cable, rh Vince  
 Cairns, Alun  
 Campbell, Mr Gregory  
 Campbell, rh Sir Menzies  
 Carmichael, rh Mr Alistair  
 Carmichael, Neil  
 Chishti, Rehman  
 Clappison, Mr James  
 Clark, rh Greg  
 Clarke, rh Mr Kenneth  
 Clegg, rh Mr Nick  
 Clifton-Brown, Geoffrey  
 Coffey, Dr Thérèse  
 Collins, Damian  
 Cox, Mr Geoffrey  
 Crabb, Stephen  
 Crouch, Tracey  
 Davey, rh Mr Edward  
 Davies, David T. C.  
 (*Monmouth*)  
 Davies, Glyn  
 Davies, Philip  
 de Bois, Nick  
 Dinenage, Caroline  
 Djanogly, Mr Jonathan  
 Dorrell, rh Mr Stephen  
 Dorries, Nadine  
 Doyle-Price, Jackie  
 Drax, Richard  
 Duddridge, James  
 Duncan, rh Mr Alan  
 Duncan Smith, rh Mr Iain  
 Dunne, Mr Philip  
 Ellis, Michael  
 Ellison, Jane  
 Ellwood, Mr Tobias  
 Elphicke, Charlie  
 Eustice, George  
 Evans, Graham  
 Evans, Jonathan  
 Fabricant, Michael  
 Fallon, rh Michael  
 Field, Mark  
 Foster, rh Mr Don  
 Fox, rh Dr Liam  
 Francois, rh Mr Mark  
 Freer, Mike  
 Fullbrook, Lorraine  
 Gale, Sir Roger  
 Garnier, Sir Edward  
 Garnier, Mark  
 Gauke, Mr David  
 George, Andrew  
 Gibb, Mr Nick  
 Gilbert, Stephen  
 Gillan, rh Mrs Cheryl  
 Glen, John  
 Goldsmith, Zac  
 Goodwill, Mr Robert  
 Graham, Richard  
 Grant, Mrs Helen  
 Grayling, rh Chris  
 Green, rh Damian  
 Greening, rh Justine  
 Grieve, rh Mr Dominic

Griffiths, Andrew  
 Gummer, Ben  
 Gyimah, Mr Sam  
 Halfon, Robert  
 Hames, Duncan  
 Hammond, rh Mr Philip  
 Hammond, Stephen  
 Hancock, Matthew  
 Hands, Greg  
 Harper, Mr Mark  
 Harrington, Richard  
 Harris, Rebecca  
 Hart, Simon  
 Harvey, Sir Nick  
 Haselhurst, rh Sir Alan  
 Hayes, Mr John  
 Heald, Oliver  
 Heath, Mr David  
 Heaton-Harris, Chris  
 Henderson, Gordon  
 Hendry, Charles  
 Herbert, rh Nick  
 Hinds, Damian  
 Hoban, Mr Mark  
 Hollingbery, George  
 Hollobone, Mr Philip  
 Holloway, Mr Adam  
 Horwood, Martin  
 Howarth, Sir Gerald  
 Howell, John  
 Hunt, rh Mr Jeremy  
 Hunter, Mark  
 Hurd, Mr Nick  
 Jackson, Mr Stewart  
 James, Margot  
 Javid, Sajid  
 Jenkin, Mr Bernard  
 Johnson, Gareth  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Mr Marcus  
 Kawczynski, Daniel  
 Kelly, Chris  
 Kennedy, rh Mr Charles  
 Kirby, Simon  
 Knight, rh Mr Greg  
 Kwarteng, Kwasi  
 Laing, Mrs Eleanor  
 Lamb, Norman  
 Lancaster, Mark  
 Lansley, rh Mr Andrew  
 Laws, rh Mr David  
 Leadsom, Andrea  
 Lee, Jessica  
 Lee, Dr Phillip  
 Lefroy, Jeremy  
 Leslie, Charlotte  
 Letwin, rh Mr Oliver  
 Lewis, Brandon  
 Lewis, Dr Julian  
 Liddell-Grainger, Mr Ian  
 Lidington, rh Mr David  
 Lilley, rh Mr Peter  
 Lloyd, Stephen  
 Lord, Jonathan  
 Luff, Peter  
 Lumley, Karen  
 Main, Mrs Anne  
 Maude, rh Mr Francis  
 May, rh Mrs Theresa  
 Maynard, Paul  
 McCartney, Jason

McCartney, Karl  
 McCrea, Dr William  
 McIntosh, Miss Anne  
 McLoughlin, rh Mr Patrick  
 McVey, Esther  
 Menzies, Mark  
 Mercer, Patrick  
 Metcalfe, Stephen  
 Miller, rh Maria  
 Mills, Nigel  
 Milton, Anne  
 Mitchell, rh Mr Andrew  
 Moore, rh Michael  
 Mordaunt, Penny  
 Morgan, Nicky  
 Morris, Anne Marie  
 Morris, James  
 Mosley, Stephen  
 Mowat, David  
 Munt, Tessa  
 Murray, Sheryll  
 Murrison, Dr Andrew  
 Neill, Robert  
 Newmark, Mr Brooks  
 Newton, Sarah  
 Nokes, Caroline  
 Nuttall, Mr David  
 O'Brien, Mr Stephen  
 Ollerenshaw, Eric  
 Opperman, Guy  
 Osborne, rh Mr George  
 Ottaway, Richard  
 Paice, rh Sir James  
 Paisley, Ian  
 Parish, Neil  
 Pawsey, Mark  
 Penning, Mike  
 Penrose, John  
 Perry, Claire  
 Phillips, Stephen  
 Pickles, rh Mr Eric  
 Pincher, Christopher  
 Poulter, Dr Daniel  
 Prisk, Mr Mark  
 Pritchard, Mark  
 Pugh, John  
 Randall, rh Mr John  
 Redwood, rh Mr John  
 Rees-Mogg, Jacob  
 Reid, Mr Alan  
 Rifkind, rh Sir Malcolm  
 Robathan, rh Mr Andrew  
 Robertson, rh Hugh  
 Rogerson, Dan  
 Rudd, Amber  
 Ruffley, Mr David  
 Russell, Sir Bob  
 Rutley, David  
 Sandys, Laura  
 Scott, Mr Lee  
 Selous, Andrew  
 Shapps, rh Grant

Sharma, Alok  
 Shelbrooke, Alec  
 Simmonds, Mark  
 Simpson, Mr Keith  
 Skidmore, Chris  
 Smith, Miss Chloe  
 Smith, Henry  
 Smith, Julian  
 Smith, Sir Robert  
 Soames, rh Nicholas  
 Spelman, rh Mrs Caroline  
 Spencer, Mr Mark  
 Stanley, rh Sir John  
 Stephenson, Andrew  
 Stewart, Bob  
 Stewart, Iain  
 Stewart, Rory  
 Streeter, Mr Gary  
 Stride, Mel  
 Stuart, Mr Graham  
 Stunell, rh Andrew  
 Sturdy, Julian  
 Swayne, rh Mr Desmond  
 Swinson, Jo  
 Swire, rh Mr Hugo  
 Syms, Mr Robert  
 Tapsell, rh Sir Peter  
 Thurso, John  
 Timpson, Mr Edward  
 Tomlinson, Justin  
 Tredinnick, David  
 Truss, Elizabeth  
 Turner, Mr Andrew  
 Uppal, Paul  
 Vaizey, Mr Edward  
 Vara, Mr Shailesh  
 Vickers, Martin  
 Villiers, rh Mrs Theresa  
 Walker, Mr Robin  
 Wallace, Mr Ben  
 Watkinson, Dame Angela  
 Weatherley, Mike  
 Webb, Steve  
 Wharton, James  
 Wheeler, Heather  
 Whittaker, Craig  
 Wiggin, Bill  
 Williams, Mr Mark  
 Williams, Roger  
 Williams, Stephen  
 Wilson, Mr Rob  
 Wollaston, Dr Sarah  
 Wright, Jeremy  
 Wright, Simon  
 Yeo, Mr Tim  
 Young, rh Sir George  
 Zahawi, Nadhim

**Tellers for the Noes:**  
**Mr David Evennett and**  
**Joseph Johnson**

*Question accordingly negated.*

10.13 pm

*Proceedings interrupted (Programme Order, this day).*

*The Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).*

**Clause 7**REVIEW AND REVOCATION OF DECLARATION UNDER  
SECTION 6*Amendment made:* 48, page 7, line 3, at end insert—

(7) In relation to proceedings before the Court of Session—

(a) the reference in subsection (3) to the completion of the pre-trial disclosure exercise is a reference to the fixing of a hearing to determine the merits of the proceedings, and

(b) the reference in subsection (6)(b) to when the pre-trial disclosure exercise is to be considered to have been completed is a reference to what constitutes a hearing to determine the merits of the proceedings.—  
(*James Brokenshire.*)**Clause 8**DETERMINATION BY COURT OF APPLICATIONS IN  
SECTION 6 PROCEEDINGS*Amendment proposed:* 38, page 7, line 18, at end add‘and that damage outweighs the public interest in the fair and open administration of justice’.—(*Mr Slaughter.*)*Question put,* That the amendment be made.*The House divided:* Ayes 227, Noes 295.**Division No. 172]****[10.13 pm****AYES**

Abbott, Ms Diane  
Abrahams, Debbie  
Ainsworth, rh Mr Bob  
Alexander, rh Mr Douglas  
Alexander, Heidi  
Ali, Rushanara  
Allen, Mr Graham  
Anderson, Mr David  
Austin, Ian  
Bailey, Mr Adrian  
Bain, Mr William  
Balls, rh Ed  
Banks, Gordon  
Barron, rh Mr Kevin  
Bayley, Hugh  
Begg, Dame Anne  
Benn, rh Hilary  
Berger, Luciana  
Betts, Mr Clive  
Blenkinsop, Tom  
Blomfield, Paul  
Blunkett, rh Mr David  
Brennan, Kevin  
Brown, Lyn  
Brown, rh Mr Nicholas  
Brown, Mr Russell  
Bryant, Chris  
Buck, Ms Karen  
Burnham, rh Andy  
Byrne, rh Mr Liam  
Campbell, Mr Alan  
Campbell, Mr Ronnie  
Caton, Martin  
Champion, Sarah  
Chapman, Jenny  
Clark, Katy  
Clarke, rh Mr Tom  
Clwyd, rh Ann  
Coffey, Ann  
Cooper, rh Yvette

Corbyn, Jeremy  
Creasy, Stella  
Crockart, Mike  
Cruddas, Jon  
Cryer, John  
Cunningham, Alex  
Cunningham, Mr Jim  
Cunningham, Sir Tony  
Curran, Margaret  
Dakin, Nic  
Danczuk, Simon  
David, Wayne  
Davidson, Mr Ian  
Davies, Geraint  
Davis, rh Mr David  
De Piero, Gloria  
Dobson, rh Frank  
Docherty, Thomas  
Donohoe, Mr Brian H.  
Doran, Mr Frank  
Doughty, Stephen  
Dowd, Jim  
Doyle, Gemma  
Dromey, Jack  
Dugher, Michael  
Durkan, Mark  
Eagle, Ms Angela  
Eagle, Maria  
Edwards, Jonathan  
Efford, Clive  
Elliott, Julie  
Ellman, Mrs Louise  
Engel, Natascha  
Esterson, Bill  
Evans, Chris  
Farron, Tim  
Field, rh Mr Frank  
Fitzpatrick, Jim  
Flello, Robert  
Flint, rh Caroline

Fovargue, Yvonne  
Francis, Dr Hywel  
Gapes, Mike  
Gardiner, Barry  
Gilmore, Sheila  
Glass, Pat  
Glindon, Mrs Mary  
Godsiff, Mr Roger  
Goodman, Helen  
Greatrex, Tom  
Green, Kate  
Greenwood, Lilian  
Griffith, Nia  
Gwynne, Andrew  
Hain, rh Mr Peter  
Hamilton, Mr David  
Hanson, rh Mr David  
Harman, rh Ms Harriet  
Harris, Mr Tom  
Havard, Mr Dai  
Hemming, John  
Hendrick, Mark  
Hepburn, Mr Stephen  
Hillier, Meg  
Hilling, Julie  
Hodge, rh Margaret  
Hodgson, Mrs Sharon  
Hoey, Kate  
Hood, Mr Jim  
Hopkins, Kelvin  
Hosie, Stewart  
Hughes, rh Simon  
Hunt, Tristram  
Huppert, Dr Julian  
Irranca-Davies, Huw  
Jackson, Glenda  
James, Mrs Siân C.  
Jamieson, Cathy  
Jarvis, Dan  
Johnson, Diana  
Jones, Graham  
Jones, Helen  
Jones, Mr Kevan  
Jones, Susan Elan  
Jowell, rh Dame Tessa  
Joyce, Eric  
Keeley, Barbara  
Khan, rh Sadiq  
Lammy, rh Mr David  
Lavery, Ian  
Lazarowicz, Mark  
Leslie, Chris  
Lewis, Mr Ivan  
Llwyd, rh Mr Elfyn  
Long, Naomi  
Love, Mr Andrew  
Lucas, Caroline  
Lucas, Ian  
MacNeil, Mr Angus Brendan  
Mactaggart, Fiona  
Mahmood, Mr Khalid  
Mahmood, Shabana  
Malhotra, Seema  
Mann, John  
Marsden, Mr Gordon  
McCarthy, Kerry  
McClymont, Gregg  
McDonagh, Siobhain  
McDonnell, John  
McFadden, rh Mr Pat  
McGovern, Alison  
McGuire, rh Mrs Anne

McKenzie, Mr Iain  
Meacher, rh Mr Michael  
Meale, Sir Alan  
Mearns, Ian  
Miliband, rh David  
Miller, Andrew  
Moon, Mrs Madeleine  
Morden, Jessica  
Morrice, Graeme (*Livingston*)  
Morris, Graeme M.  
(*Easington*)  
Mudie, Mr George  
Mulholland, Greg  
Munn, Meg  
Murray, Ian  
Nandy, Lisa  
Nash, Pamela  
Onwurah, Chi  
Owen, Albert  
Pearce, Teresa  
Perkins, Toby  
Phillipson, Bridget  
Pound, Stephen  
Powell, Lucy  
Qureshi, Yasmin  
Raynsford, rh Mr Nick  
Reed, Mr Jamie  
Reed, Steve  
Reevell, Simon  
Reynolds, Emma  
Reynolds, Jonathan  
Riordan, Mrs Linda  
Ritchie, Ms Margaret  
Robertson, Angus  
Rotheram, Steve  
Roy, Mr Frank  
Roy, Lindsay  
Ruddock, rh Dame Joan  
Sarwar, Anas  
Sawford, Andy  
Seabeck, Alison  
Sharma, Mr Virendra  
Shuker, Gavin  
Skinner, Mr Dennis  
Slaughter, Mr Andy  
Smith, rh Mr Andrew  
Smith, Angela  
Smith, Nick  
Smith, Owen  
Stringer, Graham  
Stuart, Ms Gisela  
Tami, Mark  
Teather, Sarah  
Thomas, Mr Gareth  
Timms, rh Stephen  
Trickett, Jon  
Turner, Karl  
Twigg, Derek  
Twigg, Stephen  
Tyrie, Mr Andrew  
Umunna, Mr Chuka  
Vaz, Valerie  
Walker, Mr Charles  
Walley, Joan  
Watson, Mr Tom  
Watts, Mr Dave  
Weir, Mr Mike  
Whiteford, Dr Eilidh  
Whitehead, Dr Alan  
Williams, Hywel  
Williamson, Chris  
Winnick, Mr David

Winterton, rh Ms Rosie  
Wood, Mike  
Wright, David  
Wright, Mr Iain

**Tellers for the Ayes:**  
**Phil Wilson and**  
**Jonathan Ashworth**

**NOES**

Afriyie, Adam  
Aldous, Peter  
Alexander, rh Danny  
Amess, Mr David  
Andrew, Stuart  
Bacon, Mr Richard  
Baker, Norman  
Baldry, Sir Tony  
Baldwin, Harriett  
Barclay, Stephen  
Barker, rh Gregory  
Baron, Mr John  
Barwell, Gavin  
Beith, rh Sir Alan  
Bellingham, Mr Henry  
Benyon, Richard  
Beresford, Sir Paul  
Berry, Jake  
Bingham, Andrew  
Binley, Mr Brian  
Birtwistle, Gordon  
Blackwood, Nicola  
Blunt, Mr Crispin  
Boles, Nick  
Bone, Mr Peter  
Bottomley, Sir Peter  
Bradley, Karen  
Brake, rh Tom  
Brazier, Mr Julian  
Bridgen, Andrew  
Brine, Steve  
Brokenshire, James  
Browne, Mr Jeremy  
Buckland, Mr Robert  
Burley, Mr Aidan  
Burns, rh Mr Simon  
Burrowes, Mr David  
Burstow, rh Paul  
Burt, Alistair  
Burt, Lorely  
Byles, Dan  
Cable, rh Vince  
Cairns, Alun  
Campbell, Mr Gregory  
Campbell, rh Sir Menzies  
Carmichael, rh Mr Alistair  
Carmichael, Neil  
Chishti, Rehman  
Clappison, Mr James  
Clark, rh Greg  
Clarke, rh Mr Kenneth  
Clegg, rh Mr Nick  
Clifton-Brown, Geoffrey  
Coffey, Dr Thérèse  
Collins, Damian  
Crabb, Stephen  
Crouch, Tracey  
Davey, rh Mr Edward  
Davies, David T. C.  
(*Monmouth*)  
Davies, Glyn  
Davies, Philip  
de Bois, Nick  
Dinenage, Caroline  
Djanogly, Mr Jonathan

Dorrell, rh Mr Stephen  
Dorries, Nadine  
Doyle-Price, Jackie  
Drax, Richard  
Duddridge, James  
Duncan, rh Mr Alan  
Duncan Smith, rh Mr Iain  
Dunne, Mr Philip  
Ellis, Michael  
Ellison, Jane  
Ellwood, Mr Tobias  
Elphicke, Charlie  
Eustice, George  
Evans, Graham  
Evans, Jonathan  
Evennett, Mr David  
Fabricant, Michael  
Field, Mark  
Foster, rh Mr Don  
Fox, rh Dr Liam  
Francois, rh Mr Mark  
Freer, Mike  
Fullbrook, Lorraine  
Gale, Sir Roger  
Garnier, Sir Edward  
Garnier, Mark  
Gauke, Mr David  
George, Andrew  
Gibb, Mr Nick  
Gilbert, Stephen  
Gillan, rh Mrs Cheryl  
Glen, John  
Goldsmith, Zac  
Goodwill, Mr Robert  
Gove, rh Michael  
Graham, Richard  
Grant, Mrs Helen  
Grayling, rh Chris  
Green, rh Damian  
Greening, rh Justine  
Grieve, rh Mr Dominic  
Griffiths, Andrew  
Gummer, Ben  
Gyimah, Mr Sam  
Halfon, Robert  
Hames, Duncan  
Hammond, rh Mr Philip  
Hammond, Stephen  
Hancock, Matthew  
Hands, Greg  
Harper, Mr Mark  
Harrington, Richard  
Harris, Rebecca  
Hart, Simon  
Harvey, Sir Nick  
Haselhurst, rh Sir Alan  
Hayes, Mr John  
Heald, Oliver  
Heath, Mr David  
Heaton-Harris, Chris  
Henderson, Gordon  
Hendry, Charles  
Herbert, rh Nick  
Hinds, Damian  
Hoban, Mr Mark

Hollingbery, George  
Hollobone, Mr Philip  
Holloway, Mr Adam  
Horwood, Martin  
Howarth, Sir Gerald  
Howell, John  
Hunt, rh Mr Jeremy  
Hurd, Mr Nick  
Jackson, Mr Stewart  
James, Margot  
Javid, Sajid  
Jenkin, Mr Bernard  
Johnson, Gareth  
Jones, Andrew  
Jones, rh Mr David  
Jones, Mr Marcus  
Kawczynski, Daniel  
Kelly, Chris  
Kennedy, rh Mr Charles  
Kirby, Simon  
Knight, rh Mr Greg  
Kwarteng, Kwasi  
Laing, Mrs Eleanor  
Lamb, Norman  
Lancaster, Mark  
Lansley, rh Mr Andrew  
Laws, rh Mr David  
Leadsom, Andrea  
Lee, Jessica  
Lee, Dr Phillip  
Lefroy, Jeremy  
Leslie, Charlotte  
Letwin, rh Mr Oliver  
Lewis, Brandon  
Lewis, Dr Julian  
Liddell-Grainger, Mr Ian  
Lidington, rh Mr David  
Lilley, rh Mr Peter  
Lloyd, Stephen  
Lord, Jonathan  
Luff, Peter  
Lumley, Karen  
Main, Mrs Anne  
Maude, rh Mr Francis  
May, rh Mrs Theresa  
Maynard, Paul  
McCartney, Jason  
McCartney, Karl  
McCrea, Dr William  
McIntosh, Miss Anne  
McLoughlin, rh Mr Patrick  
McVey, Esther  
Menzies, Mark  
Metcalfe, Stephen  
Miller, rh Maria  
Mills, Nigel  
Milton, Anne  
Mitchell, rh Mr Andrew  
Moore, rh Michael  
Mordaunt, Penny  
Morgan, Nicky  
Morris, Anne Marie  
Morris, James  
Mosley, Stephen  
Mowat, David  
Munt, Tessa  
Murray, Sheryll  
Murrison, Dr Andrew  
Neill, Robert  
Newmark, Mr Brooks  
Newton, Sarah  
Nokes, Caroline

Nuttall, Mr David  
O'Brien, Mr Stephen  
Ollerenshaw, Eric  
Opperman, Guy  
Osborne, rh Mr George  
Ottaway, Richard  
Paice, rh Sir James  
Paisley, Ian  
Parish, Neil  
Paterson, rh Mr Owen  
Pawsey, Mark  
Penning, Mike  
Penrose, John  
Perry, Claire  
Phillips, Stephen  
Pickles, rh Mr Eric  
Pincher, Christopher  
Poulter, Dr Daniel  
Prisk, Mr Mark  
Pritchard, Mark  
Pugh, John  
Randall, rh Mr John  
Redwood, rh Mr John  
Rees-Mogg, Jacob  
Reid, Mr Alan  
Rifkind, rh Sir Malcolm  
Robathan, rh Mr Andrew  
Robertson, rh Hugh  
Rogerson, Dan  
Rudd, Amber  
Ruffley, Mr David  
Russell, Sir Bob  
Rutley, David  
Sandys, Laura  
Scott, Mr Lee  
Selous, Andrew  
Shannon, Jim  
Shapps, rh Grant  
Sharma, Alok  
Shelbrooke, Alec  
Simmonds, Mark  
Simpson, Mr Keith  
Skidmore, Chris  
Smith, Miss Chloe  
Smith, Henry  
Smith, Julian  
Smith, Sir Robert  
Soames, rh Nicholas  
Spelman, rh Mrs Caroline  
Spencer, Mr Mark  
Stephenson, Andrew  
Stewart, Bob  
Stewart, Iain  
Stewart, Rory  
Streeter, Mr Gary  
Stride, Mel  
Stuart, Mr Graham  
Stunell, rh Andrew  
Sturdy, Julian  
Swayne, rh Mr Desmond  
Swinson, Jo  
Swire, rh Mr Hugo  
Syms, Mr Robert  
Tapsell, rh Sir Peter  
Thurso, John  
Timpson, Mr Edward  
Tomlinson, Justin  
Tredinnick, David  
Truss, Elizabeth  
Turner, Mr Andrew  
Uppal, Paul  
Vaizey, Mr Edward

Vara, Mr Shailesh  
 Vickers, Martin  
 Villiers, rh Mrs Theresa  
 Walker, Mr Robin  
 Wallace, Mr Ben  
 Watkinson, Dame Angela  
 Weatherley, Mike  
 Webb, Steve  
 Wharton, James  
 Wheeler, Heather  
 Whittaker, Craig  
 Wiggin, Bill  
 Williams, Mr Mark

Williams, Roger  
 Williams, Stephen  
 Wilson, Mr Rob  
 Wollaston, Dr Sarah  
 Wright, Jeremy  
 Wright, Simon  
 Yeo, Mr Tim  
 Young, rh Sir George  
 Zahawi, Nadhim

**Tellers for the Noes:**  
**Mark Hunter and**  
**Joseph Johnson**

*Question accordingly negated.*

### Clause 11

GENERAL PROVISION ABOUT SECTION 6 PROCEEDINGS

*Amendments made:* 49, page 9, line 7, leave out ‘section 12’ and insert—

‘sections (Reports on use of closed material procedure) to 12’.

Amendment 50, page 9, line 11, at end insert—

‘(c) proceedings on, or in relations to, an application for a revocation under section 7, and

(d) proceedings on, or in relation to, a decision of the court to make a revocation under that section of its own motion.’

Amendment 51, page 9, line 13, leave out ‘section 12’ and insert—

‘sections (Reports on use of closed material procedure) to 12’.—(*James Brokenshire.*)

### Clause 12

SECTIONS 6 TO 11: INTERPRETATION

*Amendments made:* 52, page 9, line 17, leave out ‘11’ and insert—

‘(Review of sections 6 to 11)’.

Amendment 53, page 9, line 41, leave out ‘11’ and insert—

‘(Review of sections 6 to 11)’.—(*James Brokenshire.*)

### Clause 16

REVIEW OF CERTIFICATION

*Amendment made:* 54, page 14, line 9, leave out ‘and 11’ and insert—

‘, 11 and (Review of sections 6 to 11)’.—(*James Brokenshire.*)

*Bill, as amended, to be further considered tomorrow.*

## Business without Debate

### EUROPEAN UNION DOCUMENTS

*Motion made, and Question put forthwith (Standing Order No. 119(11)),*

#### MARKETS IN FINANCIAL INSTRUMENTS

That this House takes note of European Union Documents No. 15938/11, a draft Regulation on markets in financial instruments and amending regulations [EMIR] on OTC derivatives, central counterparties and trade repositories, and No. 15939/11 and Addenda 1 and 2, a draft Directive on markets in financial instruments repealing Directive 2004/39/EC; notes the importance to the UK economy of stable and well functioning financial

markets; and welcomes efforts to improve transparency, while supporting competition and user choice, as part of the global post-crisis regulatory reform agenda.—(*Greg Hands.*)

*Question agreed to.*

### ELECTORAL COMMISSION

*Motion made, and Question put forthwith (Order, 12 February, and Standing Order No. 118(6)),*

That an humble Address be presented to Her Majesty, praying that Her Majesty will appoint Gareth John Halliwell to be an Electoral Commissioner with effect from 13 March 2013 for the period ending on 12 March 2017.—(*Greg Hands.*)

*Question agreed to.*

### DELEGATED LEGISLATION

**Mr Speaker:** With the leave of the House, we shall take motions 5 to 11 together.

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

#### LIBRARIES

That the draft Legal Deposit Libraries (Non-Print Works) Regulations 2013, which were laid before this House on 28 January, be approved.

#### SOCIAL SECURITY

That the draft Social Security (Contributions) (Limits and Thresholds) (Amendment) Regulations 2013, which were laid before this House on 28 January, be approved.

That the draft Social Security (Contributions) (Re-rating) Order 2013, which was laid before this House on 28 January, be approved.

#### FINANCIAL SERVICES AND MARKETS

That the draft Financial Services and Markets Act 2000 (Financial Services Compensation Scheme) Order 2013, which was laid before this House on 24 January, be approved.

That the draft Financial Services and Markets Act 2000 (PRA-regulated Activities) Order 2013, which was laid before this House on 24 January, be approved.

That the draft Financial Services and Markets Act 2000 (Threshold Conditions) Order 2013, which was laid before this House on 28 January, be approved.

That the draft Financial Services Act 2012 (Mutual Societies) Order 2013, which was laid before this House on 28 January, be approved.—(*Greg Hands.*)

*Question agreed to.*

### DELEGATED LEGISLATION

*Ordered,*

That the motion in the name of Secretary Vince Cable relating to Financial Assistance to Industry shall be treated as if it related to an instrument subject to the provisions of Standing Order No. 118 (Delegated Legislation Committees) in respect of which notice has been given that the instrument be approved.—(*Greg Hands.*)

### DRAFT VOTING ELIGIBILITY (PRISONERS) BILL (JOINT COMMITTEE)

*Motion made,*

That this House concurs with the Lords Message of 15 January 2013, that it is expedient that a Joint Committee of Lords and Commons be appointed to consider the draft Voting Eligibility (Prisoners) Bill presented to both Houses on 22 November 2012 (Cm 8499), and that the Committee should report by 31 October 2013.

That a Select Committee of six Members be appointed to join with the Committee appointed by the Lords;

That the Committee shall have power-

- (i) to send for persons, papers and records;
- (ii) to sit notwithstanding any adjournment of the House;
- (iii) to report from time to time;
- (iv) to appoint specialist advisers; and
- (v) to adjourn from place to place within the United Kingdom;

That Mr Crispin Blunt, Steve Brine, Lorely Burt, Mr Nick Gibb, Sir Alan Meale and Derek Twigg be members of the Committee.—(*Greg Hands.*)

**Hon. Members:** Object.

## EUROPEAN SCRUTINY

*Ordered,*

That Sandra Osborne be discharged from the European Scrutiny Committee and Mrs Linda Riordan be added.—(*Geoffrey Clifton-Brown, on behalf of the Committee of Selection.*)

## PETITION

### Extension of the Tyne and Wear Metro to Washington

10.27 pm

**Mrs Sharon Hodgson** (Washington and Sunderland West) (Lab): I am pleased to be able to present this petition on behalf of my constituents, asking the House of Commons to urge the Government to examine the feasibility of bringing the Tyne and Wear Metro to Washington and bringing the Leamside line back into use. The petitioners and I believe that doing so would attract businesses and customers to the area, as well as helping my constituents to travel to work in other parts of the region. This petition is accompanied by one along the same lines that has the signatures of 348 readers of the *Washington Star* newspaper.

The petition states:

To the House of Commons:

The Petition of residents of Washington and Sunderland West constituency and the surrounding areas,

Declares that there are inadequate public transport links for residents in Washington to access the rest of the Tyne and Wear area, increasing reliance on personal transport and reducing employment and economic opportunities for the town and its residents.

The Petitioners therefore request that the House of Commons urges the Secretary of State for Transport to seriously explore the feasibility of extending the Tyne and Wear Metro to the town of Washington utilising the old Leamside railway line.

And the Petitioners remain, etc.

[P001160]

## Health Professionals: Regulation

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

10.29 pm

**Stephen Barclay** (North East Cambridgeshire) (Con): In the wake of the Francis report and the news that 14 more trusts are under investigation due to unnecessary deaths, it is clear that our current system of health care regulation has failed. More importantly, it means that the NHS has failed its patients, and that the Care Quality Commission is clearly not fit for purpose. I have seen documents that suggest that 25 hospitals with abnormally high mortality rates were highlighted to the then Secretary of State, the right hon. Member for Leigh (Andy Burnham) in March 2010. Seven of the 14 trusts now under investigation were on that list. He referred them at the time to the CQC, which confirmed it had:

“no current concerns about these trusts which would require intervention.”

Some of them, however, have had significantly high mortality rates for more than a decade. Sir David Nicholson tried to paint Mid Staffordshire as a singular case. Minutes of meetings imply that the concerns of patients’ families were dismissed as simply lobbying. Perhaps more worryingly, it appears there has been not just incompetence, but a culture of cover-up in the NHS.

Let me give just one example. Professor Sir Brian Jarman, a world-respected authority on mortality data, has raised with me allegations of trusts fixing their mortality figures. In essence, trusts relabelled deaths as palliative care after the definition was widened in 2007. Hospitals’ standard mortality rates would fall, as palliative care deaths were considered normal and not down to poor care. Experts suggest that a figure of approximately 4% of deaths should be classified in this way, yet at the Medway NHS Foundation Trust, one of the trusts now under investigation, it jumped to 37%, which suggests that in one month hospitals had been transformed into hospices.

The paper reclassification improved hospitals’ mortality score by approximately a third, yet nothing had actually changed on the wards. In other words, they were fiddling the figures and, as a result, were masking poor care. The same tactic was used by Mid Staffordshire to obscure what was really going on, and the number of deaths classified even now as palliative care across England is still higher than expected, and higher than in comparable international countries. That needs to be looked at urgently. Until that happens, we cannot be confident that the 14 trusts currently under investigation—seven of which, we were told in 2010, were not a concern—are all that we need to worry about.

Perhaps more distressing is that management consultants profited from masking the real causes of those deaths. The CHKS advisory group visited hospitals to advise not on how to reduce mortality and save lives, but on how to make the figures look more normal.

**James Wharton** (Stockton South) (Con): My hon. Friend is a respected member of the Public Accounts Committee, and I am sure he knows from his work on the Committee that target-driven culture, in whatever Government Department, can often lead to anomalies

[James Wharton]

and inefficiencies. Is it not extremely worrying that the way the targets were framed in the case he highlights led not only to inefficiencies, but to actual loss of life? Would he suggest that this is not just a matter for the individual hospitals he has named, but for the entire target-driven process, which needs to be re-examined by the Government and the Minister?

**Stephen Barclay:** My hon. Friend is absolutely right. The deaths, in part, came from target culture. The targets were not set with that intention, but that was the consequence.

We have to ask about the people responsible for fiddling the figures to meet those targets. Between 2007 and 2009, the chairman of the advisory board at CHKS was Niall Dickson—not a doctor, but a journalist—and he is now the chief executive of the General Medical Council. Has the Minister reviewed the role of CHKS in advising hospitals on how to reinterpret death rates, and is someone involved in such an organisation the right person to be regulating doctors today?

Not surprisingly, following the Francis report, there has been a flurry of activity to explain what new systems will be put in place, but as an ex-regulator I know that such changes, while introduced in good faith, are likely to be flawed. If we are to ensure patient safety, we need a culture change. The ultimate regulator is a well-informed patient. The ultimate inspectors are whistleblowers on the ground. We need quality transparent data for patients to be able to make real, informed choices about where to be treated and how to hold the NHS to account. It is remarkable that a report last week found that two thirds of doctors and nurses at some hospitals would not recommend their own hospital to their family and friends. What does that say about the regulation of those hospitals? It is common knowledge among NHS insiders that certain doctors are good and certain doctors and surgeons should be avoided. Why should patients be kept in the dark about that sort of information?

Those involved in projects such as the Dr Foster unit at Imperial are world leaders in providing health information, and the decision to publish heart surgery outcomes was welcome, but the status quo does not go far enough. Data are available privately showing outcomes broken down by hospital, department, ward and even individual doctor. I urge the Minister to start to make those data public. They have never been published. Those in the profession know what they contain; it is time we trusted the public with the truth. Of course, they need to be presented in a meaningful way, but there is a duty to explain them, not hide them. We have seen with heart surgery what a positive impact such transparency can have.

I ask the Minister to reflect on the following point. We now have the safest heart surgery in Europe, partly because we have data transparency, but that is down to consultant anaesthetist Steve Bolsin, who exposed high death rates for child heart surgery. That information, which was published in *Private Eye*, led to a public inquiry. The publication of those figures has clearly driven up standards, yet the impetus for change was not the Department of Health or the Royal College of Surgeons, but a whistleblower who was prepared to speak up—incidentally is it not revealing that he no longer works for the NHS?

**Charlotte Leslie (Bristol North West) (Con):** I thank my hon. Friend for his powerful and informative speech. Does he agree that what matters is not only ensuring that data are transparent for patient groups, but the quality of assessments, where we have seen a failure? Hospitals with obviously high mortality rates were deemed acceptable by assessors even before the fiddling of figures. Is that not partly because people not qualified to know the ins and outs of what goes on in, say, the operating theatre are going round, ticking the boxes and saying, “That’s all fine”, when in fact it is not? With the expert eye of another experienced clinician in the same field doing the assessment, very different outcomes would arise. It is because they have that knowledge and expertise that organisations such as the Royal College of Surgeons have been commissioned to carry out reviews.

**Stephen Barclay:** My hon. Friend is right. A lot of the people at the Care Quality Commission doing the clinical assessments are not clinically trained, and, even when they have a clinical qualification, it often does not relate to what they are looking at—for example, we might have doctors looking at baby units. Her point applies to coding as well: as seen in media reports last week, the people reinterpreting the coding are often not clinically trained.

Whistleblowers have a unique vantage point on what is happening with patient safety, but for too long we have hypocritically lauded their contribution publicly while silencing or gagging them in practice. The Commission for Health Improvement found problems at Mid Staffordshire back in 2002, a peer review of critically ill children by the strategic health authority criticised Mid Staffordshire in 2003 and 2006, and whistleblowers at Mid Staffordshire raised concerns as far back as 2005, yet the warning signs were not acted on. Many members of staff simply chose to close ranks. There appeared to be a bullying culture which discouraged people from coming forward, and those who did were threatened. One nurse at Mid Staffordshire summed up the position by saying:

“The fear factor kept me from speaking out”.

This is not an isolated case. It is almost beyond parody, but the Care Quality Commission, the body to which whistleblowers might turn, itself used gagging clauses. It disgracefully smeared Kay Sheldon, a member of its board. When she had the courage to speak out, it was suggested that she had mental health problems. That is the culture. As my hon. Friend the Member for Bristol North West (Charlotte Leslie) pointed out during Prime Minister’s Question Time last Wednesday, three US reports commissioned to mark the 60th anniversary of the NHS in 2008 which identified problems appear to have been buried. One of those reports, to Ara Darzi, referred to a “shame and blame” culture, and said that fear was pervading the NHS and at least certain elements of the Department of Health. Why were those reports buried?

Figures I obtained after a two-year battle in Whitehall showed that £15 million of taxpayers’ money had been spent over three years to gag whistleblowers. Why are we spending £5 million a year to silence those who are brave enough to speak out? We hide behind the guidance which says that the Public Interest Disclosure Act 1998 protects them, but, as we have seen in the Gary Walker case, trust lawyers threaten and intimidate whistleblowers

although they know about that protection. I welcome the Secretary of State's recent letter, but I must point out that gagging clauses have no place in the NHS today.

**Jim Shannon** (Strangford) (DUP): I thank the hon. Gentleman for bringing this important matter to the House's attention. Does he agree that, at a time when mortality levels in the NHS are the highest they have been for years, the restoration of public confidence in the service is imperative? What steps does he think the Government should take to ensure that it is restored, and people no longer feel that it is dangerous to go to hospitals in our constituencies?

**Stephen Barclay:** The answer is to tell the truth. Constituents come to my surgery—I am sure that that the hon. Gentleman has the same experience—and talk about going to visit a husband of many years and finding him naked from the waist down, or taking soup in to feed patients. They know the issues. Let us be candid. There are many wonderful things about our NHS, but let us not hide the failures and concerns. Let us not have a culture of cover-ups that silences the whistleblowers.

An official NHS circular from 1998 states:

"It is not contrary to the Department of Health's policy for confidentiality clauses to be contained in severance agreements."

Will the Minister ensure that that is scrapped? The letter from the Secretary of State does not force trusts to take such action, and I think it is high time that we made the position on gagging clauses clear and beyond doubt.

Regulatory failure across hospitals nationally shows the need for greater data transparency, so that we can see the true patient outcomes and protect staff who speak out. That will secure a higher-quality and safer NHS for patients across the board. We need to move the health service out of its cover-up culture and into the light, and to ensure that individuals are held to account. The Prime Minister has said that sunlight is the best disinfectant, and that applies on our hospital wards. It is best for us to have well-informed patients and staff who are able to voice their concerns. It is clear from what happened at Mid Staffordshire, at the 14 hospitals that are under investigation, and at the 25 that were drawn to the attention of the Secretary of State that concerns about those hospitals—along with the many other concerns that are being expressed around the country—have not been acted on so far. I hope the Minister will be able to reassure us that he will now speed up such action.

10.44 pm

**The Parliamentary Under-Secretary of State for Health (Dr Daniel Poulter):** I congratulate my hon. Friend the Member for North East Cambridgeshire (Stephen Barclay) on securing the debate. He made a number of serious allegations, but he was absolutely right to say that it is completely unacceptable to manipulate any patient information deliberately in order to falsify reports of a trust's performance, and there will be serious consequences for any part of the NHS that is found to be doing so. He was right to say that if we are to have an open and accountable NHS in which patients and the public know how hospitals are doing, the hospitals must be open and honest about their performance.

My hon. Friend was also right to say that we want the NHS to have the lowest mortality rates in Europe. Sir Bruce Keogh, the NHS medical director, is currently leading an investigation into hospitals with higher mortality rates to understand why they are higher and whether they have all the support they need to improve. To pick up on the point that my hon. Friend the Member for Bristol North West (Charlotte Leslie) raised in her intervention, that will involve senior clinicians with background expertise going into those hospitals to ensure that proper scrutiny is brought to bear.

**Charlotte Leslie:** Will the Minister give way?

**Dr Poulter:** I will, very briefly, although my hon. Friend did not notify me previously that she intended to intervene.

**Charlotte Leslie:** I thank the Minister for his courtesy and apologise for not notifying him in advance. Does he have any indication of where our current mortality data lie in relation to comparable countries and, if not, will he speak with Sir Brian Jarman of the Dr Foster website, because I believe that he has some rather depressing news on that front and it is probably time to start speaking the truth about that as well?

**Dr Poulter:** I thank my hon. Friend for her intervention. We have made it clear, both in opposition and in government, and indeed in the healthcare mandate, that we do not find it acceptable that Britain, compared with some other European countries, is not doing well when it comes to survival rates for a number of diseases, including some types of cancer and some respiratory diseases. We all know that the NHS must achieve more in that regard. It is not necessarily an isolated issue that applies to one particular trust. That is why we made it a priority in the NHS mandate set by my right hon. Friend the Secretary of State for Health at the end of last year, but the priority should be clinical outcomes, and a key priority is improving mortality for a number of diseases, particularly those that are attributable to patients with long-term conditions.

I thought that it might be worth discussing in more detail a few of the points my hon. Friend the Member for North East Cambridgeshire raised. He talked in particular about the Francis report. For everybody who cares about the NHS and works in it, as I still do, the day the Francis report was published was a humbling one. There was failure at every level: a systemic failure, a failure of regulation, a failure of front-line professionalism, a failure of management and a failure of the trust board. There are systemic problems with the NHS that we need to focus on and address. That is what my right hon. Friend the Secretary of State will outline when we give our further response to the Francis report later this month.

My hon. Friend the Member for North East Cambridgeshire was also right to highlight that there has been too much covering up in the past and not enough transparency. If we are to put right some of the systemic failings highlighted in the Francis report, we need to be grown up enough to acknowledge that sometimes the NHS does not come up to standard and the care that we would expect to be delivered to patients is not always good enough. If we care about our NHS,

[Dr Poulter]

and if we want an NHS we can continue to be proud of and that will continue to be the envy of the world, we must acknowledge when things go wrong and ensure that we face up to the problems in an open and transparent way. We must ensure, as many hospitals with a more transparent culture do, that good audit and proper incident reporting are in place for when things go wrong. We must ensure that, rather than having recriminations and closed doors, bad things are learned from, and that where things have gone wrong and patients have not been treated properly, hospitals and the whole the NHS make more active efforts to deal with problems and failures of care.

**Dr Julian Lewis** (New Forest East) (Con): I thank the Minister for his courtesy in giving way. It might be helpful, Mr Speaker, if you would give us guidance on whether pre-notification is still required. What the Minister says is all well and good but why is it, after so many people died in such an unacceptable way, that nobody seems to have carried the can or taken responsibility?

**Mr Speaker:** Order. I thought, in the circumstances, that I would let the debate flow, but for clarification I ought to say that there is a requirement that a Member who wishes to make a speech in someone else's Adjournment debate secures agreement in advance, but there is no such requirement—this point is widely misunderstood—in respect of an intervention. It is purely for the Minister to decide whether to take an intervention. No impropriety has been committed by the hon. Member for Bristol North West (Charlotte Leslie); her virtue is unassailed.

**Dr Poulter:** Indeed, and thank you, Mr Speaker. I will, of course, do my best to take as many interventions as possible, but my hon. Friend the Member for New Forest East (Dr Lewis) will be aware that I have been generous so far and that the time allotted to Adjournment debates means that it is difficult to give as full an answer as possible to interventions. For that reason, it is useful to have some notice that an hon. Member intends to intervene.

My right hon. Friend the Prime Minister made the point clearly, as did Robert Francis in his report, that it was not for the Francis report to highlight individuals or blame them for what happened; the report was about ensuring that there was a clear acknowledgement that there had been systemic failure, which I talked about earlier. It was a failure of professionalism on the front line; a failure of the trust's board; a failure of regulation and the regulators; and a failure of management at the trust. When systemic failure occurs, it is right that we put in place systemic solutions, and that is what my right hon. Friend the Secretary of State will do later this month.

My hon. Friend the Member for North East Cambridgeshire made the key point that a real culture change was required, and that that is about having transparency and openness in the NHS. He is right to highlight those points. If we want transparency and openness, we need to look at some of the steps that have already been taken. We know that the Public Interest Disclosure Act 1998, which in theory gives protection

to whistleblowers and people who want to speak out, has not been effective. Legislative approaches have not been enough to ensure that people feel free to speak out. Legislation has so far not been effective in creating that culture of openness and transparency that we all believe is necessary.

However, we have seen two things in the past six months that will make a real difference, the first of which is the contractual duty of candour, which will be introduced in the NHS for hospital trusts. It will mean that there is support for openness and transparency as part of the NHS contract. The second is the strengthening of the NHS constitution, which brings direct support to the cause of whistleblowers. Those things will be further strengthened in our further response later in the month to what happened at Mid Staffordshire.

**Stephen Barclay:** I very much welcome the Minister's assurance that there will now be changes for whistleblowers. I repeatedly raised my concerns with Sir David Nicholson in the Public Accounts Committee, so why did he continually tell me that there was no problem with the guidance or the legislation, and that adequate protection was in place for whistleblowers? The Minister is now accepting the need for change, but why did the chief executives tell me that there was no problem?

**Dr Poulter:** I say to my hon. Friend that the Department of Health has, like everyone who works for it, made it clear that gagging clauses are not and have never been acceptable in the NHS. There is a distinction to make between confidentiality clauses, which might be part of any financial settlement with anyone who works in either the commercial sector or the public sector, and a gagging clause. It is the duty of any front-line professional, according to and as part of their registration with the General Medical Council or the Nursing and Midwifery Council, to speak out when there are issues of concern. That is a part of good professionalism. That is what being a good professional is about. It is about someone saying that they recognise that there has been unacceptably poor care in a hospital or a care setting and that they have a duty, because they are a registered doctor or nurse, to speak out to highlight where problems have occurred. The point is that at Mid Staffordshire there was clearly a failure of that professionalism not only on the front line but at every level. Gagging clauses have never been considered by the Department of Health, certainly under the current Government, to be an acceptable part of the NHS. That was made very clear in a recent letter written by my right hon. Friend the Secretary of State to NHS hospitals and chief executives.

**Dr Phillip Lee** (Bracknell) (Con): On the subject of gagging clauses, did the settlement that formed part of the severance payment of the former chief executive of Mid Staffs include a gagging clause? If the Minister cannot tell me that today, will he put it in writing?

**Dr Poulter:** I shall endeavour to write to my hon. Friend to clarify as I do not have the information immediately to hand. That does not detract from the fact, however, that a gagging clause in any form is unacceptable to this Government, should be unacceptable to everybody in this House and is unacceptable to every doctor and nurse who works in the NHS. We will continue to do all we can through the contractual

duty of candour and through strengthening the NHS constitution to make it easier for NHS staff to feel that they can speak out openly and feel supported in doing so, so that we have an open and transparent NHS of which we can be proud.

My hon. Friend the Member for North East Cambridgeshire also raised a very important point about open and transparent data on surgical outcomes. It was Professor Sir Bruce Keogh, the current NHS medical director, who put together the purple book of cardiac surgery, which has made a huge difference through greater transparency of outcomes in that speciality. That was in reply to the findings of the Bristol heart surgery inquiry, and it is regrettable that we have not seen similar advances in openness and sharing of data in other specialities in the NHS. That is not necessarily because the data do not exist, because they often do. In some specialities, such as urogynaecology, national databases are being put together to consider the long-term data on certain operations, which, to some extent, will give data on individual surgeons.

In the NHS, we often have a plethora of data and a lot of audit information that is collected at a local level, and we must ensure that those data are used in a better way in future. A lot of work can be done to add transparency and to share audit data in different trusts so that they are openly comparable to build a national picture of certain types of care and how we can improve

patient care. That was a good point that was well made, and I know that Sir Bruce Keogh is continuing and will continue to develop that work in his role on the NHS Commissioning Board. I had a very encouraging meeting recently with a number of senior surgeons who recognise the importance of such work in their specialities. I am sure that the NHS will continue to develop it at a greater pace in the future, not least because of what we have heard from the Mid Staffs inquiry.

In conclusion, throughout the debate the point has been made that we have legislation in place to protect whistleblowers, but it has not been effective—[*Interruption.*] My hon. Friend the Member for Bracknell (Dr Lee) says from a sedentary position that it does not work. He is absolutely right—it has not been effective and that is why we are considering the Mid Staffs inquiry and the issues of culture that have existed and that have failed and let down patients. We will have a robust response to those failings to put right what has gone wrong and to ensure as best we can that another Mid Staffs will never happen again in the NHS. I am sure that we will all support what our right hon. Friend the Secretary of State says in his further response later this month.

*Question put and agreed to.*

10.58 pm

*House adjourned.*



# Written Ministerial Statements

Monday 4 March 2013

## TREASURY

### Community Amateur Sports Clubs

#### **The Economic Secretary to the Treasury (Sajid Javid):**

The Government are committed to delivering and maintaining a real sporting legacy after the London 2012 Olympic and Paralympic success. An important part of securing this legacy is to encourage greater participation in sport at a community level, and local sports clubs have an important role to play in this.

The Community Amateur Sports Club (CASC) scheme provides a number of charity-type tax reliefs to support local sports clubs. In order to access these tax reliefs clubs must meet certain conditions and must register with HM Revenue and Customs (HMRC).

However, some of the eligibility rules in the legislation are unclear and cause confusion. This makes it difficult for clubs and HMRC always to be sure about whether a club is entitled to relief. Clearer, more certain rules would help existing and prospective clubs to be confident about what they need to do to qualify, and would help ensure that the scheme fully achieves the Government's aim of supporting and encouraging sport at a community level.

Some areas cannot be clarified without legislation. To provide certainty as quickly as possible, the Government will include provisions in the Finance Bill, to be published on 28 March, allowing clearer detailed rules to be set through secondary legislation. HMRC will then publish a consultation document after the Finance Bill is published setting out proposals for these rules. These proposals will cover a range of issues, including:

The maximum annual fee, to include the costs of participation, which a club can charge and still be considered a CASC. The consultation will seek views on a range of maximum fees up to £1,040 (£20 per week). Recognising that some sports have higher costs, CASCs will be able to charge more than the maximum annual fee if they have measures in place to allow people on low and modest incomes to participate fully at a cost of no more than the maximum fee.

The rules and limits for CASCs on generating income from social and non-sporting activities will be updated to provide clarity. The consultation will explore a number of possible limits. Where clubs generate income over the limits, the consultation will also explore how clubs can separate this activity into a wholly-owned subsidiary company.

The consultation will include proposals for more generous rules for travel expenses, and changes to allow clubs to make limited payments to players.

Following the consultation, the Government would expect regulations to be laid in the autumn, setting out detailed rules, subject to the usual parliamentary processes.

As well as providing certainty for existing CASCs, the Government hope that the changes will encourage more clubs to apply and qualify for CASC status. Depending

on the outcome of the consultation, it is possible that some existing CASCs may need to make changes to the way they operate if they wish to continue claiming relief. For example, they may need to make allowances for those on low or modest incomes. However, while the consultation is ongoing, CASCs will not need to make any changes.

While HMRC has been reviewing the CASC regulations, a number of clubs that have applied to HMRC have had their applications put on hold. The Government are sorry for the delays they have experienced.

HMRC is writing today to each of those clubs whose application has been put on hold to draw their attention to this statement. HMRC will write again to each club when the consultation document is published explaining how the proposed new rules are likely to affect the club and its application.

One outcome of HMRC's review of the current rules that does not require legislative change is that clubs can offer junior memberships without voting rights and still qualify as CASCs. We are pleased to announce that HMRC will be applying this rule with immediate effect.

This Government recognise the importance and value of CASCs, and we hope the sports sector will welcome the measures being announced today.

### Double Taxation Agreement (UK and the People's Republic of China)

**The Exchequer Secretary to the Treasury (Mr David Gauke):** A protocol amending the double taxation agreement with the People's Republic of China was signed on 27 February 2013. The text of the protocol has been deposited in the Libraries of both Houses and is available on HM Revenue and Customs' website. The text will be scheduled to a draft Order in Council and laid before the House of Commons in due course.

## CABINET OFFICE

### House of Lords Appointments Commission (Triennial Review)

**The Minister for the Cabinet Office and Paymaster General (Mr Francis Maude):** I am today announcing the start of the triennial review of the House of Lords Appointments Commission (HOLAC). Triennial reviews of non-departmental public bodies (NDPBs) are part of the Government's commitment to ensuring that NDPBs continue to have regular challenge on their remit and governance arrangements.

The review will be undertaken by the Cabinet Office.

In common with all such reviews the following will be undertaken:

to challenge the continuing need for this NDPB—both its functions and form; and

if it is agreed that it should remain as an NDPB, to review its control and governance arrangements to ensure that it is complying with recognised principles of good corporate governance.

The aim will be to complete the review in April.

## ENVIRONMENT, FOOD AND RURAL AFFAIRS

### AHVLA Report

**The Minister of State, Department for Environment, Food and Rural Affairs (Mr David Heath):** Following the events at Ramsgate port on 12 September 2012, when a consignment of 540 sheep were unloaded at the port which resulted in three sheep drowning and more than 40 more having to be humanely killed, I asked the Animal Health and Veterinary Laboratories Agency (AHVLA) to review its operational procedures and the application of the EU rules on welfare during transport to livestock exporters to ensure that all was done to prevent such an incident happening again. The terms of reference of this report were to investigate the overall handling of the incident; the AHVLA's procedures for managing inspections at Ramsgate and how they work alongside other bodies present at the port during inspections; and the contingency arrangements required by the transporter and any needed by AHVLA as the regulator.

As I informed the House on 13 December 2012, *Official Report*, columns 479-535, this report was withheld from publication at the request of Kent county council trading standards while they completed their investigations and any possible prosecution action to avoid the possibility of prejudicing the outcome of these proceedings.

I am pleased that following the completion of their investigations, KCC trading standards have agreed that publication of the report can now go ahead. I am placing a copy of the report (suitably redacted only to remove information which could be used to identify individuals) in the House of Commons Library. AHVLA identified a number of procedural enhancements to its existing operational practice which it believed will ensure that there is no repeat of the regrettable events that took place at Ramsgate port on 12 September. These procedural changes are:

- Inspection of every consignment passing through Ramsgate;
- Tougher enforcement of welfare procedures;
- AHVLA implementing its own contingency plans in the event of an emergency if the transporter is unwilling or unable to implement their own plans within two hours;

Improved procedures to ensure an AHVLA vet is always within an hour of the port to assist AHVLA inspectors in the event of an emergency or welfare concern;

Working with the operator of the transport vessel to develop new contingency measures in the event of an emergency;

Restricting changes that the transporter can make to the journey log of the delivery prior to the export. This will help maintain clear records of the animals during the journey.

Kent county council have commenced criminal proceedings against a number of defendants; their first court appearance is scheduled for Tuesday 2 April 2013 at 10.30 hrs at Canterbury Magistrates Court. Offences under "The Welfare of Transport (England) Order 2006" of loading sheep which were unfit to travel and of transporting them in an inappropriate vehicle have been alleged contrary to articles 5 and 9 of the order. These offences are summary only and are punishable by six months' imprisonment and/or a £5,000 fine.

### Horsemeat Fraud

**The Secretary of State for Environment, Food and Rural Affairs (Mr Owen Paterson):** I would like to update the House on developments since my written ministerial statement on 25 February, 2013, *Official Report*, column 5WS, on the latest results from the food industry programme of tests of beef products for the presence of horsemeat.

The vast majority of results from food retailers, wholesalers, and caterers are now in. Including previous weeks' testing, a total of 5,430 test results of the most vulnerable processed beef products had been reported to the Food Standards Agency by Friday 1 March. They continue to show that over 99% of processed beef products are what they say they are on the label.

Last Friday, 1 March, the Food Standards Agency published a third set of results from the programme of product testing being carried out by food businesses. These are included in the table alongside results reported to the House previously—25 February 2013, *Official Report*, column 5WS. This included a further 1,797 results since the 22 February report, in which a further four products were confirmed as containing horse DNA. These four products are covered by 10 test results that show horse DNA at or above the 1% threshold. All were named and withdrawn from sale.

	Number of tests	Number of positive tests for horse DNA at 1% or above	Positive test results as percentage of number of tests	Number of products testing positive for horse DNA at 1% or above
Set 1—Results published on 15 February 2013	2,501	29	1.2%	7
Set 2—Results published on 22 February 2013	1,133	6	0.5%	6
Set 3—Results published on 1 March 2013	1,797	10	0.6%	4
<i>Total for all published results (as of 1 March 2013)</i>	<i>5,430*</i>	<i>44*</i>	<i>0.8%</i>	<i>17</i>

\*Cross-checking of data has identified one positive test reported previously that is a duplicate test on the same batch of the same product, and this test has been removed from the total number of positives.

As shown in the table, the industry programme of testing has now identified 17 products confirmed as containing over 1% horse DNA. A further two products had by Friday 1 March been identified as positive for horse DNA through other testing routes outside the

formal testing programme, or through other testing and investigations by the Food Standards Agency or local authorities. All 19 products have been named and withdrawn.

The Food Standards Agency has reported to me over the weekend that a batch of product which has tested positive in another member state is likely also to have been imported into the UK for sale. The product type had already been withdrawn from sale here as a precaution, and will be reported by the Food Standards Agency on confirmation.

There have been no positive tests to date for the presence of bute in any of the UK food samples found to contain horse.

Food businesses will continue to test for the presence of horse DNA in their beef products, reporting to the Food Standards Agency. These results will now be published every three months. However, food businesses that identify any confirmed cases of contamination above 1% horse DNA will report these to the Food Standards Agency immediately and this information will be published on the agency's website as soon as the information is received.

This week, the Food Standards Agency will publish the first set of data from the UK-wide authenticity survey being carried out by local authorities on behalf of the agency. This survey has three phases. The first phase involves sampling and testing minced beef products for the presence of horse and pig DNA. A second phase covers a wider range of beef products including ready meals. The third phase is the sampling under the EU co-ordinated control plan, the Europe-wide programme of testing to which I referred in my statement—25 February 2013, *Official Report*, column 5WS. The Food Standards Agency will report the UK's contribution to the Europe-wide programme to the EU by mid-April.

Both the food industry and Food Standards Agency deserve credit for having put this programme of tests in place very quickly, completing over 5,000 tests in a very short space of time. The unprecedented level of testing reported here, combined with the Food Standards Agency led local authority and EU programmes over the coming weeks, will give us a clear picture of the extent of the problem. Investigations into cases where horsemeat has, quite unacceptably, been discovered will continue, and anyone found guilty of criminal activity should expect to face the consequences.

## FOREIGN AND COMMONWEALTH OFFICE

### Special Mission Immunity

**The Secretary of State for Foreign and Commonwealth Affairs (Mr William Hague):** I wish to inform the House of a new pilot process by which the Government will be informed of inward visits which may qualify for special mission immunity status.

A special mission is a temporary mission, representing a state, which is sent by one state to another with the consent of the latter, in order to carry out official engagements on behalf of the sending state.

In the case of *Khurts Bat v. the Federal Court of Germany* [2011] EWHC 2029 (Admin) the High Court recognised that, under customary international law, members of a special mission enjoy immunities, including immunity from criminal proceedings and inviolability of the person, and that these immunities have effect in the United Kingdom by virtue of the common law. However, the Court made it clear that not everyone representing a state on a visit of mutual interest is

entitled to the immunities afforded to members of a special mission but only where a visit is consented to as a special mission. In the case of inward missions to the United Kingdom, the Court affirmed that it is a matter for Her Majesty's Government to decide whether to recognise a mission as a special mission.

In order to avoid uncertainty as to the status of particular missions, the Government will put in place a new pilot process so that the Government's consent to a special mission can be addressed expressly before the mission arrives in the UK. Embassies and High Commissions in London will be invited to inform the FCO of forthcoming visits in cases where they wish to seek the Government's express consent as a special mission. The FCO will respond with Government's consent or otherwise to the visit as a special mission. Any legal consequences would ultimately be a matter for the courts.

## The Commonwealth Charter

**The Secretary of State for Foreign and Commonwealth Affairs (Mr William Hague):** We strongly welcome the new Commonwealth charter which has been agreed and adopted by all Commonwealth Heads of Government. The Government have today laid a copy of this charter before Parliament in the form of a Command Paper.

A copy of the charter will be presented to Her Majesty the Queen on Commonwealth day on 11 March. Events to launch the charter officially will take place across the Commonwealth during that week.

For the first time in its 64-year history, the Commonwealth has a single document setting out the core values of the organisation and the aspiration of its members. The Government played an important role in its development.

The charter is an overarching summary bringing together Commonwealth values and commitments that are set out in more detail in previous declarations and affirmations.

The Government hope that the charter will become an established, recognisable statement of all that the Commonwealth stands for, accessible to all Commonwealth citizens, and a means to protect and promote the Commonwealth's core democratic values for years to come. The commitments in the charter should be upheld, adhered to and kept under review by member Governments, Parliaments and civil society organisations.

A strong Commonwealth will help promote democratic values and good governance and, in turn, the future prosperity of all member states. Strong, clear values are crucial to the future credibility and success of the Commonwealth.

## HOME DEPARTMENT

### Biometrics Commissioner and Protection of Freedoms Act 2012

**The Secretary of State for the Home Department (Mrs Theresa May):** I am appointing Mr Alastair MacGregor QC as the new Commissioner for the Retention and Use of Biometric Material ("Biometrics

Commissioner”). The Protection of Freedoms Act 2012 (“the Act”) introduces a new, fairer, regime for the destruction, retention and use of biometric material, such as DNA and fingerprints. This important new role is created by the Act to provide independent oversight to the operation of the new regime and is vital to ensure that decisions by the authorities to keep biometric material are made in accordance with the law, and that there is public confidence in the exercise of such powers.

The functions of the Biometrics Commissioner are set out in sections 20 and 21 of the Act. As Commissioner, Mr MacGregor will be the sole decision maker in reviewing decisions to retain material for national security purposes and in determining applications made for the retention of material relating to individuals arrested but not charged. He will make an annual report about the carrying out of all these functions, which will be laid before Parliament.

Mr MacGregor takes up post from today and we look forward to working closely with him.

We are also making significant progress in preparation for the commencement of part 1, chapter 1 of the Act in October 2013. To date 504,000 DNA profiles have been deleted from the national DNA database and 439,000 DNA samples destroyed.

### **Document Fraud (Specialist Printing Equipment)**

**The Minister for Immigration (Mr Mark Harper):** My hon. Friend the Minister for Criminal Information, Lord Taylor of Holbeach, has today made the following written ministerial statement:

I am today launching a four-week public consultation on proposals to prevent the supply of highly specialist printing equipment to fraudsters who then use that equipment to produce false documents.

These proposals have been developed following a rising trend in illegal document factories which buy specialist printing equipment to produce counterfeits of credit cards and Government-issued documents, including passports and driving licences. This trend is contributing to the £2.7 billion cost of identity crime to the United Kingdom each year and helps criminals to enter the country illegally, to commit benefit fraud and to evade criminal records checks.

The proposals would make it a criminal offence to supply highly specialist printing equipment to fraudsters, whether deliberately or without carrying out reasonable checks. The Government have held discussions with the specialist printing industry and the police, both of which originally requested that we address this issue. We are now seeking wider views which will enable us to evaluate the evidence and the impact on the industry to help shape potential proposals for legislation.

The detailed consultation questions can be found on the Home Office website at: [www.homeoffice.gov.uk/publications/about-us/consultations/printing-consultation/](http://www.homeoffice.gov.uk/publications/about-us/consultations/printing-consultation/).

# Written Answers to Questions

Monday 4 March 2013

## SCOTLAND

### Buildings

**Priti Patel:** To ask the Secretary of State for Scotland what occupation costs of each type are incurred for each property used by his Department. [143299]

**David Mundell:** The Scotland Office does not separately record information about the Scotland Office's occupation costs from those of the Office of the Advocate General. Rental and accommodation costs, and income from letting space to other Government bodies, are published in the Scotland Office and Office of the Advocate General annual report and accounts for 2011-12, which is available at:

<https://www.gov.uk/government/publications/annual-report-2011-12-for-the-scotland-office-and-the-office-of-the-advocate-general>

**Priti Patel:** To ask the Secretary of State for Scotland what the names and locations are of all properties used by officials of his Department; whether those properties are (a) owned by the Department, (b) leased by the Department and (c) subject to a private finance initiative agreement; when existing lease agreements relating to such properties are due to expire; and what the total floor space is of each property. [143383]

**David Mundell:** Scotland Office officials use two buildings, Dover House in London and Melville Crescent in Edinburgh. Both buildings are leased. The lease on Dover House expires in July 2013 and on Melville Crescent in August 2014. The total floor space of Dover House is 1424.2 m<sup>2</sup>. The total floor space of Melville Crescent is 711.12 m<sup>2</sup>.

### Official Hospitality

**Margaret Curran:** To ask the Secretary of State for Scotland what (a) official receptions, (b) charity receptions and (c) receptions for external organisations he held at (i) Dover House and (ii) Melville Crescent in each year since May 2010; and what the (A) date and (B) cost to the public purse was of each such reception. [144993]

**Michael Moore:** Please see the information requested presented in the following tables:

Financial year 2010-11

Date	Event	Venue	Cost to public purse (£)
<i>2010</i>			
13 May	University of Edinburgh Alumni (James Tait Black Memorial Prize Short List) Reception (c)	Dover House	—
27 May	ICAS (Institute of Chartered Accountants Scotland) Reception (c)	Dover House	—
5 June	KOSB (Kings Own Scottish Borderers) Association Reception (Colonel's Review) (b)	Dover House	—
9 June	National Trust for Scotland Reception (Beating the Retreat) (b)	Dover House	—
10 June	Poppyscotland Reception (Beating the Retreat) (b)	Dover House	—
12 June	Trooping the Colour Reception (a)	Dover House	1,922.41
25 June	Armed Forces Event (a)	Melville Crescent	1,562.01
5 July	John Smith Memorial Event (c)	Dover House	—
31 August	Edinburgh Festivals Reception (a)	Melville Crescent	1,608.61
7 October	Advocate General hosted Rwanda Event (a)	Melville Crescent	37.50
18 October	Scottish MPs and Peers Reception (a)	Dover House	589.23
19 October	Scottish Financial Services Reception (c)	Dover House	—
20 October	Poppyscotland Reception (b)	Dover House	—
26 October	CBI Scotland Reception (c)	Dover House	—
17 November	Mercy Corps Reception (b)	Dover House	—
15 December	Scotch Whisky Association Reception (c)	Dover House	—
<i>2011</i>			
11 January	Scotland Bill Team Reception (a)	Dover House	—
19 January	Robert Burns Reception (a)	Dover House	525.00
2 February	Law Officers Reception (c)	Dover House	—
22 March	CBI Reception (c)	Dover House	—
30 March	Edinburgh Festivals Reception (c)	Dover House	350.00
17 May	ICAS Reception (c)	Dover House	—
19 May	University of Edinburgh Reception (c)	Dover House	—
4 June	KOSB Association Reception (b)	Dover House	—
8 June	National Trust Scotland Reception (b)	Dover House	—
9 June	Poppyscotland Reception (b)	Dover House	—
11 June	Trooping the Colour Reception (a)	Dover House	2,638.07
15 June	SCDI (Scottish Council for Development and Industry) Reception (c)	Dover House	—

## Financial year 2010-11

<i>Date</i>	<i>Event</i>	<i>Venue</i>	<i>Cost to public purse (£)</i>
23 June	Veterans Reception (a)	Melville Crescent	1,077.23
28 June	UNHCR Reception (a)	Melville Crescent	68.67
16 August	Edinburgh Festivals Reception (a)	Melville Crescent	1,221.25
13 September	STV Reception (c)	Dover House	—
14 September	VisitScotland Reception (c)	Dover House	—
18 October	SFE (Scottish Financial Enterprise) Reception (c)	Dover House	—
24 October	Scottish Life Sciences Reception (c)	Dover House	—
25 October	CBI Scotland Reception (c)	Dover House	—
31 October	ICAS Reception (c)	Dover House	—
1 November	Poppyscotland Reception (b)	Dover House	—
2 November	Scottish Social Enterprise Coalition Reception (a)	Dover House	471.40
1 December	SDI (Scottish Development International) Reception (c)	Dover House	—
13 December	Scotch Whisky Association Reception (c)	Dover House	—
15 December	Scottish Media Christmas Event (a)	Melville Crescent	532.99
<i>2012</i>			
25 January	Robert Burns Reception (a)	Dover House	3,229.50
6 March	CBI Scotland Reception (c)	Dover House	—
8 March	Law Officers Reception (c)	Dover House	—
15 March	Edinburgh International Festival Reception (c)	Dover House	—
1 May	Waverley Care Reception (b)	Dover House	—
15 May	Scotland Act Reception (a)	Dover House	3,583.45
9 June	KOSB Association Reception (b)	Dover House	—
13 June	National Trust Scotland Reception (b)	Dover House	—
14 June	Poppyscotland Reception (b)	Dover House	—
16 June	Trooping the Colour Reception (a)	Dover House	5,663.47
20 June	ICAS Reception (c)	Dover House	—
27 June	Constitutional Reception (a)—Abandoned due to MP vote	Dover House	20.61
28 June	Armed Forces Day Reception (a)	Melville Crescent	975.96
30 July	SCDI Lunch and Evening Reception (c)	Dover House	—
31 July	Olympic/Culture Reception (a)	Dover House	3,650.75
24 August	Edinburgh Festivals Reception (a)	Melville, Crescent	1,404.84
4 September	Scottish Financial Enterprise Reception (c)	Dover House	—
10 September	STV Appeal Launch Reception (c)	Dover House	—
11 September	Byron Society Reception (c)	Dover House	—
27 September	SDI and Scottish Opera Reception (c)	Dover House	—
23 October	Poppyscotland Reception (b)	Dover House	—
30 October	CBI Scotland Reception (c)	Dover House	—
6 November	Carnegie UK Trust Reception (b)	Dover House	—
27 November	St Andrew's Day, Lecture and Reception (a)	Dover House.	457.76
6 December	University of Edinburgh Reception (c)	Dover House	—
11 December	Scotch Whisky Association Reception (c)	Dover House	—
12 December	Edinburgh Military Tattoo Ambassadors Reception (c)	Dover House	—
<i>2013</i>			
23 January	Robert Burns Reception (a)	Dover House	3,624.00
29 January	MG ALBA Reception (c)	Dover House	—
11 February	Law Officers Reception (c)	Dover House	—

All expenditure incurred is in accordance with the principles of managing Public Money and the Treasury handbook on Regularity and Propriety.

### Staff

**Priti Patel:** To ask the Secretary of State for Scotland how many staff are based in each property used by his Department. [143320]

**David Mundell:** 24 Scotland Office officials are based in Dover House and 35 Scotland Office officials are based in Melville Crescent.

**Priti Patel:** To ask the Secretary of State for Scotland if he will estimate his Department's total staffing requirement in full-time equivalent posts for fulfilling its minimum statutory obligations. [143341]

**David Mundell:** An organisational breakdown of staff is available through the:

<https://www.gov.uk>

website at the following link:

<https://www.gov.uk/government/organisations/scotland-office/series/scotland-office-structure-and-salaries>

## NORTHERN IRELAND

## Army

**Vernon Coaker:** To ask the Secretary of State for Northern Ireland (1) what recent discussions she has had with the Ballymurphy families; and if she will make a statement; [145320]

(2) what assessment she has made of the requests of the Ballymurphy families for an independent investigation into the circumstances surrounding the events of 9 to 11 June 1971. [145321]

**Mrs Villiers:** I met the Ballymurphy families on 31 January and advised them that I stood by the decision of my predecessor that a public inquiry or international independent investigation is not in the public interest.

## G8

**Lady Hermon:** To ask the Secretary of State for Northern Ireland what recent discussions she has had with (a) Ministers in the Northern Ireland Executive and (b) the Chief Constable of the Police Service of Northern Ireland on policing arrangements for the forthcoming G8 summit in County Fermanagh. [145719]

**Mrs Villiers:** I regularly discuss a range of issues with Ministers in the Northern Ireland Executive and the Chief Constable, including the G8 summit. In addition, officials in the Northern Ireland Office have been working closely with colleagues in the Department of Enterprise, Trade and Investment in order to maximise the benefits which the G8 summit will bring to Northern Ireland. Excellent cooperation and collaboration is ongoing.

## Terrorism

**Vernon Coaker:** To ask the Secretary of State for Northern Ireland (1) what recent discussions she has had with the Kingsmills families; and if she will make a statement; [145322]

(2) what recent discussions she has had or plans to have with the Irish Government about the Kingsmills massacre; and if she will make a statement. [145323]

**Mrs Villiers:** I will be meeting the Kingsmills families next month. I have not had any discussions with the Irish Government about the Kingsmills massacre.

## WALES

## Written Questions

**Lisa Nandy:** To ask the Secretary of State for Wales whether the procedure and sign-off process for responding to parliamentary questions in his Department includes review by special advisers. [146093]

**Stephen Crabb:** Ministers are responsible and accountable for all answers to parliamentary questions. Special advisers may provide advice to Ministers, as outlined in the Code of Conduct for Special Advisers.

## TRANSPORT

## Car Tax

**John Woodcock:** To ask the Secretary of State for Transport what advice he has issued to the Driver and Vehicle Licensing Agency on allowing flexibility on the use of free tax discs awarded to the parents or carers of severely disabled young people in the immediate aftermath of their child's death. [145294]

**Stephen Hammond:** The advice that the Driver and Vehicle Licensing Agency provides to the parent or carer of a disabled person who has passed away has recently been revised. Officials will adopt a sympathetic approach in these circumstances and will not progress enforcement action within a reasonable period.

## Electric Vehicles

**Mr Sanders:** To ask the Secretary of State for Transport what position the Government plans to adopt at the Council of the European Union on the mandatory installation of acoustic vehicle alerting systems on quiet hybrid and electric vehicles. [145163]

**Norman Baker:** During the early discussions in the Council Working Group, the Government supported the Commission's proposal to allow vehicle manufacturers to voluntarily install acoustic vehicle alerting systems on electric and hybrid electric vehicles. Some Member States are requesting this to be a mandatory requirement and I am considering currently whether to revise our negotiating approach in the light of these, and other international developments.

## High Speed 2 Railway Line

**Helen Jones:** To ask the Secretary of State for Transport what compensation is available for property owners in cases where the sale of a domestic property could not be completed as a result of circumstances attributable to his recent announcement on the initial preferred route for High Speed 2. [145346]

**Mr Simon Burns:** The Government is consulting on its proposal to introduce a discretionary Exceptional Hardship Scheme for Phase Two of HS2 which would be available to eligible residential and small business owner-occupiers whose property value may be affected by the proposed route and who can demonstrate that they have a need to sell their property before the statutory protection takes effect. The consultation document is available on the HS2 Ltd website at

<http://www.hs2.org.uk/have-your-say/consultations/phase-two>

**Mrs Gillan:** To ask the Secretary of State for Transport when he was made aware by officials in his Department that a paving Bill would be necessary in order to continue progress on the High Speed 2 project. [145753]

**Mr Simon Burns:** The Secretary of State for Transport, my right hon. Friend the Member for Derbyshire Dales (Mr McLoughlin), has emphasised the need to maintain progress on High Speed 2 and minimise delays to the

project. He formally took the decision to propose the introduction of a paving Bill at the beginning of this year.

**Alec Shelbrooke:** To ask the Secretary of State for Transport whether the application to and allocation of the exceptional hardship scheme for phase two of High Speed 2 will be decided under the same criteria as the exceptional hardship scheme for phase one of High Speed 2. [146207]

**Mr Simon Burns:** We are consulting on the proposed Exceptional Hardship Scheme for Phase Two of High Speed 2. We are proposing that applications should be considered against the same criteria as those for Phase One. We are also proposing that when an application is successful the property should be valued on the same basis as for Phase One, which is that the Government would buy properties at their unblighted market value. The consultation document can be found at

<http://www.hs2.org.uk/have-your-say/consultations>

Consultation closes on 29 April.

### Network Rail

**Rosie Cooper:** To ask the Secretary of State for Transport (1) what steps he is taking to ensure that Network Rail makes good any damage to neighbouring property caused by their employees or contractors in the course of works at Bescar Lane railway station in Scarisbrick; and if he will make a statement; [146137]

(2) whether Network Rail employees and contractors are subject to trespass law when accessing their land via property privately owned by a third party; [146138]

(3) what the job description is of the chief executive of Network Rail; [146139]

(4) if he will direct the chief executive of Network Rail to respond directly to the hon. Member for West Lancashire's letter of 11 February 2013 on Bescar Lane railway station in Scarisbrick; [146140]

(5) if he will investigate actions taken by Network Rail and its contractors in relation to (a) trespass on neighbouring property, (b) damage to neighbouring property and (c) payment of licence agreement fees relating to works at Bescar Lane railway station in Scarisbrick. [146141]

**Mr Simon Burns:** Network Rail is a private sector company limited by guarantee. The nature and impact of its works to Bescar Lane station and any related correspondence arising are operational matters for the company, in which Ministers have no powers to intervene or to issue directions.

I understand, however, that Network Rail has already been in contact with the hon. Member to arrange a meeting with the company's route managing director responsible for this area and that a telephone call and site visit on this issue have already taken place to take the matter forward. I understand that a formal response will follow very shortly from Network Rail's chief executive.

The job description of the chief executive of Network Rail is also a matter for the company. Details of the roles of Network Rail's Executive Committee, including

its chief executive, and the Executive Committee's terms of reference are available on the company's website, at the following link:

<http://www.networkrail.co.uk/aspx/2694.aspx>

### Rescue Services

**Mrs Ellman:** To ask the Secretary of State for Transport what his policy is on daylight only maritime rescue co-ordination centres; and if he will make a statement. [145754]

**Stephen Hammond:** My predecessor announced on 22 November 2011 that the transition programme to implement the new HM Coastguard structure would be driven by prevailing operational requirements and will therefore be subject to ongoing review.

Where a maritime rescue co-ordination centre (MRCC) due to close as part of this programme encounters significant staff retention issues, I will consider 12/7 daytime-only operating as a pragmatic interim solution to enable the MRCC to remain operationally viable until its published closure date. This will enable a managed transfer of operations into the future arrangements. Consequently, I announced on 24 January 2013, that the MRCC in Great Yarmouth would move to daytime only operations on 4 March 2013.

Any decision by Ministers to transfer a MRCC to 12/7 daytime-only operations will be taken on a case by case basis.

### ATTORNEY-GENERAL

#### Counselling

**Emily Thornberry:** To ask the Attorney-General (1) what assessment he has made of whether Crown Prosecution Service guidelines on counselling for rape victims and other vulnerable witnesses are being uniformly implemented across England and Wales; [145211]

(2) what recent steps he has taken to ensure that Crown Prosecution Service guideline on counselling for rape victims and other vulnerable witnesses are being uniformly implemented across England and Wales. [145214]

**The Solicitor-General:** Comprehensive guidance for prosecutors on whether witnesses should receive counselling has been published by the Crown Prosecution Service (CPS) and has been available since 2001. The guidance: "Provision of therapy for Vulnerable or Intimidated Adult Witnesses prior to a criminal trial" and "Provision of therapy for Child Witnesses prior to a criminal trial", was endorsed by the Home Office, Department of Health and the Attorney-General's Office and is available on the CPS website at:

<http://www.cps.gov.uk/publications/prosecution/index.html>

It makes clear that the best interests of the victim or witness, whether an adult or child, are paramount.

Whether a victim or witness should receive therapy before a criminal trial is not a decision for the CPS. The guidance makes clear that such decisions can only be taken by the victim or witness or his or her carer, in conjunction with the professionals from the agencies

providing a service to the victim or witness or with responsibility for the victim or witness's welfare. Such decisions are not a matter for prosecutors to determine and there is no reason to suspect that prosecutors are not following the well established guidance in this area.

### Crown Prosecution Service

**Emily Thornberry:** To ask the Attorney-General whether the Crown Prosecution Service (CPS) keeps a record of how many times a Crown court judge has requested an application from the CPS on its case handling; and on how many occasions such an explanation has been requested in each of the last two years. [145275]

**The Solicitor-General:** The Crown Prosecution Service (CPS) maintains no central record of the number of times a Crown court judge has requested an application from the CPS on its case handling. Such data could not be reasonably obtained locally or nationally other than by undertaking a manual exercise of reviewing individual case files which would incur a disproportionate cost.

### Industrial Health and Safety: Prosecutions

**Emily Thornberry:** To ask the Attorney-General how many prosecutions of cases referred to it from the Health and Safety Executive have been undertaken by the Crown Prosecution Service in each of the last three years. [145213]

**The Attorney-General:** The Health and Safety Executive does not refer cases to the Crown Prosecution Service.

### Overtime

**Chi Onwurah:** To ask the Attorney-General what the (a) average cost per member of staff and (b) total cost was of overtime payments in (i) the Law Officers' Departments and (ii) each of its arm's length bodies in (A) 2010-11, (B) 2011-12 and (C) 2012-13 to date. [141471]

**The Attorney-General:** The information requested is contained in the following table:

	2010-11	2011-12	2012-13 <sup>1</sup>	£
<i>Treasury Solicitor's Department</i>				
Total cost of overtime	35,907	25,277		20,150
Average cost per member of staff	38	26		20
<i>Attorney General's Office</i>				
Total cost of overtime	22,980	25,568		13,846
Average cost per member of staff	547	673		338
<i>HM Crown Prosecution Service Inspectorate</i>				
Total cost of overtime	1,092	2,036		—
Average cost per member of staff	28	54		—
<i>Crown Prosecution Service</i>				
Total cost of overtime	1,793,794	2,129,432		2,657,810

	2010-11	2011-12	2012-13 <sup>1</sup>	£
Average cost per member of staff	201	253		331
<i>Serious Fraud Office</i>				
Total cost of overtime	118,913	54,911		64,557
Average cost per member of staff	385	180		210

<sup>1</sup> Overtime costs as at 31 December 2012

### Prosecutions

**Emily Thornberry:** To ask the Attorney-General what estimate he has made of how many fewer cases per year the Crown Prosecution Service will prosecute following the introduction of a proportionality test in the Code for Crown Prosecutors. [145210]

**The Solicitor-General:** No estimate has been made of how many, if any, fewer cases per year the Crown Prosecution Service (CPS) will prosecute following the publication of a revised Code for Crown Prosecutors (the Code) that includes proportionality as one of the issues that prosecutors should consider when deciding if a prosecution is in the public interest.

Prosecutors take the decision whether to prosecute on a case by case basis according to the facts and merits of each individual case. They follow the guidance set out in the Code. Proportionality is not to be considered in isolation. It must be considered by prosecutors together with the other relevant factors when deciding whether a prosecution is required in the public interest.

### Serious Fraud Office

**Emily Thornberry:** To ask the Attorney-General (1) what the average length of a Serious Fraud Office prosecution has been in the last two years; [145209]

(2) what the longest Serious Fraud Office prosecution has been since 2011; and how long this prosecution took. [145218]

**The Solicitor-General:** In 2011-12 the average length of a Serious Fraud Office prosecution was 18.56 months; the equivalent figure for 2012-13 was 28.81 months. The average for 2011-13 was 21.51 months.

The longest prosecution since 2011 was the Polly Peck case, which took 260 months. As this was an exceptional case owing to the defendant's absconding, the second longest prosecutions are also given. These were cases involving Allied Irish Banks plc and Vintage Hallmark (both 35 months).

**Emily Thornberry:** To ask the Attorney-General how many criminal investigations have been initiated by the Serious Fraud Office as a result of (a) referral from another Government agency, (b) referral from a prosecution agency overseas, (c) self-referral from a company and (d) information received from a whistleblower in each of the last three years. [145212]

**The Solicitor-General:** The information requested is set out in the following table:

	2010-11	2011-12	2012-13
(a) Referral from another Government agency	0	2	1
(b) Referral from a prosecution agency overseas	2	0	0
(c) Self-referral from a company	3	3	1
(d) Information received from a whistleblower	1	2	0

**Emily Thornberry:** To ask the Attorney-General how much the Serious Fraud Office has spent training its employees on how to enforce the Bribery Act 2010. [145215]

**The Solicitor-General:** While it is not possible separately to identify training on the Bribery Act 2010, the Serious Fraud Office has spent £41,000 on internal courses including training on the Act. Members of the SFO have also attended some courses on or partly devoted to the Act without charge.

**Emily Thornberry:** To ask the Attorney-General (1) what the average length of a Serious Fraud Office criminal investigation has been over the last two years; [145216]

(2) how long the longest Serious Fraud Office investigation has been since 2011. [145217]

**The Solicitor-General:** In 2011-12 the average length of a Serious Fraud Office criminal investigation was 32.8 months; the equivalent figure for 2012-13 was 25.6 months. The average for 2011-13 was 30.4 months. These figures include cases opened at any time, including some which may date back several years.

Of cases accepted since April 2011, the longest (WEA01) took 25.0 months from case acceptance to charge. However, this case was originally opened in 2009 and abandoned in 2011 before being re-opened in 2012. Both periods have been included in this calculation.

**Emily Thornberry:** To ask the Attorney-General how many prosecutions for (a) fraud, (b) money-laundering and (c) cartel offences the Serious Fraud Office has completed in the last year; and how many such prosecutions were successful. [145220]

**The Solicitor-General:** In the last full financial year, 2011-12, the Serious Fraud Office prosecuted 36 individuals for fraud, of whom, 23 were successfully prosecuted. On the same basis, it prosecuted four individuals for money-laundering, two successfully; and two for both fraud and money-laundering, both successfully. There were no prosecutions for cartel offences.

Definitions of fraud include not only offences under the Fraud Act 2006 (FA 2006), but also the following:

Dishonesty offences under the Theft Act 1968 that pre-date the FA 2006;

Statutory conspiracy (relating to dishonesty offences) and common law conspiracy to defraud;

Aiding and abetting offences (in respect an offence of dishonesty);

Regulatory offences with a fraud element (e.g. misleading statements contrary to s397 Financial Services and Markets Act 2000, fraudulent trading contrary to section 993 of the Companies Act 2006 and section 458 of its 1985 precursor);

Forgery and counterfeiting.

Bribery and corruption offences are not included in the calculation.

**Emily Thornberry:** To ask the Attorney-General how many criminal investigations into (a) fraud, (b) money-laundering and (c) cartel offences the Serious Fraud Office has completed in the last financial year. [145221]

**The Solicitor-General:** The Serious Fraud Office has completed four criminal investigations into Fraud, one into money laundering and none into cartels in 2011-12. One case has charges relating to fraud and money-laundering, and has been included in both of the first two figures.

### Written Questions

**Lisa Nandy:** To ask the Attorney-General whether the procedure and sign-off process for responding to parliamentary questions in the Law Officers' Departments includes review by special advisers. [146077]

**The Solicitor-General:** The Attorney-General's Office does not employ any special advisers.

## WOMEN AND EQUALITIES

### Wheelchairs

**Bob Stewart:** To ask the Minister for Women and Equalities what assessment she has made of the ease for disabled people in wheelchairs to have people accompanying them, other than their nominated carer, to be placed in the same location when attending public events. [142707]

**Mrs Grant:** Provisions in the Equality Act 2010, which prohibit disability discrimination, require providers of services to the public to make a reasonable adjustment where, otherwise, a disabled person would be placed at a substantial disadvantage compared to non-disabled people. This might include allowing a carer to accompany a disabled guest if the services of a carer are required to ensure that the disabled person is not placed at a substantial disadvantage during an outing.

## COMMUNITIES AND LOCAL GOVERNMENT

### Council Tax

**Mark Hendrick:** To ask the Secretary of State for Communities and Local Government how much his Department has allocated to each local authority to finance a council tax discount scheme to date; and what formula was used to determine those amounts. [145311]

**Brandon Lewis:** I refer the hon. Member to my answer to him of 25 February 2013, *Official Report*, column 72W.

### Council Tax: Second Homes

**Dr Offord:** To ask the Secretary of State for Communities and Local Government (1) what assessment his Department has made of the abolition of council tax discounts for second home owners; [145132]

(2) what the average reduction to band D council tax bills has been following the introduction of second home council tax discounts. [145133]

**Brandon Lewis:** The cost of the second homes discount on council tax was estimated to be £43 million in 2011-12. This is equivalent to approximately £2.30 per band D equivalent. For a local authority breakdown of the second homes discount cost, I refer my hon. Friend to my answer of 12 September 2012, *Official Report*, column 246W, where the information was placed in the Library of the House.

The council tax discount scheme for second homes has not been abolished. From 1 April 2013, billing authorities in England will be able to charge between 50 and 100% council tax, instead of between 50 and 90%, on properties that are considered second homes. The job-related second homes discount of 50%, where someone has to live in a dwelling because of his or her job, will be unaffected.

Combined with the complementary reforms to council tax relief on empty homes, the new local flexibilities will allow councils to make a £20 reduction in the overall bill for a typical band D property in England, or hold bills down by the same amount.

### Empty Property

**Andrew Stephenson:** To ask the Secretary of State for Communities and Local Government how many empty homes there were in (a) Pendle constituency, (b) the North West and (c) England in each of the last five years. [133744]

**Mr Foster:** Data on empty homes can be found in live table 615 at the following link:

<https://www.gov.uk/government/statistical-data-sets/live-tables-on-dwelling-stock-including-vacants>

Data is collected at local authority district level and is not available by parliamentary constituency.

### Energy Performance Certificates

**Penny Mordaunt:** To ask the Secretary of State for Communities and Local Government what guidance his Department has issued on the meaning of the word advertisement in respect of the duty on an estate agent to display an energy performance certificate for each property advertised under the provisions of the Energy Performance Buildings (England and Wales) Regulations 2012. [145419]

**Mr Foster:** My Department has not issued any guidance on the meaning of the word 'advertisement'. This is an ordinary English word which does not require further clarification. Estate agents are not under a duty to display an energy performance certificate for each property that is advertised. The duty is to display the energy performance certificate rating.

### Enterprise Zones

**Mr Marsden:** To ask the Secretary of State for Communities and Local Government (1) how many meetings have taken place between his Department and individual local enterprise partnerships to discuss the development of the Government's 24 enterprise zones; and if he will list each such meeting; [146152]

(2) how many enterprise zones had submitted their delivery plans to his Department as of 27 February 2013; [146153]

(3) how many additional jobs have been created in each enterprise zone as a result of the establishment of that zone to date; [146154]

(4) how many businesses have accessed business rates relief in each enterprise zone to date; [146155]

(5) how many businesses have accessed enhanced capital allowances in each enterprise zone to date. [146156]

**Mr Prisk:** Details of all Ministers' meetings with local enterprise partnerships and other external organisations are routinely published on my Department's website. Officials within the Department for Communities and Local Government regularly meet individual local enterprise partnerships to discuss a range of matters including the development of enterprise zones.

Enterprise zones set out their initial approach to delivery in their implementation plans, which they shared with the Government, in autumn 2011. Since then enterprise zones have continued to revise and develop their delivery plans.

Since the 24 enterprise zones opened for business last April, they have created around 1,700 jobs and attracted £155 million of private sector investment.

The Government does not hold a central database of information on the businesses that have accessed business rate discount. This information will be held by the relevant local authority.

The Government does not currently hold any information on companies which may have accessed enhanced capital allowances in each enterprise zone. As enhanced capital allowances are claimed through the tax system, HMRC will have this information available by March 2014. Some tax returns may be filed earlier, which will provide some information, however until all returns are filed a detailed analysis on a zone by zone basis is not possible.

Across the country enterprise zones have already made significant progress:

North East Enterprise Zone—Japanese logistics firm Vantec completed its new logistics centre at Sunderland on 5 February. They already employ more than 100 people and expect to increase to about 230 over the next two years.

Nottingham Enterprise Zone—using the £25 million announced by the Government in November to unlock the site and lever in a further £200 million of private sector investment to deliver 800 new homes and thousands of jobs at the Boots campus.

Manchester's Airport City Enterprise Zone—has planning permission for the development of a £100 million World Logistics Hub. The new venture will attract new international businesses and help the existing airport businesses to expand, creating over 1,800 new jobs and over 1 million square feet of high quality logistics space.

Science Vale Oxfordshire Enterprise Zone—construction work is nearing completion on 12 high tech units at Milton Park Science Vale, creating up to 40 new jobs with possibility of further expansion.

Tees Valley Enterprise Zone—has Durable Technologies Ltd, a designer of energy efficient lighting systems on site. The award-winning firm will see the size of their premises quadruple to 2,400 square feet. Over the next five years they aim to triple their work force.

New Anglia Enterprise Zone—Nexus opened a new engineering training centre at Beacon Park, Great Yarmouth last October. Nexus is a company which provides training and resources to develop the engineering skills that businesses expected to move into the enterprise zone need.

Leeds Enterprise Zone—building work has begun on Watershed's new manufacturing premises at Thornes Farm, creating up to 40 new jobs with the potential for further expansion.

Alconbury Enterprise Zone—former airfield and brownfield site, turned around consent for the marquee 'incubator' building in just 36 days and has attracted environmental technology research and design company Enval.

Leicestershire Enterprise Zone—has secured £6 million investment from MIRA technology to develop a transport technology facility, creating 40 jobs.

Royal Docks Enterprise Zone—Siemens opened a £30 million sustainable hub last September. Innovative glass-clad structure which will be home to Siemens' global Centre of Competence Cities, providing 230 jobs and attract 100,000 visitors per year.

Greater Birmingham Enterprise Zone—Among the sites already progressing within the enterprise zone are the £450 million transformation of Paradise Circus by developers Argent and the relocation of the historic Assay Office to the £160 million St Georges development in the Jewellery Quarter. It expects to give the local economy a £2.8 billion annual boost and create 40,000 new jobs.

### EU Grants and Loans

**Mr Thomas:** To ask the Secretary of State for Communities and Local Government if he will list the outstanding projects from the UK for which applications for European regional development funding has been sought but not yet granted; when he expects those projects to receive funding; and if he will make a statement. [146051]

**Brandon Lewis:** The Secretary of State is only responsible for European Regional Development Fund in England and not the entire UK. In relation to England, answering this question would incur a disproportionate cost.

It is not practical to answer this request since to do so would involve interrogating a very large number of separate projects across England whose status and progress through the application process changes daily.

### Fire Services: Training

**Andrew Rosindell:** To ask the Secretary of State for Communities and Local Government how many fire officers have received training in an overseas country in each of the last five years. [145844]

**Brandon Lewis:** My Department does not collect this information. Training is the responsibility of the individual fire and rescue authorities, who are the employers. Fire and rescue authorities should ensure that all expenditure on training is fully justified, and offers value for money.

### Housing Associations: Greater London

**Mr Thomas:** To ask the Secretary of State for Communities and Local Government what assessment he has made of the potential effect of the introduction of universal credit on the finances of housing associations operating in London; and if he will make a statement. [145965]

**Mr Prisk:** The Department for Communities and Local Government is working alongside the Department for Work and Pensions to ensure that universal credit is designed in a way that protects social landlords' financial position. To help achieve this, we are working closely with a group of social landlords from six areas across the country on the direct payment demonstration projects, to test the impact of paying housing benefit direct to tenants. In London, we are working with Southwark council and Family Mosaic housing association.

More information, including the payment rates for the first four payments of the projects (three, in the case of Edinburgh) and further background can be found in the press package released by the Department for Work and Pensions in December 2012:

<http://www.dwp.gov.uk/docs/direct-payment-demo-figures.pdf>  
a copy of this document is available in the Library of the House.

A key aim of the demonstration projects is to explore the best safeguards to protect tenants and social landlords from the risk of increases in rent arrears. The projects are also helping local authorities and housing associations understand how they need to prepare for the introduction of universal credit. We intend to use the evidence gathered from the projects to inform the design of universal credit, including these safeguards to protect the financial position of social landlords and reduce the risks of tenants falling into debt.

### Housing Benefit

**Richard Fuller:** To ask the Secretary of State for Communities and Local Government how many cases of overpayment of housing benefit were identified by each local authority in England in each of the last five years; and how many such cases were the result of error on the part of the local authority. [145192]

**Brandon Lewis:** The Department for Communities and Local Government does not collect data on cases of overpayment of housing benefit nationally or for individual local authorities in England.

### Housing: Construction

**John Healey:** To ask the Secretary of State for Communities and Local Government how many additional houses he expects the Housing Guarantee Scheme to create in (a) the private rented sector, (b) the social rented sector and (c) the social rented sector and available at social rent. [144878]

**Mr Prisk:** The affordable housing guarantee and associated capital grant (where needed) of up to £225 million will help deliver up to 15,000 additional affordable homes in England. The scheme rules for the affordable housing guarantee scheme set out that affordable homes

supported with the guarantee in England can be for affordable rent or affordable home ownership, but not for social rent, in order to maximise the number of homes that can be delivered. Offers for affordable rent at less than 80% of local market rent will continue to be considered, and the social rent “target rent” will remain the floor for affordable rent below 80% of market rent.

I would note that the National Audit Office has previously endorsed the affordable rent model as the “best delivery model” for maximising the number of affordable homes with the level of grant funding available (National Audit Office, ‘Financial viability of the social housing sector: introducing the Affordable Homes Programme’, 4 July 2012, HC465).

We have not set out how many additional private rented homes the private rented sector guarantee scheme will support, because it is a demand-led scheme, which will create a new market in professionally managed, large-scale private rented property, and attract new investment.

### Local Enterprise Partnerships

**Chi Onwurah:** To ask the Secretary of State for Communities and Local Government what guidelines his Department has issued to ensure that local enterprise partnerships engage with local black and minority ethnic communities. [145085]

**Mr Prisk:** It is down to each local enterprise partnership to determine how it engages with its local community. However, we would certainly encourage all to actively engage with all sections of the community, including black and ethnic minorities. Therefore, when we invited local areas to come forward with their proposals for local enterprise partnerships we did not provide detailed guidance on their form and function.

### Local Government Finance: Sefton

**John Pugh:** To ask the Secretary of State for Communities and Local Government (1) what net change in Government grants Sefton municipal borough council will experience in financial year (a) 2012-13 and (b) 2013-14; [145631]

(2) what the net change in Government grants was for Sefton municipal borough council in financial year 2011-12. [145632]

**Brandon Lewis:** Changes in overall spending power for all local authorities for the local government finance settlement for 2013-14 and for the years from 2011-12 are set out on our website at:

<http://www.local.communities.gov.uk/finance/1314/settle.htm> and at:

<http://www.local.communities.gov.uk/finance/ssas.htm>

### Local Government: Dual Mandate

**Dr Offord:** To ask the Secretary of State for Communities and Local Government what consideration he has given to ending the practice of dual mandates in local authorities for elected members. [145103]

**Brandon Lewis:** None. The Government has no plans to change current law and practice whereby an appropriately qualified person may hold two or more elected mandates

relating to different tiers of local government. The electorate are able to decide at the ballot box on the appropriateness of such dual local mandates; we should trust the people.

### Local Government: Leeds

**Alec Shelbrooke:** To ask the Secretary of State for Communities and Local Government what recent discussions he has had with Leeds council on (a) the amount of debt the council owes, (b) the interest paid on debt in 2012, (c) the value of its art collection and (d) the percentage of its art collection displayed on council premises. [140817]

**Brandon Lewis:** While I am not aware of recent discussions with that council, I note that these issues are currently a matter of wider public debate.

As we indicated in “50 ways to save”, there is scope for leasing or loaning such works so that they can get a wider public audience while maintaining municipal ownership, and generate an income stream for councils.

Further to the comments of the right hon. Member for Leeds Central (Hilary Benn) of 19 December 2012, *Official Report*, column 875, questioning the merits of such creative innovation, I understand that freedom of information requests and research by Councillor Harry Phibbs have indicated that Leeds city council owns almost 1.3 million separate works of art and exhibits, worth at least £100 million, and only a small minority of items are ever on display.

### Non-domestic Rates

**Mr Sanders:** To ask the Secretary of State for Communities and Local Government if he will make an assessment of the effect of the postponement of the business rate revaluation to 2017 on the expected rate of business failure in each of the next five years. [145108]

**Brandon Lewis:** As I outlined in my written statement of 18 October 2012, *Official Report*, column 32-33WS, the postponement will avoid local firms and local shops facing unexpected hikes in their business rate bills over the next five years. A revaluation at this point would be likely to result in sharp changes to business rate bills in many parts of the country and in many sectors. Tax stability is vital to businesses looking to grow and help improve the economy.

In addition, my written statement of 12 November 2012, *Official Report*, column 2-4WS, highlighted the Valuation Office Agency’s high-level estimates of the effect of a 2015 revaluation. They estimated that 800,000 premises would see a real terms increase in their rates bill at a 2015 revaluation (compared to only 300,000 seeing a reduction), and they listed particular sectors which would be likely to see very large hikes in bills because of that revaluation.

**Mr Sanders:** To ask the Secretary of State for Communities and Local Government whether he has made an assessment of the effect of increasing numbers of voluntary organisations on local authority revenue streams from business rates; and if he will make a statement. [145119]

**Brandon Lewis:** Local authorities have discretion to determine when to make discretionary relief available to voluntary organisations and eligible businesses. That will continue under business rates retention since the scheme makes no change to the system of reliefs available to voluntary organisations, charities and other eligible businesses. Any changes in costs of providing additional reliefs will be shared 50:50 between central and local government. This 50:50 sharing simply reflects the broader sharing of business-rate revenues between central and local government under the new localised system.

#### Non-domestic Rates: Renewable Energy

**Dan Byles:** To ask the Secretary of State for Communities and Local Government pursuant to the written ministerial statement of 25 October 2012, *Official Report*, column 64WS, on business rate retention scheme, whether he plans to make an announcement on non-domestic rating for other forms of low carbon technology. [145613]

**Brandon Lewis:** Under the Government's business rates retention scheme, all local authorities will benefit from growth in business rates collected locally, including from low carbon technology.

**Dan Byles:** To ask the Secretary of State for Communities and Local Government pursuant to the written ministerial statement of 25 October 2012, *Official Report*, column 64WS, on business rate retention scheme, for what reasons (a) nuclear projects and (b) other forms of low carbon technology were not included in the proposed non-domestic rating (renewable energy projects) regulations. [145614]

**Brandon Lewis:** The non-domestic rating (renewable energy projects) regulations give effect to the commitment, in the Government's Programme for Government, to allow communities hosting renewable energy projects to keep the additional business rates those projects generate. Communities hosting nuclear projects and other forms of low carbon technology, as well as all other businesses, will also benefit from the business rates retention scheme being introduced in April 2013.

#### Nuclear Power Stations: Construction

**Dan Byles:** To ask the Secretary of State for Communities and Local Government on how many occasions (a) he, (b) his Ministers and (c) officials in his Department have met with (i) HM Treasury, (ii) the Department for Energy and Climate Change, (iii) the Cabinet Office and (iv) other Government Departments to discuss (A) community benefits for new build nuclear projects and (B) business rate retention for new build nuclear projects in the last 12 months. [145665]

**Brandon Lewis:** Ministers and officials have regular discussions with other Government Departments on matters of mutual interest.

#### Procurement

**Julian Smith:** To ask the Secretary of State for Communities and Local Government what proportion of procurement contracts offered by his Department

has been advertised on the Contracts Finder website since that website's inception. [138861]

**Brandon Lewis:** My Department has been advertising contracting opportunities since May 2011 (prior to this, technical issues hindered documents being routinely uploaded to the Contracts Finder website; these issues were subsequently resolved).

41 out of 42 (98%) of relevant contracting opportunities have been advertised on Contracts Finder since 1 June 2011.

The missing contract opportunity (a research contract for expert advice on dangerous substances in buildings) was an oversight by officials. Ministers are keen for all relevant opportunity to be advertised to a wide audience.

#### Property Development: Floods

**Mr David Davis:** To ask the Secretary of State for Communities and Local Government how many houses have been built on flood plains in (a) Yorkshire and the Humber and (b) Haltemprice and Howden since 2002; and what assessment he has made of the effect such building has had on the potential for an increase in the severity of flooding in the future. [132301]

**Nick Boles** [*holding answer 10 December 2012*]: Published land use change statistics show the proportion of new dwellings built in flood risk areas. The information can be found at:

[www.gov.uk/government/statistical-data-sets/live-tables-on-land-use-change-statistics](http://www.gov.uk/government/statistical-data-sets/live-tables-on-land-use-change-statistics)

The information is not held by parliamentary constituency.

An assessment of flood risk is made by the applicant and submitted with the planning application. The Environment Agency provides advice to the local authority to inform their decision on the application. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. In all cases they should be safe for their projected lifetime taking climate change into account, must not increase flood risk elsewhere and, where possible, overall flood risk should be reduced.

Local plans should be supported by strategic flood risk assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards.

#### Recruitment

**Rachel Reeves:** To ask the Secretary of State for Communities and Local Government how much his Department has spent on advertising job vacancies since May 2010. [139968]

**Brandon Lewis:** My Department has spent £3,298 on advertising specialist posts (this excludes spending that was commissioned in April 2010 but paid under this administration, as detailed in the answer of 2 November 2011, *Official Report*, column 655W).

To place such overall spending in context, the Department spent £601,605 on advertising (of all types) in 2009-10.

I also observe the £57,389 of taxpayers' money that was spent by the Department in a roughly comparative period under the last administration just on job advertisements in *The Guardian*, as outlined in the answer to my question of 16 December 2010, *Official Report*, column 933W.

### Recycling

**Andrew Rosindell:** To ask the Secretary of State for Communities and Local Government what assessment he has made of steps being taken by local authorities to increase recycling; and which local authority has the best record in this area. [142497]

**Brandon Lewis:** While the Department for Communities and Local Government does not officially assess local authorities on recycling, it believes they should all be making steps to improve their recycling rates, and make recycling services more convenient for residents. It maintains, however, that this should not be done to the detriment of residual waste collection services. In nearly all cases, the 90 successful bids to the Department's £250 million Weekly Collection Support Scheme announced in November 2012 proposed delivering enhanced recycling services, making it easier for residents to recycle. As these bids sought to retain or reinstate weekly collections of residual waste, the scheme demonstrates that you don't have to have a fortnightly collection to deliver high quality recycling services. Furthermore, 41 of the successful bids propose offering genuine rewards (such as shopping vouchers or loyalty points) for recycling. The Department supports such incentive schemes.

The Department for Communities and Local Government would not wish to name any local authority as having "the best record" on recycling. There are many factors to consider alongside pure recycling rates, such as: the quality and frequency of the local residual waste collection; the quality of the local recycling services provided to residents; and the amounts of household waste generated per head. The Department for Environment, Food and Rural Affairs does publish statistics on recycling rates and the following link presents the latest published data for 2011-12:

[http://www.defra.gov.uk/statistics/files/2011-12-ANNUAL-publication-LA-level\\_WITHOUTLINKS.xls](http://www.defra.gov.uk/statistics/files/2011-12-ANNUAL-publication-LA-level_WITHOUTLINKS.xls)

### Temporary Accommodation

**Ms Buck:** To ask the Secretary of State for Communities and Local Government whether a household currently housed in temporary accommodation by a local authority will be found to be intentionally homeless if the household benefit cap restrictions result in their being unable to pay their rent. [144120]

**Mr Prisk:** I refer the hon. Member to the answer given by the noble Lord, Lord Freud in Grand Committee on the 6 November 2012, *Official Report, House of Lords*, column GC1023.

### Written Questions

**Lisa Nandy:** To ask the Secretary of State for Communities and Local Government whether the procedure and sign-off process for responding to parliamentary questions in his Department includes review by special advisers. [146079]

**Brandon Lewis:** Ministers are responsible and accountable for all answers to parliamentary questions. Special advisers may provide advice to Ministers, as outlined in the Code of Conduct for Special Advisers.

### HOME DEPARTMENT

#### British Nationality

**Katy Clark:** To ask the Secretary of State for the Home Department (1) how many dual nationals have had their UK nationality removed since May 2010; [146116]

(2) whether the Government has removed a person's nationality and rendered an individual stateless since May 2010. [146121]

**Mr Harper:** British nationality law only requires the Secretary of State to consider statelessness when deciding whether to remove British citizenship from individuals if it is conducive to the public good to do so.

Since May 2010 a total of 16 dual national individuals have had their UK nationality removed for this reason in accordance with British Nationality Act 1981 s.40.

The Government has not rendered an individual stateless when removing their UK nationality on conducive grounds. To do so would be in contravention of the British Nationality Act (1981).

This information has been provided from local management information and is not a National Statistic. As such it should be treated as provisional and therefore subject to change.

**Frank Dobson:** To ask the Secretary of State for the Home Department (1) for what reason Mahdi Hashi was deprived of his British citizenship; [146145]

(2) when the decision was taken to deprive Mahdi Hashi of his British citizenship; [146146]

(3) when Mahdi Hashi was informed of the decision to deprive him of his British citizenship; [146147]

(4) how Mahdi Hashi was informed of the decision to deprive him of his British citizenship. [146148]

**Mr Harper:** As this matter is currently subject to litigation, it would not be appropriate to discuss the detail of this case. Section 40(2) of the British Nationality Act 1981 provides that the Secretary of State may deprive a person of citizenship if she is satisfied that such deprivation is conducive to the public good. Section 40(5) provides that notice must be given of a deprivation decision. The British Nationality (General) Regulations 2003 specify how such notice must be served on the individual.

### Crimes of Violence: Railways

**Ms Abbott:** To ask the Secretary of State for the Home Department how many people have been assaulted or harassed on trains in each of the last five years. [146222]

**Mr Jeremy Browne:** The information requested is not available centrally. The recorded crime series does not include the location of an offence only the numbers of offences.

### Customs: Orchids

**Andrew Rosindell:** To ask the Secretary of State for the Home Department how many orchids have been confiscated at UK borders in each of the last five years. [145760]

**Mr Harper:** Border Force does not specifically record the number of orchids seized at the border but groups items under a live plants heading. The most recent published data on live plants and their derivatives seized, which was provided to the Environmental Audit Committee on Wildlife Crime, is shown in the following table.

	Seizures	Number of Items Seized	Weight of Items Seized (kg)
2008-09	53	2,100	1,124.2
2009-10	38	36,393	23,109.3
2010-11	28	4,921	19,457.0

The figures and the transcript of the committee hearing can be found at:

<http://www.publications.parliament.uk/pa/cm201213/cmselect/cmenvaud/140/140.pdf>

Data for 2011-12 and the current year have not been published.

### ICT: Foreign Workers

**Mr Thomas:** To ask the Secretary of State for the Home Department what assessment she has made of the effects on employment opportunities for UK IT professionals of recent trends in use of the intra-company visa system to bring non-EU IT professionals to the UK; and if she will make a statement. [146050]

**Mr Harper:** The Migration Advisory Committee (MAC) advises the Government on migration issues. The MAC considered this complex issue in its Tier 2 report published on 28 February 2012. It did not make any recommendations for change.

### Illegal Immigrants: Employment

**Priti Patel:** To ask the Secretary of State for the Home Department how many business establishments

in (a) the UK, (b) the east of England and (c) Essex have been fined for employing illegal foreign national workers in each year since 2008. [136050]

**Mr Harper:** The number of businesses served with civil penalties for employing illegal workers is shown in the following table.

Calendar year	Number of businesses in UK	Midlands and east of England region	Essex
2008	1,169	237	31
2009	2,269	379	43
2010	2,092	347	22
2011	1,424	286	20
2012	1,215	187	24

*Note:*

The figures provided are sourced from a UK Border Agency management information system which is not quality assured under National Statistics protocols and is subject to change due to internal data quality checking. Figures provided from this source do not constitute part of National Statistics and should be treated as provisional.

The decrease in the number of businesses served with civil penalties from 2010 can be explained as follows: employers' increased awareness of the regime together with improved guidance on the UK Border Agency website; providing clear advice on how to conduct document checks to verify a person's right to work, has contributed to an increase in employer compliance. The agency's work in summer 2012 under Operation Mayapple targeted enforcement activity on overstayers, including students whose leave had been curtailed. This activity drives up compliance across the board. Robust debt recovery processes have also been implemented with employers becoming increasingly aware that where penalties are not paid, debt recovery enforcement action will commence against them.

### Immigration

**Duncan Hames:** To ask the Secretary of State for the Home Department how many applications for elderly dependent relatives from non-EEA countries to obtain leave to stay in the UK UK Border Agency have (a) received, (b) granted, (c) refused and (d) not processed since July 2012. [144651]

**Mr Harper** [holding answer 25 February 2012]: The immigration rules governing the settlement (indefinite leave) of adult dependent relatives changed in July 2012. This route is now only accessible to applicants applying from outside the UK.

The latest published figures for July to December 2012 on applications from outside the UK, and grants issued and refusals outside the UK, of entry clearance visas providing settlement (indefinite leave) to dependants (other than children or partners, of those who were settled in the UK or British citizens), are given in the following table. Published statistics do not separately identify entry clearance visas not processed.

*Entry clearance visa applications from outside the UK, and resolutions, providing settlement (indefinite leave) to dependants (other than children or partners, of those who were settled in the UK or British citizens)*

Quarter	Applications	Resolved	Issued	Percentage	Of which:		
					Refused	Percentage	Withdrawn or lapsed
2012 Q3 (July to September)	650	760	402	53	345	45	13

Entry clearance visa applications from outside the UK, and resolutions, providing settlement (indefinite leave) to dependants (other than children or partners, of those who were settled in the UK or British citizens)

Quarter	Applications	Resolved	Issued	Percentage	Of which:		Withdrawn or lapsed
					Refused	Percentage	
2012 Q4 (October to December)	456	699	277	40	421	60	1

Note:

Decisions (resolutions) may relate to applications made in earlier quarters, and may include decisions based on rules in place before July 2012.

Source:

Table be.01.q.Family route: Other (for settlement), "Immigration Statistics October-December 2012".

The published statistics do not separately identify how many of these applications and decisions outside the UK on entry clearance visas providing indefinite leave to dependants (other than children or partners, of those who were settled in the UK or British citizens), relate to elderly dependent relatives.

Information on applications from outside the UK and grants issued and refusals outside the UK, for entry clearance visas by category, is published, as part of the Home Office's quarterly Immigration Statistics, which is available from the Library of the House and on the Home Office Science website at:

<http://www.homeoffice.gov.uk/science-research/research-statistics/migration/migration-statistics1/>

### Immigration: EU Nationals

**Mr Stewart Jackson:** To ask the Secretary of State for the Home Department what guidance her Department issues to the UK Border Agency on removing from the UK citizens of other EU member states who are seeking to access public services but who are not exercising their treaty rights under the Free Movement Directive; and if she will make a statement. [145580]

**Mr Harper:** The guidance is set out in chapter 50 of the Enforcement Instructions and Guidance (EIG) manual. This is available to view on the UK Border Agency website via the following link:

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/enforcement/detentionandremovals/chapter50-eea?view=Binary>

### Mayor of London

**Mr Thomas:** To ask the Secretary of State for the Home Department what plans she has for the devolution of additional powers to the Mayor of London; and if she will make a statement. [145244]

**Damian Green:** It is a key role of Government to keep under review the powers and responsibilities of all statutory bodies and ensure that they best serve the public interest.

### Members: Correspondence

**Sir Gerald Kaufman:** To ask the Secretary of State for the Home Department when she plans to reply to the letter to the Minister for Immigration dated 14 January 2013 from the right hon. Member for Manchester, Gorton with regard to Ms Kemi-Louise Omobote. [145177]

**Mr Harper:** I wrote to the right hon. Member on 21 February 2013.

**Mr Spellar:** To ask the Secretary of State for the Home Department when she expects to reply to the letter of 4 December 2012 from the hon. Member for Warley regarding the case of Mrs Dhuga. [145824]

**Mr Harper:** I wrote to the right hon. Member on 4 March 2013.

### Nuclear Weapons

**Paul Flynn:** To ask the Secretary of State for the Home Department what studies she has commissioned on the effects of a nuclear weapon (a) ground burst and (b) airborne detonation over a UK city. [145980]

**James Brokenshire:** The 2010 National Security Risk Assessment (NSRA), which informed the 2010 National Security Strategy, included both state and terrorist use of nuclear weapons in the UK. This assessment is reviewed biennially to ensure it continues to reflect the most up-to-date evidence. It includes an assessment of harm to people; the economy and infrastructure and territory as well as restrictions on our freedom to act in UK national interests and psychological impacts. The precise details of the assessment, and the evidence it draws upon, remain classified for national security reasons.

### Passports

**Mrs Moon:** To ask the Secretary of State for the Home Department pursuant to the answer of 5 February 2013, *Official Report*, column 123W, on passports, if she will consider collecting data on (a) the age of individuals whose passports were returned, (b) the reasons for the return of passports and (c) the source from which passports return; and if she will make a statement. [144613]

**Mr Harper:** In 2010, almost 55,000 passports were returned to the Identity and Passport Service (IPS). In 2011 the figure was around 60,000 and in 2012, 53,000. We are able to obtain general data around the age of the passport holder from the returned passports as detailed by age group in the following table.

	Age Group	Percentage
2010	Under 18	8
	18-24	39
	25-50	36
	50+	17
2011	Under 18	7
	18-24	41
	25-50	35
	50+	17

	<i>Age Group</i>	<i>Percentage</i>
2012	Under 18	7
	18-24	40
	25-50	36
	50+	17

We have no plans to collect information centrally on the reasons for the return of all passports or the source from which these passports are returned.

### Passports: Republic of Ireland

**Mr Gregory Campbell:** To ask the Secretary of State for the Home Department what change there has been in the number of people applying for British passports through the British embassy in Dublin between 2000 and 2011. [146064]

**Mr Harper:** We do not hold data on the number of applications received, only on the number of passports issued.

The following table shows the yearly production statistics between 2000 and 2011 for Dublin.

	<i>Passports issued</i>
2000-01	6,871
2001-02	7,657
2002-03	9,142
2003-04	10,024
2004-05	10,893
2005-06	10,817
2006-07	11,817
2007-08	9,671
2008-09	9,093
2009-10	8,947
2010-11	9,191

### Prostitution

**Ms Abbott:** To ask the Secretary of State for the Home Department (1) what estimate she has made of the number of prostitutes working in the UK who are (a) women, (b) men, (c) under the age of 16, (d) suffering from a drug addiction, (e) homeless, (f) supporting dependants and (g) working for another person's gain; [146214]

(2) what estimate she has made of the average age of people working as prostitutes. [146215]

**Mr Jeremy Browne:** The Home Office has made no formal assessment of the number and profile of prostitutes working in the UK.

In October 2011, the Home Office published a review of effective practice aimed at empowering local areas to respond effectively to prostitution in terms of policing, exiting, minimising harm and general multi-agency working. Our review highlighted for local areas the importance of prevention, including identification of child sexual exploitation, and holistic support, including addressing alcohol and drug use.

### Social Networking: Crime Prevention

**Andrew Rosindell:** To ask the Secretary of State for the Home Department what assessment she has made of the usefulness of social media in preventing crime. [145782]

**Mr Jeremy Browne:** While the Home Office has not made an overall assessment into the usefulness of social media in preventing crime, social media is one of many channels and approaches used as part of specific crime reduction initiatives and campaigns and has been proven to be successful in communicating crime prevention messages. For example we have used facebook and YouTube to reach teenagers as part of the effective teen relationship abuse and rape prevention campaigns and the Home Office Press Office online media centre routinely uses social media to spread crime prevention messages to the public. Our Twitter account has more than 64,000 followers, which has trebled in the last 12 months.

From an operational perspective, following the August 2011 riots, HM Inspectorate of Constabulary's subsequent report, *The Rules of Engagement: A Review of the August 2011 Disorders*, recommended the establishment of an 'all source hub' to:

"draw... together all available information, including... social media monitoring".

That hub was put in place before last year's Olympics and continues to monitor social media to assist the police in preventing public disorder and in responding to a range of incidents.

### Staff

**Chris Bryant:** To ask the Secretary of State for the Home Department how many staff were employed at the (a) UK Border Agency, (b) UK Border Force and (c) Identity and Passport Service in January (i) 2011 and (ii) 2010. [145588]

**Mr Harper:** [*holding answer 1 March 2013*]: The information is as follows:

*As at 31 January 2010:*

(a) There were 15,864 full-time equivalent (FTE) staff employed at the UK Border Agency.

(b) There were 8,725 full-time equivalent (FTE) staff employed at UK Border Force.

(c) There were 4,366 full-time equivalent (FTE) staff employed at the Identity and Passport Service.

*As at 31 January 2011:*

(a) There were 14,699 full-time equivalent (FTE) staff employed at the UK Border Agency.

(b) There were 8,438 full-time equivalent (FTE) staff employed at UK Border Force.

(c) There were 3,987 full-time equivalent (FTE) staff employed at Identity and Passport Service.

Full-time equivalent means that part-timers are counted by the proportion of full-time hours they work, so that a part-timer working half the time of an equivalent full-timer would count as 0.5 FTE.

Data for UK Border Agency and UK Border Force as recorded on central personnel system ADELPHI, adjusted to include the UK Border Agency work force serving abroad paid via the Foreign and Commonwealth Office.

Data for the Identity and Passport Service as recorded on data view, the Home Office's source for the Office for National Statistics compliant monthly snapshot corporate Human Resources data.

**Chris Bryant:** To ask the Secretary of State for the Home Department how many staff are currently employed at the (a) UK Border Agency, (b) UK Border Force and (c) Identity and Passport Service. [145589]

**Mr Harper** [*holding answer 1 March 2013*]: The information is as follows:

*As at 31 January 2013:*

(a) There were 13,457 full-time equivalent (FTE) staff employed at the UK Border Agency.

(b) There were 7,827 full-time equivalent (FTE) staff employed at UK Border Force.

(c) There were 3,440 full-time equivalent (FTE) staff employed at the Identity and Passport Service.

Full-time equivalent means that part-timers are counted by the proportion of full-time hours they work, so that a part-timer working half the time of an equivalent full-timer would count as 0.5 FTE.

Data for UK Border Agency and UK Border Force as recorded on central personnel system ADELPHI, adjusted to include the UK Border Agency work force serving abroad paid via the Foreign and Commonwealth Office.

Data for the Identity and Passport Service as recorded on data view, the Home Office's source for the Office for National Statistics compliant monthly snapshot corporate Human Resources data.

### Tourists: Passenger Ships

**Jim Fitzpatrick:** To ask the Secretary of State for the Home Department what discussions have taken place between Ministers and (a) the UK Chamber of Shipping and (b) cruise industry representatives on the introduction of face-to-face immigration checks for day visitors to UK ports. [144624]

**Mr Harper:** Home Office Ministers and officials have meetings with a wide variety of international partners, as well as organisations and individuals in the public and private sectors, as part of the process of policy development and delivery. Details of these meetings are published on the Cabinet Office website on a quarterly basis.

### Travel

**Mr Thomas:** To ask the Secretary of State for the Home Department how much her Department spent on (a) the Government Car Service and (b) other taxi or car services for ministerial travel in each year since 2009-10; and if she will make a statement. [142639]

**James Brokenshire:** Information on expenditure on the Government Car Service is published annually in a written ministerial statement and can be found within the Libraries of both Houses and at:

2009/10:

<http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm101028/wmstext/101028m0001.htm#10102827000372>

2010/11:

<http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120116/wmstext/120116m0001.htm#12011611000194>

2010/12:

<http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121220/wmstext/121220m0001.htm#12122056000216>

Official cars are an essential service for Ministers in order that they can carry out their work effectively but we are committed to continuing our focus on the cost of this service.

Details of the costs for 2012-13 will be published in the normal way later this year.

Information on taxi services used by Ministers in each year since 2009-10 could be obtained only at disproportionate cost.

### Visits Abroad

**Keith Vaz:** To ask the Secretary of State for the Home Department how many times she has visited (a) Romania, (b) Bulgaria, (c) Poland and (d) the USA in an official capacity. [143877]

**Mr Harper** [*holding answer 25 February 2013*]: Home Office Ministers and officials have meetings with a wide variety of international partners, organisations and individuals in the public and private sectors, as well as making overseas trips, as part of the process of policy development and delivery. Details of these meetings and trips are published on the Cabinet Office website.

### Written Questions

**Lisa Nandy:** To ask the Secretary of State for the Home Department whether the procedure and sign-off process for responding to parliamentary questions in her Department includes review by special advisers. [146087]

**James Brokenshire:** Ministers are responsible and accountable for all answers to parliamentary questions. Special Advisers may provide advice to Ministers, as outlined in the Code of Conduct for Special Advisers.

### Written Questions: Government Responses

**Steve McCabe:** To ask the Secretary of State for the Home Department when she intends to answer question no. 140113, tabled on 24 January 2013 for answer on 28 January 2013. [143818]

**James Brokenshire:** I refer the hon. Member to the reply given on 28 February 2013, *Official Report*, columns 596-97W.

## CULTURE, MEDIA AND SPORT

### Arts

**Dan Jarvis:** To ask the Secretary of State for Culture, Media and Sport what assessment she has made of the benefits to the creative industries of the UK's EU membership. [145953]

**Mr Vaizey:** The Government is undertaking a comprehensive review of the Balance of Competencies of the EU as it affects the United Kingdom. The benefits to the creative industries will be assessed within the context of that review, which is due to conclude in 2014.

### Broadband

**Jeremy Lefroy:** To ask the Secretary of State for Culture, Media and Sport what proportion of the UK she expects to be covered by 4G mobile services in each of the next five years. [145576]

**Mr Vaizey:** The roll-out timetable for these services is a commercial decision for the mobile network operators.

Ofcom included an indoor coverage obligation in one of the 800 MHz lots of spectrum. The winner of this lot is Telefonica UK Ltd. This operator is obliged to provide 4G mobile services for indoor coverage to at least 98% of the UK population and at least 95% of the population of each of the UK nations by the end of 2017. This obligation should result in more than 99% outdoor coverage for the UK population.

EE currently provides 4G mobile services to 38 towns in the UK and plan to increase this to more than 65 by the end of June. Towards the end of 2013, Ofcom will be publishing details of the areas and broadband speeds that each operator is providing on their 4G networks.

**Stephen Timms:** To ask the Secretary of State for Culture, Media and Sport what assessment she has made of the potential merits of altering Broadband UK rules to ensure competition in the supply of superfast broadband services. [146053]

**Mr Vaizey:** Local authorities and devolved Administrations undertaking broadband projects supported by Broadband Delivery UK (BDUK) need to ensure their procurements comply with EU procurement and state aid rules. Projects with funding from the Rural Broadband Programme are able to undertake their procurements using the Broadband Delivery Framework agreement that has been put in place by BDUK but this is not a requirement. 34 projects under the programme are using the framework and the remaining 10 have undertaken their own separate procurements using the EU competitive dialogue procedure.

### Broadband: Rural Areas

**Stephen Timms:** To ask the Secretary of State for Culture, Media and Sport when she expects to announce the projects to be funded under the Rural Community Broadband Fund. [145869]

**Mr Vaizey:** Announcements about Rural Community Broadband Fund projects will be made jointly by the Department for Environment, Food and Rural Affairs (DEFRA) and the Department for Culture, Media and Sport (DCMS) when they have completed the assessment and approval process. The development of projects by applicants requires that they have appropriate levels of capability and capacity to deliver sustainable projects and it is therefore necessary to make a rigorous assessment of each project. To date, three projects have been given pre-contract approval and a fourth is due to be announced shortly. Further announcements will be made when projects have demonstrated that they meet the fund's criteria.

### Defamation

**Mr Bain:** To ask the Secretary of State for Culture, Media and Sport what discussions she has held with the Attorney-General and the Secretary of State for Justice on steps to protect the families of victims of murder from malicious falsehoods being disseminated as fact by the media. [145033]

**Mr Vaizey:** The Leveson Inquiry was established by the Prime Minister to look into the culture, practices and ethics of the press following revelations of press misconduct. Since the report's publication, cross-party talks are under way to facilitate a tough new regulatory framework for the press which can deliver public confidence and justice for the victims of press misconduct. The Ministry of Justice is closely involved with this work, and the Secretary of State has worked with colleagues across Government. The press is already, of course, subject to the law on libel and malicious falsehood where applicable.

### Football

**George Galloway:** To ask the Secretary of State for Culture, Media and Sport if she will set up an independent inquiry into the role and influence of agents in professional football. [145666]

**Hugh Robertson:** The Government recognises the strong feeling about the way that some agents appear to operate and the potential consequences for conflicts of interest and transfer fee and salary inflation. We support the Culture, Media and Sport Select Committee's recommendation that the Football Association should continue to press FIFA to provide an international solution.

### Mayor of London

**Mr Thomas:** To ask the Secretary of State for Culture, Media and Sport what plans she has for the devolution of additional powers to the Mayor of London; and if she will make a statement. [145240]

**Hugh Robertson:** My Department has no immediate plans to devolve additional powers specifically to the Mayor of London. Devolution of power should also be to the lowest appropriate level—down to councils, to neighbourhoods, to community groups and to individuals. However, the Government will in the near future be publishing its response to the Heseltine Review, which included a number of recommendations regarding London.

### Sports: Facilities

**Andrew Rosindell:** To ask the Secretary of State for Culture, Media and Sport what steps she is taking to ensure that local sports and leisure facilities are affordable. [145762]

**Hugh Robertson:** Local clubs and local authorities set the prices for their services. Many offer concessions for families, children and older people and those on lower incomes.

## FOREIGN AND COMMONWEALTH OFFICE

### Arms Trade: Treaties

**Mr Laurence Robertson:** To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he is taking to help bring about an arms trade treaty; and if he will make a statement. [145867]

**Alistair Burt:** The UK has played a leading role over the last seven years in international efforts to achieve a robust, effective, legally binding, and global arms trade treaty. This remains a top priority for the Government, offering the prospect of a better future to millions who live in the shadow of armed violence. In July last year, we made important progress on a draft text. In November, the UK and key partners secured overwhelming support at the UN for a conference to conclude the treaty this month in New York. We are lobbying states at the highest levels and will continue to do so up to and throughout the conference both in New York and from London. We are also supporting the president-designate and working closely with key states, with industry, and with civil society groups.

A treaty is now within our grasp and the Government will spare no effort to secure it.

### Bahrain

**Katy Clark:** To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received on the treatment in detention of Dr. Ali Ekri, Dr. Al Samahiji and Ibraheem Aldemestani in Bahrain; and if he will make a statement. [146039]

**Alistair Burt:** Dr Alekri, Dr Samahejee and Mr Aldemestani are serving between one and five years for charges relating to taking part in illegal gatherings and inciting violence to overthrow the Government.

We are aware from media reports that the families of the three individuals the hon. Member refers to have raised concerns that they are currently being held in solitary confinement.

The Secretary of State for Foreign and Commonwealth Affairs, my right hon. Friend the Member for Richmond (Yorks) (Mr Hague), and I have frequently stressed the need for Bahrain to meet all of its human rights obligations and we continue to urge the Government to ensure that civil liberties are protected, particularly where severe penalties are imposed.

**Katy Clark:** To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to his Bahraini counterparts about the removal of nationality of 31 Bahraini citizens by the Bahraini Government in November 2012. [146117]

**Alistair Burt:** As I said in my statement of 29 November 2012, our view is that revoking citizenship, which leaves individuals stateless, is a negative step and ultimately a barrier towards reconciliation.

We urge the authorities to conduct full and transparent investigations into any of those accused of crimes. Any charges against these individuals should be based on strong, credible evidence that will stand up to scrutiny.

**Katy Clark:** To ask the Secretary of State for Foreign and Commonwealth Affairs whether officials in his Department have made any statements to the Bahraini media in connection with the removal of nationality of 31 Bahraini citizens by the Bahraini Government in November 2012. [146118]

**Alistair Burt:** Our ambassador in Bahrain gave an interview to a local newspaper, "Al Ayam", in November 2012 during which the issue of the citizenship revocation was raised.

### Bangladesh

**Mr Spellar:** To ask the Secretary of State for Foreign and Commonwealth Affairs what support his Department is giving to the maintenance of parliamentary democracy in Bangladesh. [145283]

**Alistair Burt:** Political participation is a crucial element of any democracy. The UK is committed to working with all stakeholders in Bangladesh to support the development of a stable, prosperous and democratic society. To achieve this, Bangladesh needs to have strong, independent and accountable institutions and a functioning Parliament at the centre of political debate. The Minister of State, my noble Friend the right hon. Baroness Warsi visited Bangladesh in mid-February. In her meetings with senior political leaders, including the Prime Minister and Leader of the Opposition, she emphasised the importance of the parties working together to ensure free and fair elections that would reflect the will of the Bangladeshi people. She also met with the Chief Election Commissioner and discussed how he and the Election Commission could help in this process.

The UK, through the Department for International Development and international partners, provides support to parliamentary democracy in Bangladesh through a number of key projects under its Strengthening Political Participation programme, including Democratic Participation and Reform, Promoting Democratic Institutions and Practices and Strengthening Election Management in Bangladesh. These aim to support parliamentary engagement with civil society, further strengthen the skills and systems of the Election Commission; support Parliament to become more open and effective; and strengthen the checks and balances on the political process, through civil society advocacy for more responsive political institutions.

Peaceful, credible elections that express the genuine will of the voters are the mark of a mature, functioning democracy.

### Business

**Mr Lammy:** To ask the Secretary of State for Foreign and Commonwealth Affairs whether the Government plans to respond to the UN (Ruggie) Guiding Principles on Business and Human Rights. [145191]

**Mr Lidington:** The Government has been working on a UK strategy on business and human rights—based on the UN (Ruggie) Guiding Principles on Business and Human Rights—and hopes to launch this soon. The UK is looking to be one of the first countries to produce a national strategy to implement the Guiding Principles. The strategy will express the Government's expectation that British companies will show respect for human rights in their operations in the UK and internationally.

### Cluster Munitions

**Mr Sanders:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make representations to the governments of (a) Canada, (b) the United States and (c) Singapore requesting them to adopt the Convention on Cluster Munitions. [145124]

**Alistair Burt:** We have over an extended period promoted the universalisation of this important convention, which we see as the gold standard to which all states should adhere. We will continue to take all available opportunities to encourage and promote universal adherence to the convention.

### Falkland Islands

**Mr Spellar:** To ask the Secretary of State for Foreign and Commonwealth Affairs what information his Department holds on whether discussions were held in the 1980s with the government of Argentina on the establishment of an Argentine naval base on the Falkland Islands. [145284]

**Mr Swire:** I can confirm that, based on the information held by the Foreign and Commonwealth Office from 1982 until 1990, no discussions were held with the Government of Argentina on the establishment of an Argentine naval base on the Falkland Islands.

Any documents originating from the Foreign and Commonwealth Office's South America Department covering discussions between Her Majesty's Government and the Government of Argentina up to and including the Falklands Conflict in 1982 have been transferred to The National Archives in accordance with standard procedures set out in the Public Records Acts of 1958 and 1967 and the Freedom of Information Act 2000. This would include records or information relating to any discussions on the establishment of an Argentine naval base on the Islands prior to the Conflict. It is conceivable that relevant material may exist in files which have not yet been reviewed for transfer to The National Archives although we have not yet identified any such material. An exhaustive search of archives not yet transferred could be achieved only at disproportionate cost.

### Haiti

**Jim Sheridan:** To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with the United Nations regarding its decision not to compensate cholera victims in Haiti. [145258]

**Mr Swire:** There have been no ministerial discussions with the United Nations on the compensation claim by cholera victims in Haiti. The UK is not directly party to this matter. The UN has taken a transparent approach and has kept officials from the UK and other UN member states informed throughout. UK Aid contributed to cholera treatment and prevention following the outbreak in 2010 and in the aftermath of Hurricane Sandy in 2012. It is important now that the international community continues to work together to ensure better health and a better future for the people of Haiti.

**Jim Sheridan:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the claim for compensation from the United Nations by cholera victims in Haiti. [145259]

**Mr Swire:** The compensation claim was filed against the United Nations. The UK is not directly party to this matter. The UN has taken a transparent approach and has kept officials from the UK and other UN member states informed throughout. UK Aid contributed to cholera treatment and prevention following the outbreak in 2010 and in the aftermath of Hurricane Sandy in 2012. It is important now that the international community continues to work together to ensure better health and a better future for the people of Haiti.

### Middle East

**Nigel Adams:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the security situation in the Sinai Peninsula. [145805]

**Alistair Burt:** We remain concerned about the security situation in the Sinai and have raised our concerns with the Egyptian authorities following a number of attacks against Egyptian security forces in 2012, including on the Egypt-Israeli border. The Egyptian authorities have increased their efforts to address the threat, recognising the need for a holistic response including local development as well as security measures. Foreign and Commonwealth Office Travel Advice warns against all travel to the Governorate of North Sinai and against all but essential travel to the Governorate of South Sinai.

### Ministerial Policy Advisers

**Ian Mearns:** To ask the Secretary of State for Foreign and Commonwealth Affairs what procedures are in place within his Department to deal with breaches of the code of conduct by special advisers. [145168]

**Mr Lidington:** Matters relating to special advisers are handled in accordance with the ministerial code, the model contract and code of conduct for special advisers.

### Nationality

**Frank Dobson:** To ask the Secretary of State for Foreign and Commonwealth Affairs which sovereign states are known by his Department to have the power to deprive citizens of their citizenship for reasons other than that the citizenship has been obtained by deception. [146151]

**Mr Swire:** This information is not held centrally. It would involve disproportionate cost to obtain it.

### Nuclear Weapons

**Paul Flynn:** To ask the Secretary of State for Foreign and Commonwealth Affairs what representation his Department plans to have at the forthcoming Conference on the Consequences of Nuclear Weapon Use in Oslo on 4 and 5 March, organised by the Norwegian Foreign Minister; and if he will arrange to (a) place in the Library and (b) post on his departmental web site (i) any submissions to the conference made by the UK and (ii) any submissions made that make reference to UK policy. [145338]

**Alistair Burt:** After careful consideration, the Government will not be sending a representative to the conference on the 'humanitarian consequences of Nuclear Weapons' in Oslo.

The Government supports fully the objective of a world without nuclear weapons, and is committed to working with all nations in pursuit of this shared goal. We fully understand the serious consequences of any use of nuclear weapons and will, alongside our P5 partners, continue to give the highest priority to ensuring that such consequences are avoided. While we recognise the seriousness of this subject and attach the utmost importance to it, we are concerned that the conference in Oslo will divert discussion and focus away from the practical steps required to create the conditions for further nuclear weapons reductions.

We believe that the practical, step-by-step approach that we are taking to progress multilateral nuclear disarmament through existing mechanisms such as the Nuclear Non Proliferation Treaty (NPT) and Conference on Disarmament, have proven to be the most effective means to increase stability and reduce nuclear dangers. We will therefore continue to work together with our P5 colleagues, and non nuclear weapon states, toward strengthening the foundation for mutual confidence and further disarmament efforts.

The Government has not made any submissions to the conference and has not, to date, received any submissions made by other parties to the conference.

### Palestinians

**Nicholas Soames:** To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to the Israeli government on civilian casualties in Gaza. [145651]

**Alistair Burt:** The Government has repeatedly called on Israel to observe international humanitarian law and do everything possible to avoid civilian casualties, including in the context of the Gaza conflict last November.

We have made clear to Israel our longstanding concerns about the manner in which the Israeli Defence Force (IDF) polices the buffer zone between Israel and Gaza. In the context of recent cases of Palestinian civilians killed by the IDF in both Gaza and the West Bank, officials from our embassy in Tel Aviv have reiterated our concerns over the IDF's use of live ammunition with both the Israeli Ministry of Defence and National Security Council.

### Saif Al-Islam Gaddafi

**Bob Stewart:** To ask the Secretary of State for Foreign and Commonwealth Affairs what recent representations he has made to the Libyan government for the transferral of Saif Al-Islam Gaddafi to the International Criminal Court to stand trial. [145375]

**Alistair Burt:** The Government has raised on numerous occasions with the Libyan authorities at the highest levels the need for them to engage with the International Criminal Court (ICC) in line with their obligation under UN Security Council Resolution 1970, including most recently on 13 January when Her Majesty's ambassador to Libya met the Minister for Foreign Affairs and International Cooperation. The Libyan authorities are cooperating with the ICC with respect to the ongoing proceedings. Libya submitted an admissibility challenge to the ICC Pre-Trial Chamber in May 2012 arguing that the Libyan investigation should have primacy over that of the ICC and that Saif should be tried in Libya. It is now for the ICC to decide whether to accept this challenge.

### Saudi Arabia and Oman

**Andrew Rosindell:** To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what recent steps he has taken to improve bilateral co-operation with (a) Saudi Arabia and (b) Oman in the fight against Islamic extremism; [145785]

(2) what assessment he has made of the importance of co-operation with Saudi Arabia in fighting the threat of Islamic extremism in the UK. [145771]

**Alistair Burt:** Saudi Arabia is a key partner for the UK in tackling terrorism particularly from Yemen-based al-Qaeda in the Arabian Peninsula, which has expressed its intent to target the West and Western interests in the region. The Saudi authorities have been unequivocal in condemning al-Qaeda's actions. British-Saudi collaboration has resulted in the foiling of terrorist attacks.

We continually look for ways to further improve our excellent bilateral co-operation with key partners, including Saudi Arabia and Oman, and regularly discuss these issues at ministerial and official level. The Secretary of State for Foreign and Commonwealth Affairs, my right hon. Friend the Member for Richmond (Yorks) (Mr Hague), discussed our co-operation with the Saudi National Security Advisor and Head of General intelligence, HRH Prince Bandar bin Sultan, on 25 February. The Minister of the Interior of Saudi Arabia, HRH Prince Mohammed bin Naif, also visited the UK on 9 January 2013, and discussed our strong counter-terrorism co-operation with the Prime Minister, the Secretary of State for Foreign and Commonwealth Affairs, and the Secretary of State for the Home Department, my right

hon. Friend the Member for Maidenhead (Mrs May). I visited Oman on 11 February for the UK-Oman Joint Working Group, and discussed our regional foreign policy priorities, including Islamic extremists with the Secretary-General at the Ministry of Foreign Affairs, Sayyid Badr bin Hamad Al Busaidi.

### Terrorism

**Mr Spellar:** To ask the Secretary of State for Foreign and Commonwealth Affairs what his policy is on the adoption by the United Nations of the comprehensive convention on international terrorism. [145278]

**Alistair Burt:** The UK supports the principle of a comprehensive convention on international terrorism.

### Tunisia

**Mr Gregory Campbell:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will hold discussions with the authorities in Tunisia on freedom of expression when the new Government of Tunisia is formed. [146062]

**Alistair Burt:** Tunisia has made significant progress in its political transition, including free and fair elections, encouraging greater media freedom and the drafting of a new constitution that safeguards the rights and fundamental freedoms of all Tunisians.

I spoke with the Tunisian Secretary of State for European Affairs on 7 February where I raised concerns about freedom of expression. We are aware of the ongoing debate on whether freedom of expression should be constrained by legislation to protect sacred values and we continue to monitor developments closely.

We continue to support Tunisia's democratisation process. We are working through our Arab Partnership programme, the EU and with international financial institutions and our G8 presidency to support political reforms and to help the Tunisian Government tackle the major economic and security challenges it faces.

### Yemen

**Jonathan Edwards:** To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received on the bombing of targets in Yemen by Saudi Arabian forces; whether aircraft manufactured by UK suppliers were involved; whether UK nationals were involved in Operation capability support for such missions; and if he will make a statement. [145348]

**Alistair Burt:** We are aware of press reports that Saudi Arabian forces were involved in strikes against al-Qaeda in the Arabian Peninsula (AQ-AP) targets in Yemen in early January 2013. In a press interview on 5 January, the Saudi Foreign Minister HRH Prince Saud al Faisal stated that Saudi Arabia had not been involved.

Reducing the threat posed by violent extremists in Yemen is a priority for the Yemeni Government as it seeks to restore security and stability throughout the country. Saudi Arabia is both the UK and Yemen's key partner in combating the threat from al-Qaeda in the Arabian Peninsula, which retains the intent and capability to carry out attacks domestically and against the West.

## DEPUTY PRIME MINISTER

### Electoral Register: British Nationals Abroad

**Mr Streeter:** To ask the Deputy Prime Minister if he will commission qualitative research to determine why more British citizens living overseas do not register to vote in UK elections. [144269]

**Miss Chloe Smith:** As of 1 December 2011, there were 23,388 registered overseas electors. This is a relatively small proportion of the estimated 5.6 million British nationals living overseas.

The Government is committed to doing all it can to maximise registration, including among British citizens living overseas. For example as part of the move to individual electoral registration, to help simplify the registration process we plan to remove the current requirement for a person's initial application as an overseas elector to be attested by another British citizen resident abroad.

## ENVIRONMENT, FOOD AND RURAL AFFAIRS

### Advisory Committee on Pesticides

**Mr Sanders:** To ask the Secretary of State for Environment, Food and Rural Affairs what the name is of each member of the Advisory Committee on Pesticides; and whether any member has declared that he or she is (a) in the employ of or (b) has received funding from companies selling neonicotinoid pesticides. [143510]

**Mr Heath:** The members of the Advisory Committee on Pesticides (ACP) are:

Dr Andrew Povey;  
 Dr Gary Bending;  
 Dr Stephen Waring;  
 Professor Richard Shore;  
 Professor Andrew Smith;  
 Dr Simon Wilkinson;  
 Dr John Cocker;  
 Mr Richard Davis;  
 Ms Jennifer Dean;  
 Mr Derek Finnegan;  
 Dr Martin Hare;  
 Dr Caroline Harris;  
 Professor Tom Hutchinson;  
 Mr Philip Jackson;  
 Professor Edward Lock;  
 Dr Chris Morris;  
 Professor Keith Palmer; and  
 Dr William Parker.

No member has declared that they are in the employ of companies selling neonicotinoid pesticides.

Dr Harris and Professor Hutchinson have declared that their employers have received funding from companies selling neonicotinoid pesticides. Arrangements for dealing with declarations of interest are posted on the ACP webpages. In the case of neonicotinoid pesticides one of these two members has not been present during the discussions after declaring a personal specific interest.

### Agriculture: Subsidies

**Ms Ritchie:** To ask the Secretary of State for Environment, Food and Rural Affairs what reports he has received on the outturn of EU budget negotiations on future subsidy payments for farmers. [143203]

**Mr Heath:** The allocation of UK common agricultural policy (CAP) receipts for direct payments has yet to be confirmed. It is therefore difficult to say what level of funding the UK will receive for direct payments in the future.

Nevertheless, the Commission's proposal of 12 October 2011 on rules for direct payments sets the ceilings for direct payments at member state level over the next Financial Perspective (2014-20). This would amount to an overall UK allocation for direct payments of approximately €25.6 billion. Following the EU budget deal on 8 February, it has been estimated that there will be a minor reduction in the overall UK allocation for direct payments when compared with the Commission's original proposal. We will, however, have to wait for final confirmation from the Commission as to what the final amount for the UK will be.

### Alcoholic Drinks

**Tracey Crouch:** To ask the Secretary of State for Environment, Food and Rural Affairs what estimate he has made of the level of alcohol-related absenteeism in his Department; whether his Department has an (a) internal alcohol policy and (b) occupational health strategy; and if he will publish such documents. [143965]

**Richard Benyon:** There were only two cases since 2009 in Core DEFRA where alcohol-related sickness was recorded as the reason for absence; however, it is likely to be a contributory factor in a higher number of cases. Core DEFRA's managing attendance policy contains guidance for managers and staff on substance (alcohol and drugs) abuse. This policy also includes guidance on occupational health services. The policy will be placed in the Library of the House. The managing attendance policy is currently under review to ensure that it reflects best practice within the civil service.

### Animal Welfare: Slaughterhouses

**Mike Freer:** To ask the Secretary of State for Environment, Food and Rural Affairs when his Department will publish the result of the consultation on the Welfare of Animals at the Time of Killing. [145937]

**Mr Heath:** The Government's consultation on measures to implement EU Regulation 1099/2009 on the Protection of Animals at the Time of Killing closed on 24 October 2012. We are currently considering the responses received. Once this process has been completed a response will be published as quickly as possible on the DEFRA website.

### Bovine Tuberculosis

**Mr Streeter:** To ask the Secretary of State for Environment, Food and Rural Affairs when he expects a cull on badgers to be rolled out throughout the UK. [145265]

**Mr Heath:** Badger culling will be piloted initially this summer in two areas to confirm our assumptions about the effectiveness, humaneness and safety of controlled shooting. An independent panel of experts will oversee and evaluate the pilots before reporting back to Government. Ministers will then decide whether the policy should be rolled out more widely, to up to ten new areas per year, starting in 2014.

### British Waterways

**Mr Sanders:** To ask the Secretary of State for Environment, Food and Rural Affairs what assessment his Department has made of the successes and failures of the move of British Waterways from a public corporation to a new charitable body; and how his Department plans to use the results of that assessment to inform the process for the creation of a new independent public body to hold UK forests in trust. [144279]

**Richard Benyon:** An assessment of the lessons learned from the New Waterways Charity Project was undertaken shortly after the functions, assets and liabilities of British Waterways in England and Wales had been transferred to the Canal & River Trust (CRT). The assessment did not identify any particular successes or failures which would have direct relevance to the work to set up a new body to manage the Public Forest Estate. The new public body will be a different type of organisation from CRT but we will draw on the experience gained in establishing CRT as we develop the new body.

### Crayfish

**Andrew Rosindell:** To ask the Secretary of State for Environment, Food and Rural Affairs how many licences the Environment Agency has issued for crayfish trapping in the latest period for which figures are available. [145776]

**Richard Benyon:** The Environment Agency has issued the following number of licenses for crayfish trapping since 2007.

	<i>Number of licences issued</i>
2007	458
2008	582
2009	637
2010	774
2011	882
2012	987

The data presented are for England and Wales. The authorisations issued are for non-native species of crayfish and are for the purposes of scientific survey, personal consumption, commercial and fishery management.

**Andrew Rosindell:** To ask the Secretary of State for Environment, Food and Rural Affairs how many people have been arrested for illegal crayfish trapping in each of the last 10 years. [145777]

**Richard Benyon:** There have been no prosecutions for illegal crayfish trapping in the last 10 years. Illegal traps are often unauthorised and therefore the owners are difficult to trace. Any illegal traps found are removed by Environment Agency officers.

### Crayfish: Hampshire

**Andrew Rosindell:** To ask the Secretary of State for Environment, Food and Rural Affairs how many licences the Environment Agency has issued for crayfish trapping in Hampshire in the last three years. [145772]

**Richard Benyon:** The Environment Agency has issued the following number of licenses for crayfish trapping for the area in the last three years.

	<i>Number of licences issued</i>
2010	5
2011	2
2012	2

The data presented is from the area in which Hampshire sits. These areas are defined by catchment and not county boundaries. The authorisations issued are for non-native species of crayfish and are for the purposes of Scientific Survey, Personal Consumption and Fishery Management.

### Crayfish: Wiltshire

**Andrew Rosindell:** To ask the Secretary of State for Environment, Food and Rural Affairs how many licences the Environment Agency has issued for crayfish trapping in Wiltshire in the latest period for which figures are available. [145775]

**Richard Benyon:** The Environment Agency has issued the following number of licenses for crayfish trapping for the area in the last three years.

	<i>Number of licences issued</i>
2010	10
2011	6
2012	8

The data presented is from the area in which Wiltshire sits. These areas are defined by catchment and not county boundaries. The authorisations issued are for non-native species of crayfish and are for the purposes of Scientific Survey, Personal Consumption, Commercial and Fishery Management.

### Dangerous Dogs

**Andrew Rosindell:** To ask the Secretary of State for Environment, Food and Rural Affairs what recent estimate he has made of the number of dangerous dogs. [142587]

**Mr Heath:** The total number of dogs placed on the register of exempted dogs in 2012 is as follows:

	<i>Number</i>
England	451
Wales	24
Scotland	2
Total	477

**Huw Irranca-Davies:** To ask the Secretary of State for Environment, Food and Rural Affairs pursuant to the written ministerial statement of 6 February 2013, *Official*

*Report*, on tackling irresponsible dog ownership, what discussions he has had with his counterparts in the devolved Administrations on the issue of compulsory microchipping. [144898]

**Mr Heath:** Dog microchipping is a fully devolved matter but DEFRA has kept devolved Administrations informed of our proposals.

**Huw Irranca-Davies:** To ask the Secretary of State for Environment, Food and Rural Affairs pursuant to the written ministerial statement of 6 February 2013, *Official Report*, on tackling irresponsible dog ownership, if he will publish an updated impact assessment of the new microchipping proposals. [144901]

**Mr Heath:** A final updated impact assessment will be published when the regulations are laid next year.

**Huw Irranca-Davies:** To ask the Secretary of State for Environment, Food and Rural Affairs pursuant to the written ministerial statement of 6 February 2013, *Official Report*, on tackling irresponsible dog ownership, for what reasons the Government has decided not to introduce dog control orders. [144910]

**Mr Heath:** Dog Control Orders already exist under the Clean Neighbourhoods and Environment Act 2005 but are due to be replaced by the new Home Office measures to tackle antisocial behaviour. The new antisocial behaviour measures will enable local authorities and other practitioners to intervene early in a variety of low level nuisance behaviour including where such behaviour involves a dog. These wide ranging measures will avoid the need to introduce separate and specific low level controls in respect of dogs.

**Huw Irranca-Davies:** To ask the Secretary of State for Environment, Food and Rural Affairs pursuant to the written ministerial statement of 6 February 2013, *Official Report*, on tackling irresponsible dog ownership, what plans he has to issue a definition of the terms (a) owner and (b) keeper of a dog in relation to his proposals. [144911]

**Mr Heath:** We have not yet finalised the microchipping requirements. Part of our considerations are whether such definitions need to be included.

### Floods

**Julian Sturdy:** To ask the Secretary of State for Environment, Food and Rural Affairs what steps his Department has taken to reduce the effect of flooding on productive agricultural land. [144940]

**Richard Benyon:** Productive agricultural land continues to benefit from DEFRA's ongoing funding for flood risk management. For example, flood defence schemes which completed in 2011-12 provided an improved standard of protection to more than 180,000 acres of farm land. Many other agricultural areas benefit from the Environment Agency's flood defence maintenance work.

DEFRA's policy statement on the appraisal of flood and erosion risk management underlines the need to value agricultural land and the damages that can occur as a result of flooding or erosion when considering how

best to manage flood risk. Our new Partnership Funding approach means funding is available towards any worthwhile scheme, including where agricultural land would be the primary or sole beneficiary of taxpayer investment. Under the previous 'all or nothing' funding approach, schemes in more rural areas struggled to make the threshold for Government funding.

#### Food: Contamination

**Ms Ritchie:** To ask the Secretary of State for Environment, Food and Rural Affairs what assessment he has made of the effectiveness of Europol's involvement in the investigation of contaminated food products.

[143202]

**Mr Heath:** The European Police Office (Europol) is the EU Agency that promotes cooperation between law enforcement bodies in the EU. It does not conduct investigations itself and has no coercive powers. But it can assist member states' investigations by providing analytical support, enabling closer liaison and information exchange and supporting joint investigation teams. For the time being the Food Standards Agency remains the leading investigating and enforcement authority for the UK. However, member states have agreed to use Europol to coordinate law enforcement efforts.

#### Food: Labelling

**Ms Ritchie:** To ask the Secretary of State for Environment, Food and Rural Affairs when he next expects to meet the Irish Minister for Agriculture; whether he will discuss food labelling and food provenance policy issues at that meeting; and if he will make a statement.

[142617]

**Mr Heath:** I have regular discussions with Simon Coveney, the Irish Minister for Food, Agriculture and the Marine. I am working closely with my counterparts in Ireland, and across Europe to ensure that the current unacceptable situation with horsemeat cannot happen again. This includes a three month programme of DNA testing of beef products across the EU covering domestic and imported products, the first results of which will be published on 15 April. I made a statement detailing next steps on 13 February 2013, *Official Report*, column 741W.

**Gregg McClymont:** To ask the Secretary of State for Environment, Food and Rural Affairs (1) what discussions he has had with the Cabinet Secretary for Rural Affairs and the Environment in the Scottish Government on food labelling and provenance policy since 5 February 2013; and if he will make a statement;

[143432]

(2) what discussions he has had with representatives of the Scottish Government on food labelling and provenance policy issues since 1 January 2013; and if he will make a statement.

[143433]

**Mr Heath:** The Secretary of State for Environment, Food and Rural Affairs, the right hon. Member for North Shropshire (Mr Paterson), spoke with Richard Lochhead, Cabinet Secretary for Rural Affairs and the Environment in Scotland, on 10 February about the ongoing investigation of horsemeat and adulterated beef products. The Food Standards Agency is working

closely with the Food Standards Agency Scotland on this investigation. Richard Lochhead agreed to support any action that could be taken which would give consumers the appropriate reassurance they need on the authenticity of foods. I had a discussion with representatives of the devolved Administrations on 13 February.

Also on 13 February the Secretary of State met agriculture Ministers from a number of other member states together with the Health and Consumer Policy Commissioner in Brussels. He requested this meeting to ensure co-ordinated action is taken across Europe so that consumers can have confidence in what they buy.

The Secretary of State updated colleagues on the devolved Administrations, including Richard Lochhead on 15 February. Richard Lochhead also attended a meeting with the food industry representatives hosted by DEFRA on 18 February.

The Secretary of State has since met Richard Lochhead at the Agriculture and Fisheries Council meeting in Brussels on 25 February. The Secretary of State issued a written ministerial statement on 27 February 2013, *Official Report*, column 26-28WS, updating the House on the Council discussions.

**Ms Ritchie:** To ask the Secretary of State for Environment, Food and Rural Affairs what the outcomes were of his discussions with his ministerial counterpart in the Republic of Ireland on (a) food policy provenance issues, (b) horsemeat, (c) food labelling issues and (d) passports for horses; and if he will make a statement.

[143533]

**Mr Heath:** I am working closely with my counterparts in Ireland and across Europe to ensure that the current unacceptable situation with horsemeat cannot happen again. This includes a three month programme of DNA testing of beef products across the EU covering domestic and imported products, with first results by 15 April. In addition, both domestic and imported horsemeat will be tested for bute. The current paperwork based system will be replaced by a programme of testing real products.

Secondly, we agreed to a new intelligence system so that information about the current investigations can be shared immediately. This will enable other EU member states to act immediately if they have any suspicions that food businesses are not playing by the rules. Member states also agreed to use Europol to co-ordinate law enforcement efforts. Thirdly, because of the urgency with which we have to deal with what is clearly an international issue, we agreed that the European Commission's report and recommendations on labelling the origin of all processed meat should be accelerated and published as soon as possible. I expect that this will provide consumers with clearer and more reliable information on where meat products come from. I made a statement to this effect on 13 February 2013, *Official Report*, column 741W.

#### Forestry Commission

**Daniel Kawczynski:** To ask the Secretary of State for Environment, Food and Rural Affairs what Forestry Commission programmes are supported by the fees charged by the Forestry Commission in visitor car parks.

[144580]

**Mr Heath:** Any revenues generated from car parking charges at sites on the public forest estate are reinvested in that forest area. The type of work this involves varies depending on the site and is an operational decision for the Forestry Commission. Some typical examples include trail maintenance, litter picking, the provision of dog waste bins and maintenance of the car park itself.

### Government Procurement Card

**Chi Onwurah:** To ask the Secretary of State for Environment, Food and Rural Affairs what guidance or instructions have been issued to staff in (a) his Department and (b) its arm's length bodies about the timing of the publication of data relating to spend over (i) £25,000 and (ii) £500 using the Government Procurement Card. [141498]

**Richard Benyon:** HM Treasury guidance requires Departments and their arm's length bodies to publish data on all transactions over £25,000, one month in arrears. If the data is available before the end of the month it should be published as soon as the Department has cleared it for release.

Cabinet Office guidance requires Departments to publish data for Government Procurement Card transactions over £500 in core Departments, two months in arrears. For arm's length bodies, the guidance states that retrospective data for 2011-12 should be published by end of March 2012, and that data for later periods should be published on a timetable at the Department's discretion.

### Horse Passports

**Mr Gray:** To ask the Secretary of State for Environment, Food and Rural Affairs how many horse passports have been issued since 2003. [145365]

**Mr Heath:** As at 2 July 2012, some 1,352,153 passports had been issued by horse passport issuing organisations in the United Kingdom.

### Horses: Databases

**Julian Sturdy:** To ask the Secretary of State for Environment, Food and Rural Affairs whether the Government is giving consideration to reinstating the National Equine Database. [143829]

**Mr Heath:** The Secretary of State for Environment, Food and Rural Affairs, the right hon. Member for North Shropshire (Mr Paterson), met representatives from across the equine sector on 21 February to look at ways in which we can work together to tighten and improve the current horse passport system and to get an update on the work industry is doing to develop a replacement for the National Equine Database. He committed to continue to work with industry on these issues.

**Mrs Gillan:** To ask the Secretary of State for Environment, Food and Rural Affairs what information his Department holds on the 32,000 potential duplicate records of horses in the UK identified by the National Equine Database prior to its closure in 2012. [144892]

**Mr Heath:** The National Equine Database was a repository of horse and owner data supplied by each individual horse passport issuing organisation (PIO). It was not capable of automatically identifying or rejecting duplicate information. PIOs continue to be legally responsible for limiting the issue of multiple passports for the same animal by consulting the paper and electronic records available to them. Horses issued with duplicate or replacement passports are automatically signed out of the food chain.

### Horses: Slaughterhouses

**Mary Creagh:** To ask the Secretary of State for Environment, Food and Rural Affairs when (a) his Department and (b) the Food Standards Agency first received correspondence from the Ulster Society for the Prevention of Cruelty to Animals on that organisation's concerns regarding the slaughter of horses and horse passports. [144792]

**Mr Heath:** Neither DEFRA nor the Food Standards Agency have a record of receipt of correspondence from the Ulster Society for the Prevention of Cruelty to Animals highlighting concerns regarding the slaughter of horses or horse passports.

**Chris Williamson:** To ask the Secretary of State for Environment, Food and Rural Affairs how many thoroughbred race horses (a) in training, (b) in breeding and (c) out of training were slaughtered in UK abattoirs in (i) 2011 and (ii) 2012. [144799]

**Mr Heath:** DEFRA does not hold the data requested; it only holds data on the total number of horses slaughtered for human consumption. In 2011, 9,011 horses were slaughtered for human consumption, and 9,405 in 2012.

### Mayor of London

**Mr Thomas:** To ask the Secretary of State for Environment, Food and Rural Affairs what plans he has for the devolution of additional powers to the Mayor of London; and if he will make a statement. [145242]

**Richard Benyon:** DEFRA currently has no plans to devolve additional powers to the Mayor of London.

### Meat: Contamination

**Huw Irranca-Davies:** To ask the Secretary of State for Environment, Food and Rural Affairs what reports he has received on the (a) name, (b) location and (c) ownership of meat plants which may have been the sources of the horsemeat found in beefburgers. [142943]

**Mr Heath:** Any information received by the Secretary of State for Environment, Food and Rural Affairs, the right hon. Member for North Shropshire (Mr Paterson) in response to the current investigation into the use of horsemeat in the food chain is forwarded on to the Food Standards Agency as the appropriate competent enforcement authority.

The FSA and the police, working with their counterparts across Europe, are involved in a complicated and far-reaching investigation. It would not be appropriate to provide information that may affect a live investigation at this time.

**Ms Ritchie:** To ask the Secretary of State for Environment, Food and Rural Affairs how many times assessment and testing for horsemeat and other substances has taken place at each meat processing plant in the UK in each of the last five years; on how many occasions food provenance or safety issues were identified; and on how many occasions that led to police investigations and convictions. [143204]

**Mr Heath:** Directive 96/23/EC requires member states to conduct an annual surveillance programme to check that authorised veterinary medicinal products are being used correctly in food producing animals and that unauthorised substances are not present.

The programme, operated by the Veterinary Medicines Directorate (VMD), is required to cover red meat species (including horses) and poultry meat. (It also covers eggs, milk, farmed fish, honey and game). Over 32,000 samples are taken annually in the UK and tested for a wide range of substances. The results are considered by the independent Veterinary Residues Committee (VRC) and published on the VRC website for 2007 to 2011:

[www.vmd.defra.gov.uk/vrc](http://www.vmd.defra.gov.uk/vrc)

Final results for 2012 are not yet available but non-compliant samples were notified to the VRC during the year in papers entitled "Statutory surveillance programme" which are also on their website.

There are around 350 red meat and poultry meat abattoirs so it would entail disproportionate cost to provide details of how many samples have been taken in individual premises in each of the last five years, which are taken based on their throughput.

None of the non-compliant results in the past five years have been deemed serious food safety issues or sufficiently serious on investigation to merit referring the matter to the police.

In addition, the Food Standards Agency and local authorities in the UK have a programme of food surveys to check the safety and authenticity of food which uses a wide range of testing methods including DNA.

In 2011-12 local authorities took 78,653 food samples, which underwent 92,181 analyses by Official Control Laboratories. These included 18,219 compositional analyses, 11,879 analyses of food for labelling and presentation and 55,546 microbiological analyses.

#### **Meat: Ritual Slaughter**

**Mary Creagh:** To ask the Secretary of State for Environment, Food and Rural Affairs what tests the Food Standards Agency is conducting to ensure that food in the public sector food supply chain labelled as halal does not contain pork DNA. [142097]

**Mr Heath:** It is the responsibility of all food businesses to ensure that the food they sell is what it says it is and that consumers are not misled. DEFRA's food authenticity programme develops and validates methods to detect

the presence of pork in foods. These methodologies are made available as standard operating procedures to support testing by public analysts and industry.

The Food Standards Agency delegates responsibility to local authorities for enforcing food safety legislation in food premises, covering the food supply chain from food manufacturing, processing, packing, distribution and storage through to catering and retail, including in the public sector.

There are no specific regulations governing the sale and labelling of halal or kosher meat. However, if meat is labelled as such, this must not mislead the consumer. Certification is provided by private organisations.

The Government's unit for engaging faith communities at DCLG will be hosting discussions between DEFRA, the Food Standards Agency and representatives of kosher and halal organisations this month. These discussions will cover how the Government is responding to the recently reported contamination of meat products through its testing programme and the approaches being used to detect contamination.

#### **Members: Correspondence**

**Toby Perkins:** To ask the Secretary of State for Environment, Food and Rural Affairs with reference to the letter of the Minister of Natural Environment and Fisheries to the hon. Member for Chesterfield of 24 October 2012, ref MC276618, when the hon. Member's constituent can expect a substantive response to his original concerns raised on 21 June 2012 about the welfare of buzzards. [144935]

**Richard Benyon:** I provided a substantive response on 20 November 2012. I have written to the hon. Member enclosing a copy of that reply.

#### **Nature Conservation: Crime**

**Mr Tom Harris:** To ask the Secretary of State for Environment, Food and Rural Affairs on what date the Government will publish its response to the Law Commission's consultation on wildlife law. [144754]

**Richard Benyon:** Following its consultation, the Law Commission anticipates presenting DEFRA with its final proposals shortly, to which the Government will then respond.

**Mr Tom Harris:** To ask the Secretary of State for Environment, Food and Rural Affairs on what date the Government plans to respond to the Environmental Audit Committee's third report of Session 2012-13, HC 140, on wildlife crime. [144755]

**Richard Benyon:** The Government is currently finalising its response to the report's recommendations and we will send it to the Committee as soon as we can. The Committee will publish the response in due course.

#### **Nutrition**

**Andrew Rosindell:** To ask the Secretary of State for Environment, Food and Rural Affairs what steps he is taking to promote the benefits of home cooking to parents. [145767]

**Anna Soubry:** I have been asked to reply on behalf of the Department of Health.

Change4Life since its launch in 2009 has promoted home cooking by offering healthier recipes that are simple to prepare. The recent Be Food Smart campaign has led to over 450,000 hard copy healthier recipe "Meal Mixers" being ordered so far and the online and app versions have been used to view millions of recipes.

The Be Food Smart Roadshow started in January and will be running through to the end of March 2013 visiting shopping centres and other similar venues around the country offering advice, recipes, activities and cookery demonstrations.

### Porpoises

**Mrs Moon:** To ask the Secretary of State for Environment, Food and Rural Affairs when he will respond to requests for information from the European Commission with regard to the UK's position on designating protection sites for harbour porpoises under Article 4 of Directive 92/43/EEC; and if he will make a statement. [145189]

**Richard Benyon:** The UK replied to the European Commission's request for information on the designation of Special Areas of Conservation for Harbour Porpoise on 17 December 2012.

### Schmallenberg Virus

**Huw Irranca-Davies:** To ask the Secretary of State for Environment, Food and Rural Affairs what assessment his Department has made of the economic effect of the Schmallenberg virus on (a) farmers and (b) regional economies. [139201]

**Mr Heath:** The information is not held in the format requested. Economic assessments were carried out on an epidemiological assessment completed in early 2012, looking at the potential spread of Schmallenberg virus (SBV) in GB, the impact and risk across different regions of the country. As the true impact was not known at that time, we used estimates based on other similar viruses and the UK livestock distribution.

This demonstrated that for infection in counties south of the midlands, which were determined to be at high or medium risk of SBV spread in 2011-12, if losses occurred on 5% of cattle and sheep farms and in 10% of the herd or flock, the cost to sheep farmers would be approximately £1 million, and for cattle farmers approximately £2.5 million. This is less than the economic impact of other common industry managed livestock disease such as mastitis in dairy cows, and foot rot in sheep. Widening the assessment to include counties deemed to be at low risk of infection in 2011, increased costs to farmers by about a third.

Another scenario tested was 20% of all cattle and sheep farms in the high and medium risk areas being affected. This increased costs to sheep farmers to approximately £4 million, and to cattle farmers to approximately £10 million.

Since carrying out these assessments, we now have information from the EU and our own UK farms on the impact and spread. These confirm actual impact to overall be lower than our estimates (although of course

the impact on an individual flock or herd may be substantial), and we are now looking at reviewing the economic impact to take these into account.

### Training

**Mr Thomas:** To ask the Secretary of State for Environment, Food and Rural Affairs how much his Department spent on training and education for civil servants in (a) 2010-11 and (b) 2011-12; and if he will make a statement. [144086]

**Richard Benyon:** The information to answer this question is not readily available and can be provided only at disproportionate cost.

### Turtles: Cayman Islands

**Stuart Andrew:** To ask the Secretary of State for Environment, Food and Rural Affairs what steps his Department plans to take to ensure that the Cayman Turtle Farm fulfils its commitment to improve conditions at the farm. [145520]

**Richard Benyon:** Responsibility for animal welfare and biodiversity conservation in the Overseas Territories is devolved to Territory governments, which are responsible for the development and implementation of appropriate legislation, policies and practices in devolved matters. The Cayman Turtle Farm is therefore the responsibility of the Cayman Islands Government.

The Governor's Office in the Cayman Islands is keeping DEFRA officials up to date on progress by the farm in improving the conditions in which the turtles are kept, following the recent investigation into its turtle husbandry practices.

I understand that the farm is committed to taking action and has drafted an action plan in response to the independent inspection report published on 25 January.

The farm's commitments include:

- the recruitment of a full-time veterinarian;
- the establishment of a scientific advisory committee to monitor implementation of the action plan; and
- amending the procedures and improving monitoring at the turtle touch tanks.

### UK Trade and Investment

**Julian Smith:** To ask the Secretary of State for Environment, Food and Rural Affairs what recent discussions he has had with the Secretary of State for Business, Innovation and Skills on the development of agricultural export expertise within UK Trade and Investment. [138887]

**Mr Heath:** I have had recent discussion with Lord Green in context of Cabinet sub-committee on the development of agricultural export expertise within UK Trade and Investment (UKTI).

DEFRA collaborates closely with UKTI to promote exports from the farming, food and drink sector. DEFRA, UKTI and industry jointly lead the action plan, 'Driving Export Growth in the Farming, Food and Drink Sector', published in January 2012. This sets out how Government and industry will work together to open up and take advantage of key markets. The Business Ambassadors

Group of business and university leaders also work with the Government to promote the UK's excellence internationally and highlight trade and investment opportunities. Business ambassadors with expertise in agriculture include James Townshend, chief executive of Velcourt.

### Written Questions

**Lisa Nandy:** To ask the Secretary of State for Environment, Food and Rural Affairs whether the procedure and sign-off process for responding to parliamentary questions in his Department includes review by special advisers. [146084]

**Richard Benyon:** Ministers are responsible and accountable for all answers to parliamentary questions. Special advisers may provide advice to Ministers, as outlined in the Code of Conduct for Special Advisers.

## CABINET OFFICE

### Charities

**Bob Stewart:** To ask the Minister for the Cabinet Office what recent research his Department has conducted on the effect of the Government's Big Society policy on the charitable sector. [145327]

**Mr Hurd:** While we do not commission specific research of this nature there are a range of relevant research studies which might be consulted. For instance there is the recent Community Life survey:

<http://communitylife.cabinetoffice.gov.uk/>

which found giving was unchanged and volunteering had increased.

### Cycling

**Mr Bradshaw:** To ask the Minister for the Cabinet Office (1) whether his Department is signed up to the Government's Cycle to Work scheme; [144387]

(2) whether the Deputy Prime Minister's Office has signed up to the Government's Cycle to Work scheme; [144466]

(3) who his Department's cycling champion is; [144431]

(4) who the cycling champion is in the Deputy Prime Minister's Office; [144435]

(5) what progress his Department has made on implementing the Cycle to Work guarantee; [144449]

(6) what progress the Deputy Prime Minister's Office has made on implementing the Cycle to Work guarantee. [144453]

**Mr Maude:** For the purposes of corporate administration and financial management, the Deputy Prime Minister's Office is an integral part of the Cabinet Office. The Cabinet Office is not a signatory of the Cycle to Work Guarantee, however we do back Business Cycle, which aims to get more people cycling to work.

The Cabinet Office has no specific cycling champion. However we do offer a range of facilities for cyclists including interest free loans to purchase bicycles, showers and lockers. Since May 2010 we have also installed a secure storage facilities for bicycles in 70 Whitehall.

### Internet

**John Robertson:** To ask the Minister for the Cabinet Office what steps he is taking to increase disabled people's internet usage. [145106]

**Mr Hurd:** The Government is committed to making public services available online through its digital by default strategy. In support of this, the Government Digital Service (GDS), part of Cabinet Office are working with groups such as Go-ON:UK an independent charity and the eAccessibility Forum, run by the Department for Culture Media and Sport (DCMS) in conjunction with central Government Departments to make sure that no one is excluded from access to digital services.

The Government continues to commit resources to meeting these aims through its Government Digital Strategy.

### Olympic Games 2012

**John Mann:** To ask the Minister for the Cabinet Office what Government vehicles were used to transport Ministers in his Department to London 2012 Olympic and Paralympic Games events. [140574]

**Mr Hurd:** In line with the Ministerial code, Ministers are permitted to make use of official cars for official business. Following the practice of previous Administrations, full details of travel are not usually disclosed. However, the Minister for the Cabinet Office used a Government Car to attend an Olympics event at the Greenwich Royal Artillery Barracks on 2 August 2012.

### Procurement

**Priti Patel:** To ask the Minister for the Cabinet Office what assessment he has made of the proposals by Dr Stephen Castell to secure potential savings from ICT procurement; and if he will make a statement. [145131]

**Miss Chloe Smith:** Cabinet Office officials have met with Dr Castell and made an assessment of his proposals to make savings from high-end ICT procurement by purchasing second hand equipment. However, we do not believe these proposals offer value for money in the context of the Government ICT Strategy.

The Government saved over £400 million from ICT in the first half of this year, in addition to £354 million in 2011-12 and £300 million between June 2010 and March 2011.

### Sick Leave

**Mr Marcus Jones:** To ask the Minister for the Cabinet Office (1) how many days of paid sickness leave per individual member of staff are authorised in his Department on an annual basis; [144481]

(2) what steps he is taking to reduce sickness absence in his Department. [144495]

**Mr Maude:** Staff qualify for sick leave if they are unable to work due to illness or injury. Staff may receive full pay for the first six months of an absence and half pay for a further six months, subject to a maximum of

12 months' paid sick leave in any four year period. As part of civil service reform this entitlement is being reviewed.

The average number of working days lost through sickness in the Cabinet Office currently stands at 2.2 days per employee, based on a rolling 12-month period. This is a reduction of 1.2 days on the same period last year, and compares with a civil service average of 7.6 days.

### Social Incubator Fund

**Chi Onwurah:** To ask the Minister for the Cabinet Office what organisations in each region have received support from his Department's Social Incubator fund; and how much has been dispersed to each region.

[145347]

**Mr Hurd:** The Social Incubator Fund was launched in July 2012. So far the fund committed to grant two incubators:

Wayra and UnLtd: £1,219,006

Bethnal Green Ventures: £900,000.

Both of these organisations will be focused on technology-based social ventures. They are based in London but have defined plans to reach beyond London.

### Written Questions

**Lisa Nandy:** To ask the Minister for the Cabinet Office whether the procedure and sign-off process for responding to parliamentary questions in his Department includes review by special advisers.

[146078]

**Mr Maude:** Ministers are responsible and accountable for all answers to parliamentary questions. Special advisers may provide advice to Ministers, as outlined in the Code of Conduct for Special Advisers.

## ENERGY AND CLIMATE CHANGE

### Arctic

**Mr Weir:** To ask the Secretary of State for Energy and Climate Change what assessment he has made of the increased rate of loss of Arctic ice; and what steps he is taking at national and international level to address this issue.

[146157]

**Gregory Barker:** Satellite and other observations show a major decline in Arctic sea ice summer extent of about 40% since 1979, when the satellite records began, and in winter ice thickness which has nearly halved in some parts of the Arctic over the past 40 years, where measured. The rate of decline in summer sea ice extent has accelerated in the past 15 years and has now reached an unprecedented rate of about 12% per decade. The summer extent fell to its lowest value ever recorded (3.41 million km<sup>2</sup>) in September 2012, 18% lower than the previous minimum recorded in 2007 (4.17 million km<sup>2</sup>).

Arctic sea ice extent and thickness are expected to continue to decline in line with increasing global temperatures. Scientific views vary considerably as to when the Arctic could be effectively ice-free in summer.

Recent models project this to occur between 2030 to 2050 but some analysts suggest it could happen even sooner.

The observed reductions of Arctic sea ice extent and thickness, and the consequent regional environmental and societal impacts, emphasise the urgent need for strong international action to tackle climate change. The Government is working through the UNFCCC process for the adoption of a legally binding global agreement applicable to all Parties by 2015, to come into force from 2020 with the long-term aim of avoiding dangerous levels of climate change by keeping the global temperature rise below 2°C. Action is also being taken to reduce greenhouse gas emissions domestically in line with the Government's commitments under the Climate Change Act.

### Biofuels

**Alun Cairns:** To ask the Secretary of State for Energy and Climate Change what steps he is taking to reduce the negative externalities of biomass.

[145526]

**Mr Hayes:** The UK Bioenergy Strategy was jointly published in April 2012 by DECC, DEFRA and the Department for Transport. This sets out key principles to steer a sustainable course including that biomass used for energy generation—across the heat, electricity and transport sectors—must deliver real, cost-effective greenhouse gas savings. Support for bioenergy should also aim to maximise the overall benefits and minimise costs, including managing possible impacts on food security and biodiversity.

We are bringing in robust sustainability criteria for the use of biomass under the renewable heat incentive and the renewables obligation. These criteria will include a minimum greenhouse gas savings target compared to fossil fuel use, and criteria to protect land with high carbon stock or biodiversity value.

The UK Bioenergy Strategy, its underpinning research and details of our biomass sustainability criteria proposals are available from the

[www.gov.uk](http://www.gov.uk)

website.

**Alun Cairns:** To ask the Secretary of State for Energy and Climate Change whether roundwood biofuels count towards the EU 2020 emissions targets.

[145603]

**Gregory Barker:** The word "biofuel" is usually applied to liquid or gaseous forms of bioenergy used for transport fuels. "Bioenergy" is typically used to refer to energy generation from all forms of biomass (solid, liquid and gas).

With respect to biofuels, the EU Renewable Energy Directive (RED) encourages the use of such fuels, including those based on wood, but also requires these fuels to deliver net greenhouse gas (GHG) reductions (ie that any emissions of GHGs associated with production are outweighed by the emissions reductions provided by consumption). The plant for producing transport biofuels from wood is largely at pilot stage and currently the contribution made by biofuels from wood is negligible within the EU.

Under the second commitment period of the Kyoto protocol, emissions of carbon dioxide from biogenic carbon due to the consumption of bioenergy are counted as zero. Land use, land-use change and forestry rules, agreed for at the conference of the parties to the Kyoto protocol held in Durban in 2011 set out the accounting of emissions from harvesting of wood.

### Coal Fired Power Stations

**Grahame M. Morris:** To ask the Secretary of State for Energy and Climate Change whether the development of clean coal technology is an integral part of UK Government energy policy. [145973]

**Mr Hayes:** The coalition agreement and recent mid-term review commit us to public sector investment in carbon capture and storage (CCS). This development of this technology provides an opportunity for clean coal to be part of the future generating resource. The Government set out its approach to supporting CCS in a roadmap published in April 2012. Central to this was the £1 billion CCS competition. We are making good progress with this and have shortlisted three coal projects, with a target of supported projects being operational between 2016 and 2020.

### Electricity

**Mr Jim Cunningham:** To ask the Secretary of State for Energy and Climate Change what steps he plans to take to assist small electricity suppliers with research and development costs. [145517]

**Mr Hayes:** Small electricity suppliers falling within the definition of small and medium enterprises (a company or organisation with fewer than 500 employees and either an annual turnover not exceeding €100 million or a balance sheet not exceeding €86 million) can already benefit from the Small and Medium-sized Enterprise Scheme which provides research and development relief for corporation tax. This provides tax relief on allowable research and development costs of 225%—that is, for each £100 of qualifying costs, a company or organisation could have the income on which corporation tax is paid reduced by an additional £125 on top of the £100 spent.

Any changes to tax relief allowances would be a matter for HM Treasury.

**Mr Jim Cunningham:** To ask the Secretary of State for Energy and Climate Change what discussions he has had with the Secretary of State for Communities and Local Government on encouraging local authorities to use small electricity suppliers. [145518]

**Mr Hayes:** The Secretary of State for Energy and Climate Change, the right hon. Member for Kingston and Surbiton (Mr Davey), has not held any discussions with the Secretary of State for Communities and Local Government, my right hon. Friend the Member for Brentwood and Ongar (Mr Pickles), on this matter. It would not be appropriate for the Government to seek to influence local authorities in their choice of supplier. It is for them to decide which supplier offers the best value.

The retail electricity market is a competitive market. The Government is working with Ofgem to ensure that barriers to entry and growth are minimised and that small electricity suppliers can compete on a level playing field with large established suppliers.

We have increased the threshold at which suppliers are required to participate in Government environmental and social schemes from 50,000 customers to 250,000 customers.

Other initiatives are also under way that should help small suppliers. Ofgem is taking forward proposals to address the low levels of liquidity in the wholesale electricity market and Government is seeking backstop powers to address low liquidity should Ofgem and industry efforts not deliver adequate improvements. Government is also looking at other barriers including how independent participants secure long-term contracts that allow them to finance projects.

**Mr Jim Cunningham:** To ask the Secretary of State for Energy and Climate Change what discussions he has had with the Chancellor of the Exchequer on reducing tax burdens on small electricity suppliers. [145519]

**Mr Hayes:** Tax is a matter for the Chancellor of the Exchequer, and the Secretary of State for Energy and Climate Change, the right hon. Member for Kingston and Surbiton (Mr Davey), has held no discussions with him regarding the tax burdens on small electricity suppliers.

The Government is working with Ofgem to ensure that barriers to entry and growth are minimised and that small electricity suppliers can compete on a level playing field with large established suppliers.

We have increased the threshold at which suppliers are required to participate in Government environmental and social schemes from 50,000 customers to 250,000 customers.

Other initiatives are also under way that should help small suppliers. Ofgem is taking forward proposals to address the low levels of liquidity in the wholesale electricity market and Government is seeking backstop powers to address low liquidity should Ofgem and industry efforts not deliver adequate improvements. Government is also looking at other barriers including how independent participants secure long-term contracts that allow them to finance projects.

### Energy: Billing

**Alec Shelbrooke:** To ask the Secretary of State for Energy and Climate Change what steps his Department is taking to ensure that energy companies do not continually roll over energy contracts. [146237]

**Mr Hayes:** It is for the independent regulator, Ofgem, to consider whether the existing licence condition governing the use of roll over contracts offers adequate protection to business customers.

Ofgem recently consulted on a proposal requiring the contract end date and last date of termination should be printed clearly on business customer bills, as part of their retail market review. The aim of the proposal is to make small businesses more aware of when their contract is coming up for renewal, and reduce the likelihood of automatic roll over. Ofgem are also committed to review

the roll over contract arrangements immediately after they have concluded their consultation on retail market review.

### Energy: Conservation

**Luciana Berger:** To ask the Secretary of State for Energy and Climate Change (1) what discussions Ministers in his Department have had with the European Commission on the level of VAT levied on energy saving materials being subject to a reduced VAT rate; and on what dates any such meetings took place; [146174]

(2) when he expects the EU Court of Justice to make a ruling on whether the UK can continue to tax energy efficient products at a lower rate of VAT; [146175]

(3) what estimate his Department has made of the effect on the level of Green Deal take-up of energy saving materials being subject to a VAT rate of 20 per cent. [146176]

**Gregory Barker:** Treasury Ministers have been leading on responses to communications from the European Commission on the UK's reduced rate of VAT on the installation of energy saving materials for HMG. This is an important issue for social policy—driving a reductions in costs for households and stimulating economic growth.

The Government disagrees with the European Commission's view that the current reduced rate of 5% VAT for the installation of energy saving materials in residential properties is unlawful and the UK has been referred to the European Court of Justice, which is the final stage of the infraction proceedings. Current assessments suggest that the earliest the case will be heard is towards the end of 2013, and were any changes required—which the Government strongly contests—it would be necessary to consider carefully what they should be in the light of the Court's judgment.

### Energy: Finance

**Anas Sarwar:** To ask the Secretary of State for Energy and Climate Change which projects were successful in applying for Government funding under the Cheaper Energy Together collective switching scheme. [145956]

**Gregory Barker:** A list of successful applicants for the Cheaper Energy Together funding, including the collective switching scheme, is available from the Government website at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/68859/7473-decc-local-authority-competition-201213-projects-.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/68859/7473-decc-local-authority-competition-201213-projects-.pdf)

### Energy: Prices

**Caroline Flint:** To ask the Secretary of State for Energy and Climate Change what recent assessment he has made of the effect of the Electricity Directive 2009/72/EC and the Gas Directive 2009/73/EC on end user price controls in the energy market. [145849]

**Mr Hayes:** I have made no such assessment. The UK is one of the nine member states which have no end user price controls.

However, the Commission reported in its Communication on making the internal energy market work, published in November 2012, that the majority of member states

still intervene in some form in retail price formation. The Commission stated that price regulation does not provide the right incentives for efficient investment or energy use and is not conducive to the development of a competitive market. It is therefore insisting on phase-out programmes for regulated prices as part of member states' structural reforms and taking infringement action where price regulation does not meet the conditions laid down by EU law.

### Fluidised Bed Combustion

**Jonathan Edwards:** To ask the Secretary of State for Energy and Climate Change what assessment he has made of the use of fluidised bed combustion technology for the production of energy. [145104]

**Gregory Barker:** DECC officials review a wide range of technologies. Fluidised bed combustion technology has a number of applications and is a technology currently used in production of energy from solid fuels such as coal and solid wastes. It is also one of the technologies being researched for production of liquid fuels from by pyrolysis under the DECC sponsored pyrolysis challenge programme.

### Fuel Poverty

**Mr Jim Cunningham:** To ask the Secretary of State for Energy and Climate Change what steps he plans to take to engage (a) communities and (b) community energy suppliers to lift people out of fuel poverty. [145516]

**Gregory Barker:** Through the energy company obligation (ECO), energy suppliers are required to assist low income, vulnerable households through the installation of basic heating and insulation measures. This month DECC is launching the ECO roadshow which will cover seven different cities across Great Britain and will focus on the building of community delivery partnerships for the scheme.

DECC recently offered English local authorities the opportunity to bid for up to £31 million of funding to reduce the extent of fuel poverty in their area, primarily through the provision of support for improvements to the thermal efficiency of dwellings. The competition is currently delivering 60 projects across 169 local authority areas in England, and a number of these projects are working in partnership with community groups.

The Department of Health's Cold Weather Plan 2012 places a high priority on the engagement of the local community and voluntary sector in delivery aspects of the plan. DECC has supported delivery of the Warm Homes Healthy People fund, which is an integral part of the plan that encourages local authorities to work with voluntary and community sector organisations in their local communities to reduce levels of death and illness due to the effects of cold weather.

DECC is currently scoping a Community Energy Strategy and will publish a Call for Evidence in the spring. This will cover aspects of community-led approaches across a broad range of activities that meet DECC objectives, including those on fuel poverty. We will be engaging widely with stakeholders during the run up to, launch and throughout the consultation period.

### Green Deal Scheme

**Mr Ainsworth:** To ask the Secretary of State for Energy and Climate Change what assessment he has made of the effect on the saleability of a property of having a Green Deal loan attached. [145961]

**Gregory Barker:** Many factors could potentially affect house prices including the cost of heating an inefficient property compared to an improved home. We have not yet made any assessment of whether the Green Deal has had any positive or negative effect of saleability of properties as the Green Deal market is too new to assess this.

### Members: Correspondence

**Mr Winnick:** To ask the Secretary of State for Energy and Climate Change when he expects to reply to the letter of 16 January 2013 from the hon. Member for Walsall North on behalf of a constituent. [145861]

**Gregory Barker:** I have now replied to the hon. Member, and I apologise for the delay in doing so.

### Nuclear Power Stations

**Dan Byles:** To ask the Secretary of State for Energy and Climate Change with reference to the National Infrastructure Plan, published in December 2012, page 43, what work his Department has done to bring forward proposals for reform of the community benefit regime with regard to new nuclear power; and when further details of this policy will be announced. [145549]

**Mr Hayes:** The Government is currently finalising the proposals for a community benefits package for sites that host new nuclear power stations. Details of the package will be issued shortly.

**Dan Byles:** To ask the Secretary of State for Energy and Climate Change what work has been undertaken in his Department to take forward the proposals of the Science and Technology Select Committee in its report on Risk Perception and Energy Infrastructure for the use of partnership models and community benefits in the new nuclear build process. [145563]

**Mr Hayes:** The Government is currently finalising the proposals for a community benefits package for sites that host new nuclear power stations. Details of how the package will be implemented will be issued shortly.

### Ofgem

**Caroline Flint:** To ask the Secretary of State for Energy and Climate Change (1) how many staff at Ofgem received bonuses in excess of (a) £1,420, (b) £2,000, (c) £5,000, (d) £10,000, (e) £20,000 and (f) £50,000 in 2011-12; [145944]

(2) how many staff employed at Ofgem received bonuses in 2011-12; [145945]

(3) what the (a) average and (b) total amount paid in bonuses to staff at Ofgem was in 2011-12; [145946]

(4) what the largest salary paid to an individual member of staff at Ofgem was in 2011-12. [145986]

**Mr Hayes:** The information requested is a matter for Ofgem. I have asked the Chief Executive of Ofgem to write to the right hon. Member and we will place a copy of his letter in the Libraries of the House.

### UK Coal

**Grahame M. Morris:** To ask the Secretary of State for Energy and Climate Change if he will seek assurances from UK Coal that it will continue production at Daw Mill Colliery in Warwickshire, once the fires have been extinguished. [145974]

**Mr Hayes:** This is a commercial matter for the company. The Department is keeping in close touch with the company as they assess the way forward.

**Grahame M. Morris:** To ask the Secretary of State for Energy and Climate Change what assistance his Department is giving to UK Coal to restructure its business and safeguard jobs in the deep mine coal industry. [145975]

**Mr Hayes:** We are actively engaged to help the company find a way forward, and I met with them today to take stock. We are fully committed to exploring every avenue we can to assist.

In the meantime, officials have maintained a full and ongoing dialogue with the company since the incident occurred on 22 February 2013 with a dedicated team in DECC and cross Whitehall co-ordination activated involving the Department for Business, Innovation and Skills, the Shareholder Executive, the Department for Work and Pensions (Jobcentre Plus), the Health and Safety Executive, the Coal Authority and Her Majesty's Treasury.

In addition to the work being undertaken by the Government, UK Coal is also closely engaged with its trade unions, suppliers, customers and insurers and I hope these talks can help identify constructive and pragmatic solutions to the issues faced by the firm.

**Grahame M. Morris:** To ask the Secretary of State for Energy and Climate Change what assistance the Government is giving to UK Coal to tackle the serious fire underground at Daw Mill Colliery in Warwickshire. [145976]

**Mr Hayes:** We have received assurances from the company that all the necessary actions are being taken to suppress the fire and extinguish it as quickly as possible. The Health and Safety Executive started an investigation soon after being notified of the situation by the company and a principal specialist inspector visited the site last week.

### Warm Front Scheme

**Mr Hepburn:** To ask the Secretary of State for Energy and Climate Change how many households in (a) Jarrow constituency, (b) South Tyneside, (c) the North East and (d) the UK have received help from the Warm Front scheme in each year since its inception. [145544]

**Gregory Barker:** The number of households assisted through the Warm Front scheme in (a) Jarrow constituency, (b) South Tyneside, (c) the North East and (d) England is presented in the following table:

<i>Assisted Households</i>	<i>2005-06<sup>1</sup></i>	<i>2006-07</i>	<i>2007-08</i>	<i>2008-09</i>	<i>2009-10</i>	<i>2010-11</i>	<i>2011-12</i>	<i>2012-13</i>	<i>Total</i>
Jarrow	320	386	679	417	356	495	60	59	2,772
South Tyneside	558	775	1,146	825	719	886	171	134	5,214
North East England	7,203	20,354	18,747	13,801	12,277	11,671	2,737	2,192	88,982
England <sup>2</sup>	114,595	253,079	268,900	233,594	212,963	127,930	33,058	26,240	127,0359

<sup>1</sup> Data is not available prior to 2005-06

<sup>2</sup> The Warm Front scheme is available in England only.

**Mr Hepburn:** To ask the Secretary of State for Energy and Climate Change what the average level of grant provided to households in (a) Jarrow constituency, (b) South Tyneside, (c) the North East and (d) the UK under the Warm Front scheme was in each year since its inception. [145545]

**Gregory Barker:** The average grant provided to households assisted through the Warm Front scheme in (a) Jarrow constituency, (b) South Tyneside, (c) the North East and (d) England is set out in the following table:

<i>Average spend<sup>1</sup></i>	<i>2005-06<sup>2</sup></i>	<i>2006-07</i>	<i>2007-08</i>	<i>2008-09</i>	<i>2009-10</i>	<i>2010-11</i>	<i>2011-12</i>	<i>2012-13</i>	<i>Total</i>
Jarrow	608.36	868.96	1,063.94	1,898.14	1,740.94	1,236.88	2,851.46	1,379.60	1,272.93
South Tyneside	788.05	1,184.20	1,248.97	2,011.61	1,880.36	1,616.04	2,829.23	1,134.25	1,509.01
North East England	1,112.58	850.16	1,291.51	1,960.04	1,389.29	1,255.10	2,654.03	999.15	1,323.18
England <sup>3</sup>	1,634.33	1,236.71	1,313.78	1,709.73	1,638.71	3,180.28	3,267.52	1,672.37	1,563.58

<sup>1</sup> The average grant is calculated by dividing expenditure by the number of households assisted. The variation in average grant levels between years, particularly 2011-12, is due to customers applying in one scheme year but being assisted in the following year. The average grant is also affected by the mix of measures installed and their associated costs.

<sup>2</sup> Data is not available prior to 2005-06.

<sup>3</sup> The Warm Front scheme is available in England only.

## TREASURY

### Bank Services

**Andrea Leadson:** To ask the Chancellor of the Exchequer if he will take steps to introduce bank account number portability in this Parliament in order to stimulate challenger banks, broader access to finance and as an effective means of resolving a future bank failure. [141904]

**Greg Clark:** The Government is committed to a competitive banking sector that delivers good results for customers and for the economy.

The Government has announced that it will consult shortly after Budget on introducing regulatory powers over payment systems, in order to increase the degree of competition in the sector.

### Credit Unions

**Mr Gregory Campbell:** To ask the Chancellor of the Exchequer how many credit unions in the UK have failed since 1 January 2011. [146063]

**Sajid Javid:** 15 credit unions have failed and been referred to the Financial Services Compensation Scheme (FSCS) since 1 January 2011. A list of these is available on the FSCS website.

### Income Tax

**Robert Halfon:** To ask the Chancellor of the Exchequer what recent representations he has received supporting the introduction of the 10p rate of income tax; and if he will make a statement. [145797]

**Mr Gauke:** The Government receives numerous representations from stakeholders and considers them as part of the annual Budget process.

**Catherine McKinnell:** To ask the Chancellor of the Exchequer what steps HM Revenue and Customs is taking with the financial services industry to improve the operation of the R85 procedure allowing people who do not pay income tax to pay a lower rate on their savings. [145987]

**Mr Gauke:** Her Majesty's Revenue and Customs is working with the British Bankers Association and the Building Societies Association to ensure that eligible savers are able to benefit from receiving interest without the deduction of tax through the R85 procedure. This is in addition to the help and guidance HMRC already provides for savers through its website and contact centres.

### Individual Savings Accounts

**James Duddridge:** To ask the Chancellor of the Exchequer what plans the Government has to enhance ISAs for savers; and if he will make a statement. [145306]

**Sajid Javid:** The Government recognises the importance of savings and of ISAs as a popular and accessible savings vehicle. For the year 2009-10, just under 24 million people (around half of the over-16 population) had an ISA.

The Government has protected the amount people can save annually tax-free in ISAs, and ensured it is not eroded by inflation, by indexing the ISA annual subscription limits. This means that from April 2013, the overall ISA limit will rise by £240 to £11,520 and the cash limit by £120 to £5,670.

### Individual Savings Accounts: Children

**James Duddridge:** To ask the Chancellor of the Exchequer what assessment he has made of rules prohibiting a child with a child trust fund from opening a junior ISA; and if he will make a statement. [145307]

**Sajid Javid:** The Government keeps this issue under review on an ongoing basis.

### Members: Correspondence

**Mr Winnick:** To ask the Chancellor of the Exchequer when he expects to reply to the letter dated 28 January 2013 from the hon. Member for Walsall North relating to a constituent, ref. 1/07344/2013. [145959]

**Greg Clark:** I have replied to the hon. Member.

### Ministerial Policy Advisers

**Ian Mearns:** To ask the Chancellor of the Exchequer what procedures are in place within his Department to deal with breaches of the code of conduct by special advisers. [145170]

**Sajid Javid:** Matters relating to special advisers are handled in accordance with the Ministerial Code, the Model Contract and Code of Conduct for Special Advisers. Disciplinary matters are dealt with in accordance with the Department's disciplinary procedures.

### Personal Savings and Mortgages

**Mr Gregory Campbell:** To ask the Chancellor of the Exchequer if he will estimate the number of (a) bank and building society savers and (b) mortgage holders in the UK; and what assessment he has made of the potential effect of negative interest rates on the behaviour of savers. [146061]

**Mr Gauke:** The Government uses a range of information sources to inform its understanding of savers, mortgage holders and the size of certain population groups. However, the Government does not collect or publish its own data on the number of mortgage holders or bank and building society savers in the UK..

Bank Rate is a macroeconomic policy tool of the independent Monetary Policy Committee (MPC) designed to affect the economy as a whole, in order to meet the 2% inflation, target over the medium term. The Committee voted to maintain Bank Rate at 0.5% at its February 2013 meeting. The MPC takes into account many factors in its policy decisions, including the prospects for households, assessments of which can be found in the Bank of England's quarterly Inflation Reports and press conferences, and the MPC's monthly meeting minutes.

### Tax Avoidance

**Jim Sheridan:** To ask the Chancellor of the Exchequer what recent discussions he has had with (a) Northumbrian Water, (b) Yorkshire Water, (c) Anglian Water, (d) Thames Water, (e) South Staffs Water and (f) Sutton and East Surrey Water, regarding tax avoidance. [145253]

**Mr Gauke:** HM Revenue and Customs (HMRC) has regular discussions with water utility companies in relation to their tax affairs, in line with its strategy for ensuring that all large businesses pay the tax they owe.

HMRC addresses risks across different customer groups, while tailoring its approach to identify and resource those risks for each customer group in order to achieve those outcomes.

HMRC's approach to the 2,000 largest businesses is to invest in direct engagement with them through customer relationship managers so that it has in-depth knowledge of their business model, business and tax issues, appetite for tax planning, and internal governance. HMRC's customer relationship managers are experienced tax professionals, trained to the highest levels of tax compliance, who lead teams of their most highly skilled specialists to man mark these complex and high-risk customers.

### Tax Burden

**Robert Halfon:** To ask the Chancellor of the Exchequer if he will estimate how much of the average tax-burden of a working family goes towards paying for (a) welfare payments excluding the basic state pension, (b) debt interest and (c) other matters. [145793]

**Mr Gauke:** The vast majority of taxes are not hypothecated to specific expenditure and therefore making a direct connection is not possible. However, an indicative calculation can be made based on the available National Statistics releases for tax and public spending.

The available statistics show that the average amount of income tax paid by taxpayers in the UK was £5,210<sup>1</sup> in 2011-12.

Using the latest available National Statistics for spending this provides the following breakdown of how income tax funds the requested categories:

<i>Expense area</i>	<i>Amount (£)</i>	<i>Percentage of total tax paid (%)</i>
Welfare payments (excluding pensions)	1,166.32	(22.4)
Debt interest	369.91	(7.1)
Other	3,673.77	(70.5)

<sup>1</sup> Taken from table 2.6 in HMRC's Income Tax Liabilities Statistics for 2010-11 to 2012-13:

<http://www.hmrc.gov.uk/statistics/tax-statistics/liabilities.pdf>

### Trade: British Overseas Territories

**Karl McCartney:** To ask the Chancellor of the Exchequer with reference to the Priority for Action to increase trade and investment between the UK and the Territories on page 36 of the Government's White Paper entitled The Overseas Territories Security, Success and Sustainability published in June 2012, what steps the Government is taking to encourage British businesses to pursue trade and investment opportunities in the Overseas Territories and Crown Dependencies. [144895]

**Michael Fallon:** I have been asked to reply on behalf of the Department for Business, Innovation and Skills.

The Government recognises that there are trade and investment opportunities in the Overseas Territories (OTs) and is seeking ways to increase trade and investment activity between the UK and the OTs, with the Foreign and Commonwealth Office (FCO) and UK Trade and Investment (UKTI) at the heart of this work.

The FCO and UKTI organised a business-focused event with representatives of the OTs in December 2012; and subsequent discussions have taken place to agree practical action.

This will include a further business event later this year, publicising trade opportunities in the OTs on the UKTI website:

[www.ukti.gov.uk](http://www.ukti.gov.uk)

and UKTI staff working more closely with Overseas Territory Economic Development Officers to help them take greater advantage of the sorts of services UKTI is able to provide.

Similar discussions have been held with representatives of the Crown Dependencies.

### VAT

**Chris Ruane:** To ask the Chancellor of the Exchequer what estimate he has made of the average cost to each household of the increase in VAT in each year since the increase in that tax rate. [145129]

**Mr Gauke:** No estimate has been made of the average cost to each household of the increase in VAT in 2011-12. Charts A3 and A4 of Annex A of the Budget 2010 document set out the impact of the rise in the standard VAT rate and the reversal of the increase to cider duty across the expenditure distribution, in absolute terms and as a proportion of income for 2012-13. The recently published Autumn Statement 2012 also contains an "Impact on households" annex which includes an estimate of all indirect tax measures announced by the Government in 2013-14.

## INTERNATIONAL DEVELOPMENT

### Argentina

**Mr Spellar:** To ask the Secretary of State for International Development pursuant to the answer of 15 January 2013, *Official Report*, column 644W, on Argentina, whether the UK delegation registered a vote against recent proposals for projects in Argentina proposed at the Inter-American Development Bank; and if she will make a statement. [145350]

**Justine Greening:** I refer the right hon. Member to my answer of 12 February 2013, *Official Report*, column 685W, where I have outlined this new policy.

There have been no new loans to Argentina tabled at the Inter-American Development Bank since December 2012.

### Developing Countries: Food

**Jim Sheridan:** To ask the Secretary of State for International Development what recent discussions she has had with banks regarding food price speculation. [145256]

**Sajid Javid:** I have been asked to reply on behalf of the Treasury.

Treasury Ministers and officials have meetings with a wide variety of organisations in the public and private sectors as part of the process of policy development and delivery.

The Treasury publishes a list of ministerial meetings with external organisations, available at:

[http://www.hm-treasury.gov.uk/minister\\_hospitality.htm](http://www.hm-treasury.gov.uk/minister_hospitality.htm)

**Jim Sheridan:** To ask the Secretary of State for International Development what assessment she has made of the effect of food price speculation on world hunger; and if she will make a statement. [145257]

**Justine Greening:** The coalition Government recognises the damaging impact high food prices can have on poor consumers in developing countries. Our position, confirmed by the 2011 G20 Study Group report on commodities, continues to be that market fundamentals, ie supply and demand, are the main factors driving international commodity prices. However, the Government continues to monitor relevant research with interest.

### Developing Countries: Health Services

**Mr Sanders:** To ask the Secretary of State for International Development whether her Department provides support to developing countries to increase the quantity of healthcare workers relative to the total population. [145179]

**Lynne Featherstone:** The Department for International Development (DFID) is strongly committed to strengthening health systems and to supporting health workers as part of this. Our commitment to help save the lives of at least 50,000 women during pregnancy and childbirth, and 250,000 newborn babies, needs skilled health workers in the right place at the right time.

DFID is supporting the health work force in 28 of the countries in which we work. This support includes training new health workers; building the skills of existing health workers; working with government to strengthen health workforce planning and information. In Ethiopia, for example, DFID support is helping scale up access to health care through increasing the numbers of community health workers across the country, especially in remote areas.

### Developing Countries: Poverty

**Mr Sanders:** To ask the Secretary of State for International Development if she will make it her policy to work with other governments and international bodies to aim to eliminate absolute poverty globally by 2025. [145118]

**Justine Greening:** Securing global agreement on a post-2015 development framework to eradicate extreme poverty is one of my Department's priorities. I am working with other governments and international partners to build consensus on putting poverty eradication at the heart of the new international development agenda. I took the opportunity to successfully argue for this at the European Union Informal Meeting of Development Ministers in Dublin last month.

The Prime Minister is also using his position as co-chair the UN's High Level Panel on Post-2015 Development to secure a poverty-focused development framework. He has stressed that the framework will need set deadlines for action, and that we need to achieve poverty eradication "within our generation".

#### Developing Countries: Religion

**Jeremy Lefroy:** To ask the Secretary of State for International Development what steps her Department has taken to implement the commitment in its Faith Partnership Principles paper to build a systematic evidence base of the role that faith groups play in development. [145575]

**Lynne Featherstone:** The DFID "Faith Partnership Principles Paper" which aimed to strengthen and guide DFID's future relationship and collaboration with faith groups recommended that the Faith Working Group should establish a "Community of Learning" to document the effect of faith groups. A coalition of faith groups, academia and civil society organisations has established a "Joint Learning Initiative" to map the work and document the effectiveness of faith groups.

DFID has been supportive of this coalition. DFID officials met representatives of the Joint Learning Initiative on 26 February to agree the next stage of this work.

#### Developing Countries: Technology

**Mr Sanders:** To ask the Secretary of State for International Development what role the creation and dissemination of new technology plays in her Department's international development strategy; and if she will make a statement. [145117]

**Lynne Featherstone:** Technology has the potential to increase the impact and value for money of UK Aid; and to pull people out of poverty.

To support this vision, the UK Government has recently launched an initiative, Making All Voices Count—a new \$45 million fund (in partnership with Omidyar Network, USAID and the Swedish International Development Cooperation Agency—UK Aid contribution is \$10m), to support the use of web and mobile technology to amplify the voices of citizens, empower citizens to bring about change, and enable governments to open up and be more transparent and more accountable to their citizens. An initiative to scale-up the use of technologies which can be used to help those hit by humanitarian crises has also been launched.

#### Mali

**Mr Sanders:** To ask the Secretary of State for International Development what assessment she has made of the role investment in infrastructure in Northern

Mali can play in reducing unrest; what assistance her Department is providing to the Malian government to provide such investment; and what steps she is taking to ensure that such funding is spent appropriately. [145114]

**Lynne Featherstone:** DFID recognises the importance of investment in infrastructure. This helps countries to develop, both through enabling growth and in the direct provision of services to vulnerable people, in support of wider peace building and state building processes. The UK is already providing lifesaving humanitarian assistance in Northern Mali, delivered through tried and trusted international humanitarian agencies. We do not give bilateral aid directly to the Government of Mali.

In addition to our humanitarian spend, we are supporting our multilateral partners including the United Nations and the European Union in their stabilisation plans for Mali. This may include, among other measures, the development and rehabilitation of infrastructure in the north of the country. DFID will seek to ensure that such measures are conflict sensitive, and fully take the root causes of the conflict into account. The UK also welcomes the gradual resumption of EU development aid, including through the development of a State-Building Contract, and looks forward to the further discussions at the EU donor conference on 16 May on how international aid can assist the wider peace-building and stabilisation process in Mali.

#### Rwanda

**David Morris:** To ask the Secretary of State for International Development what criteria will be applied in deciding whether to resume aid payments to Rwanda following the Peace, Security and Co-operation Framework for the Democratic Republic of Congo and the region signed in Addis Ababa on 24 February 2013. [145952]

**Lynne Featherstone:** I refer the hon. Gentleman to the written ministerial statement issued by the Secretary of State for International Development, the right hon. Member for Putney (Justine Greening), on 1 March 2013, *Official Report*, columns 47-8WS.

#### Staff

**Diana Johnson:** To ask the Secretary of State for International Development how many staff her Department employed in each of the past five years; how many such staff were employed in London; how many such staff were employed in other regions of England; how many posts moved from London to these regions; and what steps she is taking to move her staff to regional offices. [145696]

**Mr Duncan:** Overall staffing figures for the Department for International Development (DFID) for the last five years, with the London component identified separately, are shown in the following table:

Date	Total home civil servants (HCS) plus staff appointed in country overseas	London based HCS
31 December 2008	2,437	745
31 December 2009	2,374	761
31 December 2010	2,391	728
31 December 2011	2,481	681
31 December 2012	2,691	726

All DFID staff employed in England are London based.

### Syria

**Philip Davies:** To ask the Secretary of State for International Development how much her Department has spent on each aid project it supports in Syria in each of the last three years. [145356]

**Mr Duncan:** The UK has so far provided a total of £139.5 million to support those affected by the crisis in Syria. £81.5 million of this was provided in the financial year 2012-13 and £58 million will be provided in the financial year 2013-14. The UK did not provide aid for Syria before 2012. This funding goes to a range of neutral and impartial humanitarian agencies including UN agencies and Non-Governmental Organisations. A breakdown of DFID's humanitarian funding for the crisis in Syria is available at:

[www.dfid.gov.uk/Syria](http://www.dfid.gov.uk/Syria)

### Written Questions

**Lisa Nandy:** To ask the Secretary of State for International Development whether the procedure and sign-off process for responding to parliamentary questions in her Department includes review by special advisers. [146088]

**Mr Duncan:** Ministers are responsible and accountable for all answers to parliamentary questions. Special advisers may provide advice to Ministers, as outlined in the Code of Conduct for Special Advisers.

## EDUCATION

### AS-levels

19. **Alex Cunningham:** To ask the Secretary of State for Education what plans he has for the future of AS levels; and if he will make a statement. [145472]

**Michael Gove:** On 23 January, I wrote to Ofqual's Chief Regulator setting out my intention to reform A levels and to retain the AS. The AS will be redesigned as a high quality, stand-alone qualification that will be as intellectually demanding as an A level, and cover half of the content.

### School Exclusions

22. **Fiona Mactaggart:** To ask the Secretary of State for Education what steps he plans to take to improve outcomes for children who have been permanently excluded from school. [145475]

**Mr Laws:** All pupils in alternative provision, including those excluded from school, should receive an education on par with their mainstream peers to enable them to access the same opportunities. The Government has already begun introducing a number of ambitious reforms, including implementing all 28 recommendations from the Taylor review, publishing new guidance, giving providers access to the benefits of Academy status, and freeing schools from the bureaucracy that often gets in the way of improving pupil outcomes.

## Autistic Children: Support

**Thomas Docherty:** To ask the Secretary of State for Education what recent assessment he has made of the additional support needed by children on the autistic spectrum to enable them to participate in mainstream schooling. [145465]

**Mr Timpson:** Two thirds of children identified by schools and local authorities as being on the autistic spectrum have special educational needs (SEN) and around 60% of those with statements attend mainstream. Their statements will set out the extra support they need to be educated in the schools named on the statement.

Children on the autistic spectrum should have their needs assessed individually so that the support they need can be arranged for them in an appropriate setting, whether that is in a mainstream or special school. The Department funds the Autism Education Trust to provide training and develop training materials to help mainstream schools meet these children's needs. The Department will be letting a contract to provide specialist support in autism provision from April. The Autism Education Trust has put in a bid which proposes to extend their existing training programme beyond 2013, and also to expand coverage more widely throughout England and to cover early years and further education.

Under the current SEN code of practice, pupils with SEN but without statements will be identified as being on either 'School Action' and 'School Action Plus'. The Government proposes to replace these categories with a new single early years- and school-based SEN category. The aim will be to encourage schools first to adapt their core teaching to the range of needs their pupils have, including those on the autistic spectrum. However the code will also set out within this category the importance of identifying and meeting specific needs in order to support pupils to progress and the legislative duty on schools to use their best endeavours to secure special educational provision will remain.

### GCSE Grade Inflation

**Mr Holloway:** To ask the Secretary of State for Education what steps he plans to take to tackle grade inflation in GCSEs. [145474]

**Michael Gove:** We are reforming GCSEs to make them linear, with all assessments taken at the end of the course, and with internal assessment kept to a minimum. The new exams will test extended writing, have fewer bite-sized, overly structured questions, and in maths and science will have a greater emphasis on quantitative problem-solving.

As the independent qualifications regulator, Ofqual will continue to make sure that standards are right and that reformed GCSEs are benchmarked against the best on offer in high-performing countries.

### Alcoholic Drinks

**Tracey Crouch:** To ask the Secretary of State for Education what estimate he has made of the level of alcohol-related absenteeism in his Department; whether his Department has an (a) internal alcohol policy and (b) occupational health strategy; and if he will publish such documents. [143963]

**Elizabeth Truss:** The Department does not record centrally whether absences are specifically alcohol-related, and has not carried out any analysis of this type of absence.

The Department does not have a specific internal alcohol policy but does have an internal conduct policy which gives clear guidance on standards of behaviour expected from staff. This document is available to staff on the Department's internal intranet.

The Department's occupational health policy is published on its internal intranet. To support this the Department contracts the services of an independent occupational health provider to advise managers on how best to adopt a work focused approach to support employees experiencing health issues. Additionally the Department contracts with an employee assistance provider to provide staff with free 24 hour unlimited access for support, information and advice on a range of issues.

A copy of the documents has been placed in the House Libraries.

### Children in Care: Disability

**Mrs Moon:** To ask the Secretary of State for Education how many (a) looked-after children and (b) children in foster care in England are classified as having a disability; and if he will make a statement. [144941]

**Mr Timpson:** The Department does not collect information on the disability status of looked after children.

Information is collected on the reason why a child is looked after and in some cases a child may become looked after as a result of their disability. The following table shows the number of: (a) all children looked after at 31 March 2012; and, (b) the number of looked after children at 31 March 2012 in foster placements, by reason looked after. However, as there will be disabled children who are looked after for reasons other than their disability the figures do not show the total number of looked after children who are disabled.

Children looked after at 31 March by category of need<sup>1, 2</sup>. Year ending 31 March 2012. Coverage: England

	All children looked after at 31 March 2012 <sup>3</sup>	Children looked after at 31 March 2012 placed in foster care <sup>4</sup>	Number
All children looked after at 31 March	67,050		50,260
<i>Category of need<sup>5</sup></i>			
Abuse or neglect	41,790		33,050
Child's disability	2,280		860
Parents illness or disability	2,680		2,220
Family in acute stress	6,000		4,270
Family dysfunction	9,530		6,960
Socially unacceptable behaviour	1,150		530
Low income	120		90
Absent parenting	3,490		2,270

<sup>1</sup> Numbers have been rounded to the nearest 10.

<sup>2</sup> Figures exclude children looked after under an agreed series of short-term placements.

<sup>3</sup> All children looked after at 31 March 2012.

<sup>4</sup> Those children looked after at 31 March 2012 whose placement on 31 March is that of foster care.

<sup>5</sup> The most applicable category of the eight "Need Codes" at the time the child started to be looked after rather than necessarily the entire reason they are looked after.

Source:

SSDA903

### Children: Health

**Mr Sanders:** To ask the Secretary of State for Education if he will make it his policy to require Ofsted to assess the support services schools offer to children with health conditions. [145188]

**Mr Laws:** We do not intend to prescribe to Ofsted what it should and should not be assessing. We fully expect that all aspects of the services that schools provide to all the children, with or without health conditions, will be subject to appropriate scrutiny during an inspection.

### Copyright

**Dan Jarvis:** To ask the Secretary of State for Education when the Government plans to consult on recommendations of the Hargreaves Review into IP and Growth that the UK should (a) also promote at EU level an exception to support text and data analytics and (b) give a lead at EU level to develop a further copyright exception designed to build into the EU framework adaptability to new technologies; [145950]

**Jo Swinson:** I have been asked to reply on behalf of the Department for Business, Innovation and Skills.

The Government's position on the Hargreaves proposals on text and data mining and technology neutrality is set out in its response to the Review at pages 7-8:

<http://www.ipo.gov.uk/ipresponse-full.pdf>

This builds on the evidence gathered during the Hargreaves Review of Intellectual Property and Growth. There are no plans to consult further or publish additional estimates of impact.

The Impact Assessment for a UK-only text and data mining copyright exception for non-commercial use makes an indicative estimate of productivity gains of £124 million to £157 million per year.

### Free School Meals

**Stephen Timms:** To ask the Secretary of State for Education when he plans to announce which recipients of universal credit will be entitled to free school meals; and for how long he plans to consult on his proposals. [144811]

**Mr Laws** [*holding answer 27 February 2013*]: We are working very closely with other Departments, including the Cabinet Office and the Department for Work and Pensions, to specify free school meals criteria under universal credit, while ensuring that free lunches continue to be available to the families who need them most. These discussions, which include consideration of a phased implementation timetable, are in recognition of the significant number and complexity of passported benefits across Government, most of which have different eligibility criteria.

We will allow good time to enable schools, local authorities and children's charities to comment on our proposals before we introduce new eligibility criteria.

#### Primary Education: Rural Areas

**Priti Patel:** To ask the Secretary of State for Education what steps his Department is taking to increase the number of primary school places in rural areas. [145463]

**Mr Laws:** On 1 March, I announced £1.6 billion support for local authorities to provide additional pupil places. For the first time, funding has been allocated using data at a planning area level that enables us to better identify and target specific place pressures within local authorities. Local authorities will also be required to provide details of how they have used this money to meet needs locally. I also announced the new Targeted Basic Need programme, which will provide further funding to create new schools and additional pupil places.

#### Pupils: Per Capita Costs

**Chris Ruane:** To ask the Secretary of State for Education how much was spent on schools per pupil in each of the last 30 years. [145014]

**Mr Laws:** The available information on how much was spent on schools per pupil from 1992-93 to 2011-12 is contained within the following table.

*School based expenditure per pupil from 1992-93 to 2011-12*

	92-93	93-94	94-95	95-96	96-97	97-98	98-99	99-00	00-01	01-02
Nursery education	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Primary education	n/a	n/a	n/a	n/a	n/a	n/a	n/a	2,007	2,212	2,483
Pre-primary education and primary education	1,562	1,613	1,662	1,695	1,735	1,740	1,871	2,050	2,277	2,567
Secondary education	2,258	2,242	2,273	2,298	2,346	2,363	2,450	2,612	2,828	3,154
Special schools	10,062	9,077	8,725	9,161	9,653	9,829	10,112	10,896	11,861	13,029
Total (including pre-primary)	1,955	1,949	1,986	2,018	2,064	2,075	2,193	2,391	2,624	2,941
Total (excluding pre-primary)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	2,368	2,589	2,896

  

	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11	11-12
Nursery education	n/a	n/a	5,972	6,569	7,124	7,877	8,754	9,235	9,757	9,411
Primary education	2,530	2,755	2,914	3,152	3,356	3,578	3,778	3,916	4,039	4,126
Pre-Primary education and primary education	n/a									
Secondary education	3,225	3,546	3,798	4,073	4,320	4,618	4,894	5,067	5,247	5,231
Special schools	12,816	14,046	15,105	16,434	17,484	18,647	19,790	20,604	21,166	21,076
Total (including pre-primary)	n/a									
Total (excluding pre-primary)	2,953	3,229	3,452	3,722	3,947	4,213	4,458	4,614	4,756	4,759

n/a = Not applicable.

#### Notes:

1. The data source for the information provided for 1992-99 was DCLG's ROI form. 1999-00 saw a change in data source when the data collection moved from the ROI to the Department for Education's section 52 (now latterly s251) out-turn tables. 2002-03 saw a further break in the time series following the introduction of Consistent Financial Reporting (CFR) and the associated restructuring of the out-turn tables.

2. School based expenditure includes only expenditure incurred directly by the schools. This includes the pay of teachers and school-based support staff, school premises costs, books and equipment, and certain other supplies and services, less any capital items funded from recurrent spending and income from sales, fees and charges and rents and rates. This excludes the central cost of support services such as home to school transport, local authority administration and the financing of capital expenditure.

3. Local government reorganisation (LGR) took place during the mid to late 1990's and those LAs that did not exist either pre or post LGR is likely to mean a further change in the time series.

4. Expenditure was not distinguished between the pre-primary and primary sectors until the inception of section 52 for financial year 1999-00.

5. School based expenditure in nursery schools was not recorded in 2002-03.

6. Figures are in cash terms.

### Schools: Immigration

**Kevin Brennan:** To ask the Secretary of State for Education what estimate he has made of the potential effect of inward migration from Romania and Bulgaria on the number of primary school pupils from 2014. [144762]

**Mr Laws** [*holding answer 27 February 2013*]: No separate estimate has been made of the effect of immigration from Romania and Bulgaria on the number of primary school pupils in England. The Department's national pupil projections are based on population projections from the Office for National Statistics (ONS), which take into account net migration from European Union accession countries including Romania and Bulgaria.

**Mr Ellwood:** To ask the Secretary of State for Education under what responsibility local authorities are placed to confirm that parents applying for school places for their children who are immigrants from (a) other EU member states and (b) other countries are present in the UK lawfully. [145082]

**Mr Laws:** Local authorities are responsible for co-ordinating the school admission arrangements for all state funded schools within their area. Parents are asked by local authorities to complete a common application form (CAF), which enables them to express a preference for a place at any state funded school. The CAF can seek personal details such as name, address and the name, address and date of birth of the child. Where a local authority has concerns about an individual's access to public benefits, including education, they may refer the matter to the UK Border Agency.

### Special Educational Needs

**Alex Cunningham:** To ask the Secretary of State for Education with reference to his Department's document, *Support and aspiration: A new approach to special educational needs and disability—Progress and next steps*, published in May 2012, what steps he is taking to ensure that services included in the local offer are delivered satisfactorily in a local area so that the First-tier Tribunal and others can be confident when making decisions regarding what should be included in a disabled child's education, health and social care plan. [144912]

**Mr Timpson:** The Children and Families Bill, introduced to Parliament in February 2013, includes proposals for local authorities in England to publish a local offer of services for children and young people with special educational needs, including those who are disabled. The local offer would enable families to see readily what they can expect from services across education, health and social care including eligibility criteria for accessing services where appropriate.

Local authorities would be required to involve local children, young people and families when developing and reviewing their local offer and the services that are available in their area. Local authorities would be required to publish comments from children, young people and their families on the content of the local offer alongside their response to these comments and would be required to keep their local offer under review and up to date. This would enable the local authority to ensure their

local offer continued to meet the needs and aspirations of local children and young people with special educational needs and their parents.

Each service would be accountable for delivering what is set out in the local offer and if families are unhappy with what they receive or what is available they would be able to take this up with those services. The local offer would give details of how to complain about provision and about rights of appeal.

If a local authority did not meet its statutory obligations in respect of the local offer a complaint could be made to the Local Government Ombudsman and if necessary to the Secretary of State for Education.

**Alex Cunningham:** To ask the Secretary of State for Education pursuant to the Sixth Report of the Education Committee, *Pre-legislative scrutiny: special educational needs, HC 631*, what plans he has to establish a national framework for local offers. [144913]

**Mr Timpson:** The Children and Families Bill, introduced to Parliament in February 2013, includes proposals for local authorities in England to publish a local offer of services for children and young people with special educational needs, including those who are disabled. The local offer would enable families to see readily what they can expect from mainstream services across education, health and social care; how to access more specialist support; how decisions are made including eligibility criteria for accessing services where appropriate; and how to complain or appeal.

Local authorities would be required to involve local children, young people and families in developing their local offer to take account of their needs and aspirations. A common framework for the local offer will be set out in regulations and the special educational needs Code of Practice. These detailed requirements will be informed by the learning and effective practice developed by the pathfinders.

### Swimming

**Andrew Rosindell:** To ask the Secretary of State for Education what steps he is taking to ensure that every child has the opportunity to learn to swim. [145765]

**Mr Timpson:** The Government is committed to ensuring that swimming takes place in schools. Swimming is an important part of the national curriculum, which sets out that all pupils must be taught to swim at least 25 metres unaided, and be able to use recognised swimming strokes by the end of Key Stage 2 (age 11). It also requires that a child can demonstrate an understanding of water safety. The Secretary of State for Education, my right hon. Friend the Member for Surrey Heath (Michael Gove), has said that swimming will remain compulsory in the national curriculum following the current review.

### Teachers: Training

**Kevin Brennan:** To ask the Secretary of State for Education pursuant to his answer of 14 February 2013, *Official Report*, column 802W, on Teachers: Training, what proportion of Schools Direct trainees are employed by their schools or school partnerships at the end of their training period. [144982]

**Mr Laws** [*holding answer 27 February 2013*]: There is no data on employment for School Direct trainees yet. The first cohort of trainees for the academic year (AY) 2012/13 will qualify in autumn 2013 and employment data will be available from summer 2014.

### Teachers: Veterans

**Alex Cunningham:** To ask the Secretary of State for Education how many ex-service personnel have (a) enrolled on and (b) completed the Troops to Teachers programme to date. [144914]

**Mr Laws:** The Secretary of State for Education, the right hon. Member for Surrey Heath (Michael Gove) will be in a position to announce the new Troops to Teachers (TtT) programme within the next month. As the programme has not yet been launched, to date no ex-service personnel have enrolled on the Troops to Teachers programme.

The DfE has worked closely to develop a coherent programme, with the wider aim of attracting high quality service leavers into schools. This has focused so far on increasing applications to existing initial teacher training (ITT) routes.

Troops to Teachers feeds into the Military Skills and Ethos in Schools project, which aims to bring together the work that is dispersed throughout the Department in this area, including the work SkillForce is doing in the alternative provision sector.

## DEFENCE

### Defence

**Mr Jim Murphy:** To ask the Secretary of State for Defence what targets his Department set for the delivery of the measures outlined in the 2010 strategic defence and security review. [145286]

**Mr Philip Hammond** [*holding answer 28 February 2013*]: Strategic defence and security review (SDSR) implementation targets are set out in the Ministry of Defence business plan

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/27185/mod\\_plan\\_final\\_11\\_06\\_12\\_P1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/27185/mod_plan_final_11_06_12_P1.pdf)

Progress is reported monthly on the No. 10 website <http://transparency.number10.gov.uk/>

and in the Prime Minister's annual report to Parliament on progress in implementing the national security strategy and strategic defence and security review. The second annual report was presented on 29 November 2012, *Official Report*, columns 26-28WS.

### Defence Support Group

**Alison Sebeck:** To ask the Secretary of State for Defence what the budget was of the Defence Support Group in each of the last five years; and whether the Defence Support Group has been a net (a) contributor to and (b) recipient of his Department's budget in that period. [145134]

**Mr Dunne:** The Defence Support Group finances its operations and delivers an annual dividend to Ministry of Defence (MOD) through the charges it levies on customers for its services. The operating costs of the trading fund, from vesting in 2008, to date are shown in the following table.

	<i>£ million</i>
2008-09	217
2009-10	220
2010-11	202
2011-12	173
2012-13	<sup>1</sup> 168

<sup>1</sup> Forecast, un-audited, operating cost figure.

As the Defence Support Group's only substantial customer is the armed forces, and some 99% of its annual business turnover is derived from the MOD, the trading fund is a net recipient of the MOD budget.

We do not classify the annual dividends returned by the Defence Support Group to MOD as a contribution to the Defence budget as this is predominantly circular funding, returning to MOD.

**Stephen Mosley:** To ask the Secretary of State for Defence what analysis his Department has made of the effect that a sale of the Defence Support Group will have on the support that that body provides to the UK's armed forces. [145791]

**Mr Dunne:** Sale of the Defence Support Group (DSG) will not change its priority of supporting the armed forces. From the preparatory work that we have undertaken to date, the Ministry of Defence expects that it can achieve a sale transaction that represents overall long-term value for money for the taxpayer and maintains the quality and timeliness of DSG's ongoing support to the armed forces.

### Depleted Uranium: Scotland

**Katy Clark:** To ask the Secretary of State for Defence how many depleted uranium rounds are planned to be test fired in the Kirkcudbright Range in Dundrennan in (a) 2013 and (b) 2014; and when each such firing is scheduled to take place. [145504]

**Mr Dunne:** There are no plans for any test firing of depleted uranium rounds at the Kirkcudbright Range in Dundrennan.

### HMS Astute

**Angus Robertson:** To ask the Secretary of State for Defence how many Tomahawk land attack missiles have been (a) successfully and (b) unsuccessfully test fired from HMS Astute to date. [145087]

**Mr Dunne:** To date, two Tomahawk land attack missiles have been successfully test fired from HMS Astute. No missiles have been fired unsuccessfully.

### HMS Tireless

**Paul Flynn:** To ask the Secretary of State for Defence when the leak from the reactor on HMS Tireless was first discovered; for what reasons the submarine was

moved through the Irish sea to Devonport from off the west coast of Scotland after discovery of the leak; whether the Government of the Republic of Ireland was informed of the problem with the submarine; what steps have been taken to rectify the problem at Devonport docks; and what estimate he has made of the cost of repairs. [145329]

**Mr Dunne:** A very small coolant leak, contained within the sealed reactor compartment onboard HMS Tireless, was discovered on 4 February 2013. This presents no safety risk to members of the public, the environment or the crew.

The submarine was in international or UK territorial waters throughout her journey to Devonport, where there is a specialist submarine maintenance facility. There was no requirement to engage with or to inform the Government of the Republic of Ireland.

Repair plans are being developed and it is too early to confirm the detail or cost.

#### Joint Strike Fighter Aircraft

**Angus Robertson:** To ask the Secretary of State for Defence what recent reports he has received on cracks in the engine blades of the Joint Strike Fighter. [145268]

**Mr Dunne:** The UK was informed of a crack found on AF-2's engine on 19 February 2013 through normal US/UK airworthiness channels. Beyond this initial report, the UK F35 Type Airworthiness Authority has been involved in daily reviews with US government officials to understand progress with the subsequent technical investigation.

#### Michael Dugher

**Mr Ellwood:** To ask the Secretary of State for Defence on how many occasions Mr Michael Dugher was registered as a visitor to his Department's main building between 2006 and 2008. [134671]

**Mr Dunne [holding answer 20 December 2012]:** The access control records for the Ministry of Defence's Main Building show that Mr Michael Dugher was registered as a visitor on four occasions between 2006 and 2008.

The details we hold against these four visits are:

14 June 2006—a one day unescorted visitor pass sponsored by the Under-Secretary of State for Defence;

20 December 2006—an escorted conference pass sponsored by the Defence Equipment Support Organisation;

11 April 2007—a one day escorted visitor pass sponsored by the Defence Commercial Directorate;

3 July 2007—a one day escorted visitor pass sponsored by the Secretary of State for Defence.

#### Military Aircraft

**Angus Robertson:** To ask the Secretary of State for Defence which air assets are equipped with Link 16 communications equipment. [145092]

**Mr Dunne:** The following Ministry of Defence (MOD) air platforms have Link 16 communications equipment fitted:

Typhoon  
Tornado GR4 (currently being fitted)  
Sentinel  
Sentry  
VC-10  
TriStar  
Hercules C-130K  
Sea King Mk7.

The MOD also has plans to fit Link 16 on the following air platforms:

Hercules C-130J  
Airseeker  
ATLAS.

#### RFA Fort Austin

**Angus Robertson:** To ask the Secretary of State for Defence what estimate he has made of the cost of refitting RFA Fort Austin; and when that vessel will re-enter service. [145098]

**Mr Dunne:** The final cost of refitting Royal Fleet Auxiliary (RFA) Fort Austin is in the process of being assessed but is expected to be around £40 million, RFA Fort Austin re-entered service in December 2012.

#### Security

**Mr Ellwood:** To ask the Secretary of State for Defence (1) on what dates security passes to his Department were removed or cancelled for (a) General Sir Charles Guthrie, (b) Admiral Sir Jonathon Band and (c) Admiral Sir Alan West; [134669]

(2) on what dates security passes to his Department were removed or cancelled for (a) General Sir Mike Jackson, (b) General Sir Richard Dannatt and (c) General Sir Michael Walker; [134670]

(3) on what dates Ministry of Defence security passes were removed from or cancelled for (a) Admiral Sir Nigel Essenhigh, (b) Air Chief Marshal Sir Glenn Torpy and (c) Air Chief Marshal Sir Peter Squire. [134672]

**Mr Dunne [holding answer 20 December 2012]:** The access control system for the Ministry of Defence Main Building holds data from 2004. No data is available for when General Sir Charles Guthrie's pass was removed or cancelled as he retired in 2001. Admiral Sir Jonathon Band's pass was cancelled on 4 June 2010. Admiral Sir Alan West's pass expired on 30 April 2006.

General Sir Mike Jackson's pass expired on 30 September 2007. General Sir Richard Dannatt's pass was cancelled on 28 August 2009. General Sir Michael Walker's pass was cancelled on 13 November 2007.

No data is available for when Admiral Sir Nigel Essenhigh's pass was removed or cancelled as he retired in 2002. Air Chief Marshal Sir Glen Torpy's pass remains active, sponsored by the Chief of the Air Staff, and will be regularly reviewed following the recent review into pass access. Air Chief Marshal Sir Peter Squire's pass expired on 30 April 2008.

### Submarines

**Angus Robertson:** To ask the Secretary of State for Defence what further contracts under the Submarine Enterprise Performance Programme will be signed with tier one companies; when any such contracts will be signed; and what estimate he has made of the value of each contract. [145089]

**Mr Dunne:** I refer the hon. Member to the statement I made on 13 February 2013, *Official Report*, column 44WS.

Contract negotiations with BAE Systems Maritime—Submarines and Babcock Marine are currently under way, with signatures due later this year. I am withholding further information, including those on the estimated values, as its disclosure would prejudice commercial interests.

### Tankers

**Angus Robertson:** To ask the Secretary of State for Defence what estimate he has made of when the first Tide tanker will be in service. [145096]

**Mr Dunne:** On current plans the first Tide Class Tanker, Royal Fleet Auxiliary Tidespring, will enter service in 2016.

### Unmanned Aerial and Marine Vehicles

**Zac Goldsmith:** To ask the Secretary of State for Defence what assessment his Department has made of the potential of (a) unmanned underwater vehicles and (b) unmanned aerial vehicles for maritime reconnaissance. [144947]

**Mr Dunne:** I refer my hon. Friend to the statement made by the previous Minister of State for the Armed Forces, the hon. Member for North Devon (Sir Nick Harvey) who, while giving evidence to the House of Commons Defence Committee (HCDC) on maritime surveillance on 23 May 2012, stated that the Ministry of Defence (MOD) intends to explore fully all options and alternatives for providing maritime surveillance which will include unmanned underwater and aerial vehicles.

Trials of unmanned systems and the Air ISTAR Optimisation Study (AIOS) will be part of that work and an update will be provided to the HCDC on the initial findings of the AIOS and other significant developments in maritime surveillance in the summer of 2013, with a further update in the summer of 2014 when the AIOS is complete.

The Royal Navy is developing a maritime unmanned aerial strategy to link into the wider Defence efforts in this area and lever efficiencies which will be completed in the summer of 2013.

### Unmanned Aerial Vehicles

**Angus Robertson:** To ask the Secretary of State for Defence how many Black Hornet unmanned aerial vehicle systems have been purchased; and what estimate he has made of the cost to the public purse of such purchases. [145088]

**Mr Dunne:** A total of 162 Black Hornet systems have been purchased for £20 million, including support costs.

### Unmanned Air Vehicles

**Mr Watson:** To ask the Secretary of State for Defence what the (a) type, (b) circular error probability and (c) blast radius is of each variant of the Hellfire precision guided missile employed by the UK Reaper remotely piloted air system; and if he will make a statement. [133761]

**Mr Dunne [holding answer 17 December 2012]:** I am withholding the information requested as its release would, or would be likely to prejudice the capability, effectiveness or security of the armed forces.

### Warships

**Angus Robertson:** To ask the Secretary of State for Defence what estimate he has made of the current value of (a) HMS Illustrious, (b) HMS Ocean and (c) HMS Albion. [145093]

**Mr Dunne:** The current values are shown in the following table. The values quoted reflect the net book value (NBV) of the asset, which is calculated by adding the cost of any major upgrades to the original capital cost of the asset and deducting depreciation.

<i>Name</i>	<i>Net book value (£ million)</i>
HMS Illustrious	40
HMS Ocean	90
HMS Albion	290

The figures shown bear no relation to the replacement costs of the assets and capabilities.

**Angus Robertson:** To ask the Secretary of State for Defence what estimate he has made of the current value of (a) HMS Protector, (b) HMS Echo, (c) HMS Enterprise, (d) HMS Scott, (e) HMS Endurance and (f) HMS Gleaner. [145095]

**Mr Dunne:** The current values of the Royal Navy vessels are shown in the following table. The values quoted reflect the net book value (NBV) of the asset, which is calculated by adding the cost of any major upgrades to the original capital cost of the asset and deducting depreciation.

<i>Name</i>	<i>NBV (£ million)</i>
HMS Protector	<sup>1</sup> —
HMS Echo	24
HMS Enterprise	25
HMS Scott	31
HMS Endurance	2
HMS Gleaner	<sup>2</sup> 0

<sup>1</sup> HMS Protector is not owned by the Ministry of Defence (MOD). It is operated under a lease arrangement and is not therefore recorded as an asset on the MOD balance sheet. No NBV is available.

<sup>2</sup> HMS Gleaner has a current NBV of some £80,000 but, for consistency with the approach taken to rounding the other figures, her NBV is shown as zero.

Note:

1. The NBVs shown above are all rounded to the nearest £ million.

The figures shown in the table bear no relation to the replacement costs of the assets and capabilities.

## HEALTH

## Abortion

**Fiona Bruce:** To ask the Secretary of State for Health whether any requirement is placed on doctors who have reached an opinion that the grounds for abortion under section 1(1)(a) or 1(1)(b) of the Abortion Act 1967 have been met to record on the abortion notification form or patient's notes the basis on which they reached that conclusion. [145418]

**Anna Soubry:** The law states that, except in emergencies, two doctors must certify that in their opinion a request for an abortion meets at least one and the same grounds set out in the 1967 Abortion Act. They must be able to certify that they agree for the abortion to go ahead given the information that they have about the woman's circumstances. There is no requirement under the Act or regulations to record the basis on which their opinions have been reached.

If there is evidence that a certifying doctor has not formed an opinion in good faith, then the doctor performing the termination is not protected by the Act and has potentially committed a criminal offence by terminating the pregnancy. The doctors involved may also be acting contrary to their professional duties.

**Fiona Bruce:** To ask the Secretary of State for Health pursuant to the answer of 12 February 2013, *House of Lords, Official Report*, column WA135, on abortion, if he will obtain data compiled by Eurocat on misreporting of grounds for abortion. [145990]

**Anna Soubry:** Eurocat collect and publish data on all congenital abnormalities suspected prenatally. Notifications of abortions for foetal abnormality submitted to the chief medical officer record the principal medical condition for the termination. The data are therefore not comparable and Eurocat issued a statement in February stating that their data had been interpreted incorrectly.

**Fiona Bruce:** To ask the Secretary of State for Health pursuant to the answer of 25 February 2013, *House of Lords, Official Report*, column WA185, on abortion, upon what evidence the statement that in practice most abortion services have a policy that all women should be seen on their own at some stage to ensure there is no coercion or other issue affecting their decision is based; and what inspections are undertaken by his Department to ensure that such a policy is implemented. [145994]

**Anna Soubry:** The Government does not collect data on whether a woman is seen on her own prior to a termination of pregnancy but we know that the two main independent sector providers, the British Pregnancy Advisory Service and Marie Stopes International, both have policies and protocols in place that state that a woman must always be seen on her own to establish that she is consenting to the termination of her own free will. In addition, this provides the opportunity to discuss any other relevant issues without a partner or family member present. Officials from the Department have visited a number of services that provide termination of pregnancy and the national health service hospitals which have been visited have similar policies in place.

## Abortion: Lancashire

**Mark Hendrick:** To ask the Secretary of State for Health which (a) NHS hospitals, (b) clinics and (c) surgeries in Lancashire provide abortions; and how many abortions were carried out at each such location in 2012. [145305]

**Anna Soubry:** Abortion data is published annually. Data for 2012 will be available in May 2013. Data for 2011 is set out in the following table; there were no abortions carried out in surgeries.

<i>Abortions performed in Lancashire, 2011</i>	
	<i>Number</i>
<i>NHS hospitals</i>	
Blackpool Victoria Hospital	47
Burnley General Hospital	1,562
Fairfield General Hospital	109
Furness General Hospital	168
Ormskirk and District General Hospital	341
Preston Hall Hospital	24
Rochdale Infirmary	215
Royal Blackburn Infirmary	2
Royal Lancaster Infirmary	212
Royal Preston Hospital	34
Southport and Formby District General Hospital	3
Westmorland General Hospital	74
Total NHS	2,791
<i>Independent clinics</i>	
Marie Stopes International, Preston	730
Total	3,521

## Care Homes: Fees and Charges

**Mr Sanders:** To ask the Secretary of State for Health pursuant to his answer of 30 January 2013, *Official Report*, column 839W, on care homes: fees and charges, whether his Department has received any reports of care trusts not fulfilling their obligations under the National Framework for NHS Continuing Care and NHS-funded Nursing Care. [145167]

**Norman Lamb:** The NHS Continuing Healthcare (Responsibilities) Directions 2009 and the National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care set out the roles and responsibilities for primary care trusts in respect of these care packages.

The Department receives correspondence from time to time with regards to implementation of the National Framework locally. Strategic health authorities are responsible for overseeing the implementation of the National Framework at a local level.

## Care Quality Commission

**Mark Hendrick:** To ask the Secretary of State for Health what the budget was for the Care Quality Commission in (a) 2010, (b) 2011 and (c) 2012; how

many inspections were carried out by the commission in (i) 2010, (ii) 2011 and (iii) 2012; and what the corresponding figures will be for 2013. [145315]

**Norman Lamb:** The Care Quality Commission's (CQC) total grant in aid budget from the Department of Health for the financial year 2010-11, 2011-12 and 2012-13 is shown in the following table.

	Revenue	Capital	£ Total
2010-11	93,733,000	15,000,000	108,733,000
2011-12	72,211,000	13,100,000	85,311,000
2012-13	72,030,000	12,000,000	84,030,000

The CQC has provided the following information about the number of inspections it has carried out.

Calendar year	Number of inspections
2009-10	15,408
2010-11	7,271
2011-12	18,858

*Note:*

Data taken at 27 February 2013.

The number of inspections anticipated for 2012-13 as at 27 February is 28,542. This number may change if, for example, locations are deregistered.

There are three types of inspections:

(i) Scheduled: unannounced inspections which focus on a minimum of five of the essential standards of quality and safety.

(ii) Responsive: unannounced inspections which are carried out where there are concerns about poor care.

(iii) Themed: inspections which focus on specific standards or types of care services.

Non compliance is followed up with either a follow-up inspection or a desk-based follow-up review.

The CQC is currently preparing its business plan in light of the recent strategy consultation which considers frequency of inspections to all regulated providers. The CQC will publish in April the inspection delivery plans but anticipate volumes of inspections in 2013-14 to be broadly in line with the 2012-13 business year.

## Childbirth

**Fiona Bruce:** To ask the Secretary of State for Health pursuant to the answer of 25 February 2013, *House of Lords, Official Report*, column WA183, on abortion, for what reasons he does not consider it to be in the public interest to disclose the countries of origin of mothers among whom birth ratios exhibit gender imbalances. [145989]

**Anna Soubry:** The Department is carrying out further analysis of data. We do not consider it is in the public interest to disclose details of the countries in question while this analysis is under way as it is not currently possible to conclude that these variations are the result of intervention rather than natural variation. This further analysis will be completed shortly and we will announce our findings.

## Chronic Fatigue Syndrome

**Mr Brady:** To ask the Secretary of State for Health what consideration his Department has given to and what discussions officials of his Department have had with the National Institute for Health and Clinical Excellence on issuing separate clinical guidelines for myalgic encephalomyelitis and for other fatiguing disorders set out in the World Health Organisation classification system. [145271]

**Norman Lamb:** We have had no such discussions.

The National Institute for Health and Clinical Excellence (NICE) published its clinical guideline on the diagnosis and management of chronic fatigue syndrome/myalgic encephalomyelitis (or encephalopathy) in adults and children in August 2007. NICE periodically reviews its published guidance in order to take account of the latest available evidence.

**Mr Brady:** To ask the Secretary of State for Health for what reasons patients with myalgic encephalomyelitis have been prevented from being tissue donors since 2007; and for what reasons recipients of tissue donations from such patients are deemed to be at risk. [145272]

**Anna Soubry:** I refer my hon. Friend to the written answer I gave him on 27 November 2012, *Official Report*, column 210W.

**Mr Brady:** To ask the Secretary of State for Health (1) on what (a) advice and (b) evidential basis his Department defines myalgic encephalomyelitis as a psychological condition; [145273]

(2) what assessment his Department has made of the findings of the PACE trial relating to the effectiveness of (a) cognitive behavioural therapy and (b) graded exercise therapy for people with myalgic encephalomyelitis. [145274]

**Norman Lamb:** The Department considers the condition chronic fatigue syndrome/myalgic encephalomyelitis to be a neurological condition of unknown origin.

We have not carried out any specific assessment of the findings of the PACE trial.

The National Institute for Health and Clinical Excellence (NICE) supports clinical decision-making in the national health service by developing guidance and recommendations on the effectiveness of treatments. NICE routinely reviews the need to update its guidance in order to take account of the latest available evidence. As an independent body, NICE is responsible for assessing which evidence should be considered as part of this process.

**Mr Brady:** To ask the Secretary of State for Health what discussions officials of his Department have had with the Medical Research Council on the possibility of conducting further research to evaluate the outcomes of studies which have reported evidence of the presence of retroviruses in patients with myalgic encephalomyelitis and chronic fatigue syndrome. [145276]

**Norman Lamb:** Officials have had no discussions.

The Medical Research Council funds (MRC) funds medical research in the field of medical science by awarding grants to research organisations.

Research organisations may submit unsolicited research proposals at any time in any field of research relevant to the MRC's remit. In addition, research organisations can submit proposals in response to calls for proposals and highlight notices, which focus on key strategic areas.

Chronic fatigue syndrome/myalgic encephalomyelitis is currently a highlighted area and a high priority for the MRC and the Council has implemented a number of initiatives to stimulate high quality research in this area. The MRC is independent in its choice of which research to support.

### Chronic Illnesses

**Mrs Riordan:** To ask the Secretary of State for Health what research his Department (*a*) has conducted and (*b*) holds on the effect of long-term prescription medications for management of chronic pain impairment; and if he will make a statement. [145190]

**Norman Lamb:** Adequate pain relief is an important part of the treatment and support needed for people with chronic pain. Prescribers are well aware of the risks of side effects and addiction associated with long-term use of some analgesic medicines, and information is readily available from standard sources such as the British National Formulary, 'Clinical Knowledge Summaries', and the Summary of Product Characteristics and patient information leaflets of individual medicines. The clinical guideline on the management of low back pain from the National Institute for Health and Clinical Excellence draws particular attention to the risk of opioid dependence and other side effects. Systematic reviews produced by the Cochrane Pain, Palliative and Supportive Care Group, including reviews of pharmacological therapies for the management of chronic pain, are available on the group's website at:

<http://papas.cochrane.org>

### Coronavirus

**Andrew Rosindell:** To ask the Secretary of State for Health what assessment he has made of potential risk of a coronavirus outbreak to the UK population. [145774]

**Dr Poulter:** Coronaviruses have been associated for many years with outbreaks and sporadic cases of the common cold during winter and early spring every year. These viruses cause mild upper respiratory tract symptoms and rarely require hospitalisation.

Over the last 10 years, other coronaviruses have emerged which may be associated with severe symptoms and death. The most recent of these was first detected in September 2012 and is commonly known as novel coronavirus (nCoV). The procedures for assessing the potential risk of outbreaks of this virus follow the pattern established to assess any potential outbreak of serious respiratory infection.

The assessment of risk of an nCoV outbreak to the United Kingdom population was last reviewed on 18 February 2013. This is based on ongoing review of the emerging evidence in the UK and worldwide by the Health Protection Agency.

The risk to UK residents of contracting this infection in the UK is very low.

The risk to UK residents travelling to the middle east is very low and does not warrant a change to current travel advice.

The risk of coronavirus infection to residents of, or recent visitors to, the middle east who are investigated in the UK with an unexplained severe acute respiratory illness also remains very low, but warrants investigation for coronavirus infection.

The risk of contacts of confirmed cases of novel coronavirus infection is still generally considered to be low but emerging evidence suggests there may be specific circumstances where transmission may be more likely.

### Croydon University Hospital

**Steve Reed:** To ask the Secretary of State for Health what discussions his Department has had with the Care Quality Commission and NHS London on the abnormally high mortality rate at Croydon University Hospital in 2007-08; and if he will make a statement. [145609]

**Anna Soubry:** This is a matter for Croydon Health Services NHS Trust. We are advised that NHS London investigated mortality rates at the trust during the specified period when concerns were first raised. We expect the trust to continue to work with the Care Quality Commission and, where appropriate, the NHS Commissioning Board to address concerns with regard to any aspect of its performance.

### Diabetes: Children

**Mr Sanders:** To ask the Secretary of State for Health how many children in the UK have diabetes; and what estimate he has made of the proportion of such children whose diabetes is inadequately managed. [145109]

**Anna Soubry:** Data on recommended care processes relating to infants, children and young people with diabetes in England and Wales was published by the Royal College of Paediatrics and Child Health (RCPCH) in the National Paediatric Diabetes Annual Report 2010-11.

The National Paediatric Diabetes Audit (NPDA) 2010-11 identified 23,516 infants, children and young people (to age 25) in England and Wales as registered with diabetes. The vast majority of infants, children and young people have type 1 diabetes, although there is considerable variability across regions in England.

The National Institute for Health and Clinical Excellence (NICE) recommends that infants, children and young people should receive eight essential health care processes from the age of 12 (a smoking review is not recommended). Only 5.8% of eligible infants, children and young people included in the NPDA were recorded as having received

all eight NICE recommended care processes in 2010-11. No assessment has been made of the accuracy of this figure.

For patients under 12 years of age, 'all care processes' is defined as HbA1c only, as the other care processes are not recommended in the NICE guidelines for this age group.

The NPDA report, which was published in September 2012, describes data collected by 178 paediatric diabetes units over a 12-month audit period of 1 April 2010 to 31 March 2011. These returns related to 16,444 (i.e. 70% of the 23,516) infants, children and young people under the age of 25 years registered with diabetes and with a valid age attached to their record.

The measurement of HbA1c gives an indication of whether diabetes is being managed adequately. Over 85% of the infants, children and young people diagnosed before 2011 had their HbA1c measured; but only 16.4% of males and 15.1% of females achieved the NICE recommended HbA1c target of less than 7.5%. This proportion has increased from 14.5% in 2009-10. Nearly one third of infants, children and young people had an unacceptable HbA1c of less than 9.5%.

To encourage rapid improvement in performance, the Department has introduced a best practice paediatric diabetes tariff that will become mandatory from April 2013. This is expected to reflect positively on the number of young patients who receive care as recommended by NICE.

#### Doctors: Qualifications

**Mr Jim Cunningham:** To ask the Secretary of State for Health what reports he has received that the examining body responsible for marking the situational judgment tests taken by final year medical students, the UK Foundation Programme Office, has made a significant error in the marking process and has had to withdraw all job offers made to final year students. [146142]

**Dr Poulter:** The Department has been kept fully informed of this issue by the UK Foundation Programme Office including the commitment that job allocations will be confirmed and available to final year medical students by 8 March.

**Mr Jim Cunningham:** To ask the Secretary of State for Health if he will meet representatives of the (a) UK Foundation Programme Office and (b) British Medical Association to discuss the error in the marking process of final year medical students' situational judgment examinations to discuss steps to ensure that a similar occurrence does not happen again and to minimise uncertainty over job region allocations. [146143]

**Dr Poulter:** The Department has been kept fully informed of this issue by the UK Foundation Programme Office. The UK Foundation Programme Office has also been in regular contact with representatives of the British Medical Association.

The error occurred in the scanning of the students' answers to situational judgment tests. The Medical Schools Council that contracted for this service has published an apology. Following an invitation from the Department, senior representatives of the independent Academy of Medical Royal Colleges undertook an assurance review

of the process to verify the correct answers are used in the job allocation process and concluded the verification process appears comprehensive, transparent and fair. For future recruitment processes the error has been identified and can be rectified.

Job allocations will be confirmed and available to final year medical students on Friday 8 March.

**Mr Jim Cunningham:** To ask the Secretary of State for Health how many final year medical students passed their final examinations in the last year for which figures are available; and how many F1 job placements will be available at UK hospitals in summer 2013. [146144]

**Dr Poulter:** This information is not held by the Department. However, data from the UK Foundation Programme Office, that manages recruitment to the programme, show that 7,808 students have applied to the Foundation Programme from United Kingdom medical schools. The final number progressing to the Foundation Programme will depend on the number passing final examinations and the number withdrawing their applications. There are 7,727 placements available at UK hospitals in summer 2013.

However, irrespective of this, with the support of the devolved Administrations, we are committed to ensuring that all graduates of United Kingdom medical schools receive a place on a Foundation training programme in 2013.

#### Drugs: Rehabilitation

**Andrew Griffiths:** To ask the Secretary of State for Health what the cost is of a complete treatment package incorporating methadone maintenance and other substitute medications by (a) GP-shared, care-based maintenance prescribing per person in treatment, (b) a psychiatry-led service per person in treatment and (c) Drug and Alcohol Action Team. [145569]

**Anna Soubry:** The Government's Drug Strategy published in 2010 emphasised the need to provide individuals with services which address the needs of the whole person. During a person's process of recovery, this end-to-end support is likely to consist of a number of different elements such as community, in-patient and residential treatment and rehabilitation, and aftercare. The cost of individuals' care pathways is not collected centrally.

#### Health

**Mr Spellar:** To ask the Secretary of State for Health when he plans to announce the financial allocation to each local authority for taking over public health responsibilities. [145331]

**Dr Poulter:** The financial allocation to each local authority for taking over public health responsibilities was announced on 10 January 2013. The announcement covers 2013-14 and 2014-15, giving local authorities much-needed continuity and certainty.

These have been published together with supporting documents on the Department's website at:

[www.dh.gov.uk/health/2013/01/ph-grants-las/](http://www.dh.gov.uk/health/2013/01/ph-grants-las/)

### Health Services

**Mr Sanders:** To ask the Secretary of State for Health if he will take steps to encourage GPs to identify patients most at risk of emergency hospital admission and to provide such patients with pro-active preventive case management. [145123]

**Dr Poulter:** The Quality and Outcomes Framework (QOF), part of the contract with general practitioners (GPs), currently contains indicators which incentivise GPs to carry out internal and peer reviews of emergency admissions, and engage with and follow three agreed care pathways in the management and treatment of patients to avoid emergency admissions.

The Government has proposed changes to the GP contract and a stakeholder consultation has recently concluded. Under these proposals, and in addition to the QOF indicators, we would invite GPs to participate in a new Directed Enhanced Service, which would further encourage GP practices to co-ordinate and manage the care of frail older people and other high risk patients predicted to be at risk of unscheduled hospital admission.

A decision on the changes to the GP contract will be announced shortly.

### Horse Meat

**Mary Creagh:** To ask the Secretary of State for Health which local authorities are participating in (a) phase 1, (b) phase 2 and (c) phase 3 of the Food Standards Agency's survey testing for equine DNA. [146065]

**Dr Poulter:** The local authorities taking part in phase 1 and phase 2 of the UK-wide enforcement survey of food authenticity of processed meat products for horse and pig DNA are listed as follows.

Armagh City and District Council  
 Ballymena District Council  
 Bracknell Forest Council  
 Cambridgeshire County Council  
 Cardiff Council  
 Cumbria County Council  
 Derbyshire County Council  
 Devon County Council  
 Doncaster Metropolitan Borough Council  
 Edinburgh City Council  
 London Borough of Enfield  
 Essex County Council  
 Gloucestershire County Council  
 Gwynedd Council  
 Hampshire County Council  
 Hereford City Council  
 London Borough of Hounslow  
 Kent County Council  
 Lancashire County Council  
 Leicestershire County Council  
 Newcastle Upon Tyne City Council  
 Oxfordshire County Council  
 South Tyneside Council  
 London Borough of Southwark  
 Stirling Council

Stockport Metropolitan Borough Council  
 City of York Council  
 Walsall Metropolitan Borough Council

Phase 3 includes a different set of local authorities. Release of the names of these local authorities before sampling is complete may harm law enforcement interests which is the primary objective of the survey. Their names are therefore not being released until after sampling has been completed.

### Horses: Slaughterhouses

**Mr Gray:** To ask the Secretary of State for Health how many UK abattoirs are licensed to kill horses; and how many of those are licensed to kill other livestock. [145362]

**Anna Soubry:** There are six UK abattoirs approved to kill horses as on 27 February 2013. Approval is currently suspended at one of these abattoirs. I refer my hon. Friend to the reply I gave to the hon. Member for Wakefield (Mary Creagh) on 27 February 2013, *Official Report*, column 570W, for the details of these abattoirs and the other livestock they are approved to kill.

### Hospitals: Dorset

**Mr Chope:** To ask the Secretary of State for Health (1) if he will make representations to the Competition Commission inquiry into the proposed merger between the Royal Bournemouth and Christchurch Hospitals Foundation Trust and the Poole Hospital Foundation Trust on the public policy implications set out in the report on that merger by Monitor; [146055]

(2) what assessment he has made of the implications for his policies of the report by Monitor on the proposed merger between the Royal Bournemouth and Christchurch Hospitals Foundation Trust and the Poole Hospital Foundation Trust. [146056]

**Anna Soubry:** Any NHS mergers must deliver benefits for patients. The Competition Commission's review is an independent process and it would not be appropriate for ministers to intervene in an individual case. The Department will not therefore be making any assessment of the implications of the report for its policies, and will not be making any representations to the Competition Commission.

### Macular Degeneration

**Kerry McCarthy:** To ask the Secretary of State for Health what recent assessment he has made of the use of vitamin and mineral supplements to slow the progression of age-related macular degeneration. [145200]

**Dr Poulter:** The Department's National Institute for Health Research funds the Cochrane Eyes and Vision Group. An update of the systematic review produced by this group on antioxidant vitamin and mineral supplements for slowing the progression of age-related macular degeneration was published in November 2012. The review is available in the online Cochrane Library at:

<http://onlinelibrary.wiley.com/doi/10.1002/14651858.CD000254.pub3/abstract>

### Mayor of London

**Mr Thomas:** To ask the Secretary of State for Health what plans he has for the devolution of additional powers to the Mayor of London; and if he will make a statement. [145243]

**Anna Soubry:** We have no plans to devolve any powers to the Mayor of London.

### Meat: Imports

**Ms Abbott:** To ask the Secretary of State for Health what organisms are known to exist in imported bushmeat; and what the consequences may be in terms of infection in humans. [145542]

**Dr Poulter:** The advice of the Food Standards Agency (FSA) is that the most important risks to public health from illegally imported bushmeat are those associated with well known food borne pathogens such as Salmonella, rather than exotic organisms. Food borne pathogens will be destroyed by thorough cooking.

A study commissioned by the FSA in 2005 considered the microbiological risks associated with the illegal import of bushmeat into the United Kingdom. The study concluded that the risk of food borne illnesses from consumption of bushmeat appeared to be:

'very low, and that the risk of food borne illnesses from cross-contamination was also minimal'.

This study was presented to the Advisory Committee on the Microbiological Safety of Food who agreed with its findings.

### Mental Health Services

**Steve Reed:** To ask the Secretary of State for Health (1) what discussions he has had with the Secretary of State for the Home Department on the existing protocols for the use of police officers to restrain mental health patients in NHS hospitals; and if he will make a statement; [145604]

(2) what assessment he has made of the use of Metropolitan Police Territorial Support Group officers within NHS mental health hospitals; and if he will make a statement; [145605]

(3) what assessment the Care Quality Commission has made of the use of police officers to restrain mental health patients; and if he will make a statement. [145606]

**Norman Lamb:** No assessment has been made of the use of Metropolitan Police Territorial Support Group Officers within national health service mental health hospitals. No discussions have taken place or are currently planned between the Secretary of State for Health, the right hon. Member for South West Surrey (Mr Hunt), and the Secretary of State for the Home Department, the right hon. Member for Maidenhead (Mrs May), on the existing protocols for the use of police officers to restrain mental health patients in NHS hospitals.

Deployment of police in mental health in-patient settings is not a routine occurrence. A police presence may be required when dealing with an extremely disturbed patient to avoid injury to the patient, staff and other patients. Police would also be involved in responding to

criminal behaviours on psychiatric wards or in the management of any serious or untoward incident on the premises. We would expect any intervention of this nature to be carried out according to protocols agreed between mental health services and local police services.

The Care Quality Commission (CQC) is currently conducting a thematic probe on the use of restrictive practices on mental health wards. The probe is being carried out by the CQC's Mental Health Act (MHA) Commissioners and includes questions on any occasion when police have been called to a ward and what they did—including involvement in restraint, as well as use of Taser, tear gas, handcuffs and tape. The field work for the probe continues till the end of March and there will be a period of analysis. The current plan is to publish the results of part of the CQC's next MHA annual report.

### Methadone

**Andrew Griffiths:** To ask the Secretary of State for Health how many and what proportion of people who are prescribed methadone are on a reducing methadone script. [145572]

**Anna Soubry:** This information is not collected centrally. The National Drug Treatment Monitoring System (NDTMS) collects information on the number of people receiving structured treatment for drug dependence in England, including substitute prescribing interventions. In accordance with National Institute for Health and Clinical Excellence guidelines, to support someone's recovery from dependence, opioid substitutes may be prescribed for the purposes of stabilisation, maintenance or reducing opioid use. However, the NDTMS does not distinguish between methadone and other opioid substitutes or whether doses are rising, constant or reducing.

### Ministerial Policy Advisers

**Ian Mearns:** To ask the Secretary of State for Health what procedures are in place within his Department to deal with breaches of the code of conduct by special advisers. [145171]

**Dr Poulter:** Matters relating to special advisers are handled in accordance with the Ministerial Code, the Model Contract and Code of Conduct for Special Advisers.

### Mobile Phones: Health Hazards

**Andrew Rosindell:** To ask the Secretary of State for Health whether he has made an assessment on the potential health effects on children of the use of mobile telephones from an early age. [145761]

**Anna Soubry:** The Department is advised on the health effects of radiofrequency electromagnetic fields including mobile telephones and their associated technology by the Health Protection Agency (HPA). In April 2012 the HPA's independent Advisory Group on Non-ionising Radiation produced a comprehensive assessment of the evidence on the potential health effects of these fields including those to children. The report can be found at:

[www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb\\_C/1317133826368](http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb_C/1317133826368)

**National Treatment Agency**

**Andrew Griffiths:** To ask the Secretary of State for Health how many and what proportion of staff who previously worked for the National Treatment Agency (*a*) now work for and (*b*) are planned to move to Public Health England. [145571]

**Anna Soubry:** The Department does not hold records on the current employment status of staff who have left the National Treatment Agency (NTA).

The transfer of current NTA staff to Public Health England is being conducted in line with the Cabinet Office Statement of Practice on Staff Transfers in the Public Sector 2000 (COSOP).

**NHS: Innovation**

**Mr Spellar:** To ask the Secretary of State for Health what progress has been made on implementing the actions set out in his Department's report, Innovation, Health and Wealth, published in December 2011. [145280]

**Dr Poulter:** The NHS chief executive published "Creating Change—IHW One Year On" in December 2012. It provides a full update on progress made with the Innovation, Health and Wealth programme. A copy has been placed in the Library and is available on the Department's website at:

[www.dh.gov.uk/health/2012/12/ihw-creating-change/](http://www.dh.gov.uk/health/2012/12/ihw-creating-change/)

**NHS: Public Consultation**

**Mr Sanders:** To ask the Secretary of State for Health whether his Department took account of the financial interests of respondents when assessing the results of its consultation on Securing the Best Value for Patients. [145120]

**Dr Poulter:** The Department considered carefully the views and comments of all respondents to the consultation on Securing the Best Value for Patients. The Department did not ask for details of the financial interests of respondents.

**NHS: Reorganisation**

**Mr Sanders:** To ask the Secretary of State for Health whether clinical commissioning groups that do not submit NHS services to open competition will be afforded protection from legal proceedings under competition law. [145121]

**Dr Poulter:** As my noble Friend, Earl Howe, made clear during the passage of the Health and Social Care Bill through Parliament, there is no requirement that commissioners must competitively tender all national health service services.

The Government's policy is for sector specific rules, enforced by a health regulator. The requirements of the section 75 regulations continue the approach put in place by the previous Administration and go no further than existing procurement law that already applies to primary care trusts, and that has been reflected in procurement guidance since 2008.

**Nurses**

**Mr Stewart Jackson:** To ask the Secretary of State for Health how many specialist stoma nurses posts there were in each of the last five years; and if he will make a statement. [145135]

**Dr Poulter:** The current number of stoma specialist nurses employed by the national health service is not collected centrally.

The Government has supported the development of a range of specialist roles within nursing. It is for local NHS organisations with their knowledge of the health care needs of their local population to invest in training for specialist skills and to deploy specialist nurses. In this context, the Government recognises that more should be done by some local health care organisations to prioritise preventative care and better support for patients in their own homes and communities. Specialist nurses can play an important role in this which can both save the NHS money and, more importantly, provide better care for patients.

We do hold information on the number of qualified nursing, midwifery and health-visiting staff employed by the NHS, which is available from the Health and Social Care Information Centre annual workforce census, however the speciality requested is not collected separately.

**Mr Stewart Jackson:** To ask the Secretary of State for Health what his policy is on ensuring that (*a*) stoma and (*b*) continence patients can continue to access support and advice from specialist nurses; and if he will make a statement. [145136]

**Dr Poulter:** While the Government values the role of specialist nurses it has not made any assessment on their function with respect to the health outcomes for stoma and continence patients.

**Nurses: Schools**

**Ms Abbott:** To ask the Secretary of State for Health what estimate he has made of the number of school nurses in each of the last five years; and if will make a statement. [145501]

**Dr Poulter:** The annual workforce census published by the Health and Social Care Information Centre shows the number of school nurses with the post registration school nurse qualification employed by the national health service in England at 30 September each year, up to 2011. The next annual census will be published on 21 March 2013 and will provide the number of qualified school nurses employed in 2012. School nurses are employed by a variety of employers including the NHS, and state and independent schools.

Changes to the size and shape of the workforce are the responsibility of local employers and are not to be determined centrally. Local health care organisations, with their knowledge of the patients that they serve, are best placed to plan and deliver a workforce appropriate to the needs of their patients based on clinical need and sound evidence.

The number of qualified school nurses employed by the NHS in England from 2007 to 2011 is shown in the following table.

*NHS hospital and community health services: school nurses, as at 30 September 2007-11*

<i>England as at 30 September each year</i>	<i>School nurse (Full-time equivalent)</i>
2007	892
2008	1,045
2009	1,167
2010	1,096
2011	1,165

*Notes:*

1. Full-time equivalent figures are rounded to the nearest whole number.

2. The figures only include those school nurses directly employed by the NHS in England as we do not hold information on those school nurses directly employed by schools or local education authorities.

*Data Quality:*

The Health and Social Care Information Centre seeks to minimise inaccuracies and the effect of missing and invalid data but responsibility for data accuracy lies with the organisations providing the data. Methods are continually being updated to improve data quality where changes impact on figures already published. This is assessed but unless it is significant at national level figures are not changed. Impact at detailed or local level is footnoted in relevant analyses.

*Source:*

Health and Social Care Information Centre Non-Medical Workforce Census

### Patient Choice Schemes

**Mr Sanders:** To ask the Secretary of State for Health if he will take steps to provide NHS patients with a choice of (a) method of care and treatment and (b) different providers of such care and treatment and to ensure patients are provided with the necessary information to make those choices effectively. [145122]

**Anna Soubry:** Choice for national health service funded care is underpinned through the NHS constitution. This sets out a patient's right to make choices over health care and to have access to relevant information to support that choice:

"You have the right to make choices about your NHS care and to information to support these choices".

"The NHS commits to offer you easily accessible, reliable and relevant information to enable you to participate fully in your own health care decisions and to support you in making choices".

Choice of the method of care and treatment is a matter to be agreed through a shared decision-making process between the patient and their health care professional. More information than ever before is being made available to patients, for example, through the NHS Choices website and the newly published choice frameworks which have been designed to spell out the choices available for patients.

For their first out-patient referral, patients have the right to choose any current provider of care in England which is appropriate. Additionally, providers of care and treatment are being extended through the Any Qualified Provider policy whereby patients can choose from a range of providers, all of whom meet NHS quality requirements, standard contract terms and conditions and price.

**Helen Jones:** To ask the Secretary of State for Health what estimate he has made of the number of appointments listed on the NHS Choose and Book website which are not actually available to book; and if he will make a statement. [145173]

**Dr Poulter:** Appointments that are declared available for booking by the service provider are displayed on the Choose and Book system. General information on availability for January 2013 is contained in the Monthly Appointment Slot Issues Report, which is published on the Choose and Book website (see 'ASI Provider Report' tab):

[www.chooseandbook.nhs.uk/staff/bau/reports/asijan2013.xls](http://www.chooseandbook.nhs.uk/staff/bau/reports/asijan2013.xls)

The report includes information on the number of instances where patients were unable to book an available appointment because the appointment has been simultaneously booked by another patient, the appointment schedule has been changed but the Choose and Book system has not been updated or where there is another technical problem making the system unavailable. In addition, the report shows instances where patients try to book appointments, but no appointment slots have been made available by the provider

In January 2013, there were 683,136 successful bookings made directly into hospital appointments systems by Choose and Book. There were also 3,911 instances where patients were unable to book visible appointments, due to issues as described above.

### Personal Independence Payment

**Tom Blenkinsop:** To ask the Secretary of State for Health whether clinicians performing personal independence payment (PIP) assessments will be subcontracted to NHS trusts by Atos; and what assessment he has made of the effect of clinicians conducting PIP assessments on the ability of NHS trusts to perform their clinical functions. [145958]

**Norman Lamb:** I refer the hon. Member to the answer I gave him on 28 February 2013, *Official Report*, column 652W.

### Phenylbutazone

**Mary Creagh:** To ask the Secretary of State for Health pursuant to the answer of 11 February 2013, *Official Report*, column 521W, on horses: slaughterhouses, when the two positive phenylbutazone test results from as yet untraced horses were reported to the Food Standards Agency. [145332]

**Dr Poulter:** I refer the hon. Member to the answer I gave on 11 February 2013, *Official Report*, column 466W, that provided information on the distribution of horsemeat from the two horses testing positive for phenylbutazone. These were for samples collected on 21 May 2012 and 10 October 2012.

The positive samples for these two horses were reported to the Food Standards Agency on 27 June 2012 and 13 November 2012 respectively.

### Prescriptions: Fees and Charges

**Dr Offord:** To ask the Secretary of State for Health what financial assistance his Department provides for patients with complex prescriptions when they purchase sight-correction appliances. [145101]

**Dr Poulter:** Help with the cost of optical appliances for patients with complex prescriptions is available through the NHS optical voucher scheme. Complex appliances

are defined as glasses at least one lens of which has power in any one meridian of plus or minus 10 or more dioptries or is a prism controlled bifocal lens.

There are a range of values for optical vouchers according to the strength and type of the prescription. Schedule 1 to the National Health Service Optical Charges and Payments Regulations 1997 sets out the vouchers and face values available for specific prescriptions. The current values are in SI 2012 No 515, which is available at:

[www.legislation.gov.uk/ukxi/2012/515/contents/made](http://www.legislation.gov.uk/ukxi/2012/515/contents/made)

#### Private Patients: Foreign Nationals

**Derek Twigg:** To ask the Secretary of State for Health (1) how many non-EEA overseas private patients have been treated in England in each year since 2009-10; [145862]

(2) how many non-EEA overseas private patients have not paid all or part of their fees owed to NHS foundation trusts in each year since 2009-10. [145863]

**Dr Poulter:** The Department does not hold information about the treatment of non-EEA overseas private patients centrally. The Department expects that data about the treatment of privately-funded patients, including those from non-EEA states, would be held locally by individual health care providers.

We understand from the chairman of Monitor that they do not collect information about the collection of fees owing to NHS foundation trusts from non-EEA overseas private patients, as this is an operational matter for the individual trusts concerned.

#### Royal Lancaster Infirmary

**John Woodcock:** To ask the Secretary of State for Health what representations he has received from hon. Members on the e-petition entitled Against the removal of Accident and Emergency, Maternity and Intensive Care Units at Royal Lancaster Infirmary; and what steps he has taken in response to those representations. [145417]

**Anna Soubry:** On 5 and 7 February 2013, my hon. Friend the Member for Morecambe and Lunesdale (David Morris) spoke in the House about the e-petition about concerns regarding the future of the accident and emergency, maternity and intensive care units at the Royal Lancaster Infirmary (RLI). The remarks were made during parliamentary debates on health matters and were noted by Health Ministers.

No further representations on this matter have been received by Health Ministers.

The provision of local health services, including those provided at the RLI, is a matter for the local NHS. RLI is part of the University Hospitals of Morecambe Bay NHS Foundation Trust, and we understand that the trust is working with local commissioners to review the future of its hospital services. This work is at an early stage and no options for change have been put forward.

We have set out strengthened criteria that NHS service changes must meet. They must demonstrate strengthened public and patient engagement; consider patient choice; have support from general practitioner commissioners; and be based on sound clinical evidence. Should proposals

be put forward for significant change to services at the University Hospitals of Morecambe Bay NHS Foundation Trust, commissioners will need to be assured they meet these tests.

#### School Milk

**Graeme Morrice:** To ask the Secretary of State for Health when his Department was last assessed for compliance with the European School Milk Scheme. [145378]

**Dr Poulter:** Under the European School Milk Scheme, both the claimants of European Union Subsidy and the claims that they submit are assessed for compliance in line with the EU rules. The Department was last assessed for compliance in 2010.

#### Self-harm: North East

**Tom Blenkinsop:** To ask the Secretary of State for Health (1) what assessment he has made of levels of self-harm in (a) Middlesbrough, (b) Redcar and Cleveland and (c) the North East; [145930]

(2) with reference to the Community Mental Health Profiles 2013 published by the North East Public Health Observatory, what steps he intends to take to reduce the incidence of self-harm. [145955]

**Norman Lamb:** Self-harm is a major risk factor for suicide, with around half of people dying by suicide having a previous history of self-harm. This is why we highlighted self-harm in the suicide prevention strategy for England published in September 2012. The suicide prevention strategy is backed by up to £1.5 million funding for suicide prevention research. We have invited research proposals looking at a number of areas, including how to reduce the risk of suicide in people with a history of self-harm.

In 2004 the National Institute for Health and Clinical Excellence (NICE) published a clinical guideline on self-harm. This covered the short-term physical and psychological management and secondary prevention of self-harm in primary and secondary care. It sets out the care people who harm themselves can expect to receive from health care professionals in hospital and out of hospital; the information they can expect to receive; what they can expect from treatment and what kinds of services best help people who harm themselves. Following on from this guideline, in November 2011, NICE issued a clinical practice guideline on the longer-term management of self-harm.

In the Community Mental Health Profiles 2013 published by the North East Public Health Observatory levels of self-harm in Middlesbrough and Redcar and Cleveland are much higher than the national average. For people who are admitted to accident and emergency with deliberate self-harm injuries, local mental health trust, Tees, Esk and Wear Valleys NHS Foundation Trust (TEWV), provides liaison psychiatry services in all three acute hospitals in Teesside. TEWV staff work with colleagues at University Hospital of Hartlepool, University Hospital of North Tees in Stockton and James Cook University Hospital in Middlesbrough to assess patients with mental health problems, and help them to access the services they need.

### Smoking

**Andrew Rosindell:** To ask the Secretary of State for Health what estimate he has made of the effectiveness of advertisements on encouraging people to stop smoking. [145794]

**Anna Soubry:** The effectiveness of the Department's stop smoking marketing campaigns are evaluated using a range of techniques including response metrics (e.g. number of people who visit a website or order a support product), of tracking research and modelling to estimate the number of quit attempts made as a result of a campaign.

Topline results from the Department's stop smoking campaigns are published on the Smokefree Resource Centre at:

[www.smokefree.nhs.uk/resources/campaign](http://www.smokefree.nhs.uk/resources/campaign)

### Social Services: Finance

**Bob Stewart:** To ask the Secretary of State for Health if he will bring forward proposals to apply changes in social care funding planned for 2017 retrospectively from 2012. [145328]

**Norman Lamb:** Subject to the passage of legislation we will introduce a system to protect people from excessive care costs in 2017—we have no plans to apply this retrospectively.

Those who are receiving eligible care from April 2017 will qualify for state protection by way of a cap and an extended means test protecting from excessive care costs. People with care needs before April 2017 will continue to be responsible for their care costs if they can afford them.

This is a significant funding commitment and must be balanced with other spending pressures. We believe 2017 is the right year to implement the cap—when it is both affordable and practical to do so.

### Soft Drinks: Cinemas

**Ms Abbott:** To ask the Secretary of State for Health if he will bring forward legislative proposals to limit the size and availability of large soft drinks at cinemas. [145499]

**Anna Soubry:** Departmental officials will be meeting with cinema chains, soft drinks manufacturers and their respective trades associations to discuss what they can do to limit the size of large soft drinks at cinemas through the Public Health Responsibility Deal calorie reduction pledge. We have no current plans to legislate on the matter.

### Streptococcus

**Andrew Gwynne:** To ask the Secretary of State for Health (1) whether the planned tool for use locally to audit current practice and improve implementation of the revised Royal College of Obstetricians and Gynaecologists guideline on the prevention of early-onset Group B Strep disease will include the recommendations of the guideline on antibiotics for the prevention and treatment of early onset neonatal infection issued by the National Institute for Health and Clinical Excellence, published in August 2012; [145340]

(2) which stakeholders will be involved in the development and implementation of his Department's proposed tool for local use to audit current practice and improve implementation of the revised guideline issued by the Royal College of Obstetricians and Gynaecologists on the prevention of early-onset group B Strep disease; and what timetable has been set for the (a) development and (b) implementation of the tool; [145342]

(3) what timetable his Department has set for the inclusion of group B Strep as a topic in education and continuing professional development programmes for clinicians and midwives; and which stakeholders will be involved in the (a) development and (b) implementation of relevant education materials; [145343]

(4) what steps his Department is taking to ensure that the recommendations in the guideline on antibiotics for the prevention and treatment of early onset neonatal infection issued by the National Institute for Health and Clinical Excellence are implemented wherever babies are born and then cared for; [145344]

(5) if he will set a target for the reduction of group B streptococcal infection in newborn babies. [145345]

**Dr Poulter:** No target has been set by the Department on Group B streptococcus (GBS) infection in newborn babies but we are clear about the importance of taking the right steps to prevent GBS infection at the start of life.

National Institute for Health and Clinical Excellence clinical guidelines are based on a thorough assessment of the available evidence and we expect national health service organisations to take them fully into account in their decision making, including on antibiotics for the prevention and treatment of early onset neonatal infection.

The Royal College of Obstetricians and Gynaecologists published its updated guideline on prevention of early onset neonatal GBS disease in July 2012. The updated guideline took into account new evidence on the prevention of early-onset neonatal GBS disease. It is important that services undertake local clinical audits to ensure the effective use of intrapartum antibiotic prophylaxis recommended by the guideline.

Following the publication of the revised guideline, the UK National Screening Committee suggested a formal audit of practice, to establish how well the new guidance is being implemented at a national level.

A proposal from the Royal College of Obstetricians and Gynaecologists for an audit, through their partnership with the London School of Hygiene and Tropical Medicine, has recently been submitted to the UK National Screening Committee. If the proposal is agreed, the Royal College of Obstetricians and Gynaecologists will appoint a clinical research fellow to undertake the project which will take one year.

The proposed audit will consist of a number of activities, including the development of "case vignettes", describing particular women asking clinicians to indicate whether they would screen for GBS and/or offer intrapartum antibiotic prophylaxis. These vignettes would provide specific information on current policies in response to the presence or absence of particular risk factors.

Government does not specify the content of the training curricula for doctors or midwives and other clinicians. The content and standard of medical training is the responsibility of the General Medical Council,

which is the competent authority for medical training in the United Kingdom. The Nursing and Midwifery Council set standards of education, training, conduct and performance so that nurses and midwives can deliver high quality health care.

Continuing professional development needs of doctors and midwives are determined by regulatory requirements and local NHS priorities, through appraisal processes and training needs analyses informed by Local Delivery Plans and the needs of the service.

Health Education England has been established to provide national leadership and oversight on strategic planning and development of the health care workforce. Health Education England will work closely with the professional regulators and education institutions to ensure that curricula for the provision of education is of the highest quality, and training delivers health professionals who are fit for purpose and meet employer and patient needs. Health Education England will become fully operational in April 2013.

### Telemedicine

**Mr Sanders:** To ask the Secretary of State for Health what discussions he has held with the Department for Energy and Climate Change on the potential for smart-meter technology to assist with the provision of telecare and telehealth services. [145182]

**Norman Lamb:** We are not aware of any specific discussions that have taken place with officials at the Department for Energy and Climate Change about this matter.

### Tobacco: Retail Trade

**Alex Cunningham:** To ask the Secretary of State for Health (1) what assessment he has made of the potential (a) effect on rates of smoking and (b) saving to the NHS of the introduction of standardised tobacco product packaging; [146070]

(2) what assessment he has made of his Department's consultation on standardised packing for tobacco products. [146071]

**Anna Soubry:** The Department published the "Consultation on standardised packaging of tobacco products" in April 2012. A consultation-stage impact assessment was published alongside the consultation.

The Department received many thousands of responses to the consultation on standardised packaging of tobacco products, including standard postcard campaigns and petitions from a range of interested parties. A summary report of consultation responses will be published in due course, which will set out the numbers and categories of responses received.

The Government has an open mind on this issue and any decisions to take further policy action on tobacco packaging will be taken only after full consideration is given to the consultation responses, evidence and other relevant information.

### Transplant Surgery

**Mr Bain:** To ask the Secretary of State for Health how many patients are on organ transplant waiting lists. [145639]

**Anna Soubry:** The information requested can be found in the following table.

*Number of people in the United Kingdom on organ donor waiting lists by organ as at 21 February 2013*

<i>Organ</i>	<i>Number of people on the transplant waiting list as of 21 February 2013</i>
Kidney	6,193
Pancreas	41
Kidney/pancreas	227
Pancreas islets	29
Heart	199
Lung	225
Heart/lung	18
Liver	463
Other (multi-organ)	36
<b>Total</b>	<b>7,431</b>

*Source:*

NHS Blood and Transplant

**Mr Bain:** To ask the Secretary of State for Health how many organ transplant patients were transferred from Scotland to England for care in each of the last four years. [145650]

**Dr Poulter:** The information requested can be found in the following table:

*Scottish residents<sup>1</sup> receiving a solid organ transplant in England from 1 April 2008 to 26 February 2013, by transplant type and year*

<i>Transplant type</i>	<i>2008-09</i>	<i>2009-10</i>	<i>2010-11</i>	<i>2011-12</i>	<i>2012-13<sup>2</sup></i>
Deceased donor kidney	0	1	1	0	0
Living donor kidney	0	1	2	2	1
Pancreas	1	1	0	0	0
Heart	2	3	7	4	2
Deceased donor lung(s)	12	13	7	8	19
Deceased donor liver/lobe	4	6	4	3	0
Living donor liver lobe	4	1	2	1	2
Other multi organ	0	1	2	1	0
<b>Total</b>	<b>22</b>	<b>27</b>	<b>25</b>	<b>19</b>	<b>24</b>

<sup>1</sup> Area defined by the Office for National Statistics NHS Postcode Directory.

<sup>2</sup> 2012-13 covers the period from the start of the 2012-13 financial year (1 April 2012) until 26 February 2013

*Source:*

NHS Blood and Transplant

### Working Hours

**Chris Ruane:** To ask the Secretary of State for Health what recent assessment he has made of the effect of over-working on mental and physical health. [145137]

**Norman Lamb:** No assessments have been made or are currently planned of the effects of over-working on mental and physical health.

**BUSINESS, INNOVATION AND SKILLS****Apprentices: Milton Keynes**

**Iain Stewart:** To ask the Secretary of State for Business, Innovation and Skills how many apprenticeships were started in (a) the Milton Keynes unitary authority area and (b) Milton Keynes South constituency in each of the last five years. [145628]

**Matthew Hancock:** Information on the number of apprenticeship starts by geography is published in supplementary tables to a quarterly statistical first release (SFR), last published on 31 January 2013, available at:

[http://www.thedataservice.org.uk/NR/rdonlyres/69EFC69B-C189-46C4-93C4-6B161D744073/0/January2013\\_Apprenticeship\\_Starts.xls](http://www.thedataservice.org.uk/NR/rdonlyres/69EFC69B-C189-46C4-93C4-6B161D744073/0/January2013_Apprenticeship_Starts.xls)

and

[http://www.thedataservice.org.uk/Statistics/fe\\_data\\_library/Apprenticeships/](http://www.thedataservice.org.uk/Statistics/fe_data_library/Apprenticeships/)

**Apprentices: South East**

**Nicholas Soames:** To ask the Secretary of State for Business, Innovation and Skills how many apprenticeships in each sector commenced in (a) Mid Sussex constituency and (b) the south-east in each of the last five years. [145645]

**Matthew Hancock:** Tables 1 and 2 show the number of apprenticeship starts by sector subject area in the Mid Sussex parliamentary constituency and the south-east region respectively. Data are shown for 2007/08 to 2011/12, the latest year for which full year data are available.

Table 1: Apprenticeship programme starts in Mid Sussex parliamentary constituency by sector subject area, 2007/08 to 2011/12

Sector subject area	2007/08	2008/09	2009/10	2010/11	2011/12
Agriculture, Horticulture and Animal Care	10	20	10	20	10
Arts, Media and Publishing	—	—	—	—	—
Business, Administration and Law	60	90	40	150	160
Construction, Planning and the Built Environment	30	40	30	40	30
Education and Training	—	—	—	10	10
Engineering and Manufacturing Technologies	60	40	40	50	50
Health, Public Services and Care	40	40	40	100	110
Information and Communication Technology	—	—	—	10	10
Languages, Literature and Culture	—	—	—	—	—
Leisure, Travel and Tourism	30	30	30	40	50
Preparation for Life and Work	—	—	—	—	—
Retail and Commercial Enterprise	70	90	100	110	140
Science and Mathematics	—	—	—	—	—
Unknown	—	—	—	—	—
Total	310	350	300	520	580

Table 2: Apprenticeship programme starts in south-east region by sector subject area, 2007/08 to 2011/12

Sector subject area	2007/08	2008/09	2009/10	2010/11	2011/12
Agriculture, Horticulture and Animal Care	700	840	730	960	1,070
Arts, Media and Publishing	10	—	10	90	90
Business, Administration and Law	5,570	7,590	7,730	15,190	20,010
Construction, Planning and the Built Environment	3,450	4,020	3,270	3,880	3,320
Education and Training	—	90	60	670	1,110
Engineering and Manufacturing Technologies	7,850	6,340	6,690	6,740	8,460
Health, Public Services and Care	4,890	4,970	6,770	12,380	13,340
Information and Communication Technology	1,020	1,330	2,000	2,380	2,630
Languages, Literature and Culture	—	—	—	—	—
Leisure, Travel and Tourism	1,060	2,030	2,290	3,280	2,710
Preparation for Life and Work	—	—	—	—	—
Retail and Commercial Enterprise	7,180	7,820	9,580	12,790	14,070
Science and Mathematics	—	—	—	—	50
Unknown	420	—	—	—	—
Total	32,160	35,040	39,120	58,340	66,850

**Notes:**

1. All figures are rounded to the nearest 10. '—' indicates a value of less than five.
2. Geographic breakdowns are based upon the home postcode of the learner.
3. Figures are based on the geographic boundaries as of May 2010.

**Source:**

Individualised Learner Record

**Business: Research**

**Mr Umunna:** To ask the Secretary of State for Business, Innovation and Skills with reference to the answer of 18 April 2012, *Official Report*, column 381W, on business: research, by what date the Technology Strategy Board plans to publish a list of Small Business Research

Initiative (SBRI) contracts awarded since April 2008 in a form similar to the US Small Business Administration's TECH-Net public database of SBRI contracts including the name and address of each award winner, the name of the awarding agency, the year of award, the phase, the amount of award and project title; and what deadlines he has set for this to take place. [145509]

**Michael Fallon:** The Technology Strategy Board currently provides details, including the status, of all SBRI competitions launched and case studies at a dedicated section of their website:

<http://www.innovateuk.org/deliveringinnovation/smallbusinessresearchinitiative.ashx>

In addition, the Technology Strategy Board has created a searchable database which has been available since mid November 2012 at:

<https://connect.innovateuk.org/publicdata/>

This contains details of all SBRI contract recipients, where the Technology Strategy Board is the contracting authority. Where Departments manage their own competitions and are the contracting authority this information is not held by the Technology Strategy Board. The Technology Strategy Board is working with these public sector bodies to add information regarding their contracts where possible.

The TSB is compiling a list of all SBRI contract recipients, where the Technology Strategy Board can obtain information from other public sector bodies that are the contracting authority in their SBRI competitions. This list will be published shortly.

### Carbon Monoxide: Poisoning

**Dan Jarvis:** To ask the Secretary of State for Business, Innovation and Skills if he will bring forward legislative proposals to make it an offence for retailers to sell barbecue and camping equipment without a prominent warning on the dangers of carbon monoxide poisoning. [146058]

**Michael Fallon:** There are no plans for new legislation. The European Commission have put in a request for the revision of EN 1860-1 and EN 1860-2, the two standards relating to barbecues and barbecue fuel packaging, to have safety warnings in prominent positions on the barbecues themselves as well as on the packaging of the fuels and in accompanying instructions. The General Product Safety Regulations 2005 (GPSR) state only safe products can be placed onto the market, and recognise certain technical standards as carrying a presumption of conformity with the general safety requirement, meaning that products that comply with them are deemed to be safe. Local authority trading standards services are able under the GPSR to remove products they feel do not meet the basic safety requirements, which can include the lack of appropriate safety warnings.

### Companies: Milton Keynes

**Iain Stewart:** To ask the Secretary of State for Business, Innovation and Skills how many new companies were registered in (a) the Milton Keynes unitary authority area and (b) Milton Keynes South constituency in each of the last five years. [145627]

**Michael Fallon:** Companies House estimate that the number of new companies registered in the Milton Keynes unitary authority area and Milton Keynes South constituency in each of the last five years are shown in the following tables.

<i>Milton Keynes unitary authority</i>	
	<i>Number</i>
2008/09	1,528
2009/10	1,841
2010/11	1,918
2011/12	2,296
2012/13	2,137
<i>Milton Keynes South constituency</i>	
	<i>Number</i>
2008/09	1,345
2009/10	1,672
2010/11	1,796
2011/12	2,156
2012/13	2,016

These figures are estimates because Companies House data is drawn from postcode areas; and these areas can cross county and constituency boundaries.

### Copyright

**Mike Weatherley:** To ask the Secretary of State for Business, Innovation and Skills what assessment he has made of the legal costs that will be incurred by businesses and other organisations as a result of courts interpreting proposed changes to copyright law. [145954]

**Jo Swinson:** The changes proposed to copyright legislation will be drafted as clearly as possible, and the Intellectual Property Office will issue guidance notices which, while not binding on the courts, will assist users of the copyright system to understand the new provisions.

While legal disputes may occur following any legislative change, it is not possible to predict accurately the extent or cost of such actions, and accordingly, no such assessment has been made.

### Copyright Research Expert Advisory Group

**Dan Jarvis:** To ask the Secretary of State for Business, Innovation and Skills (1) how many current members of the Copyright Research Expert Advisory Group have been commissioned by the Intellectual Property Office to provide paid research in the last three years; [146059]

(2) how many current members of the Copyright Research Expert Advisory Group work in a private sector business whose principal purpose is the production of copyright works. [146060]

**Jo Swinson:** The Intellectual Property Office (IPO) established four Research Expert Advisory Groups (EAGs), including a group focused on copyright, to provide commentary and peer review on all aspects of its research programme. Each EAG is made up of representatives from industry, academia and the user community who have expertise in developing and commenting on research methodologies and data. Members are voluntary and unpaid and were appointed on a personal basis.

The full membership for the Copyright Research Expert Advisory Group (CREAG) is:

Hasan Bakhshi—National Endowment for Science, Technology and the Arts (NESTA)

Adrian Brazier—Department for Culture, Media and Sport

Ian Christie—Birkbeck College London  
 Tony Clayton—Intellectual Property Office  
 Pippa Hall—Intellectual Property Office  
 David Humphries—Intellectual Property Office  
 Martin Kretschmer—CREATe (formerly Bournemouth University)  
 Nick Munn—Intellectual Property Office  
 Will Page—Spotify (formerly Performing Rights Society)  
 Tom Rivers—Broadcasters Representative  
 Christian Zimmerman—Design and Artists' Copyright Society  
 Charlotte Waelde—Exeter University  
 Saskia Walzel—Consumer Focus  
 Ben White—British Library.

Of these, Professor Martin Kretschmer, Director of the CREATe Research Centre, formerly Professor of Jurisprudence at Bournemouth University, was commissioned to produce independent research on Private Copying and Fair Compensation. The contract was let by the Economic and Social Research Council as part of a competitive procurement process. The IPO co-funded this work although the winning bidder was selected solely by the ESRC.

In addition, Professor Kretschmer has led Bournemouth University teams which have been commissioned to deliver research projects on Copyright, and the Regulation of Orphan Works and on Parody and Pastiche. Contracts for these research projects were let following a competitive tender evaluation process. Final reports will be published shortly, following peer review.

### Employee Ownership

**Mr Umunna:** To ask the Secretary of State for Business, Innovation and Skills pursuant to the answer of 18 December 2012, *Official Report*, column 729W, on employee ownership, what estimate he has made of the total costs to businesses of familiarising themselves with the amended Employment Rights Act 1996 regardless of whether they use the employee shareholder status or not. [146181]

**Jo Swinson:** The calculation of the total cost to business of familiarisation with the amended Employment Rights Act 1996, in relation to the employee shareholder employment status, has not yet been carried out.

It is our intention to publish an updated impact assessment to the employment status before coming into law, which includes this calculation.

### Environment Protection

**Dan Jarvis:** To ask the Secretary of State for Business, Innovation and Skills what estimate he has made of the UK's market share of the global environmental goods and services sector in 2011-12. [146057]

**Michael Fallon:** We currently do not have data for 2011-12. In terms of global sales, the UK is ranked sixth for the low carbon and environmental goods and services sector as a whole, with estimated sales of around £122,222 million in 2010-11 representing 3.7% of the global sales total of £3.3 trillion.

### EU External Trade: USA

**Mr Umunna:** To ask the Secretary of State for Business, Innovation and Skills how many full-time equivalent staff in his Department are working on the US-EU High Level Working Group on recommendations for negotiations between the EU and US for a comprehensive free trade agreement. [145371]

**Michael Fallon:** The likely scope of the Transatlantic Trade and Investment Partnership means a broad range of Government officials are working on this, including: the Department for Business, Innovation and Skills; the Foreign and Commonwealth Office; Her Majesty's Treasury; the Department for Environment, Food and Rural Affairs; and the Cabinet Office. At this stage 10 to 15 officials in BIS are engaged for part of their time on aspects of this trade dossier. We expect this figure to increase as negotiations move forward.

**Mr Umunna:** To ask the Secretary of State for Business, Innovation and Skills what benchmarks his Department has set for outcomes of the work of the US-EU High Level Working Group on negotiations between the EU and US for a comprehensive free trade agreement; and what workstreams on these matters have been established in his Department. [145372]

**Michael Fallon:** The UK supports work towards as ambitious a deal as possible that addresses market access; tariffs, regulatory issues and non-tariff barriers; and rules and standards. BIS officials continue to engage with UK businesses and trade associations to understand their specific issues when trading and investing across the Atlantic.

### EU Grants and Loans: Greater London

**Mr Thomas:** To ask the Secretary of State for Business, Innovation and Skills if he will support the Mayor of London's proposal for him to be granted the status of Managing Authority for EU grants allocated to London; and if he will make a statement. [146052]

**Michael Fallon:** The Government is considering the Mayor's proposal that the Greater London Authority (GLA) should become a Managing Authority for the next round of European Regional Development Fund (ERDF) and European Social Fund (ESF) programmes in 2014-20. I am keen to ensure that the structure of the next round of programmes supports their overarching objective of smart, sustainable and inclusive growth.

### Government Departments: Disclosure of Information

**Mr Umunna:** To ask the Secretary of State for Business, Innovation and Skills how many events have been held under the Open Data Immersion programme; on what dates and at which locations these took place; and how many prizes have been awarded under the programme. [145367]

**Matthew Hancock:** The Open Data Immersion programme was formally launched on 22 February 2013 by the Open Data Institute (ODI). No events have

taken place yet. The first event will be held on 20 March 2013, and I am sure the right hon. Member would be very welcome to attend.

Further information on the 2013 Immersion programme is set out as follows and details of future themes will be posted on the ODI website in due course:

	<i>Crime and Justice</i>	<i>Energy and the environment</i>	<i>Personal data</i>
Series open for applications	22 February 2013	April 2013	September 2013
Challenge Definition Day	20 March 2013	May 2013	October 2013
Development/Acceleration period	March-June 2013	May-September 2013	October-December 2013
Creation and Innovation Weekend	21-23 June 2013	6-8 September 2013	December 2013
Incubation, Mentoring and Review period	24 June-December 2013	September 2013-March 2014	January-June 2014

The Crime and Justice Series events will be held in London and subsequent events will be hosted around the UK.

For each theme, seed funding will be awarded to successful ideas at the Creation and Innovation Weekend, and a prize will be awarded at the end of the Incubation, Mentoring and Review period.

Themes for future events will be determined by demand and through open data work being developed by the Data Strategy Board and ODI. Future themes are expected to include health; transport; and welfare.

**Mr Umunna:** To ask the Secretary of State for Business, Innovation and Skills by what date he expects an independent impact evaluation of the Open Data Immersion programme to be carried out. [145368]

**Matthew Hancock:** The Open Data Immersion programme is a three year programme running from 2013 to 2015. An independent impact evaluation of the programme is due to be undertaken in 2015.

The structure of the programme will include the evaluation of individual projects as small and medium-sized enterprises and start-ups develop their ideas and compete for the pre-seed investment and prizes that are awarded as part of the scheme.

### Graphene

**Mr Umunna:** To ask the Secretary of State for Business, Innovation and Skills pursuant to the answer of 30 January 2013, *Official Report*, column 835W, on graphene, what research or statistics on international comparisons of numbers of graphene patents his Department or its agencies have (a) undertaken, (b) commissioned and (c) purchased since November 2011. [146180]

**Jo Swinson:** The Intellectual Property Office (IPO) produced the reports referred to in the answer of 30 January 2013, *Official Report*, column 835W, in November 2011. Following the renewed interest in graphene, the IPO is updating the main report with more recent data and it will be published in March 2013. Following publication, a copy will be placed in the parliamentary Library for reference. The IPO has not commissioned nor purchased any further research since November 2011.

### Higher Education: Admissions

**Simon Kirby:** To ask the Secretary of State for Business, Innovation and Skills (1) how many schools have received 20 or more Oxbridge offers since 1 January 2013; [145601]

(2) how many Oxbridge offers have been made to pupils in (a) Brighton and Hove, (b) East Sussex, (c) West Sussex and (d) Newham since 1 January 2013. [145602]

**Mr Willetts:** The information is not held centrally. Data on applications and acceptances are collected by the Universities and Colleges Admissions Service (UCAS) but they do not routinely publish figures at this level of detail. UCAS is an organisation independent of government.

### Holiday Leave

**Chris Ruane:** To ask the Secretary of State for Business, Innovation and Skills what comparative assessment he has made of the average number of paid holidays by (a) law and (b) agreement in the UK and in other EU member states. [145128]

**Jo Swinson:** In the UK, most workers are statutorily entitled to 5.6 weeks (capped at 28 days) paid leave each year. This comprises:

four weeks (20 days for someone working a five-day week), which gives effect to the EU working time directive requirement; an additional 1.6 weeks (eight days for someone working a five-day week), which represents the number of bank and public holidays in a year in England and Wales. (In Scotland there are nine days and in Northern Ireland there are 10 days).

Some workers may be entitled to a greater amount of leave under their contract.

Data on actual annual holidays are available through the EU Structural Earnings Survey, produced by Eurostat, the statistical office of the European Union. These data are available online at:

[www.epp.eurostat.ec.europa.eu/portal/page/portal/labour\\_market/earnings/database](http://www.epp.eurostat.ec.europa.eu/portal/page/portal/labour_market/earnings/database)

### Mayor of London

**Mr Thomas:** To ask the Secretary of State for Business, Innovation and Skills what plans he has for the devolution of additional powers to the Mayor of London; and if he will make a statement. [145238]

**Michael Fallon:** The Department for Business, Innovation and Skills has no plans to devolve additional powers to the Mayor of London.

### Regional Growth Fund

**Mr Umunna:** To ask the Secretary of State for Business, Innovation and Skills how many individual awards from Round Two of the Regional Growth Fund have not yet received a final agreed offer; and what the monetary value of each of those awards is. [146177]

**Michael Fallon:** Round 2 of the Regional Growth Fund closed at the end of 2012. A small number of contracts which were either at an advanced stage of due diligence or had specific strategic value were moved onto the round 3 timetable which means that a final offer will have to be agreed by 19 April. Currently 11 awards from Round 2, with a total conditional allocation of £51.2 million, are still to receive their final offer.

**Mr Umunna:** To ask the Secretary of State for Business, Innovation and Skills by what date he expects the Exceptional Regional Growth Fund to be operational. [146179]

**Michael Fallon:** I announced details of exceptional Regional Growth Fund (RGF) support in my written ministerial statement of 17 January 2013, *Official Report*, columns 41-2WS, and it has been available since that date.

### Sand: Imports

**Andrew Rosindell:** To ask the Secretary of State for Business, Innovation and Skills how many tonnes of sand have been imported in each of the last five years. [146006]

**Michael Fallon:** UK imports of sand in tonnes are shown in the following table, based on the Harmonised System Classification (HS). The total for "All natural sands" has also been separated into silica/quartz sands and other natural sands:

*UK sand imports, 2008-12*

	<i>Tonnes</i>		
	<i>Natural sands of all kinds, whether or not coloured (excl. silica sands, quartz sands, gold- and platinum-bearing sands, zircon, rutile and ilmenite sands, whether or not coloured (HS 250510) tar or asphalt sands) (HS 250590)</i>		
<i>All natural sands (HS 2505)</i>	<i>Silica sands and quartz sands, whether or not coloured (HS 250510)</i>	<i>Silica sands and quartz sands, whether or not coloured (HS 250510)</i>	<i>Silica sands and quartz sands, whether or not coloured (HS 250590)</i>
2008	376,362	49,560	326,802
2009	314,599	76,689	237,910
2010	316,535	134,559	181,976
2011	579,680	310,715	268,965
2012	421,506	138,445	283,061

Source:  
BIS analysis of HMRC Overseas Trade Statistics on  
www.uktradeinfo.com  
as at 1 March 2013

### Students: Loans

**Shabana Mahmood:** To ask the Secretary of State for Business, Innovation and Skills (1) how many part-time students have (a) applied for and (b) been awarded loans for tuition fees in the 2012-13 academic year; [145099]

(2) how many part-time students have submitted an eligible application for loans for tuition fees in the 2012-13 academic year. [145100]

**Mr Willetts:** Figures are shown in the following table for the current academic year 2012/13 and are based on the status of part-time applications for tuition fee support in February 2013, five months into the academic year. The processing of applications continues after this time and so the figures are subject to change throughout the academic year.

*Number of part-time applicants<sup>1-2</sup> for tuition fee support in the 2012 entry cohort in academic year 2012/13, English domiciled students studying in the UK and EU students studying in England as at 26 February 2013*

	<i>Number</i>
Total number of applicants	36,300
<i>Of which:</i>	
Eligible (approved for payment) <sup>3</sup>	31,700
Ineligible <sup>4</sup>	300
Decision pending on payment approval or eligibility	4,400

<sup>1</sup> Excludes deleted applications.

<sup>2</sup> Figures are rounded to the nearest 100 applicants.

<sup>3</sup> Excludes those found to be ineligible.

<sup>4</sup> Includes those found to be ineligible after being approved for payment.

### Trade Promotion

**Mr Umunna:** To ask the Secretary of State for Business, Innovation and Skills how many British business centres he expects to be operational in India by 2017; and which other 19 locations will host overseas business networks. [145370]

**Michael Fallon:** UK Trade & Investment is consulting stakeholders on exactly how many centres will open in India, but we expect about six by 2017.

Besides India, the following overseas markets are part of our pilot programme to strengthen business networks; Thailand, Vietnam, Singapore, South Korea, Indonesia, Malaysia, UAE, Saudi Arabia, Qatar, Turkey, Russia, Romania, Poland, Nigeria, South Africa, Mexico, Colombia, China, Hong Kong and Brazil.

### Written Questions

**Lisa Nandy:** To ask the Secretary of State for Business, Innovation and Skills whether the procedure and sign-off process for responding to parliamentary questions in his Department includes review by special advisers. [146076]

**Jo Swinson:** Ministers are responsible and accountable for all answers to parliamentary questions. Special advisers may provide advice to Ministers, as outlined in the Code of Conduct for Special Advisers.

### Copyright

**Dan Jarvis:** To ask the Secretary of State for Business, Innovation and Skills when he will publish a revised impact assessment of the recommendations of the Hargreaves Review into IP and Growth that the UK should (a) also promote at EU level an exception to support text and data analytics and (b) give a lead at EU level to develop a further copyright exception designed to build into the EU framework adaptability to new technologies. [145951]

**Jo Swinson:** The Government's position on the Hargreaves proposals on text and data mining and technology neutrality is set out in its response to the Review at pages 7-8:

<http://www.ipa.gov.uk/ipresponse-full.pdf>

This builds on the evidence gathered during the Hargreaves Review of Intellectual Property and Growth. There are no plans to consult further or publish additional estimates of impact.

The Impact Assessment for a UK-only text and data mining copyright exception for non-commercial use makes an indicative estimate of productivity gains of £124 million to £157 million per year.

## WORK AND PENSIONS

### Children: Maintenance

**Philip Davies:** To ask the Secretary of State for Work and Pensions how much has been written off in arrears by the Child Support Agency and Child Maintenance and Enforcement Commission in each of the last five years. [145358]

**Steve Webb:** The Child Support Agency has not yet written off any arrears. However, on 10 December 2012 we introduced legislation that will allow us to do so in certain limited circumstances, for example if the parent who owes child maintenance has died, or if the parent who is owed child maintenance does not want it collected. This was provided for through the Child Support Management of Payments and Arrears (Amendment) Regulations 2012.

### Employment and Support Allowance

**Tom Greatrex:** To ask the Secretary of State for Work and Pensions what estimate he has made of the average length of time between an employment and support allowance (ESA) claimant contacting his Department to claim that benefit and the claimant receiving an ESA 50 application form in (a) 2010, (b) 2011 and (c) 2012. [145585]

**Mr Hoban** [*holding answer 1 March 2013*]: The information requested is not available.

### Housing Benefit

**Stephen Timms:** To ask the Secretary of State for Work and Pensions how much additional discretionary housing payment awarded in respect of the introduction of the under-occupancy penalty and benefit cap is as a proportion of the aggregate loss of benefit to households estimated to be due to those measures in each local authority in England. [145857]

**Steve Webb:** Total losses due to the under-occupancy charge and benefit cap are not available at a local authority level.

The additional funding towards discretionary housing payments for 2013-14 in respect of the under-occupancy measure in England accounts for about 6% of the aggregate loss of benefit to households estimated to be due to under-occupancy.

The additional £65 million which has been allocated to the discretionary housing payments scheme for the benefit cap equates to approximately one quarter of estimated losses nationally.

**Stephen Timms:** To ask the Secretary of State for Work and Pensions what estimate he has made of the number of households negatively affected by (a) the under-occupancy penalty, (b) the benefit cap and (c) both measures in each local authority in England; and what the average reduction in benefit will be in each such case. [145858]

**Steve Webb:** The information requested at (a) the under occupancy measure, is not available at a local authority level. Estimates at a national and regional level are available in the impact assessment at:

<http://www.dwp.gov.uk/docs/social-sector-housing-under-occupation-wr2011-ia.Pdf>

The information requested at (b) the benefit cap, has been placed in the Library and is consistent with the impact assessment published on 16 July 2012. The table can be found at:

<http://data.parliament.uk/DepositedPapers/Files/DEP2012-1447/LocalAuthoritybreakdownaffectedbybenefitcap.doc>

Please note that in the table household numbers are rounded to the nearest 100. Areas with fewer than 100 households affected are denoted by "...", as additional disclosure control has been applied to these areas. For this reason, figures will not sum to the total number of households affected in the July 2012 impact assessment for the household benefit cap.

The figures in the table assume that the situation of these households will go unchanged, and they will not take any steps to either work enough hours to qualify for working tax credit, renegotiate their rent in situ, or find alternative accommodation. The Department is identifying and writing to all the households who are likely to be affected by the cap and we are offering advice and support through Jobcentre Plus, including, where appropriate, early access to the Work programme before the cap is introduced in April 2013.

The information requested at (c) both measures, is not available. The number of claimants affected by both measures is likely to be small. The benefit cap is more likely to affect larger families while the under-occupancy charge is less likely to affect households with children than those without. Available data do not allow the derivation of a robust estimate of this for any geography.

**Stephen Timms:** To ask the Secretary of State for Work and Pensions how much funding was allocated in discretionary housing payments to each local authority in England in (a) 2012-13 and (b) 2013-14; and how much of this funding was allocated in respect of each of the policy changes scheduled to take effect in (i) 2013 and (ii) 2014. [145859]

**Steve Webb:** Local authorities in England received a total of £53.5 million towards discretionary housing payments for 2012-13 and will receive a total of £138.8 million in 2013-14.

Local authorities are notified of the overall amount of discretionary housing payment funding that they will receive, as the overall allocation is ring-fenced. This

is not broken down to indicative allocations for each aspect of policy, as authorities are encouraged to use maximum flexibility on a case by case basis.

A full breakdown of allocations by English local authority will be placed in the Library.

**Mr Byrne:** To ask the Secretary of State for Work and Pensions whether people with terminal illnesses will be excluded from the under-occupancy penalty. [146045]

**Mr Jim Cunningham:** To ask the Secretary of State for Work and Pensions whether people with terminal illnesses will be exempt from the under-occupancy penalty from April 2013. [146150]

**Steve Webb:** People with terminal illnesses will not be exempt from the under-occupancy charge.

We have trebled funding for discretionary housing payments to £155 million for 2013-14. Local authorities will be free to provide discretionary housing payments in cases where they believe that this is warranted.

**Mr Byrne:** To ask the Secretary of State for Work and Pensions what the cost to the public purse would be of exempting members of the armed forces from the social sector under-occupancy penalty. [146046]

**Steve Webb:** The information requested is not available.

The Department is unable to make an estimate from survey data as the sample size for members of the armed forces affected by the social sector under-occupancy charge is small. As a result estimates would be subject to a high degree of sampling error.

**Mr Byrne:** To ask the Secretary of State for Work and Pensions whether cancer patients who require a spare room for medical reasons will be excluded from the under-occupancy penalty. [146047]

**Mr Jim Cunningham:** To ask the Secretary of State for Work and Pensions whether cancer patients who require a spare room for medical reasons will be exempt from the under-occupancy penalty from April 2013. [146149]

**Steve Webb:** Cancer patients who require a spare room for medical reasons will not be exempt from the under-occupancy measure. However, where the claimant receives overnight care from a non-resident carer or team of carers, an additional bedroom will be allowed when determining the number of bedrooms they need.

We have trebled funding for discretionary housing payments to £155 million for 2013-14. Local authorities will be free to provide discretionary housing payments in cases where they believe that this is warranted.

**Mr Byrne:** To ask the Secretary of State for Work and Pensions what the cost to the public purse would be of exempting disabled people from the social sector under-occupancy penalty. [146048]

**Steve Webb:** The Department for Work and Pensions estimates that the cost in 2013-14 of exempting claimants affected by the social sector under-occupancy measure where either the claimant or partner reports a Disability

Discrimination Act recognised disability would be around £300 million a year. Less than half of those affected who report a Disability Discrimination Act disability are also in receipt of disability living allowance.

**Mr Byrne:** To ask the Secretary of State for Work and Pensions what the cost to the public purse would be of exempting foster carers from the social sector under-occupancy penalty. [146049]

**Steve Webb:** The Department estimates that exempting foster carers from the social sector under-occupancy charge could cost up to £5 million a year.

#### Jobcentre Plus

**Mr Gibb:** To ask the Secretary of State for Work and Pensions what internal performance standards there are for benefit centres for (a) returning calls and (b) processing claims. [141978]

**Mr Hoban:** The information is as follows:

#### Returning Calls:

Benefit Centres are currently moving across to a new telephony system, while this is occurring we are aiming to return calls to claimants within three hours of their initial contact with DWP.

#### Processing Claims:

Current measures are:

Jobseeker's allowance (JSA)—Year to date to make 90% of first payments within 16 days;

Employment support allowance (ESA)—Year to date to make 85% of first payments within 16 days;

Income support (IS)—year to date to make 90% of first payments within 13 days.

These measures are reviewed annually and we constantly try to improve on them.

#### Jobcentre Plus: Worthing

**Mr Gibb:** To ask the Secretary of State for Work and Pensions whether Worthing benefit centre has delivered against its internal performance standards in (a) returning calls and (b) processing claims in each of the last six months. [142048]

**Mr Hoban:** The information is as follows:

#### (a) Returning calls:

Currently Worthing benefit centre is delivering against the measure on two out of the three benefits.

#### (b) Processing claims:

Year to date, the site has met performance standards for two out of the three benefits it delivers.

#### Jobseeker's Allowance

**Tom Greatrex:** To ask the Secretary of State for Work and Pensions how many claims for jobseeker's allowance were withdrawn following notification of the death of the claimant where that claimant had previously claimed employment and support allowance in (a) 2010, (b) 2011, (c) 2012 and (d) 2013 to date. [145860]

**Mr Hoban:** The information requested is not readily available, and could be provided only at disproportionate cost.

### Occupational Pensions

**Gregg McClymont:** To ask the Secretary of State for Work and Pensions (1) what recent discussions he has had with European Union officials on proposals for the Insurance and Occupational Pensions directive; [145712]

(2) what steps he is taking to ensure that the Solvency II capital rules will not form a blueprint for the new Insurance and Occupational Pensions directive. [145713]

**Sajid Javid:** I have been asked to reply on behalf of the Treasury.

There are no proposals for an Insurance and Occupational Pensions directive. However, the European Commission (Commission) is currently considering revising the occupational pensions (IORP—Institutions for Occupational Retirement Provision) directive. This review is still in progress and no proposals have yet been made. The Commission aims to present proposals for a revised directive by summer this year.

The Commission have shown interest in applying new capital requirements derived from the "Solvency II" insurance directive to occupational pensions. The Government does not see a case for this and believes such an approach could be damaging to pensions provision and economic growth. The Government has made its position very clear to the Commission.

The Government is working closely with other organisations and member states to make sure that our concerns are heard and that impacts are carefully studied.

As was the case with previous Administrations, it is not the Government's practice to provide details of all such discussions.

### Older People

**Jonathan Evans:** To ask the Secretary of State for Work and Pensions what assessment he has made of the potential for equity release to enable a greater number of older people to stay in their homes for longer. [145107]

**Norman Lamb:** I have been asked to reply on behalf of the Department of Health.

The Department of Health recognises that equity release products could help people pay for the costs of their social care, particularly those with limited wealth other than their home.

In 2010, the Dilnot Commission on social care funding identified the potential for this market to develop but did not conduct a detailed assessment of its size.

### Remploy: Redundancy

**Jim Sheridan:** To ask the Secretary of State for Work and Pensions with reference to the statement of 7 March 2012, on employment support, when he plans to allocate £8 million to help ex-Remploy staff find work or access benefits; and if he will make a statement. [145250]

**Esther McVey:** We have already started to use the £8 million that we made available to fund the delivery of a People Help and Support Package across Great Britain. Through this package, support is available for individuals to access for up to 18 months following redundancy to help them make the transition from working at Remploy to mainstream employment.

Each disabled factory leaver is assigned the support of a DWP personal case worker, who organises individual and personalised support for up to 18 months following factory closure. Disabled former Remploy employees are eligible for support from a personal budget, which can provide additional support where other sources of funding are unavailable. The Community Support Fund (CSF) supports projects through which disability organisations work with individuals and their families to support the transition from sheltered to mainstream employment and to participate in social activities. There are two CSF projects in Scotland.

Around 100 disabled former Remploy workers in Scotland are choosing to work with our personal case workers to find another job. 26 jobs have been found for disabled former employees since they were made redundant. Currently 23 people are in work, including nine who are participating in the Work Choice programme. A further 26 disabled former Remploy workers in Scotland are on Work Choice undertaking training and other activities aimed at moving them closer to employment.

### Social Security Benefits

**Mr Watson:** To ask the Secretary of State for Work and Pensions whether a communications strategy has been put in place to inform all recipients of welfare benefits of their changed circumstances as a result of the welfare reforms due to be introduced in April 2013. [145815]

**Mr Hoban [holding answer 1 March 2013]:** Relevant targeted communications are planned as appropriate and a range of activity has already taken place.

### Unemployment Benefits

**Mr Woodward:** To ask the Secretary of State for Work and Pensions (1) how many people aged 18-24 have been in receipt of out-of-work benefits for more than (a) six months, (b) one year, (c) two years and (d) three years in (i) St Helens South and Whiston constituency, (ii) the North West and (iii) England in the latest period for which figures are available; [145633]

(2) how many people have been in receipt of out-of-work benefits for more than (a) six months, (b) one year, (c) two years and (d) three years in (i) St Helens South and Whiston constituency, (ii) the North West and (iii) England in the latest period for which figures are available. [145634]

**Mr Hoban:** The information requested above has been placed in the Library.

### Work Capability Assessment

**Lisa Nandy:** To ask the Secretary of State for Work and Pensions how many claimants who underwent a computerised assessment conducted by Atos and were

declared fit for work died within six months of their assessment (a) nationally and (b) in the Wigan borough council area. [142960]

**Mr Hoban:** Atos do not undertake computerised assessments.

**Mr Streeter:** To ask the Secretary of State for Work and Pensions what proportion of claimants have appealed successfully against the original Atos determination of their capacity to work since 1 April 2012. [145267]

**Mrs Grant:** I have been asked to reply on behalf of the Ministry of Justice.

The First-tier Tribunal—Social Security and Child Support (SSCS), administered by HM Courts and Tribunals Service, hears appeals against Department for Work and Pensions' decisions on entitlement to employment and support allowance (ESA), decisions in which the work capability assessment (WCA) undertaken by Atos is a key factor, rather than appeals against WCA decisions themselves.

The following table shows the number and proportion of ESA appeals in which the WCA was a factor that were found (a) in favour of the appellant and (b) in favour of DWP from 1 April to 30 September 2012 (the latest date for which information is available).

	<i>Number and proportion of ESA (WCA) appeals found in favour of the appellant</i>				
	<i>Total ESA (WCA) cases cleared at hearing<sup>1</sup></i>	<i>Decisions in favour of the appellant</i>		<i>Decisions in favour of DWP</i>	
		<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>
April-September 2012	88,600	37,600	42	50,700	57

<sup>1</sup> These are cases that were disposed of at a hearing. The total number of cases cleared at hearing includes some cases that were withdrawn and on which no decision was made. These figures therefore are not the sum total of decisions in favour and decisions upheld.

*Note:*

The above data is taken from management information in line with published statistics and values are rounded to the nearest hundred.

**Tom Greatrex:** To ask the Secretary of State for Work and Pensions how many appeals against a work capability assessment decision were withdrawn following the notification of death of the appellant in (a) 2010, (b) 2011, (c) 2012 and (d) 2013 to date. [145586]

**Mr Hoban** [*holding answer 1 March 2013*]: The information requested is not available.

**Tom Greatrex:** To ask the Secretary of State for Work and Pensions how many people waited (a)

between 0 and 13 weeks and (b) more than 13 weeks to undergo a work capability assessment in (i) 2011, (ii) 2012 and (iii) 2013 to date. [145864]

**Mr Hoban:** The following table shows the number of employment and support allowance (ESA) claims where the time between the claim start and the work capability assessment (WCA) output was (a) between 0 and 13 weeks and (b) more than 13 weeks for initial WCAs completed (i) in 2011 and (ii) between January and August 2012 (the latest data available).

*Number of ESA claims where the time between claim start and WCA output was (a) between 0 and 13 weeks and (b) more than 13 weeks for initial work capability assessments completed (i) in 2011 and (ii) between January and August 2012<sup>1</sup>*

<i>WCA completion date</i>	<i>Completed within 13 weeks</i>	<i>Completed in more than 13 weeks</i>	<i>Total assessments completed</i>
January 2011 to December 2011	101,910	208,360	310,270
January 2012 to August 2012	44,210	196,050	240,260

<sup>1</sup> Latest data available.

*Note:*

All volumes are rounded to the nearest 10.

*Source:*

Department for Work and Pensions benefit administration datasets.

The figures exclude any time spent in the assessment phase after the WCA decision is made—as is the case for appeals. Claims that are closed before the WCA is completed, and those awaiting a WCA decision, are also excluded. The data relates to initial assessments for new ESA claims; incapacity benefit reassessment claims are not included.

For approximately 15% of all new claims, the duration cannot be determined due to data not being available, so these have been excluded from the above figures.

**Tom Greatrex:** To ask the Secretary of State for Work and Pensions how many mental function champions have been employed by Atos Healthcare for the purposes of the work capability assessment in (a) total and (b) each region in the UK in (i) 2010, (ii) 2011, (iii) 2012 and (iv) 2013 to date. [145865]

**Mr Hoban:** In 2010, there were no mental function champions (MFC) employed by Atos Healthcare.

On 3 May 2011 the first tranche of 14 MFCs were trained and in place to provide national coverage, this was completed on time. By 31 May 2011 the second tranche of training had been completed on time, and accumulatively there were 45 MFCs in place to provide national coverage.

The training of the final tranche of MFCs was completed by 31 July 2011. Since this date, 60 MFCs have been employed by Atos Healthcare, this is a national service and regional information is not available.

**Tom Greatrex:** To ask the Secretary of State for Work and Pensions how many Atos Healthcare-approved health care professionals were withdrawn from carrying out functions under the Medical Services Agreement for failing to satisfy the required quality standards in (a) 2010, (b) 2011 and (c) 2012. [145866]

**Mr Hoban:** Atos Healthcare's policy is always to actively manage the performance of a health care

professional who does not meet required quality standards; providing appropriate training and mentoring to allow for improvement.

Health care professionals cease to provide services for a variety of reasons which are categorised on the Atos Healthcare's internal database; they record a category relating to "performance—quality" which shows the following revocations of health care professionals from undertaking DWP medical assessments:

In 2010: four revocations;

In 2011: two revocations;

In 2012: six revocations.

**Tom Greatrex:** To ask the Secretary of State for Work and Pensions how many Atos-approved healthcare professionals have been deployed in benefit centres in (a) 2011, (b) 2012 and (c) 2013 to date; and at which sites such professionals were based. [145868]

**Mr Hoban:** Until December 2011, face to face advice was provided to decision makers on an ad hoc basis equating to 548 man days. This was provided in the following DWP benefit centres:

Nottingham/Leicester

Luton

Stratford

Sunderland

Preston

Clyde and Fife

Canterbury

Plymouth

Wrexham

Wolverhampton

Barnsley

There were no Atos Healthcare professionals deployed in Department for Work and Pensions benefit centres during 2012 and 2013 to date. From December 2011, Atos Healthcare has provided a contractually agreed telephone service to provide advice to decision makers who require clarification in relation to a specific case.

Telephone service is available every weekday 9 am to 5 pm.

### Written Questions

**Lisa Nandy:** To ask the Secretary of State for Work and Pensions whether the procedure and sign-off process for responding to parliamentary questions in his Department includes review by special advisers. [146094]

**Mr Hoban:** Ministers are responsible and accountable for all answers to parliamentary questions. Special advisers may provide advice to Ministers, as outlined in the Code of Conduct for Special Advisers,

## JUSTICE

### Legal Profession

**Chris Ruane:** To ask the Secretary of State for Justice what (a) formal and (b) informal Government and professional rules and regulations are in place to control the number of entrants into the legal profession. [145512]

**Mrs Grant:** There are no formal or informal Government rules or regulations in place that control the number of entrants into the legal profession.

Approved legal regulators, which are independent of Government, set the entry requirements for their respective organisations. They publish the relevant rules and regulations on their websites.

**Robert Halfon:** To ask the Secretary of State for Justice if he will take steps to stop people from being barred from the legal profession where false and malicious complaints are made about them to the police; and if he will make a statement. [145800]

**Mrs Grant:** The Government is not responsible for deciding who is admitted or barred from entering the legal profession.

The approved regulators, who are independent of Government, are responsible for the admission and removal of members from the legal profession.

### Motor Vehicles: Spare Parts

**Mark Tami:** To ask the Secretary of State for Justice how many people have been prosecuted for (a) producing and (b) importing counterfeit motor vehicle parts in each of the last five years. [142978]

**Jeremy Wright:** Information held centrally by the Ministry of Justice on the court proceedings database does not include the circumstances behind each case beyond the description provided in the statute. It is not possible to separately identify from this centrally held information which prosecutions brought before the courts were for production and importing of counterfeit motor vehicle parts.

### Probation

**John McDonnell:** To ask the Secretary of State for Justice in the event that he outsources probation tasks, what training and experience staff employed by the private sector will have in supervising offenders who have exhibited sexual or violent behaviour. [144709]

**Jeremy Wright:** The Ministry of Justice has recently consulted on plans for reforming the way in which offenders are rehabilitated in the community. The consultation closed on 22 February and we are considering the responses received.

As set out in our consultation paper, we propose that offenders managed under Multi Agency Public Protection Arrangements (MAPPAs) and others who are assessed as posing a high risk of serious harm will be managed directly by the public sector probation service.

Under our proposed reforms, we anticipate that existing probation professionals will work in the public, private and voluntary sectors. They will use their skills and experience to work with all offenders to reduce reoffending and protect the public. All providers in the new market will be required to sustain appropriate skills for these services. We have sought consultees' views on the best way of ensuring that professional standards are maintained and that the quality of training and accreditation is assured.

We will publish our response to the consultation in due course.

**John McDonnell:** To ask the Secretary of State for Justice (1) in the event that he outsources probation tasks, what steps he plans to take to ensure proper and diligent departmental oversight of contracts; [144711]

(2) in the event that he outsources probation tasks, what steps he plans to take to ensure contract compliance. [144712]

**Jeremy Wright:** The Ministry of Justice has recently consulted on plans for reforming the way in which offenders are rehabilitated in the community. The consultation closed on 22 February and we are considering the responses received.

We will ensure we can identify good performance and reward this, and that we have robust measures in place to manage poor performance. We are consulting with providers, practitioners and wider stakeholders to build our understanding of how best to achieve this across these services. We are also looking at the best lessons from contract and performance management from across Government. These will be fed into the design of competition and contractual structures.

We will publish our response to the consultation in due course.

## Reoffenders

**Tom Blenkinsop:** To ask the Secretary of State for Justice what proportion of prisoners released from (a) HMP Holme House, (b) HMP Kirklevington Grange, (c) HMP Durham, (d) HMP Frankland, (e) HMP Low Newton and (f) HMYOI Deerbolt reoffend within (i) six months, (ii) 12 months and (iii) three years of their release. [145957]

**Jeremy Wright:** The following table presents the number of adult offenders who were released from HMP Holme House, HMP Kirklevington Grange, HMP Durham, HMP Frankland, HMP Low Newton and HMYOI Deerbolt in the 12 months ending March 2011, and the proportion that committed a proven reoffence within 12 months of release (the proven reoffending rate). These figures are published quarterly in the Proven Reoffending Statistics Bulletin on the Ministry of Justice website at:

[www.justice.gov.uk/statistics/reoffending/proven-re-offending](http://www.justice.gov.uk/statistics/reoffending/proven-re-offending)

We do not produce six month or three year proven reoffending rates for offenders released from custody by individual prison.

Table 1: Proven reoffending rates for adult offenders released from custody in the 12 months ending March 2011, by individual prison and custodial sentence length

Prison	Number of offenders in cohort <sup>1</sup>	Proportion of offenders who reoffend (%)
<i>Offenders given sentences of less than 12 months</i>		
Holme House	627	69.4
Kirklevington Grange	0	n/a
Durham	427	75.6
Frankland	0	n/a
Low Newton	192	65.6
Deerbolt	164	69.5
<i>Offenders given sentences of 12 months or more</i>		
Holme House	538	52.0
Kirklevington Grange	99	7.1
Durham	253	47.8
Frankland	14	2—
Low Newton	105	41.0
Deerbolt	309	48.5

n/a = not applicable.

<sup>1</sup> This does not represent all proven offenders. Offenders who are released from custody are matched to the Police National Computer database. A certain proportion of these offenders cannot be matched and are, therefore, excluded from the offender cohort, i.e. the group of offenders for whom reoffending is measured.

<sup>2</sup> Proportions based on less than 30 offenders are removed as they make data unreliable for interpretation.

A proven reoffence is defined as any offence committed in a one year follow-up period and receiving a court conviction, caution, reprimand or warning in the one year follow-up. Following this one year period, a further six month waiting period is allowed for cases to progress through the courts.

## Social Networking: Evidence

**Andrew Rosindell:** To ask the Secretary of State for Justice how many people have been convicted of offences using evidence obtained from social networking websites since 2011. [145783]

**Jeremy Wright:** Information held centrally by the Ministry of Justice on the court proceedings database does not contain information about the circumstances behind each case, beyond the description provided in

the statute under which proceedings are brought. It is not possible to separately identify from this centrally held information whether or not an offender was convicted of an offence using evidence obtained from social networking websites.

## Young Offenders

**Robert Ffello:** To ask the Secretary of State for Justice what arrangements are in place for young offenders who have previously had an education health and care plan when they leave the criminal justice system and return to mainstream society. [144057]

**Jeremy Wright:** Proposals for Education, Health and Care Plans are one of the measures included in the Children and Families Bill. They are being trialled in a number of pathfinders across the country. Existing

arrangements for those who have previously had a statement of special educational needs continue to apply to anyone leaving the criminal justice system.

Subject to the successful passage of the Children and Families Bill local authorities will have a duty to maintain

and review a young person's Education Health and Care Plan when they are released from custody. This will ensure that the appropriate support and provision is in place for the young person after their release.



# ORAL ANSWERS

Monday 4 March 2013

	<i>Col. No.</i>		<i>Col. No.</i>
<b>EDUCATION</b> .....	651	<b>EDUCATION—continued</b>	
Academies.....	663	School Funding Formulae.....	655
Adopted Children.....	654	School Improvements.....	658
Careers Advice.....	662	School Information.....	651
Early Intervention and Child Care.....	660	Schools: Curriculum.....	652
Munro Review.....	666	Secondary School Curriculum.....	663
Phonics.....	656	Special Educational Needs.....	664
Priority School Building Programme.....	665	Topical Questions.....	666
School Exclusions.....	657	Traineeships Scheme.....	658

# WRITTEN MINISTERIAL STATEMENTS

Monday 4 March 2013

	<i>Col. No.</i>		<i>Col. No.</i>
<b>CABINET OFFICE</b> .....	52WS	<b>HOME DEPARTMENT</b> .....	56WS
House of Lords Appointments Commission (Triennial Review).....	52WS	Biometrics Commissioner and Protection of Freedoms Act 2012.....	56WS
<b>ENVIRONMENT, FOOD AND RURAL AFFAIRS</b> .....	53WS	Document Fraud (Specialist Printing Equipment).....	58WS
AHVLA Report.....	53WS	<b>TREASURY</b> .....	51WS
Horsemeat Fraud.....	54WS	Community Amateur Sports Clubs.....	51WS
<b>FOREIGN AND COMMONWEALTH OFFICE</b> .....	55WS	Double Taxation Agreement (UK and the People's Republic of China).....	52WS
Special Mission Immunity.....	55WS		
The Commonwealth Charter.....	56WS		

# WRITTEN ANSWERS

Monday 4 March 2013

	<i>Col. No.</i>		<i>Col. No.</i>
<b>ATTORNEY-GENERAL</b> .....	774W	<b>BUSINESS, INNOVATION AND SKILLS—continued</b>	
Counselling.....	774W	Students: Loans.....	881W
Crown Prosecution Service.....	775W	Trade Promotion.....	882W
Industrial Health and Safety: Prosecutions.....	775W	Written Questions.....	882W
Overtime.....	775W	<b>CABINET OFFICE</b> .....	819W
Prosecutions.....	776W	Charities.....	819W
Serious Fraud Office.....	776W	Cycling.....	819W
Written Questions.....	778W	Internet.....	820W
<b>BUSINESS, INNOVATION AND SKILLS</b> .....	873W	Olympic Games 2012.....	820W
Apprentices: Milton Keynes.....	873W	Procurement.....	820W
Apprentices: South East.....	874W	Sick Leave.....	820W
Business: Research.....	873W	Social Incubator Fund.....	821W
Carbon Monoxide: Poisoning.....	875W	Written Questions.....	821W
Companies: Milton Keynes.....	875W	<b>COMMUNITIES AND LOCAL GOVERNMENT</b> .....	778W
Copyright.....	876W	Council Tax.....	778W
Copyright.....	882W	Council Tax: Second Homes.....	779W
Copyright Research Expert Advisory Group.....	876W	Empty Property.....	779W
Employee Ownership.....	877W	Energy Performance Certificates.....	779W
Environment Protection.....	877W	Enterprise Zones.....	780W
EU External Trade: USA.....	878W	EU Grants and Loans.....	781W
EU Grants and Loans: Greater London.....	878W	Fire Services: Training.....	781W
Government Departments: Disclosure of Information.....	878W	Housing Associations: Greater London.....	782W
Graphene.....	879W	Housing Benefit.....	782W
Higher Education: Admissions.....	879W	Housing: Construction.....	782W
Holiday Leave.....	880W	Local Enterprise Partnerships.....	783W
Mayor of London.....	880W	Local Government: Dual Mandate.....	783W
Regional Growth Fund.....	881W	Local Government Finance: Sefton.....	783W
Sand: Imports.....	881W	Local Government: Leeds.....	784W

	<i>Col. No.</i>
<b>COMMUNITIES AND LOCAL GOVERNMENT—</b>	
<i>continued</i>	
Non-domestic Rates.....	784W
Non-domestic Rates: Renewable Energy.....	785W
Nuclear Power Stations: Construction.....	785W
Procurement.....	785W
Property Development: Floods.....	786W
Recruitment.....	786W
Recycling.....	787W
Temporary Accommodation.....	787W
Written Questions.....	788W
<b>CULTURE, MEDIA AND SPORT</b> .....	797W
Arts.....	797W
Broadband.....	797W
Broadband: Rural Areas.....	797W
Defamation.....	798W
Football.....	798W
Mayor of London.....	798W
Sports: Facilities.....	799W
<b>DEFENCE</b> .....	845W
Defence.....	845W
Defence Support Group.....	845W
Depleted Uranium: Scotland.....	846W
HMS Astute.....	846W
HMS Tireless.....	846W
Joint Strike Fighter Aircraft.....	847W
Michael Dugher.....	847W
Military Aircraft.....	847W
RFA Fort Austin.....	848W
Security.....	848W
Submarines.....	849W
Tankers.....	849W
Unmanned Aerial and Marine Vehicles.....	849W
Unmanned Aerial Vehicles.....	849W
Unmanned Air Vehicles.....	850W
Warships.....	850W
<b>DEPUTY PRIME MINISTER</b> .....	806W
Electoral Register: British Nationals Abroad.....	806W
<b>EDUCATION</b> .....	837W
Alcoholic Drinks.....	838W
AS-levels.....	837W
Autistic Children: Support.....	838W
Children: Health.....	839W
Children in Care: Disability.....	840W
Copyright.....	839W
Free School Meals.....	840W
GCSE Grade Inflation.....	838W
Primary Education: Rural Areas.....	841W
Pupils: Per Capita Costs.....	842W
School Exclusions.....	837W
Schools: Immigration.....	843W
Special Educational Needs.....	843W
Swimming.....	844W
Teachers: Training.....	844W
Teachers: Veterans.....	845W
<b>ENERGY AND CLIMATE CHANGE</b> .....	821W
Arctic.....	821W
Biofuels.....	822W
Coal Fired Power Stations.....	823W
Electricity.....	823W
Energy: Billing.....	824W
Energy: Conservation.....	825W
Energy: Finance.....	825W
Energy: Prices.....	825W
Fluidised Bed Combustion.....	826W
Fuel Poverty.....	826W

	<i>Col. No.</i>
<b>ENERGY AND CLIMATE CHANGE—</b>	
<i>continued</i>	
Green Deal Scheme.....	827W
Members: Correspondence.....	827W
Nuclear Power Stations.....	827W
Ofgem.....	827W
UK Coal.....	828W
Warm Front Scheme.....	828W
<b>ENVIRONMENT, FOOD AND RURAL AFFAIRS</b> .....	806W
Advisory Committee on Pesticides.....	806W
Agriculture: Subsidies.....	807W
Alcoholic Drinks.....	807W
Animal Welfare: Slaughterhouses.....	807W
Bovine Tuberculosis.....	807W
British Waterways.....	808W
Crayfish.....	808W
Crayfish: Hampshire.....	809W
Crayfish: Wiltshire.....	809W
Dangerous Dogs.....	809W
Floods.....	810W
Food: Contamination.....	811W
Food: Labelling.....	811W
Forestry Commission.....	812W
Government Procurement Card.....	813W
Horse Passports.....	813W
Horses: Databases.....	813W
Horses: Slaughterhouses.....	814W
Mayor of London.....	814W
Meat: Contamination.....	814W
Meat: Ritual Slaughter.....	815W
Members: Correspondence.....	816W
Nature Conservation: Crime.....	816W
Nutrition.....	816W
Porpoises.....	817W
Schmallenberg Virus.....	817W
Training.....	818W
Turtles: Cayman Islands.....	818W
UK Trade and Investment.....	818W
Written Questions.....	819W
<b>FOREIGN AND COMMONWEALTH OFFICE</b> .....	799W
Arms Trade: Treaties.....	799W
Bahrain.....	799W
Bangladesh.....	800W
Business.....	801W
Cluster Munitions.....	801W
Falkland Islands.....	801W
Haiti.....	802W
Middle East.....	802W
Ministerial Policy Advisers.....	802W
Nationality.....	803W
Nuclear Weapons.....	803W
Palestinians.....	803W
Saif Al-Islam Gaddafi.....	804W
Saudi Arabia and Oman.....	804W
Terrorism.....	805W
Tunisia.....	805W
Yemen.....	805W
<b>HEALTH</b> .....	851W
Abortion.....	851W
Abortion: Lancashire.....	852W
Care Homes: Fees and Charges.....	852W
Care Quality Commission.....	852W
Childbirth.....	853W
Chronic Fatigue Syndrome.....	854W
Chronic Illnesses.....	855W
Coronavirus.....	855W
Croydon University Hospital.....	856W
Diabetes: Children.....	856W

	<i>Col. No.</i>		<i>Col. No.</i>
<b>HEALTH—continued</b>		<b>INTERNATIONAL DEVELOPMENT—continued</b>	
Doctors: Qualifications .....	857W	Developing Countries: Technology .....	835W
Drugs: Rehabilitation .....	858W	Mali .....	835W
Health .....	858W	Rwanda .....	836W
Health Services .....	859W	Staff .....	836W
Horse Meat .....	859W	Syria .....	837W
Horses: Slaughterhouses .....	860W	Written Questions .....	837W
Hospitals: Dorset .....	860W		
Macular Degeneration .....	860W	<b>JUSTICE</b> .....	891W
Mayor of London .....	861W	Legal Profession .....	891W
Meat: Imports .....	861W	Motor Vehicles: Spare Parts .....	892W
Mental Health Services .....	861W	Probation .....	892W
Methadone .....	862W	Reoffenders .....	894W
Ministerial Policy Advisers .....	862W	Social Networking: Evidence .....	893W
Mobile Phones: Health Hazards .....	862W	Young Offenders .....	894W
National Treatment Agency .....	863W		
NHS: Innovation .....	863W	<b>NORTHERN IRELAND</b> .....	771W
NHS: Public Consultation .....	863W	Army .....	771W
NHS: Reorganisation .....	863W	G8 .....	771W
Nurses .....	864W	Terrorism .....	771W
Nurses: Schools .....	864W		
Patient Choice Schemes .....	865W	<b>SCOTLAND</b> .....	767W
Personal Independence Payment .....	866W	Buildings .....	767W
Phenylbutazone .....	866W	Official Hospitality .....	768W
Prescriptions: Fees and Charges .....	866W	Staff .....	769W
Private Patients: Foreign Nationals .....	867W		
Royal Lancaster Infirmary .....	867W	<b>TRANSPORT</b> .....	772W
School Milk .....	868W	Car Tax .....	772W
Self-harm: North East .....	868W	Electric Vehicles .....	772W
Smoking .....	869W	High Speed 2 Railway Line .....	772W
Social Services: Finance .....	869W	Network Rail .....	773W
Soft Drinks: Cinemas .....	869W	Rescue Services .....	774W
Streptococcus .....	869W		
Telemedicine .....	871W	<b>TREASURY</b> .....	829W
Tobacco: Retail Trade .....	871W	Bank Services .....	829W
Transplant Surgery .....	871W	Credit Unions .....	829W
Working Hours .....	872W	Income Tax .....	829W
		Individual Savings Accounts .....	830W
<b>HOME DEPARTMENT</b> .....	788W	Individual Savings Accounts: Children .....	831W
British Nationality .....	788W	Members: Correspondence .....	831W
Crimes of Violence: Railways .....	789W	Ministerial Policy Advisers .....	831W
Customs: Orchids .....	789W	Personal Savings and Mortgages .....	831W
ICT: Foreign Workers .....	789W	Tax Avoidance .....	831W
Illegal Immigrants: Employment .....	789W	Tax Burden .....	832W
Immigration .....	790W	Trade: British Overseas Territories .....	832W
Immigration: EU Nationals .....	791W	VAT .....	833W
Mayor of London .....	791W		
Members: Correspondence .....	791W	<b>WALES</b> .....	771W
Nuclear Weapons .....	792W	Written Questions .....	771W
Passports .....	792W		
Passports: Republic of Ireland .....	793W	<b>WOMEN AND EQUALITIES</b> .....	778W
Prostitution .....	793W	Wheelchairs .....	778W
Social Networking: Crime Prevention .....	794W		
Staff .....	794W	<b>WORK AND PENSIONS</b> .....	883W
Tourists: Passenger Ships .....	795W	Children: Maintenance .....	883W
Travel .....	795W	Employment and Support Allowance .....	883W
Visits Abroad .....	796W	Housing Benefit .....	883W
Written Questions .....	796W	Jobcentre Plus .....	886W
Written Questions: Government Responses .....	796W	Jobcentre Plus: Worthing .....	886W
		Jobseeker's Allowance .....	886W
<b>INTERNATIONAL DEVELOPMENT</b> .....	833W	Occupational Pensions .....	887W
Argentina .....	833W	Older People .....	887W
Developing Countries: Food .....	833W	Reemploy: Redundancy .....	887W
Developing Countries: Health Services .....	834W	Social Security Benefits .....	888W
Developing Countries: Poverty .....	834W	Unemployment Benefits .....	888W
Developing Countries: Religion .....	835W	Work Capability Assessment .....	888W
		Written Questions .....	891W

Members who wish to have the Daily Report of the Debates forwarded to them should give notice at the Vote Office.

The Bound Volumes will also be sent to Members who similarly express their desire to have them.

No proofs of the Daily Reports can be supplied. Corrections which Members suggest for the Bound Volume should be clearly marked in the Daily Report, but not telephoned, and *the copy containing the Corrections must be received at the Editor's Room, House of Commons,*

**not later than  
Monday 11 March 2013**

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

Members may obtain excerpts of their Speeches from the Official Report (within one month from the date of publication), on application to the Stationery Office, c/o the Editor of the Official Report, House of Commons, from whom the terms and conditions of reprinting may be ascertained. Application forms are available at the Vote Office.

#### PRICES AND SUBSCRIPTION RATES

##### DAILY PARTS

*Single copies:*

Commons, £5; Lords, £4.

*Annual subscriptions:*

Commons, £865; Lords, £600.

LORDS VOLUME INDEX obtainable on standing order only. Details available on request.

BOUND VOLUMES OF DEBATES are issued periodically during the session.

*Single copies:*

Commons, £105; Lords, £60 (£100 for a two-volume edition).

Standing orders will be accepted.

THE INDEX to each Bound Volume of House of Commons Debates is published separately at £9.00 and can be supplied to standing order.

*All prices are inclusive of postage*

---

**CONTENTS**

**Monday 4 March 2013**

**Oral Answers to Questions [Col. 651] [see index inside back page]**  
*Secretary of State for Education*

**Syria: anti-Government Forces [Col. 673]**  
*Answer to urgent question—(Mr Swire)*

**Justice and Security Bill [Lords] [Col. 683]**  
*Programme motion (No. 2)—(James Brokenshire)—agreed to  
As amended, considered*

**Petition [Col. 791]**

**Health Professionals: Regulation [Col. 792]**  
*Debate on motion for Adjournment*

**Written Ministerial Statements [Col. 51WS]**

**Written Answers to Questions [Col. 767W] [see index inside back page]**

---