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## Claim of Right for Scotland

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**04 July 2018**

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### Mr Speaker

We come to the motion in the name of the leader of the Scottish National party on the claim of right for Scotland. I inform the House that I have not selected the amendment. To move the motion, I call the leader of that party, ready in his place on the Front Bench, Mr Ian Blackford.

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 5.46 pm

### **Ian Blackford (Ross, Skye and Lochaber) (SNP)**

I beg to move,

That this House endorses the principles of the Claim of Right for Scotland, agreed by the Scottish Constitutional Convention in 1989 and by the Scottish Parliament in 2012, and therefore acknowledges the sovereign right of the Scottish people to determine the form of government best suited to their needs.

Before I begin, I am sure the whole House will join me in congratulating the former Member for Clackmannan and East Stirlingshire and former Presiding Officer of the Scottish Parliament, George Reid, who is celebrating his golden wedding anniversary today with his wife, Daphne.

“The principle of unlimited sovereignty of parliament is a distinctly English principle and has no counterpart in Scottish constitutional law”—

those words are not mine. They are the words of the Lord President of the Court of Session in 1953 during the case of *MacCormick v. Lord Advocate*. This Parliament, I accept, has a great deal of power, and rightly all of us who are democrats should respect the will of the people, but if we are to accept and respect that will in this place, why not in Scotland?

Why do the Tory Government think they can do whatever they want to Scotland and get away with it? Many in Scotland are outraged that the Conservative Government have argued that times are not normal and that that allows them to change the devolution settlement in the teeth of the opposition of the Scottish Parliament. Put simply, the Conservatives have no mandate for their power grab on the Scottish Parliament. The case is this: in Scotland, it is the Scottish people who are sovereign.

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## **Douglas Ross (Moray) (Con)**

I am grateful to the right hon. Gentleman for giving way. He has spoken about a power grab. If there is a power grab, why did his leader in Scotland, the First Minister, have to increase her Cabinet from 16 to 26 because of all the extra powers coming to Holyrood, according to Nicola Sturgeon?

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## **Ian Blackford**

My goodness. We are talking about the sovereignty of the Scottish people and that is what we get. I am not even going to dignify that with a—*[Interruption.]* It is early in the debate. People will be watching, and it might be an idea—

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## **Mr Speaker**

Order. There is a tendency for there to be what I would call a gesticulation-fest whenever there is a debate between members of the Scottish National party and Government Back Benchers. The right hon. Gentleman must be heard, and I say gently to the hon. Member for

Aberdeen South (Ross Thomson), who is normally a model of the urbane representative of his people, that it is indeed an early stage, and he must remember above all the merits of calm.

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## **Ian Blackford**

Thank you, Mr Speaker.

The reason that we have chosen this debate for our Opposition day is the real anger that people in Scotland feel about what has taken place. The Parliament that Scotland voted for in the referendum in 1997 is being attacked and our rights are being attacked by a Conservative Government, backed by their so-called Scottish Tory friends, who went through the Lobby to take away powers from the Scottish Parliament. We are having this debate tonight. Let us look around us. I can see my colleagues from the SNP and, to be fair, I can see colleagues from the Liberal Democrats and the Labour MPs from Scotland are here as well. Where is the rest of the House? Where are the Conservative MPs who voted through those measures? They cannot even be bothered to turn up to defend what the Conservatives have done to Scotland. That is the reality.

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## **Stephen Kerr (Stirling) (Con)**

Will the right hon. Gentleman give way?

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## **Ian Blackford**

I am not going to give way. Sit down.

It is very fitting that the SNP is using our Opposition day on 4 July, Independence Day, to defend the interests, the rights and the will of the Scottish people.—*[Interruption.]* Listen, it may not be Independence Day to the hon. Member for Ribble Valley (Mr Evans), but I will tell him this: the way the Conservative party is treating Scotland, our independence day is coming and it is coming soon.

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## **Ian Murray (Edinburgh South) (Lab)**

The right hon. Gentleman says that Scotland's independence is coming. The right hon. Member for Orkney and Shetland (Mr Carmichael) and I tabled an amendment to his motion—unfortunately, it was not selected, but we understand why. I wonder whether he would agree with that amendment to the motion on the basis that the Scottish people did have a vote in 2014 and they agreed to stay in the United Kingdom.

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## **Ian Blackford**

As a matter of fact, the hon. Gentleman is correct. Of course the people of Scotland voted in a referendum in 2014 and I say to him and others who put their name to the amendment that, yes, we would have accepted it had it been taken this afternoon.

The fundamental issue, as many people have said, is that, when the polls opened in Scotland on 18 September 2014, between the hours of 7 o'clock in the morning and 10 o'clock at night, the people of Scotland had sovereignty in their hands. The difference between SNP Members and the Conservatives is that we believe the Scottish people are always sovereign. In the light of the change in the facts and the circumstances—those being that Scotland voted to stay in the European Union by a decisive majority, and that the wishes and the rights of the Scottish people are being ignored by a Conservative Government who want to drive us out of Europe—it is perfectly right that the people of Scotland have the opportunity to demonstrate their sovereign will.

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## **Mr Nigel Evans (Ribble Valley) (Con)**

The right hon. Gentleman talks about referendums. I am getting a bit confused—it does not take a lot, I admit—but are we talking about the referendum on 23 June 2016, when the British people voted to leave the European Union and, if they had decided to remain in the European Union, would those powers still be in Brussels, to this day?

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## **Ian Blackford**

For anyone watching this with subtitles, it might say, “Not for viewers in Scotland” because the fact of the matter is that the people of Scotland voted to stay in the European Union. That is the point. In the debate that took place during Scotland’s referendum in 2014, we were told two things: that if we stayed in the United Kingdom, we were to lead the United Kingdom, but also that, if we voted to stay in the United Kingdom, then our part in Europe would also be preserved. What has happened? Any pretence of Scotland leading the UK has been thrown away by the Secretary of State for Scotland. He does not believe that we are a partner in the UK; he believes that we are a part of the UK. How can we have a Secretary of State for Scotland, who is supposed to represent Scotland’s interests, when he is prepared to lie down and be walked all over because he does not see Scotland as an equal part of the United Kingdom? *[Interruption.]* He can shout and scream in this Chamber, but the reality is that he has failed to defend Scotland’s interests. *[Interruption.]* Yes, you can point and gesticulate, but the people of Scotland—

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## Mr Speaker

Order. I am not pointing or gesticulating. I know that the right hon. Gentleman is breathing fire, with considerable eloquence and at some pace, but does he wish to take an intervention from the Secretary of State—yes or no?

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## Ian Blackford

I will not in this case. I am grateful, Mr Speaker. The Secretary of State will have an opportunity to speak later. I want to make progress because many Members wish to speak. The claim of right acknowledges the sovereign right of the Scottish people to determine the form of government best suited to their needs, and the obligation of elected representatives, in all their actions and deliberations, to ensure that the interests of the people of Scotland are paramount. The claim of right is not simply an historical document but a fundamental principle that underpins the democracy and constitutional framework of Scotland. The 1989 claim functions as a declaration of intent regarding the sovereignty of the Scottish people. It

set the constitutional convention that, 10 years later, saw the people vote in a referendum for the re-establishment of a Scottish Parliament, which the UK Government now seek to undermine and ignore.

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### **Mr Alistair Carmichael (Orkney and Shetland) (LD)**

The right hon. Gentleman has referred to the Scottish constitutional convention and the claim of right in 1989. With the benefit of hindsight, does he think that it was a mistake for the Scottish National party not to sign the claim of right or take part in the constitutional convention?

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### **Ian Blackford**

I am going to come on to deal with that. I acknowledge the work of the constitutional convention, but let us not forget that the reason the SNP was in that position was that others in the constitutional convention would not allow the principle of independence to be discussed at that time. I am grateful for the enormous progress that we have made on the back of the constitutional convention. Before those on Opposition Benches begin to jeer and snigger, yes, it is a fact that the Scottish National party was not present for the signing and did not take part in the convention. The SNP took part in early discussions, but withdrew when it became clear that the convention would not countenance independence. We believe, and continue to believe, that ruling out such an option was to deny a key principle of the claim to choose the best form of government, but we have always supported the sentiments of the claim of right. The SNP has committed, and recommitted, to its principle. We acknowledge the sovereign rights of the Scottish people to determine the form of government best suited to their needs.

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### **Alberto Costa (South Leicestershire) (Con)**

All heart.

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## Ian Blackford

I really, really hope that people in Scotland are watching this. A Conservative Member from south of the border who failed to be elected in Scotland says, “All heart.” This has nothing to do with heart—this is about the rights of the people of Scotland who voted for devolution and are finding that the UK Parliament is taking away their rights in the teeth of opposition from the Scottish Parliament and every single party there, with the exception of the Scottish Tories.

When will the Scottish Tories begin to listen to the people of Scotland? This is not about the SNP. This is about the Scottish Parliament. This is about the people of Scotland. Let us not forget that the Conservatives have lost every single election in Scotland since 1955. They have been defeated—*[Interruption.]* Yes, you can see—look at the 13 who have been elected. There are 35 of us here from the Scottish National party, which won the election for Scotland. That is the reality. The Conservatives are in a minority Administration in Parliament. They would love to have the majority of MPs that we have from Scotland, but it is not likely to happen.

We have defended the sentiment time and again, and we are here to do so again. “Why today?” some in the Chamber might ask. Well, the fact of the matter is that, over the past few weeks, we have seen the biggest power grab by this Government since devolution.

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## Douglas Ross

*rose—*

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## Ian Blackford

Sit down. We have seen the Tory Government disrespect the Scottish Parliament, the Scottish Government and the Scottish people. The interests and the democratic choices of the people of Scotland have been shoved aside by the UK Government. Devolution has been downgraded and the authority of our Parliament has been diminished. While the Tory Government in London seek to destroy our constitutional settlement and undermine the sovereignty of the Scottish people, we in the SNP will not let the Scottish people be ignored.

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## Alberto Costa

Turn up the volume.

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## Ian Blackford

I would simply say, just carry on, because what you have just done is insult the people of Scotland—*[Interruption]*—as you continue to do. We will do all we can to ensure that the wishes of the Scottish people are respected. Today, we ask—*[Interruption.]* I hear, “Scotland’s watching.” The question to the Conservatives is: will you respect the sovereignty of the people of Scotland, yes or no? You’ve failed dismally to do it up til now.

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## Christine Jardine (Edinburgh West) (LD)

I hugely respect the fact that the right hon. Gentleman says that he will respect the wishes of the Scottish people. Will that extend to respecting the wishes of the Scottish people when they voted no in the referendum and that was to be an end to it?

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## Ian Blackford

I am not sure the hon. Lady has been listening to me, because I have made that point. Of course we respect the 2014 referendum result, but the simple fact of the matter is that the circumstances have changed: we are being dragged out of Europe against our will. I expect that she wants us to stay in the single market and the customs union. She talks about a second referendum on Europe. What she should do is get behind the Scottish National party because, let me remind this House, in 2016 the SNP went to the people of Scotland and sought a mandate on having a referendum on Scottish independence if circumstances in Scotland changed. Guess what? We have a majority for independence in the Scottish Parliament. If you want to protect Scotland’s interests in Europe, and if you want to stay in the single market and the customs union, it may well be the case that independence for Scotland is the only way to do that.

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## Christine Jardine

Will the right hon. Gentleman give way?

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## Ian Blackford

I am going to make progress.

Today, we ask the House to consider the claim of right, to recommit itself to the spirit of devolution and to place the people of Scotland at the heart of decisions, not cast them aside. Only a few weeks ago, we witnessed the shameful Tory power grab. This House and this Government showed nothing but utter contempt for the devolved Administrations as the European Union (Withdrawal) Bill was pushed through without consideration of the views of the devolved institutions. The Scottish Parliament voted overwhelmingly, by 93 votes to 30, to refuse legislative consent for clause 15 of the Bill. As such, the Bill should not have been passed through the House of Commons with the clause intact, but the Tories decided this was acceptable. They trotted through the Lobby, voting against the will of the Scottish people—that's what you did.

We all know that the Sewel convention established the long-held practice that the UK Government cannot legislate on devolved areas without the consent of the devolved Parliament—or at least we thought we did. *[Interruption.]* Well, there we are: this is the sovereign Parliament. You might want to say that to your voters in Scotland: that you don't believe it is the people of Scotland who are sovereign, as was defined in the court case in 1953. You are prepared to throw away the sovereignty of the people of Scotland and allow Westminster to do whatever it likes. Frankly, that is not acceptable to the rest of us. How can you be Secretary of State for Scotland if you behave in such a way? That is not the Secretary of State for Scotland; that is the Government's man in Scotland.

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## The Secretary of State for Scotland (David Mundell)

rose—

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## Ian Blackford

Sit down! Sit down.

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## Mr Speaker

Order. Just before the right hon. Gentleman continues, may I appeal to colleagues to lower the temperature? Passion is fine, and of course the right hon. Gentleman has the floor and is perfectly entitled to refuse to take an intervention, but I think simply to say baldly, “Sit down” to any Member is less than the courtesy we normally get from the right hon. Gentleman. I know he may feel he is being provoked, but he must avoid being provoked. He is certainly not being provoked by the Secretary of State. Let us just try to lower the temperature and have the debate on the issues, rather than on personalities.

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## Ian Blackford

Thank you, Mr Speaker.

Now, thanks to the Tories, we have reached a dangerous and difficult place, which has exposed their lack of commitment to the Sewel convention. Their Brexit power grab has basically ripped up the Sewel convention and plunged us into constitutional crisis. We are in unknown territory. Only if the UK Government act to recognise and respect the will of the Scottish Parliament can we repair some of the damage. I say again to the Government: you have acted without the consent of the Scottish Parliament.

Bring forward legislation that will protect the powers of the Scottish Parliament, and do it now. If the Secretary of State recognises his role in defending devolution, he should do so, and a failure to do that should mean, quite frankly, that he should resign because he is not standing up for the interests of the people of Scotland.

The House should know that it is not simply the SNP's view that the Tory power grab has thrown the devolution settlement into crisis. In Scotland, the feeling is apparent everywhere you go. People right across Scotland want power in Scotland's hands. Recent polling from NatCen revealed that a majority of Scots trust Holyrood to make decisions in areas that the Tories want to grab for Westminster. Over 60% want fishing decisions in Scotland following Brexit and 59% want farming powers in Scottish hands.

Of course, they have form because we know that in 2013, the European Union voted to give additional payments to Scottish crofters and farmers—€230-odd million of additional support—86% of which was supposed to come to Scotland between 2016 and 2020. What has happened? Westminster has handed over 16.5%. The rest has gone into budgets across the rest of the United Kingdom, and crofters and farmers have been short-changed by a Government that have not accepted their obligations to Scottish farmers. It is little wonder that people in Scotland want to make sure that the Scottish Parliament have powers over farming and fishing, and not this Tory Government that have not just grabbed powers but have grabbed money out of the pockets of hard-working Scottish crofters and farmers.

A majority of Scots have lost confidence in the UK's handling of Brexit, with a full 69% now saying that they believe it has been badly handled. During earlier debates, we heard the Tories trying to justify the UK Government's shoddy power grab by falsely claiming that Scotland would not lose powers. However, the Scottish Government published a list of powers at risk. They include powers over fishing, farming, rail franchises and fracking licences, to name but a few, but this Government have shown disrespect to our Parliament more than once. Their legal challenges to the Scottish Parliament's continuity Bill, for one, clearly show the arrogance of the Conservative Government when faced with the will of the Scottish people. Why is it right that the Conservative Government believe that they can take the Scottish Parliament and, by extension, the Scottish people to court? That is exactly what is happening—what arrogance!

The Scottish Parliament voted by 95 votes to 32 to pass the continuity Bill, aimed at preparing Scotland's laws for the impact of leaving the EU in the light of the refusal to grant a legislative consent motion to Westminster's European Union (Withdrawal) Bill. The people of Scotland expect the two Governments to co-operate on these matters. They also expect

that the decisions and responsibilities of the Scottish Parliament should be respected. The decision, therefore, of the UK Government to attempt to overturn the will of the Scottish Parliament in the courts is unprecedented and unacceptable.

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## **Christine Jardine**

On that point, those who were responsible for framing the devolution settlement have assured me that what is happening now is what was intended and is included—  
*[Interruption.]* It is what people voted for in 1997 and is included in the devolution settlement. If the right hon. Gentleman is so concerned about Scotland being “dragged” out of the European Union, why does he not join us in backing a people’s vote on the final deal?

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## **Ian Blackford**

I simply say to the hon. Lady that if she wants to stay in Europe and in the single market and the customs union, there is already a mandate in the Scottish Parliament for a referendum of independence. Join us in protecting Scotland’s interests!

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## **Mr Carmichael**

Will the right hon. Gentleman give way?

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## **Ian Blackford**

No, I will not—I am going to make progress.

Westminster cannot unilaterally rewrite the devolution settlement and impose UK-wide frameworks in devolved areas without consent. The truth of the matter is that right from the start of the Brexit process, we have seen the UK Government attempting to avoid all attempts at democratic engagement. It took a decision from the courts to force them to consult Parliament over the decision to trigger article 50. Similarly, the UK Government

ignored all requests from the devolved Administrations to be involved in the process of triggering article 50, despite Scotland voting overwhelmingly to remain in the EU. Where was the respect? Where was the engagement? There was none.

The Tories have not just ignored the will of the Scottish Parliament; they ignore the interests of the Scottish people. For years, their austerity agenda has punished the people of Scotland. The Tory obsession with punishing the poor and protecting the rich has seen families struggle in hardship, women denied their right to a fair pension, and women who were victims rape made to justify their rights to child benefit. It is absolutely shameful. The policies of this Tory Government are morally repugnant and have no place in a civilised, compassionate Scotland.

On 26 January 2012, Nicola Sturgeon, the First Minister of Scotland, led a debate on the claim of right with the motion that Parliament

“acknowledge the sovereign right of the Scottish people to determine the form of government best suited to their needs, and do hereby declare and pledge that in all our actions and deliberations their interests shall be paramount.”

At that time, 102 MPS voted for the motion, with 14 Tories voting against—the same old Tories voting against the sovereignty of the Scottish people. Even then, the Tories could not, would not, stand up for the Scottish people.

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## **Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op)**

The right hon. Gentleman is talking about the words of Nicola Sturgeon, and I just wanted to draw his attention to her words at the SNP’s Aberdeen conference in 2015, when she said:

“To propose another referendum in the next parliament without strong evidence that a significant number of those who voted No have changed their minds would be wrong and we won’t do it. It would not be respecting the decision that people made.”

What has changed since she said that?

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## **Ian Blackford**

For the hard of hearing on the Labour Benches: Brexit.

The Tories pay lip service to devolution, but they do not believe in it. They do not believe that the Scottish people should have the right to determine the form of government that best suits their needs. What are they afraid of? They are afraid of power being in the hands of the Scottish people. Surely, we are all democrats. Surely, even the UK Government must now accept that it is the people we serve, not they who serve us. That is the crux of this debate. As outlined in the quote I began my remarks with, in Scotland things are different because our view of government is different: it is not top-down; it is ground-up. The single job of government is to serve the interests of our people. It is to carry out their will and to improve their lives—something the Tories have yet to learn.

Today, let the Tories learn this. In Scotland, the people of Scotland are sovereign and the Scottish Parliament embodies the sovereignty of the Scottish people. Next year sees the 20th anniversary of the re-establishment of the Scottish Parliament—something that was fought for by many for generations. *[Interruption.]* I hear someone shouting, “Not you!”

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## Mr Carmichael

It was one of your colleagues actually.

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## Ian Blackford

Well, if the comment was about the Conservatives, it was absolutely right. Let us not forget that Bill after Bill was introduced in this Parliament from 1913 right through to the establishment of the Scottish Parliament. In 1997, the Conservatives opposed devolution, and they are still opposing it, which is why they are attacking the Scottish Parliament’s powers with such glee, led by this so-called Secretary of State for Scotland. He should be ashamed of himself.

Our Scottish Parliament finds itself under threat of a power grab from the very party that opposed its creation in the first place. More than two decades after Scotland voted for a Scottish Parliament, the UK Government’s withdrawal Bill constitutes the biggest power grab since devolution. The Secretary of State promised a “powers bonanza” to the Scottish

Parliament, while his colleague the Secretary of State for Environment, Food and Rural Affairs went as far as to suggest that immigration powers could be devolved to Scotland. Despite that promise, the Secretary of State for Scotland consistently failed to name one power in that bonanza coming back to Scotland. In December 2017, he promised that amendments would be made to the withdrawal Bill on Report, before going back on that promise and allowing amendments to be made only in the unelected House of Lords. The Secretary of State has not once apologised for the fact that the House of Commons never had that opportunity—that this elected Chamber never had the opportunity to discuss amendments to a Bill that affected the devolution of Scotland—thus showing utter contempt for our Parliament and for our people. Since then the Secretary of State has been missing in action, refusing to lead on an emergency debate on the Sewel convention which was called by the SNP following a refusal to allow time for us to debate clause 15 once the Bill had returned from the House of Lords.

If Members are not convinced of the Secretary of State's inadequacy for the job, let them hear this. He recently removed all doubt about his views by saying, "Scotland is not a partner in the UK." Scotland is not equal: that is exactly what this Government think of the people of Scotland, and their actions reflect that sentiment. The Secretary of State cannot stand up for Scotland, because he does not recognise Scotland as a partner in the United Kingdom. He has unilaterally downgraded our role. It is little wonder that he is without consequence when it comes to standing up for Scotland. What a damning indictment of the Tory party!

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## David Mundell

The right hon. Gentleman is setting out his case for independence, which is to be based on deceit and misrepresentation. I never once said—and I have *Hansard* here to prove it—that Scotland was not part of the United Kingdom, or was not a partner in the United Kingdom. What SNP Members claim is that Scotland is a partner of the United Kingdom, because they want Scotland and the United Kingdom to be separate entities. They are not. Scotland is part of the United Kingdom; Scotland is at the heart of the United Kingdom; and, ultimately, that is what the right hon. Gentleman objects to.

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## Ian Blackford

What we object to is a Secretary of State who cannot do his job in standing up for the people of Scotland. The simple fact is that what we are talking about today is the claim of right for Scotland. We are not arguing for independence for Scotland, although that day will come. We are simply talking about the principle, and about where sovereignty lies. We are affirming the rights of the people of Scotland to be sovereign. Everyone can see what is going on here. Conservative Members seem to be denying the rights of the people to that sovereignty.

Let me issue this challenge to the Conservatives, here and now: we have placed a motion before you. Have the guts to come through the Lobbies tonight with us, affirming the sovereignty of the Scottish people, or, if you so dare, oppose the motion. Show that you have the guts to stand in the face of that motion. If you fail to do so, it will be the accepted will of this House that it has recognised the sovereignty of the Scottish people. Tonight you have a choice. You can sit and chunter and shout and bawl and laugh, as you have done since the debate started, or you can go through the Lobbies later and stand up for the people of Scotland. You can affirm the sovereignty of the people of Scotland, or you can flunk it. History has shown that, on every step of the way, you have argued against the interests of the people of Scotland.

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## Bill Grant (Ayr, Carrick and Cumnock) (Con)

Let me just say that Members on this side never walked out and turned their backs on the people of Scotland from this Parliament, unlike those on the right hon. Gentleman's side.

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## Ian Blackford

The simple fact is that we were faced with a situation—and the hon. Gentleman should be ashamed—in which the Conservative Government pushed through the withdrawal Bill, which took powers from the Scottish Parliament without a debate in the House. The hon. Gentleman and all his friends went through the Lobbies to take those powers from the people

of Scotland. I am proud of the fact that it is the Scottish National party that is standing up for the people of Scotland. What the Conservatives are doing is allowing Scotland to be walked all over, and the hon. Gentleman and his friends are guilty as charged.

The Conservative party has no mandate to speak for Scotland, but thinks it can do whatever it wants to Scotland and get away with it. The Conservatives opposed devolution in the first place. They have consistently voted against Scotland's interests, and now they want to dismantle the rights of our Parliament, downgrading devolution and dismissing the views of the people of Scotland. The people of Scotland asked for none of this. They voted decisively against leaving the European Union, yet now they face the socioeconomic chaos from a hard Tory Brexit.

Before she became Prime Minister, the right hon. Member for Maidenhead (Mrs May) set out her view of a UK

“in which Scotland, Wales, Northern Ireland and England continue to flourish side-by-side as equal partners.”

Yet the views of the people of Scotland are disregarded; instead the Prime Minister has shut out and silenced the people of Scotland from the Brexit debate. The Secretary of State for Scotland was not even invited to the meeting at Chequers where the Government discussed Brexit; his views were not called upon, inconsequential in the process the UK Government were going through.

While the Scottish Parliament is not yet 20 years old, it has made remarkable achievements in free education, personal care and prescriptions, world-leading climate change targets, the smoking ban, and huge strides forwards in attitude towards sectarianism, sexual equality and multiculturalism.

Meanwhile there is the question of waiting times. When we look at A&E in Scottish hospitals, we find that the record is far better than that of the Conservative Government in London, and the hon. Member for Ayr, Carrick and Cumnock (Bill Grant), rather than doing down the health service in Scotland, should be talking up the successes of the Scottish Parliament and Government in delivering for the people of Scotland.

Meanwhile in Westminster, the cruel and callous Tory policies, such as the rape clause, the bedroom tax, austerity and of course Brexit, stand in stark contrast to our approach. In Scotland we do things differently, and this place needs to recognise that the first step is for Westminster to respect the will of the Scottish Parliament. Will this place do it? Will this House recognise that the Scottish Parliament has not given a consent motion to the withdrawal Bill? Will this Parliament now recant and make sure the powers that have been grabbed are sent back to the Scottish Parliament? That is what the people of Scotland expect.

We were promised this in 2014: Gordon Brown said a no vote in the independence referendum would lead to changes offering “as close to federalism as possible”. In the end nothing close to that was delivered. And before the Tories leap from their Benches, I say yes, we in the SNP respect the will of the Scottish people decided in 2014, but the claim of right is important, because it allows the sovereignty of Scotland to choose, and that means that if Scotland decides it wants change, then it should be respected. Why should Conservatives stand in the way of the sovereignty and rights of the Scottish people, and why should Scottish Conservatives allow that to happen? Is their responsibility not to stand up for their constituents—for their needs and their wishes?

The Scottish Government were elected in May 2016 on a manifesto which said in relation to independence:

“The Scottish Parliament should have the right to hold another referendum...if there is a significant and material change in the circumstances that prevailed in 2014, such as Scotland being taken out the EU against our will.”

Given events since 2016, there is therefore no question about the legitimacy of the Scottish Parliament and the people of Scotland to consider the question of independence. Everything has changed.

This Parliament today must show that it understands, recognises and respects the right of the Scottish people to determine the form of government best suited to their needs, including during this time of significant change. I urge all Members to defend the interests of the people of Scotland and to vote to recognise the claim of the right of the Scottish people. Our people’s sovereignty—Scotland’s sovereignty—must be, and will be, respected.

🕒 6.24 pm

## The Secretary of State for Scotland (David Mundell)

May I begin by sharing the good wishes expressed towards George Reid, the former presiding officer of the Scottish Parliament? I voted for George Reid to be presiding officer in 1999 and again in 2003 because he was a man of substance. George Reid was not a man who would have come to this Chamber as an MP and dished out abuse to another Member and then failed to take an intervention. He was not a man who would have come to this Chamber and distorted the words of a fellow MP so that he could put forward his case. He was a man of principle who argued—and I am sure still argues—for independence on the basis of principle, not of deceit, abuse and misrepresentation.

This debate is a missed opportunity. We could have been discussing the future of Scotland. We could have spent the time talking about our plans to realise the sea of opportunity presented to our fishermen by leaving the EU. We could have talked about city deals, or our industrial strategy. Instead, we are having this debate, which says nothing about the future of Scotland but everything about the Scottish National party and their obsession with independence. They are like a broken record. It is less than two years since Parliament debated the claim of right at the behest of the SNP. In the interim, we have had an electoral test in Scotland in the form of a general election. The result, as I recall, was that the SNP lost 21 seats and that there were 12 Conservative gains. That debate was a charade then—an excuse to talk about independence—and it is a charade today. But what else should we expect?

The leader of the SNP Westminster group, the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), set out his position very clearly exactly a week ago. Nothing else matters to the SNP—not improving Scotland's sluggish economy, and certainly not preparing Scotland for Brexit. For the right hon. Gentleman, Brexit is nothing more than a “clear road map to a second independence referendum”.

That is his stated “priority”.

## **Joanna Cherry (Edinburgh South West) (SNP)**

The right hon. Gentleman is arguing that this debate is all about a second independence referendum and about the SNP. Can I ask him this: does he agree with article 1 of the charter of the United Nations?

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## **David Mundell**

I am sure that I do agree with article 1 of the charter of the United Nations. I believe in people's right to self-determination, and I believe that the people of Scotland set out clearly what they wanted in the 2014 independence referendum. The problem is that the SNP cannot accept that most inconvenient of truths for them. The people of Scotland exercised their right to choose their future in 2014. They were very clear that they wished to remain in the United Kingdom. Shamefully, the SNP are determined to ignore them—the people they claim to represent. If the SNP truly believed in the rights of the Scottish people, would they not accept the result? Would they not listen to the Scottish people?

The claim of right in 1989 played an important part in the campaign for a Scottish Parliament. It was about devolution, and its authors were explicit in their aims. As we have already heard, the Scottish National party acknowledged as much when they refused to sign it. They refused to sign it because it had nothing to do with their own cause of independence. So in this debate we have not only the claim of right to consider; we also have the claim of rewriting history. That is a claim that has often been levelled at the SNP.

Rather than misrepresenting the claim of right as a means of justifying a second, unwanted independence referendum, the SNP should reflect on what it really means. It means that the UK Government respected the right of the people of Scotland to choose whether to remain part of the UK. It means that we worked with the Scottish Government to facilitate the referendum in 2014. It means that, together, we delivered a legal, fair and decisive vote. The decision of the people of Scotland—reaffirming their desire to have two Parliaments and two Governments—should be respected.

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## **Joanna Cherry**

Will the Minister give way?

Share

## David Mundell

Not at this stage.

The UK Government have consistently supported devolution. After the 2014 vote, we established the Smith commission with a view to expanding the powers of the Scottish Parliament. We delivered Lord Smith's recommendations in full, adding wide-ranging new powers over tax and welfare to the devolution settlement and establishing Holyrood as one of the most powerful devolved legislatures in the world. We are committed to working closely with the Scottish Government to transfer the last of the new powers smoothly and securely, and devolution will be strengthened further as we leave the EU and powers that have been held in Brussels for 40 years flow to Holyrood.

It is surely a strange kind of power grab that leaves the grabbed with more power than ever. I have been disappointed, but not in the slightest bit surprised, by the SNP's power grab scaremongering, their hot air and their grandstanding stunts. However, I was surprised when the whole confection of the alleged power grab was shot down by none other than Nicola Sturgeon during her reshuffle last week. She said, "I need more Ministers because of all the extra powers that the Scottish Government must exercise." It was incredible.

The UK Government are working closely with the Scottish Government as powers return from Brussels, and I do not think that more than 80 powers returning directly to the Scottish Parliament should be scoffed at. It is a real opportunity for the Scottish Parliament to continue to shape what is best for Scotland. Throughout the process we have followed, and will follow, the Sewel convention—one of the pillars of the devolution settlement. It is a cast-iron commitment and not difficult to make because, unlike the SNP, we believe in devolution.

The people of Scotland voted for devolution in 1997. We accepted their decision and embraced devolution. The people of Scotland reaffirmed their support for remaining in the United Kingdom in 2014. In every election to the Scottish Parliament since 1999, a majority of voters have backed parties which support devolution. How much democracy does the SNP need before it gets the message?

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## **Stewart Malcolm McDonald (Glasgow South) (SNP)**

Was Ruth Davidson not spot on when she said after the independence referendum that it was entirely legitimate, even honourable, for the SNP to continue to argue its case for Scottish independence?

Share

## **David Mundell**

Indeed. It is perfectly legitimate and even honourable for the SNP to argue the case for independence, but not on the pretext that it is standing up for devolution, in which it clearly does not believe.

The SNP has neither accepted nor supported devolution other than as a stepping stone to independence. It does not want devolution to succeed and seeks any excuse to undermine it. Within minutes of the result of the EU referendum being declared, Nicola Sturgeon put her civil servants to work drawing up plans for a second independence referendum and, in the same breath, airbrushed from history the 1 million people in Scotland who voted to leave the EU—500,000 of them probably SNP supporters, whose views have been completely disregarded.

The SNP has sought not to deliver Brexit—that would be respecting voters across the UK, which it finds impossible—but to weaponise it in its campaign for independence. I am pleased to say the Prime Minister has been clear about the SNP's obsession with independence. The PM said last year: "Now is not the time". Our position is exactly the same today. It will not be the time in the autumn; nor will it be when we leave the EU in the spring of next year. We will respect the wishes of the Scottish people which, as opinion polls have consistently shown, have not changed since 2014. The nationalists should do the same.

Share

## **Patricia Gibson (North Ayrshire and Arran) (SNP)**

The right hon. Gentleman makes much of the result of the EU referendum, but he refuses to accept that the result in Scotland was different. Okay, assuming for a moment that he is correct, would he care to comment on John Major's analysis of the EU referendum? He said:

“Many electors now know they were misled”

and that the leave campaign was verging on “squalid”.

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## David Mundell

People have strong views about the EU referendum, but a vote was held throughout the United Kingdom, and it was clear from the outset that it would be. The majority of people across the UK voted to leave the EU, and I respect that decision.

Share

## Paul Masterton (East Renfrewshire) (Con)

Does the Secretary of State agree that the crucial problem here is that SNP Members appear to be completely unable to distinguish between the will of the Scottish people and the whim of the Scottish National party?

Share

## David Mundell

Indeed, my hon. Friend is right. This is all about independence. Everything put to us this evening—the complaints about the current constitutional arrangements—is not about standing up against those arrangements or standing up for Scotland in the devolution settlement but about finding a way to put yet another argument for independence.

SNP Members are ignoring the wishes of the Scottish people, and they are losing the argument. In fact, they are no longer arguing at all, except among themselves. The speech by the right hon. Member for Ross, Skye and Lochaber was as much for an SNP conference, for a core SNP audience, as it was for this Chamber. I do not know, Madam Deputy Speaker, whether you remember the big tent that they promised to put up after their defeat in the 2014 referendum to encourage more people to support their cause—their promise to listen, for once, to the majority of Scots. Well, the big tent has been torn down. All we have now are manufactured grievances. They invent, they misrepresent, they abuse. They try to shout down those who disagree with them. They glory in childish stunts that embarrass the people they purport to represent. If we believe in democracy and the principle contained in the

claim of right, the most important thing we must do is listen to the people. We must respect the votes they have cast. We must listen when they say they do not want a second, divisive independence referendum.

I am happy to support the motion this evening—I would have preferred it if the amendment had been selected and added—because I do believe that the people of Scotland determine their constitutional future. They have done that: they want to stay in the United Kingdom.

Share

🕒 6.37 pm

### **Lesley Laird (Kirkcaldy and Cowdenbeath) (Lab)**

I have no doubt that today's debate simply sums up what passes as political leadership in Scotland. Indeed, we have already heard the gist of it from the right hon. Member for Ross, Skye and Lochaber (Ian Blackford). The majority of people in Scotland are entirely sick of it.

The people of Scotland are stuck between two competing nationalist Governments, which results in debates like the one we will hear tonight. For hon. Members who are not from Scotland: if people in the UK are fed up with listening to talk of Brexit, on which the referendum was only two years ago, just think how fed up people in Scotland are every time they hear the word “independence.”

Before 2014, depending on who we listened to, we were told that the independence referendum was a once-in-a-generation or a once-in-a-lifetime opportunity. We even heard that in the Scottish Government's White Paper—question 557 on page 566—which turns out to be one more piece of proof that the White Paper was a work of fiction, cobbled together at taxpayers' expense.

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### **Stewart Malcolm McDonald**

If not cobbled together, what was Gordon Brown's description of Scotland getting the closest thing to federalism possible if it voted no?

Share

### **Lesley Laird**

As Members have touched on, the vow was fully delivered. The fact that the Scottish Government have had to increase the size of the Cabinet so much in the past few years simply reflects the fact that they have more powers and that they are recognised as the most powerful independent Parliament in the UK.

Share

## **Stewart Malcolm McDonald**

Will the hon. Lady give way?

Share

## **Lesley Laird**

I will move on.

Here we are today, not four years after the referendum, and the issue has never gone away. Labour's position on the claim of right is unambiguous. We helped to write it, we signed it, we supported it in the past and we will support it in the future. The claim of right states that the Scottish people have the sovereign right to determine the form of government best suited to their needs. Determining the form of government best suited to their needs is exactly what people in Scotland already do and it is exactly what they did in the 2014 independence referendum. People in Scotland were faced with a choice: to leave the United Kingdom and have the Scottish Government as their sole Government, or to remain in the United Kingdom and have two Governments. They chose the latter, by 55% to 45%.

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## **Neil Gray (Airdrie and Shotts) (SNP)**

The motion talks about the claim of right, rather than the votes we have had previously. Labour used to support this, so I wonder whether she feels she might be able to support the motion this evening.

Share

## **Lesley Laird**

Labour will always be happy to support the claim of right—I have just outlined that position.

Share

## Several hon. Members rose—

Share

### Lesley Laird

If Members will allow me to continue, I will expand further on that point. The form of government that people in Scotland chose was that of dual governance, something that the SNP has failed to accept. It is not what is best for Scotland that SNP Members are interested in, but what is best for their single obsession. If anyone thinks otherwise, the launch of a petition today on rewriting the claim of right to reference only independence should leave no one in any doubt about the SNP's priorities. The Labour party supported the current claim of right. In fact, I would argue that the claim of right was instrumental in the Scottish Constitutional Convention that led to devolution in Scotland. That fact goes to the heart of the issue we face today. Two parties did not sign the claim of right in 1989—the SNP and the Conservatives. Why did they not sign it? The Tories never signed it because they did not believe in devolution, and, as their recent performances show, they still do not. The SNP never signed it because the SNP has never been interested in devolution—it has always been, and still is, all about independence. The irony now is that the SNP is asking us to support the principles of something that it never signed up to in the first place! Again, I guess we are where we are.

Let me talk about where we are today. This is the SNP's half-day debate, one of only three Opposition day debates the SNP gets a year. Is it not extraordinary that of all the things that the SNP could have used this time to talk about this is what they opted for? It is absolutely extraordinary, except of course when it is seen through the narrow prism of the SNP's obsession. Politics will always be about priorities.

Share

### Stephen Kerr

It is extraordinary that the SNP has chosen this subject for its half-day debate. What is even more extraordinary is the performance of the leader of the SNP in this place. It is with great sadness that I reflect on how diminished a personage he now is in the eyes of this House

because of the way in which he has conducted himself in these debates. He has been largely impolite. He has shouted abuse across the Floor of the House. Does the hon. Lady agree that the standards of Parliament demand that we set a high standard—

Share

## **Madam Deputy Speaker (Dame Eleanor Laing)**

Order. Enough.

Share

## **Lesley Laird**

I think the Speaker set out clearly the standards that are expected of all Members. As the hon. Gentleman highlighted, the public are indeed watching.

As I was saying, politics is, as ever, about priorities. By neglecting so many serious issues today, the SNP has shown contempt for the real issue and the issues of their constituents. The SNP could have chosen to talk about issues of welfare as they affect Scotland, such as the unfair treatment of terminally ill patients or the motor neurone disease group that has come to London, even in the bitter snow, to plead for reform of the assessment programme. The SNP could have chosen to talk about the fact that 52% of people living in poverty in Scotland are actually in work. The SNP could have chosen to talk about the 1.8 million people on zero hours contracts. The SNP could have chosen to talk about the unprecedented growth in the use of food banks. In my own constituency, Kirkcaldy food bank has seen its spend go from £3,000 a month to £8,000 a month now.

SNP Members could have chosen to talk about the one in four children in Scotland living in poverty, and they could have supported Scottish Labour's amendment to the Bill in the Scottish Parliament, but they did not. They could have chosen to talk about the thousands of 1950s women who have had their pension callously and cruelly cut by the Conservative Government. They could have chosen to talk about the need for investment in shipbuilding in Rosyth and Govan and the UK Government's decision to put the fleet solid support ships contract out to international tender. They could have chosen to talk about industrial strategy, or lack of it, and how that impacts on Scottish jobs, or about the hostile immigration policy that has seen Giorgi, a 10-year-old orphaned boy facing uncertainty and

the Kamil family going on hunger strike, an issue raised by my hon. Friend the Member for Glasgow North East (Mr Sweeney). These are real people, with real-life issues, and they need MPs like us to use this platform to raise their issues. But no, instead, SNP Members chose to talk about what they always talk about; instead, they chose to debate the only thing that truly matters to them: the constitution and indyref2.

Share

## David Linden (Glasgow East) (SNP)

The hon. Lady just listed a number of subjects that she wants to be debated; will she confirm which of them Labour will choose as the subject of its Opposition day debate next week?

Share

## Lesley Laird

I am happy to confirm that to the hon. Gentleman after this debate; I am focused on the matter at hand.

We are where we are. Labour is opposed to a second referendum. People in Scotland made their decision and they decided to remain part of the UK. YouGov polling from June shows that absolutely nothing has changed: it is still 55% to 45%.

In the light of the SNP growth commission paper, Labour would not stand by and see the people of Scotland being subjected to at least another 10 years of austerity just to balance the books. The reality of the “cuts commission” is there for all to see. Read it and weep about what the SNP is prepared to inflict upon the Scottish people, all in the name of independence. My colleagues in the Scottish Parliament will always oppose it.

Labour is clear that the fight against indyref2 is not for this place, because—let me be clear—at that point it is about process. If people in Scotland elect to the Scottish Parliament parties that wish to hold a second referendum, it is not for Westminster to deny them that right. That is exactly what the claim of right is about, and were we to vote against that, we would not be upholding the principle of the claim of right.

I wish now to make some points to those on the Government Benches and ask them to do something that they have failed to do so far, which is listen. I was delighted that the Secretary of State indicated that he was prepared to listen this evening. Your actions are

fanning the fires of a second independence referendum. The UK Government's complete inability to negotiate Brexit, layered on top of their inability to engage in a meaningful way with the Scottish Government on Brexit, has led us down this path. That is what has led to the constitutional bind in which we find ourselves. I find that astounding for a party that claims to be the protector of the Union.

Government Members know that the SNP's cause is always furthered by grievance, so why would the UK Government allow grievances to occur and to be exploited, when they have it in their gift to address the concerns? Because Scotland's voice has been shut out of the Brexit negotiations. There has been no Joint Ministerial Committee for eight months. Discussions between the Governments have broken down entirely. There has been no debate on the final devolution amendments.

Share

## David Mundell

I know that some on the Opposition Benches—I would not have thought the hon. Lady was among them—want to talk up this point about relations having broken down and to say that the Governments are not in contact, but there is a JMC meeting tomorrow.

Share

## Lesley Laird

I am absolutely delighted about that; let us hope it is more productive than the previous two meetings, which were cancelled.

The Scottish Parliament voted overwhelmingly to withhold consent for the European Union (Withdrawal) Bill, yet the Government are still not listening. I simply say to Government Members and to the Secretary of State: what did the UK Government expect to happen?

Our constituents do not want us to stand in the House of Commons giving each other a history lesson. They want us to be here defending them and addressing the gross inequality that we see in our society. As we all know, we do not have to look very far to see that.

Independence will not solve the problems that we face in our society. I argue that, based on the "cuts commission", the inequality that we see in our society would become even greater.

People in Scotland do have the right to determine the Government best suited to their needs, and the choice is becoming very, very clear. A vote for the Tories is a vote for austerity, and a vote for the SNP is a vote for austerity. A vote for the Labour party is a vote for jobs, for investment in health and education and for a different way of doing things that addresses the fundamental issues that matter to people day in and day out.

Labour has committed to ending this austerity junket, and we commit ourselves to an economy that works for the people, rather than people simply working for the economy. We have committed to major investment in Scotland. In March, my right hon. Friend, the shadow Chancellor, detailed how Scotland would benefit to the tune of £70 billion over the course of 10 years if there were a Labour Government across the UK. Some £30 billion of that would be from Barnett consequentials, which means greater investment in our schools, our NHS, our local communities and our police and fire services. The only way that the people in Scotland will see the change that their society requires is from a radical Labour Government who have the political will to tackle poverty and inequality, extend public ownership and redistribute power from the few to the many. That is the economic and social transformation that Scotland urgently needs, and that will not come from another referendum on leaving the UK. The sovereign people of Scotland have already clearly expressed their view; it is time to respect it.

Share

## **Several hon. Members rose—**

Share

## **Madam Deputy Speaker (Dame Eleanor Laing)**

Order. Before I call the next speaker, it will be obvious to the House that a great many people wish to speak this evening and that we have limited time. There will therefore be an initial time limit of eight minutes, though that might be reduced.

Before I call the next person to speak, let me say that I hesitate always to interrupt someone when they are in the flow of their rhetoric, but it has been very difficult not to do so when several people this evening have used the word “you” when they are talking about other people in this Chamber. In this Chamber, the word “you” means the Chair. There is a good

reason for not saying “you”, because “you” is a very direct, personal criticism, whereas “the hon. Gentleman” or “the hon. Lady” is once removed, and that is how we do things in this Chamber. It is very important to keep that distance when we have a heated debate, so although I have not interrupted anybody so far for the use of the word “you”, I will from now on. You—I am allowed to say “you”—have been warned.

Share

🕒 6.52 pm

## **Douglas Ross (Moray) (Con)**

Thank you very much, Madam Deputy Speaker. If I can use the word “you”, I will say that it is great to see you in the Chair for this important debate about Scotland.

I have to say that I love this place; I love the Chamber—*[Interruption.]* The hon. Member for Glasgow East (David Linden) says that I love the Nou Camp. Yes, I do. It was a great honour and privilege for me, as someone from Moray who started on football pitches at Forres Academy, to reach the Nou Camp.

Share

## **David Linden**

*rose—*

Share

## **Douglas Ross**

I will come to the hon. Gentleman in a minute.

I was very grateful for the support that I received in Moray from people who were not impressed by the antics of the SNP, which forced me to give up a lifetime ambition. That has happened, and I accept it—I am delighted to be here tonight to speak—but to make such petty remarks is really following in the footsteps of the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), and I hope that, as I give way to the hon. Gentleman, he will consider his tone in this debate.

Share

## David Linden

The point is that on the night when the hon. Gentleman was at the Nou Camp, he was not here scrutinising the Government on universal credit.

Share

## Douglas Ross

That debate on universal credit was one in which I was never intending to speak, and that night's vote was very interesting, because no one voted against the motion on universal credit. The debate was called for by SNP Members, and they then manufactured a vote. We will all be looking very closely at manufactured votes if there is consensus in the Chamber tonight on what we are debating.

I agreed wholeheartedly with the comments of my hon. Friend the Member for Stirling (Stephen Kerr). I started off by saying that I love this place. I love this Chamber and I love these Benches, but tonight, for the first time, I have not enjoyed it. I like the cut and thrust of debate as much as anyone else, but I do not agree with the personal attacks on the Secretary of State for Scotland that we saw from the right hon. Member for Ross, Skye and Lochaber. Hon. Members can disagree with the office and with what the Secretary of State is doing, but to get so personal—to play the man rather than the ball—does not serve the right hon. Gentleman well and does not serve his party well. When I tried to intervene on the right hon. Gentleman, he was throwing his arm at me disrespectfully and he had to be called out by Mr Speaker for his actions. I hope that after this Opposition day debate he will reflect on the way in which he performs in this Chamber, because Scotland is watching and Scotland wants to see its politicians in both Parliaments working together where they can, and constructively disagreeing when that has to happen, but not doing so in such a personal way. I hope that the right hon. Gentleman's current silence means that he is reflecting on what he said and, more importantly, how he said it.

Share

## Ian Blackford

I want to reiterate that my opposition to the Conservatives and the Secretary of State is entirely political; I have said nothing personal. I ask the hon. Gentleman to reflect on this: it is a matter of record that two weeks ago, I was asked to commit suicide by a Conservative Member of Parliament. I will also say to the hon. Gentleman something that I have not yet raised in this House. Last night, while sitting on these Benches—this was witnessed by other people—I was told what to do in very explicit terms involving a four-letter word beginning with F that has previously been used by the Foreign Secretary, so I am not going to take any lectures from Government Members about how to behave. I am the one who is being abused by the hon. Gentleman’s colleagues by being told to commit suicide and being told to “F off”, so I am not going to take any lectures from him. *[Applause.]*

Share

## Hon. Members

Hear, hear!

Share

## Madam Deputy Speaker (Dame Eleanor Laing)

Order. Let me just make it clear: no clapping; just shouts of “Hear, hear.” It is fine to support, but no clapping.

Share

## Douglas Ross

The point that I was trying to get at is that the mask is slipping with the right hon. Member for Ross, Skye and Lochaber and the SNP. He mentions actions that took place last night. I hope that his own Members reflect on what an hon. Lady—she is not here, so I will not name her—did at the conclusion of last night’s debate with her actions towards my hon. Friend the Member for Stirling. I know that that will have been noted by SNP Members, and that behaviour also cannot be allowed to continue in this House.

Twenty-four hours is a long time in politics. Yesterday, a debate about the economy of Scotland—about the amount of money that Scotland gets from Westminster to spend in the devolved Administration—could only attract two SNP MPs. Yet a debate about the constitution and the SNP’s obsession with independence can attract far more. However, I was

really surprised that only 16 SNP Members were present at the start of the speech by the right hon. Member for Ross, Skye and Lochaber tonight. Half the parliamentary party could not even be bothered to be here for the start of the SNP's Opposition day debate. I wonder whether that is because, like many of us, they disagree with the subject that is being taken forward tonight.

Share

## **Peter Grant (Glenrothes) (SNP)**

Will the hon. Gentleman give way?

Share

## **Douglas Ross**

I will give way in a moment.

I wonder whether many of the SNP Members wish that we were discussing other things. Today of all days, when the UK Government have launched their White Paper on fisheries, we could have been discussing fisheries. This would have been a great opportunity for the SNP to talk about fisheries, because the subject is very topical today. But SNP Members did not want to do that because of their policy on fisheries. The SNP lost Moray and 20 other seats around Scotland because of its policy on fisheries, which says, "We don't want these powers going to Westminster. We want to give them straight back to Europe."

We could have been speaking about education, because SNP Members quite often say in this place, "This is what we will do in Scotland, so UK Government Ministers should replicate it in the UK." *[Interruption.]* I am happy to give way to any of the ladies who are trying to have a conversation at the moment, but otherwise I will continue my speech.

I mention education particularly because SNP spokespeople and Back Benchers quite often stand up in the Chamber to ask the Government to do exactly what is being done in Scotland. Well, I hope that they never do that again with education, because in Scotland the SNP has had to withdraw its flagship Bill on education—its No. 1 priority, about which the First Minister and leader of the SNP said, "This will get all our attention." That is how big a priority education is for the SNP. What about higher education? The First Minister of Scotland

nominated someone who had deplorable views on transgender people, on black people and on Jews. That is also why SNP Members cannot discuss education in their Opposition day debate.

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## Patricia Gibson

On a point of order, Madam Deputy Speaker. It appears that the gentleman who is speaking is not paying any attention to the motion before the House. Could I have your guidance on whether his rambling remarks are actually in order?

Share

## Madam Deputy Speaker (Dame Eleanor Laing)

I understand the point that the hon. Lady is making; several of her colleagues have been gesticulating to similar effect. I have been paying careful attention to what the hon. Gentleman is saying, and I have every confidence that having introduced various other topics about which this debate is not, he is now going to come to the motion before us and the substance of the debate, which is the claim of right.

Share

## Douglas Ross

I am very grateful, Madam Deputy Speaker. I am coming to that, but it is important that the Secretary of State for Scotland and the shadow Secretary of State for Scotland discussed the key issues that we should be debating today.

Before I move on, I will refer to a comment made by the right hon. Member for Ross, Skye and Lochaber. He said that Conservative Members should be praising the NHS. Well, I would have liked to have a debate about the NHS today, because I am quite happy to praise—

*[Interruption.]* The hon. Member for North Ayrshire and Arran (Patricia Gibson) expresses great displeasure about that, but can she understand my anger today as the Member of Parliament for Moray who got a phone call from NHS Grampian to be told that for the next 12 to 18 months, because of the way that the SNP has overseen the NHS in Scotland, pregnant women will have to travel to Aberdeen or Inverness to give birth? *[Interruption.]* That is an important issue, and whether we are in this place or in Holyrood, we should not try to talk—

*[Interruption.]* The hon. and learned Member for Edinburgh South West (Joanna Cherry) should not try to talk me down, for I am standing up for pregnant women who are faced with these concerns.

Share

## Joanna Cherry

The hon. Gentleman has just been busy telling us how much he loves this place, but if he wants to debate the state of the Scottish NHS, he should be in the Scottish Parliament. Does he not understand the difference between reserved and devolved powers?

Share

## Douglas Ross

Again, this is the reaction we get from the SNP. If we disagree with SNP Members or say something they do not like, we are told that we do not understand things—so I am too thick to understand what is reserved and what is devolved. What I do understand is that I am a representative of my constituency, and when my constituents come to me raising these concerns, I should be able to shout—and loudly shout—about them in this Chamber, as colleagues could in Holyrood.

I will come to what we are debating: the claim of right—*[Interruption.]* The right hon. Member for Ross, Skye and Lochaber took 55 minutes to make his speech on this matter and I have eight minutes to make mine. It is important that we consider the motion. The claim of right is very clear and we all support it. It says that the Scottish people are sovereign and can choose the Parliament that best suits their needs. We gave them that opportunity in 2014, when the right hon. Gentleman, the hon. and learned Member for Edinburgh South West and all the other SNP Members campaigned and voted for Scotland to be separated from the rest of the United Kingdom, and I, other Conservative Members, and people across Scotland and the UK, campaigned and voted for Scotland to remain an integral part of the United Kingdom. That decision has been taken. I went into the polling station in Moray and went to the count, knowing, I thought, that it was a once-in-a-generation event, because that was what we were promised by the former leader of the SNP and by its current leader.

But that is not good enough for SNP Members, because they are obsessed by independence. They will only speak about independence. They will not speak about healthcare, about education—about important issues for my Moray constituents and for Scotland. They are talking Scotland down by obsessing about independence rather than standing up for their constituents.

Share

🕒 7.04 pm

## **Marion Fellows (Motherwell and Wishaw) (SNP)**

Today's debate is not just important for the people of Scotland, but of great importance to the many peoples and nations throughout the world—notably our friends in Catalonia and the political prisoners there, to whom I would like to pay my respects. At the heart of today's debate is human rights, and specifically a people's right to self-determination. That is enshrined in international law under article 1 of the United Nations charter, which states that one of the purposes of the UN is to

“develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples”.

I do not believe that anyone in this place—not even Tory Members—would say that Scotland's people are not a nation. The only conclusion that can be drawn is that Scotland's people and Parliament have the power to decide their own future.

As the motion states—I am speaking to the motion—it is the sovereign right of the Scottish people to determine the

“form of government best suited to their needs”,

and no one else's right. I respect the opinion of people here who believe that Scotland should remain in the UK, and Scotland did vote to do so, but that was before it voted to remain in the EU. I ask those same people to respect the will of the Scottish people on that matter.

Share

## **Mr Carmichael**

What Scotland voted for was for the United Kingdom to remain part of the European Union. I campaigned and voted for that, but I did not want to see my vote then used as a lever to break up the United Kingdom. When the hon. Lady tries to do that, she does so not in my name or in the name of the majority of my constituents.

Share

## **Marion Fellows**

The right hon. Gentleman is looking very angrily at me.

Share

## **Mr Carmichael**

That is just my natural expression; you can't hold that against me.

Share

## **Marion Fellows**

In that case, I apologise.

We will never agree on this. We are talking about the sovereign right of the Scottish people. I choose not to divide my country. I love my country. When I talk to people in Motherwell and Wishaw, the one thing they say they really love is their Scottish Parliament. That is why we are talking about the claim of right.

We can exchange figures, numbers and percentages, but what is important is that decisions were made by the Scottish people based on the circumstances of the time. That is the very nature of democracy, from elections to referendums. Today's political reality is that there have been major upheavals to the fundamental political and economic circumstances of modern-day Scotland, and it is on that basis that Scotland must again reconsider its options.

Scotland is at a crossroads. We must decide not only what form of government best suits our needs, but what type of country we are. That discussion is going on in homes, communities and workplaces across Scotland as people slowly but surely decide. People in Scotland see the Prime Minister walking hand in hand with Donald Trump. They see the rich getting richer while their communities and neighbours struggle. They see this place treating Scotland with

utter disdain, giving devolution only 15 minutes of consideration—and that time that was totally taken up by the Chancellor of the Duchy of Lancaster. With foreign wars, nuclear weapons on the Clyde, food bank use through the roof and precarious low-paid employment, people in Scotland imagine something better for their lives which Westminster has failed time and again to deliver: peace, security and more power over the decisions that affect their lives.

Share

## **Christine Jardine**

Will the hon. Lady give way?

Share

## **Marion Fellows**

No, because I have only three minutes left.

Scotland is not a country that is quick to take to the streets, but what the recent independence demonstrations have shown, as have the past demonstrations against Westminster's poll tax and Thatcher's decimation of Scottish industry, is that once Scotland has made up its mind, it will continue to pursue its interests in the face of adversity. Anyone who opposes Scotland's sovereign right is exposing a truth widely held in Scotland, and indeed by the Secretary of State for Scotland, that we are not an equal partner in the UK and that we must ask permission to make our own decisions.

Share

## **David Mundell**

Will the hon. Lady give way?

Share

## **Marion Fellows**

I only have three minutes left, so I cannot give way.

Those people are exposing the fact that a democratically elected Parliament's decision to hold a referendum—the most direct form of democracy imaginable—must be rubber-stamped by Westminster. Anyone who recognises and celebrates the no vote of 2014 but then seeks to undermine Scotland's sovereignty by discrediting any future vote exposes a crucial contradiction in their argument and does not understand the pride that the Scottish people take in their Parliament.

Share

## **Christine Jardine**

Will the hon. Lady give way?

Share

## **Marion Fellows**

No, I want to finish my speech.

Share

## **Christine Jardine**

Will the hon. Lady give way?

Share

## **Marion Fellows**

No, I am going to continue.

While the UK Government seek to evaporate the Sewel convention and rely on outdated principles of Westminster sovereignty, the people of Scotland will be the ones who decide where their legitimate government and interests lie. No politician, party or Parliament can; this is about the Scottish people. Whatever the outcome of this debate, it will always be the case that Scotland's sovereignty does not need to be recognised by parties that Scotland rejects or by Westminster; its sovereignty needs to be recognised only by the people of Scotland themselves.

I am sorry that the amendment that was tabled has not been selected, but as the claim of right exists, the only thing that is decisive is the will of the Scottish people as expressed through elections and referendums. That will is fluid and changing. We only need to look at the opinion polls—they have been taken all the way through from 2014—since the Brexit vote. The minority Conservative Government are well aware of those polls. It is undemocratic to bind Scotland or any other country to the decisions of the past in order to protect the interests of the Tory party.

Share

🕒 7.11 pm

### **Stephen Kerr (Stirling) (Con)**

May I begin by quickly repeating how disappointed I was by the performance of the leader of the SNP? I mean that sincerely, because he is someone for whom I have had respect since arriving in this House.

I want to put on the record that I am fully aware that it is the people of Stirling who are my boss. They put me here—and, of course, they can remove me from here—on the basis of a manifesto that included a commitment from my party to work constructively to see our country progress from being a member of the European Union to leaving the European Union. That is what I am here to do and it is a privilege to do so.

I was reminded earlier today by the Under-Secretary of State for Transport, my hon. Friend the Member for Hereford and South Herefordshire (Jesse Norman)—he is not of course in his place—about Adam Smith’s saying on the Union. He described the Union as

“a measure from which infinite good has been derived to this country.”

When he said “this country”, he of course meant Scotland.

Constitutional historians and scholars of religious tumult in 16th-century Scotland will realise that the foundation of the ideas in the claim of right comes from the works of George Buchanan on contractual monarchy. George Buchanan was from Killearn, a village in the west of my constituency and a superb place to visit. I heartily recommend the Three Sisters Bake bakery when Members visit Killearn. I do not know whether it is appropriate to refer to George Buchanan, a deceased person, as my constituent. He is buried in the kirk of

Greyfriars in Edinburgh, but he was born, taught and preached in Stirling. In Killearn, there is a monument to its famous son for his work in establishing a constitutional framework for Scotland that would firmly allow the Scots to be governed by Presbyterianism. His assertion, appealing to biblical precedent, was that kings are in a contract with their people, who have a right—nay, a responsibility—to remove irresponsible, ungodly and tyrannical kings, lest the wrath of the Almighty fall upon the people. The great obelisk dominating the Killearn skyline is a testament to this great constitutional theorist, whose thoughts dominated Scottish politics in the 16th and 17th centuries.

These are the thoughts that the writers, preachers and revolutionaries of the Scottish Reformation espoused. Unlike the English, our Reformation was a bottom-up one inspired by the people, rather than a top-down one imposed by a tyrannical Tudor monarch. Preachers such as Knox, Melville and Henderson fought for the idea that the people should be able to set the direction of their country.

Share

## **Martin Docherty-Hughes (West Dunbartonshire) (SNP)**

Given that the hon. Gentleman's party wishes to take back control from the European Union, why, in doing so, is it giving it to the episcopacy of the Church of England in the House of Lords?

Share

## **Stephen Kerr**

Of course, it is not the 1689 claim of right that is being debated today, but the 1989 one. The two are closely related as they both make reference to sovereignty resting squarely with the people—and I will vote for the motion tonight. These ideas build on the work of George Buchanan and the idea of sovereignty imbued with the righteous principle of vox populi, vox Dei.

The claim of right is specific and relates to the establishment of a Scottish Assembly, as it was then called—a promise delivered by the referendum of 1997, which returned a resounding yes vote. The principle is extendable, but it requires careful consideration. The principle of popular sovereignty must be used carefully. We should always seek to protect

the views and interests of minorities. We do not have to look back very far in our history to see how popular sentiment has been used to justify some of the worst acts of oppression against minorities. Let us not forget the 85% of Scots who opposed the recommendations of the Wolfenden report in 1957, compared with nearly 51% in England. The fear expressed in popular will led to homosexuality in Scotland remaining illegal until 1980.

I belong to a Church that, historically, has seen a great deal of persecution as a result of fear, misunderstanding and prejudice. I understand only too well the prejudices that can be used by politicians to incite bigotry. When politicians feed on our worst fears and play to the crowd, they whip up a monster that is often uncontrollable, and do so with the excuse of projecting the popular will. I saw that last week with bigotry expressed against my constituents, especially those who voted for me, with the so-called All Under One Banner march in Stirling being led by a banner that stated, “Tory Scum Out”. That parade was attended by elected Members of the Scottish Parliament and, I think, of this place, too.

Share

## Joanna Cherry

The hon. Gentleman mentioned that the majority of Scots in the '50s opposed the Wolfenden report, and seemed to make that an argument against popular sovereignty. However, did not the majority of Members in this House oppose the emancipation of homosexual men for many years? Was it not human rights that brought about that emancipation and adherence to the convention on human rights, which his party seemed to oppose? It is not about popular sovereignty and parliamentary sovereignty—it is about the rule of law.

Share

## Stephen Kerr

I think the hon. and learned Lady knows full well the point that I am trying to make.

*[Interruption.]* Well, it should not worry her.

As politicians, it is our job to lead well, not pander to people's worst instincts, and to protect the principle that minority views and opinions must be respected. We have to remember that we are here, not to follow instructions from our constituents, but to lead. We have to make the case for a better country, a more tolerant country, and a country that respects all. The

representative democracy that we have in our country is worth preserving. It is representative democracy that has gone against popular sentiment in leading social change in our country, and long may it continue to do so. However, the popular will must always be in our mind.

Policy making by referendum is impractical. It does not provide an opportunity to secure real social change and poses a risk to the protection of minorities. In the history of our country, we have had an unprecedented number of referendums that have been constitutional in nature. Since 1975, people in Scotland have taken part in six referendums—on Europe; Scotland; Scotland; electoral reform; Scotland; and Europe. In other lands with different constitutional set-ups, referendums are more regular, and more established in constitutional law. The Scottish referendum of 1997 still required a Westminster Act of Parliament to set up the Scottish Parliament.

This House is passing legislation to interpret and undertake the popular instruction to leave the European Union. The principle of respecting the will of the people is one that I agree with fundamentally. Whether it is the people of the United Kingdom voting to leave the EU, or the people of Scotland voting to keep the United Kingdom together, I agree wholeheartedly with the principle of respecting the will of the people. It is for Government to remember that, and the fact that the SNP Government in Edinburgh are agitating for a second independence referendum is a betrayal of the principle of popular sovereignty. When the people have spoken, as they did, it is time for Government to shut up.

When I speak to people in my constituency, they talk about indyref2 and tell me that they want the SNP to stop talking about that and get on with running the country. When they talk about leaving the EU, they tell me that the Government should get on with it. It is for Government to get on with it. This debate feels like the exact opposite. Debating what to most people are somewhat obscure constitutional matters seems like navel gazing, rather than focusing on the real work of Government. People want Government to work together and they want Government to be effective, so they can get on with their lives unencumbered by constant politics. We need governmental systems that allow for this at all levels of government—Scottish, UK and local government—to work together to build a future for our country.

As I have said many times, Mr Speaker, I am confident that the work of our Stirling and Clackmannanshire city region deal, by showing a true partnership between Holyrood, Westminster and our local councils, will bear fruit. It will build a common set of economic objectives and do so by people working together. We need similar partnership working to be implemented elsewhere. On policy frameworks, we need systems that allow for decision making without gridlock. We need democratic oversight and efficient government. The rancour and the grievance that is generated by the SNP are unhelpful to all this. This debate is unhelpful to all this.

Let me conclude by saying that this is a debate on an obscure statement that has virtually no impact on the day-to-day lives of the constituents I am here to serve. No doubt many Members will find much to debate and discuss over the constitutional efficacy of the claim of right—whether popular sovereignty is right or wrong, drawing heavily on legal precedent and historical principles—but I would rather focus on improving the lives of my constituents and having a down-to-earth working Government. Let us focus on the pragmatic. Let us focus on getting on with the work of Government. After all, is that not what our constituents would expect of us?

Share

 7.21 pm

## **Ian Murray (Edinburgh South) (Lab)**

It is a great pleasure to speak in this debate and to follow the hon. Member for Stirling (Stephen Kerr).

At one minute past midnight this morning, the SNP Chief Whip, the hon. Member for Glasgow North (Patrick Grady), no doubt still up late celebrating England's win in the World cup, tweeted: breaking news, this is the very first debate we will have in Parliament on the claim of right. He obviously forgot that he had a debate on the claim of right, in his very own name, on 9 September 2016 in Westminster Hall.

I agree with many colleagues across the House that I would rather be speaking here this evening on issues relevant to my constituents and my constituency. The dilution of local policing across Scotland is showing a crime spree of house breaking and car breaking in my

constituency. There is a GP crisis in my constituency. People cannot sign up to GPs. They are on waiting lists and are being kicked out of surgeries. People are waiting up to two years for operations when they used to wait only 12 weeks. The train service is in meltdown and we have an economy the Secretary of State was right to say is sluggish.

After all the debates we have had since 2016, and everything in between, we still have no answers to the big questions about what an independent Scotland would look like. We have had a Growth Commission paper that is as big an act of fiction as the original White Paper. I agree with the claim of right. The shadow Secretary of State was right. Labour invented this process and drove it on back in the late 1980s. The late great Jimmy Hood, if he were still alive today, would be championing bringing back the Scottish constitutional convention so we could resolve some of these issues—wouldn't that be a bundle of fun, with 50-odd Scottish MPs on that particular body?

The claim of right states:

“We, gathered as the Scottish Constitutional Convention, do hereby acknowledge the sovereign right of the Scottish people to determine the form of Government”.

The Scottish people have determined their own form of Government. They determined to vote in 1997 for a Labour Government who promised to bring a referendum on a Scottish Parliament. They voted overwhelmingly to deliver that Scottish Parliament with tax-raising powers in the yes-yes vote. In the ballot box since then, they have delivered their sovereign will in choosing what they want to be achieved in terms of Governments and what they want to happen. Interestingly, they also do this at the ballot box for local government elections and lots of other elections.

I get so frustrated about these kinds of debates because it is about the sovereign will of the Scottish people for the Scottish National party, but only when it suits. The sovereign will of the Scottish people was to deliver a Scottish Parliament and stay in the United Kingdom. It was also the sovereign will of the Scottish people to deliver a Scottish Parliament where the Scottish National party does not have a majority, and that Scottish Parliament—if it is the sovereign will of the Scottish people—has over the last few years voted against the Government on fracking, cuts to the national health service, Highlands and Islands Enterprise, council funding, the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, failing educational standards and local government

cuts. And what has the sovereign will of the Scottish people received in return? Nothing from the Scottish Parliament—disregard the Scottish parliamentary votes; these did not happen; turn the other way; do not implement the will of the Scottish Parliament, which is the will of the Scottish people.

Let me say why it is frustrating that it is about the sovereign will of the Scottish people only when it suits the SNP. Look at local government: it has been completely and utterly diminished, demoralised and demolished by significant cuts from the Scottish Government, who have passed on 9% or 10% grant cuts from this place and doubled and trebled them for local government.

Share

## Stephen Kerr

Does the hon. Gentleman also agree that the 11 years of the SNP Government of Edinburgh has created a highly centralised state? The power grab that has gone on in Scotland is a grab to the centre by the SNP Government.

Share

## Ian Murray

I am glad to have taken that intervention, because it goes to the point—*[Interruption.]* People can start shouting, “Better Together!”, but I am going to stand up for the people of Scotland and my constituency, because I disagree fundamentally with what the leader of the SNP, the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), said during his speech. He does not speak for the people of Scotland. We are entitled to have a different viewpoint. The hon. Member for Stirling (Stephen Kerr) is right, because this Chamber, when the Scotland Act 2016 was given its Third Reading and Royal Assent, delivered one of the most powerful Parliaments in the world, but it is the most centralist Parliament in the world. Local government no longer exists in Scotland. It is merely an administrative arm of the Scottish Government.

Look at what we have seen today. An SNP leader of the City of Edinburgh Council wants to be given the powers to deliver a tourist tax in Edinburgh that would help hard-pressed Edinburgh Council ratepayers with all the issues that they are currently going through, and

the Cabinet Secretary slaps him down on Twitter and essentially says, “No.” Where is the sovereign will of the Edinburgh people who put Adam McVey in as leader of the council under the single transferable vote system? I do not want an SNP majority-led Edinburgh Council—I want a Labour majority-led council or a Labour council majority in a coalition—but that is what the people delivered. That is the sovereign will of the people who went to the ballot box. I think that we have to reflect—I say this very publicly—on what happened in Aberdeen, when voters went to the ballot box and delivered the numbers in Aberdeen to give us what we have there. There is an incredibly centralist Government and that is why it is the sovereign will of the Scottish people only when it suits.

Let me turn to what the sovereign will of the Scottish people is actually delivering. Again, that only suits the SNP when it suits its case. The SNP refused to back a people’s vote in a referendum on the final deal from the European Union. There will be lots of different views across this Chamber—in fact, there are lots of different views among Labour Members about whether we should have a people’s vote. However, the principle for me is that, if we believe in the sovereign will of the Scottish people, why not back an additional vote for the Scottish people and people across the UK to decide on the final Brexit deal that the UK Government bring back, and then let the sovereign will of the Scottish people decide? No. The SNP reluctantly fudges it and says, “Maybe we would back it, maybe we won’t, but only if independence is on the table as part of it.” It is only the sovereign will of the Scottish people when it suits.

I simply say, on the sovereign will of the Scottish people and the convention, that it is written down. It is being delivered. It has been delivered and everything that will be delivered in the future, in terms of the sovereign will of the Scottish people, will happen at the ballot box when the people of Scotland go to vote. That is exactly what they have done. Before SNP Members start jumping up and down and saying, “What about the Brexit referendum?”, the rules of the game are as follows. There was a UK-wide referendum. People voted to leave. We are part of the United Kingdom. I hope that we do not leave. I always say, “If we leave the European Union”—I will do everything in my power to try to stop it, and if I cannot stop it, I will do everything in my power to try to soften it, but we are where we are. We cannot pick and choose votes when it suits us to pick and choose.

Share

## Luke Graham (Ochil and South Perthshire) (Con)

The hon. Gentleman is making a strong point about the EU referendum. Does he recognise that it was based on the total number of votes across the United Kingdom, not on geography? So had the SNP joined Britain Stronger in Europe and proactively campaigned for remain, we could have got those few extra votes and kept us in. [Hon. Members: “We did!”] Not as part of Britain Stronger in Europe.

Share

## Ian Murray

I am sorry but I am not going to dance to the hon. Gentleman’s tune, because the Conservative party’s attitude towards Scotland at the moment is just as big a threat to the UK. It pushed through a referendum on Brexit, with the former Prime Minister betting everything on winning but losing. The attitude of the Scottish Conservatives is as big a threat to the Union at the moment. They are pushing through a hard Brexit as lobby fodder for the Prime Minister, rather than fighting for the interests of their own constituents. *[Interruption.]* I am happy for him to gesticulate and say, “Keep attacking the SNP”, but the Government Benches are just as bad on the sovereign will of the Scottish people as expressed at the ballot box. We were promised that Ruth Davidson would send Scottish Conservative MPs down to this Chamber to fight for the interests of Scotland, and not once have any of them taken a different view from the Chief Whip and the Prime Minister. So when Brexit happens and goes badly, you 12 will own it as much as the Prime Minister—sorry, the hon. Gentlemen will own it. You, Madam Deputy Speaker, will not own Brexit, because it will be owned primarily by the Scottish Conservatives.

On the theme of it being the sovereign will of the Scottish people only when it suits, I will finish with this. As we discussed, the SNP did not participate in this process, and they had no intention of ever participating in this process, regardless of the warm words we hear now, but now they grab on to this claim of right and talk about the sovereign will of the Scottish people, because it suits the SNP to do so. I suggest, very politely, that the UK Government and the Scottish Government desperately find a way to get around the table to improve the

relations between two Governments so that they can at least try to work in the interests of Scotland, because while we have this flag-waving ceremony between the Conservative party and the Scottish National party, it is my constituents who lose out.

Share

🕒 7.31 pm

## **Luke Graham (Ochil and South Perthshire) (Con)**

I will try to keep my points succinct tonight.

I think we lose the whole point of this place in some of our debates. It has been said by many Members across the House that we should be talking about the material issues, such as expenditure in Scotland, which we discussed last night in a debate that only two SNP MPs turned up for, or fishing, as others have said, but we are not; instead, we are back to the same old broken record from the SNP. What is really important is the original purpose of this Parliament: the unity of the United Kingdom that started with the vision of a Scottish king and was established in an Act of Union that abolished both the English and the Scottish Parliament and constituted this place, a United Kingdom Parliament where Members from across the entire country work together, pool their resources and make laws together for the benefit of people across the United Kingdom.

As the hundreds of years have passed, we have adapted. We saw that more powers had to be devolved. We have seen that power needs to be closer to the people who every day use the public services and goods being provided. It is disingenuous of SNP Members to say that somehow Scotland's voice is not heard here. It is heard through their voices, through Conservative Members' voices and through those of Liberal Democrat and Labour Members; it is heard right around this House—because this Parliament is Scotland's Parliament as much as Holyrood is. That needs to be recognised.

My constituents need to stop being bullied by the SNP and pushed to make a choice between being Scottish and being British. They can be proud to be both, and they can have confidence in both their Parliaments to deliver their public services. I will take no lectures from the SNP about centralisation and ignoring the will of the people. A model diagram of centralisation is Edinburgh, where powers and moneys have been stripped away from our local councillors.

We have record budget deficits in spite of underspends in the central Scottish budget, which in my constituency means music tuition being cut, health boards being stretched and public services suffering. And that is not because of Westminster; it is because of the Scottish National party. In fact, it should change its name. It is not the Scottish National party; it is the selfish National party. It has one reason for existing, and that is separation and division.

We are the Conservative and Unionist party. We have delivered on devolution, as we always promised, and we have stood up in this Chamber and challenged our own Ministers, as other Members have, on issues such as the EU to make sure we get the right deal on EU citizens, for example, or on the economic trade deal—and we will see how that comes out in October.

When we talk about devolution, we have to look at virtually every single policy area that has been devolved. After 20 years of devolution and 11 years of SNP management, every core area is underperforming. In education, we have gone from first to third in the United Kingdom, yet schools are still cascading through international rankings. In health, even after 20 years of devolution, we still have the lowest life expectancy in the United Kingdom.

Share

## **Joanna Cherry**

Does the hon. Gentleman accept the verdict of the BBC that Scotland under an SNP Government has the best-performing NHS in the United Kingdom?

Share

## **Luke Graham**

No, because it is still facing problems.

Share

## **Stephen Kerr**

It has missed six of its seven targets.

Share

## **Luke Graham**

Exactly—and it has missed its mental health targets.

Let the hon. and learned Member for Edinburgh South West (Joanna Cherry) say that to the consultants. Let her say that to the constituents who have come to me because they cannot have certain kinds of surgery in Scotland that they can have in England. This is not just about saying, “England is worse than us, so we must be amazing.” There are challenges throughout the United Kingdom, and that is the point of this place. We pull together when there are common challenges, but we also deliver locally when we need to.

A lot is being said about respect tonight—about respect for the Scottish people. What I cannot understand is the fact that SNP Members do not respect this Parliament. They certainly do not respect my constituents, and I have to say that I do not think they respect themselves. That is clear from their conduct in the last weeks. They have walked out during Prime Minister’s Question Time, and have deliberately agitated in the Chamber. Some of that conduct may well have taken place on both sides of the House, and it should be condemned on both sides if it is. Such incidents do no credit to any hon. Members, but they are being led by the Scottish National party.

Share

## **David Linden (Glasgow East) (SNP)**

Will the hon. Gentleman give way?

Share

## **Luke Graham**

Not just now, thank you.

If SNP Members were genuine in their love and their care for Scotland, they would not be agitating for a second independence referendum now, when Brexit has not even been decided. If they really cared about Scotland, they would wait until the deal is done, and until we were very clear about the situation and what the Government had achieved for the United Kingdom, and then take a cold, hard look at the analysis and ask themselves, “Actually, are we better off in the United Kingdom, or are we better off breaking out of the United Kingdom and splitting into a separate country?”

Share

## Simon Hoare (North Dorset) (Con)

I am listening to the debate as a fellow Celt who represents an English seat. My hon. Friend has mentioned the word “respect”. I am intervening on his speech, but I could have intervened on anyone’s. We see rampant nationalism and nastiness all over Europe and elsewhere. Does my hon. Friend agree that the best advertisement for this place, and for democracy, is for all of us, irrespective of our differences, to show respect and regard for each other? That, unfortunately, has always seemed to be missing over the last few months in any debate on anything to do with Scotland.

Share

## Luke Graham

My hon. Friend has made a very valid point from another part of this United Kingdom. It is not just Scotland that will be watching the debate this evening; more than 800,000 Scots residing in other parts of the United Kingdom will be watching it too—as well as English, Welsh and Northern Irish people, and members of all the many other nationalities who live in the UK. For all British citizens, this is their Parliament. They are the ones who elect us, and they are the ones who pay our wages. I think that respect should be given by both parties throughout the UK to our individual constituents, but also to those in the rest of the United Kingdom.

There has been talk of hope. SNP Members have said, “What exactly could we be if Scotland were free of this horrific United Kingdom? We would be able to achieve so much more without it.” I remind them that it is this place that delivers on hope. It is this place that established the national health service—the national health service that SNP Members now stand up and try to criticise, or indeed champion, was set up in this Chamber. *[Interruption.]* I am talking about this Chamber. We can debate whether things happened or not, but it is the output that matters.

We established the NHS in this Chamber. We established the welfare state in this Chamber. And, as we heard from another Secretary of State today, we are delivering international aid by pooling our resources—Scots, English, Welsh, northern Irish and everyone else. We are delivering for other countries around the world, and that is all through this Chamber. I will no longer sit here and listen to SNP Members do down the United Kingdom—do down Scotland’s

Parliament—and say that we do not have a place in it. We do. We are here, and so are the Opposition, and we are here to represent our constituents and make sure that we pull together and contribute.

Share

## **Alan Brown (Kilmarnock and Loudoun) (SNP)**

Does the hon. Gentleman not realise that the legislation he is talking about was voted in in the 1940s here because there was not a Scottish Parliament, and there was not a Scottish Parliament because the Conservatives consistently voted against home rule?

Share

## **Luke Graham**

Perhaps I need to go back to the history lesson I gave at the beginning of this speech. There was not a Scottish Parliament because a Scottish king decided to unify the Crowns to make one United Kingdom, and then a voluntary Act of Union abolished both Scottish and English Parliaments and made this place. *[Interruption.]* Sorry, that is the historical fact. We are a unitary state with, under our current constitution, Westminster as the sovereign Parliament of the United Kingdom. That is why we have directly elected Members to this Parliament and that is why there are such hotly contested debates around the time of a general election in Scotland—because people know how important it is. They know they are sending Members to Westminster, they know the influence they will have, and they know the difference they can make. I say to the hon. Gentleman that he must not do down my constituents and the energy they put into voting at a general election, because we matter, the Scottish Parliament matters, and so do our local authorities.

We are looking at a 21st century world: we are racked with challenges from climate change to technological developments to international fracture from various countries all around the world. Would it not be great if somehow we could look to a place that would bring neighbours together, enable us to pool our resources, decide how to advance our NHS and our welfare, make sure we get £20 billion extra for the NHS, and make sure we forward the cause of science and international diplomacy and international aid? We have it: it is this Parliament; it is this United Kingdom. That is what we have been sent here to represent, and that is what we will continue to fight for on this side of the House.

🕒 7.41 pm

## **Martin Docherty-Hughes (West Dunbartonshire) (SNP)**

Since the principal creation of this political state in 1707—not through the Union of the Crowns in 1603—between the nation of Scotland and England and its subsequent expansion through the Acts of Union of 1800 with the nation of Ireland and the subsequent changes through the articles of agreement for a treaty between Great Britain and Ireland signed on 6 December 1921, as well as the creation of the three devolved Administrations—Wales, Northern Ireland and of course Scotland—there can be no doubt, and I think there is agreement, that the political structure of these islands and the political relationships within this present political state, and, yes, even through the Good Friday agreement with the Irish state, is a fluid and ever-changing story. Therefore it should come as no surprise that this debate should be brought to the Floor of the House tonight. Indeed, the premise of the sovereign rights of the Scottish nation founded in its citizens is an agreed reality, given that this House recognised that position through the right of the Scottish nation to participate in the referendum of 2014.

The former right hon. Member for Finchley went even further: in her memoirs “The Downing Street Years”, the former Premier, whom I never thought I would quote, was clear.

*[Interruption.]* Conservative Members should listen to this. She wrote that if the Tory party “sometimes seems English to some Scots that is because the Union is inevitably dominated by England by reason of its greater population. The Scots, being an historic nation”—not my words—

“with a proud past, will inevitably resent some expressions of this fact from time to time. As a nation, they have an undoubted right to national self-determination; thus far, they have exercised that right by joining and remaining”—

even in 2014—

“in the Union.”

The former right hon. Member for Finchley continued:

“Should they determine on independence, no English party of politician would stand in their way, however much we might regret their departure.”

There will be many on both sides in this Chamber, including myself, who will be uncomfortable quoting the former right hon. Member for Finchley, but the late Baroness’s quote illustrates the reality of the constitutional position of this existing political state. The reality of the claim of right—which, I must say, was written in 1988—is another example of the expression of that self-evident truth, acknowledging as it does the sovereign right of the Scottish people to determine the form of government best suited to their needs. It is a principle well-versed and affirmed in ancient right that neither monarch nor Parliament, not one individual or a select collective, has dominion over the people that is the nation that is Scotland.

Now more than ever, the importance of at least Scottish constituency MPs—I would be grateful, if there is a Division this evening, to see Members from across the United Kingdom of Great Britain and Northern Ireland—reaffirming that long-held ancient principle is critical, given that the nation of Scotland, including my own constituency, which also voted for the liberation and regaining of the sovereignty of the nation of Scotland, is now being dragged out of the family of European nations.

In looking at the critical facts relating to centralisation and Scotland, and to the historical narrative, Members who have not been in local government in Scotland should be reminded that the last reform of local government in Scotland was of course led by the Government of the United Kingdom, when they rearranged the local governance of Scotland. The Government of Scotland was established through the devolved settlement, and it was the present Scottish Government that set out the concordat and the existing relationships with local government, supported the length and breadth of Scottish local government through COSLA. For those Members who do not know what COSLA means, it is the Convention of Scottish Local Authorities.

I am not going to take up any more time, except to mention a basic principle. This place, no matter how much Members love it, should never seek to limit those constitutional realities, whether they agree with them or not. This place must clearly understand that, no matter what is said or done, Scotland is, today and forever, a nation—a distinct, proud, historic nation, free and able to direct its governance and destiny.

🕒 7.48 pm

## **Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)**

I have enjoyed the debate this evening very much indeed, particularly the scholarly dissertation given by the hon. Member for West Dunbartonshire (Martin Docherty-Hughes). The subject tonight is the claim of right for Scotland, and let me put it on record right away that I stand full square with the claim of right. I may be many things, and they say that pride is one of the seven deadly sins, but I take pride in my involvement in Scottish affairs over the years. I am one of six Members in this place who has also served in Holyrood. I had the honour to represent Caithness, Sutherland and Easter Ross for 12 years in Holyrood, and it was the making of my life. I look back on those days with pleasure and as something I can tell my children and grandchildren about in the years to come. I hate to talk about pride, but I am proud of that.

Let me give the House an example. In my garden, I have a big piece of Kemnay granite, which is one of the types of stone that the Scottish Parliament at Holyrood is built from. When the building was completed, the builders very kindly gave me one leftover piece of Kemnay granite and it now stands in my garden. I was involved in building the physical structure of the Scottish Parliament, as the Secretary of State will recall, along with Linda Fabiani, who is now Deputy Presiding Officer of the Scottish Parliament, and John Home Robertson, who once graced the Labour Benches in this place. It was not an easy task. We had the slings and arrows of outrageous fortune coming at us all the time, which made us good friends, but I take pride in the fact that the building is our Parliament in Scotland, and I think they do as well.

I also served on the Scottish Constitutional Convention, of which mention has already been made this evening. As one of the local authority reps on the convention, I represented what was then Ross and Cromarty District Council. Believe it or not when looking at this aged frame, I was the youngest member from the highlands—a callow youth—but I feel that I made my contribution nevertheless.

Against that background, I turn again to the subject before us: the claim of right. While I have enjoyed the contributions of the SNP Members on the Benches in front of me, I cannot help but wonder why the claim is being used as the peg on which to hang today's hat, because that gives me some trouble. Earlier on, mention was made of the fact that the SNP would not sign up to the Scottish Constitutional Convention. In fairness to SNP Members, their reason was that it did not include the independence option, and I accept that argument. Nevertheless, as somebody who worked hard on the constitutional convention, which involved difficult times, and on getting the scheme for the Scottish Parliament together, I greatly regret that the SNP did not take part. I must remind Members that there were times when Alex Salmond, a former Member of this place, was not unknown to make disparaging comments about the work of the constitutional convention, and I also regret that.

The inevitable logical follow-on from all that was that the SNP did not sign the claim of right. To me, the claim of right is one of the most important documents in recent Scottish history. The Chamber will not know this, but—I have already talked about my pride—my greatest pride is in the fact that my name is on that claim of right. No other Member of this place can say that, but I can, and I am not going to give away my pride in that fact for anything. I am therefore saddened that the claim of right, a document with which I am associated and in which the people of Scotland and I take great pride, is being used for the purposes of this debate. I say with respect to the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) that it demeans him and cheapens the tone of the debate, and I wish it were not so. I will leave my contribution there.

Share

 7.52 pm

### **Patrick Grady (Glasgow North) (SNP)**

It is quite useful for me to follow the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone), whom I congratulate on his distinction of being one of the few signatories to the claim of right who is still here. Picture the scene: the economy on the brink of recession; the Government hopelessly divided on Europe; the Labour party in turmoil; a woman Prime Minister in Downing Street; and Scotland living under yet another Conservative Government

it did not vote for, pushing through damaging social policies against the will of the vast majority of Scottish people and parliamentarians. That was the situation in 1989, when the claim of right was signed and when the snowball of devolution that led to the Scottish Parliament began to gather speed. However, the more things change, the more they stay the same—but Scotland has changed and the United Kingdom has changed.

Like many others, my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford) made the point that for the 15 hours when the polls were open on 18 September 2014 Scotland truly was exercising its sovereignty as a true free independent country. The future of our governance was in our hands and nobody else's, and that is why we would have been happy to accept the amendment had it been selected by the Chair.

A decision was made, and of course we on the SNP Benches were disappointed that Scotland voted to remain in the Union, but voters were repeatedly told during the 2014 referendum that a no vote was not a vote for the status quo and that choosing to stay in the Union would bring about a new relationship in which Scotland would lead the UK, not leave the UK. A vow was made to deliver something as near to federalism as possible, and a guarantee was given that Scotland would remain a member of the European Union. Nearly four years on from that independence referendum, none of those promises has been kept.

There may have been a new status quo on the morning of 19 September 2014, but there was also a new status quo on the morning of 24 June 2016, when the United Kingdom for which people in Scotland voted ceased to exist. People in Scotland voted in 2014 for a United Kingdom that would be, and would remain, a member of the European Union; a United Kingdom that would guarantee people in Scotland freedom of movement for themselves and their goods, for their capital and their services, across the continent.

We were told by no less than Ruth Davidson herself, the leader of the Scottish Conservatives, that the way for Scotland to stay in the European Union was to vote no in 2014, and that has been ripped like a rug from under the feet of the people of Scotland. That is why there has been a material change in circumstances, and that is why it is right that this House now comes to recognise the sovereign right of the people of Scotland.

Share

**Stephen Kerr**

I am struck by the sincerity and passion of the speech by the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone), who said he wonders why the claim of right is being discussed now and why it is being used as a peg to hang a hat on. Will the hon. Member for Glasgow North (Patrick Grady), who is a figure of authority in the parliamentary Scottish National party, confirm that it is not the intention of the SNP in government in Scotland to move our country to an illegal referendum, that this debate is not an excuse and that the SNP is not looking to create a pretext for an illegal referendum?

Share

## Patrick Grady

The fact is that the Scottish Parliament was re-elected in 2016 and a new Scottish Government were formed with a mandate to reserve the right to request an independence referendum if there is a material change in circumstances. That request was made. A request for a section 30 order was agreed by a majority of Members of the Scottish Parliament, and that request is extant—it is still there. The First Minister said the request had been put on pause as a result of the 2017 UK general election, but the result of that general election was to return a majority of Members from Scotland who support independence and who, at the very least, support the right of the people of Scotland to choose.

Something interesting has happened in this debate, because the Secretary of State for Scotland and his Conservative colleagues have said, with a shrug of the shoulders, “Of course we accept this motion,” as if it is not that big a deal. In 2012, Ruth Davidson and her Conservative colleagues were the only party actively to vote against the claim of right for Scotland when it was put to the Scottish Parliament. Although we hear from Liberal Democrat Members that the SNP did not sign the claim of right in 1989, for reasons that are well rehearsed, it was endorsed by Scotland’s Parliament in 2012 and the Scottish Conservatives actively refused to sign it at that point.

Share

## David Mundell

*rose*—

Share

## Patrick Grady

If the Secretary of State will tell me what has changed and why the Conservative party is now prepared to assent to the claim of right, I will be happy to take an intervention.

Share

## David Mundell

I will just set out the evidence that it is always a matter of grievance. The grievance now is that we are supporting their motion. If we had not supported the motion, that would have been the grievance. This is not about the claim of right; it is about building grievance so they can build their case for independence.

Share

## Patrick Grady

As the Government have committed to producing a statement within 30 days of an Opposition motion being carried, we will no doubt hear that the motion is not binding, and this and that and all the rest. The Government can decide whether they want to accept the motion but, if what the Secretary of State and his Conservative colleagues are saying is correct, this sovereign Parliament is going to accept the principle of the sovereignty of the people of Scotland.

I am surprised that some of the Brexiteers who want to take back control, the hon. Members for the 18th and 19th centuries, have not come along this evening to defend their cherished and beloved parliamentary sovereignty. Perhaps it is because they cannot. As we saw during the passage of the European Union (Withdrawal) Act 2018, it is not this House that is taking back control; it is the Executive who are taking back control. The power grab is not simply the one from the Scottish Parliament; it is also the power grab from this House, with the statutory instruments, the delegated authority and the ministerial fiat—

Share

## Deidre Brock (Edinburgh North and Leith) (SNP)

Diktat.

Share

## Patrick Grady

And diktat. This has been grabbed and taken by the content of the European Union (Withdrawal) Bill. That is the real power grab that is going on and it undermines the sovereignty not just of the people of Scotland, but of the Westminster Parliament as it has been traditionally seen. We have heard from all these different Members asking why the SNP has not brought up this, that or the next thing. We talk on a daily basis about the issues that affect our constituents and the people of Scotland. Members talk about yesterday's estimates debate, but I say to the shadow Secretary of State that no Labour Member from Scotland was taking part in that debate, even though it was a debate on the devolution spend and the Barnett consequential.

The hon. Member for Edinburgh South (Ian Murray) mentioned my Westminster Hall debate. I was proud to lead a debate on the claim of right in Westminster Hall, but that debate was on a motion saying "That this House has considered". Today's debate is on an actionable, votable motion and the Government have indicated, for the first time, that they are prepared to accept it.

Share

## Ian Blackford

My hon. Friend is making a powerful speech. If the Government accept this motion tonight, are they not then accepting the principle of the sovereignty of the Scottish people? If that follows, and if the Scottish Government have a majority and a mandate to ask for a referendum on a change of circumstances, are the Conservatives opposite not duty bound to follow that and make sure the Government push through a section 30 licence?

Share

## Patrick Grady

Precisely. *[Interruption.]* The Minister will have a chance to respond and sum up at the end of the debate. This is why the Government have to—

Share

## Lesley Laird

On a point of order, Madam Deputy Speaker. The hon. Gentleman has suggested that no Labour Member was present or spoke during the estimates debate. As he will of course know, I was sitting on the Front Bench and I am unable to intervene in that debate in that way.

Share

### **Madam Deputy Speaker (Dame Rosie Winterton)**

The hon. Lady has put that on the record and I am sure everyone in here will accept it.

Share

### **Patrick Grady**

Yes, that is a very helpful statement of fact but it does not change the reality of the situation: nobody from the Scottish Labour Benches spoke. I simply say that some of the partisanship that has been shown in this House is not ideal, because we make no special claim to the claim—

Share

### **Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab)**

On a point of order, Madam Deputy Speaker. I would like to point out, for the record, that I did speak in that debate yesterday—I made an intervention.

Share

### **Madam Deputy Speaker**

The point of order should be addressed to me. I will respond again by saying that the hon. Gentleman has put what happened on the record and made it very clear. I will also say that the debate is coming to a close and other people wish to speak, so I urge Members not to have endless points of order.

Share

### **Patrick Grady**

Thank you, Madam Deputy Speaker. They come here and complain that we want to talk about process and that we are obsessed with individual constitutional issues, and then that is what we get.

When the Scottish Parliament debated and adopted the claim of right in 2012, it did not endorse, and it was not being asked to endorse, the principle of independence; it was asked to acknowledge the principle of deciding on independence. So the claim of right is not just an historical document, a scholarly debating point or an “obscure document”, as the hon. Member for Stirling (Stephen Kerr) said; it is a fundamental principle on which our democracy rests. The UK Government, in accepting this tonight, are making a serious and important point about maintaining the Union as a partnership of equals—they need to understand that.

In closing, we, and this Tory Government in particular, should reflect on the famous words of the convenor of the Scottish Constitutional Convention, Canon Kenyon Wright, who said at the opening of the convention:

“What if that other voice we all know so well responds by saying, ‘We say no, and we are the state’? Well, we say yes—and we are the people.”

Share

## Several hon. Members rose—

Share

## Madam Deputy Speaker

I am afraid I am going to have now to impose a six-minute time limit. I call Patricia Gibson.

Share

Ⓛ 8.04 pm

## Patricia Gibson (North Ayrshire and Arran) (SNP)

I am delighted to speak in this debate on the claim of right for Scotland, which asserts the sovereignty of the Scottish people, declaring their right to determine the form of government that best suits their needs. This is a timely debate, although I know some people in the Chamber have questioned why we are debating this issue. This debate could not be more timely, because we need to do all we can to ensure that the wishes of the people of Scotland are respected. Twenty years into devolution, the Scottish Parliament's powers are under threat from a power grab by the party that fought tooth and nail against the very establishment of that Parliament and has never fully got behind it or truly believed in it.

I am not going to talk about independence, because the Tories and the Labour party have talked about nothing else—and they accuse us of being obsessed. They can talk about independence, as they do incessantly, but I remind them that in 2016 the SNP Government got a mandate to hold a referendum, given the material change in circumstances. If they are so concerned about the will of the people, perhaps they should reflect on that.

We had a referendum in Scotland on EU membership, but there was no evidence that the people of Scotland wanted one. We in Scotland voted to remain in the EU by a very convincing majority, and we are now being removed against our will from a family of nations of which we wish to remain a part. We have been told by those on the Government Benches that we should wait to see how Brexit unfolds. Let us look at how Brexit is unfolding. The Chancellor disagrees with the Foreign Secretary; the Foreign Secretary disagrees with the Prime Minister; the Prime Minister disagrees with the Secretary of State for Environment, Food and Rural Affairs; the Secretary of State for International Trade has his head stuck firmly in the sand and says it is all going well and there is nothing to see here, so just move along; and the Secretary of State for Exiting the European Union does not seem to know how final the final deal on Brexit will be. All that is before we even get to this week's antics, in which the hon. Member for North Dorset (Simon Hoare) was involved. Members think that we should wait to see to see how Brexit is unfolding; I think we should buy some popcorn, if it were not so serious.

We have heard the Secretary of State unable, or perhaps unwilling, to explain why the Tories are now to support the claim of right but could not support it in 2012. With the passage of the European Union (Withdrawal) Bill in the teeth of opposition from the democratically

elected Scottish Parliament and the withholding of consent for that Bill from every political party, save the out-of-touch Tories, the contempt for Scotland, her people and her democratic institutions is as clear as it can be.

Let us talk about the claim of right. Consent for clause 15 of the withdrawal Bill was withheld by a huge majority in Holyrood of 93 votes to 30. As a consequence, as we know, it should not have passed through this House with that clause intact. In the event, it did remain intact, with a mere 19 minutes allocated for debate, and with not one Scottish MP able or permitted to speak. And Members ask why we are debating the claim of right. They should be ashamed of themselves. When they ignore the entire concept of consent, when they ride roughshod over democratic institutions elected by the people of Scotland—remember, the Tories have not won an election in Scotland for 55 years—and when they ride roughshod over the Scottish people and their will, they do so at their peril.

We have heard about the affect for the Scottish Parliament and the esteem in which it is held; Westminster enjoys no such reputation in Scotland. We have repeatedly heard the powers that are being clawed back by this Government being diminished, but Government Members know exactly how important those powers are. They include agriculture, fisheries, food labelling and public procurement. I remind Government Members that the public are watching. The clawing back of powers over public procurement could constitute an attack on our public services. I have listened to MPs in the Tory ranks rubbishing such concerns; their constituents will have something to say about that.

I know all this is inconvenient for those who oppose the very concept of devolution, and who want to deny Scotland's very nationhood. They wish us pesky Scots would stop using our voices to decry the injustices and acts of contempt being perpetrated on Scotland, but we will not go quietly. Tonight, we reassert the claim of right for Scotland, without apology, despite all the blistering attacks from the Government Benches. Scotland is watching. I say to Government Members: you are swimming against the tide of history and you will soon find yourselves engulfed in the waves.

Share

🕒 8.09 pm

**Martin Whitfield (East Lothian) (Lab)**

It is a great pleasure to discuss this matter and to contribute to this debate. The concept of the claim of right dates back to the Claim of Right Act 1689, which referred then to the right of appeal to the sovereign and the monarch against perceived judicial injustice. The 1689 Act gave access to the then Parliament of Scotland where the monarch in Parliament sat. The Act of Union 1707 led to the abolition of the Parliament of Scotland and the right then transferred to the House of Lords, which is now, of course, the United Kingdom Supreme Court. The concept of that right was taken by the Scottish Constitutional Convention in 1989 to grant the sovereign right of the Scottish people to determine the form of government best suited to their needs. The idea itself dates back to the thinking of my predecessor, J. P. Mackintosh, an honourable Member of this House who died far too young, 40 years ago this month.

The claim of right draws on the principle of empowering communities, and it is a criticism only of Governments that they appear far too happy to accept new powers, but are very reluctant to pass them on downwards to their communities, to the local authorities and even lower.

The claim of right has developed into the devolution debate that we have heard today. Again, my predecessor, J. P. Mackintosh, shared with his great friend, Donald Dewar, a passionate commitment to the cause of Scottish devolution. As Donald Dewar said, articulating Mackintosh's view, devolution is, at its core, about democratic control. It is the empowering of people; it is not for the nationalistic glorification of the nation state. He said: "It was never Scotland right or wrong...it is about good government, an equitable democracy that borrows, elevates and creates opportunity for the citizen."

It is the idea of a union state made stronger by the diversity of its communities and constituent parts rather than creeping uniformity. The shouts of, "Conform! Conform!", implying that it should all be put in a meat mincer so that it all looks the same, should be battled against.

Share

**Mr Paul Sweeney (Glasgow North East) (Lab/Co-op)**

I thank my hon. Friend for giving way on that very important point. Is not the reality in practice that this Parliament, far from being at odds with the principles of the claim of right, has actually energised and activated the claim of right by repeatedly using the practice of devolving powers down through numerous examples over the past 50 years from the European economic area to the devolution referendums of recent years?

Share

## Martin Whitfield

I am grateful for that intervention. It is right to say that powers have gone down, but, too often, powers stick in one place instead of being handed down. We can look at the crisis in our local authorities in Scotland where they have had powers taken back into centralised Government.

We stand here today between a party whose sole aim is a nationalistic independence of flag waving and shouting and a party which, with all respect, failed to see the true potential of devolution. I am talking about the goal of a stronger, kinder Union, a fairer Union in which our communities have a stake not just in the results of a decision but also in the decision-making power. We live in a time of world challenges. A choice was made to stand differently from Europe. It is a decision that saddens me, but it is one that I respect. None the less, we must still stand as part of Europe. The claim of right does not underpin a set type of governance; it is a reality that the form of governance should be influenced by and borrowed from, and it should elevate and create opportunities for the citizens that sign up to it. These words by J. P. Mackintosh stand in testament to the fluid ideas that underpin the demands of a citizen:

“It is not beyond the wit of man to devise institutions to meet these demands.”

Share

 8.13 pm

## Joanna Cherry (Edinburgh South West) (SNP)

Earlier in this debate, I intervened on the Secretary of State for Scotland to ask him whether he supported the principle of self-determination in article 1 of the Charter of the United Nations, and I was very pleased that he said that he did. For those who need reminding, this

is what article 1 says:

“All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

We have this motion today because of what has occurred since the people of Scotland last voted in relation to their self-determination, which was the Brexit vote in 2014, because the implications of Brexit for Scotland’s economic, social and cultural development are enormous. That is why we wish to reassert today the right of the Scottish people to self-determination.

It has been very pleasing that there have been a number of significant concessions from other parties during the course of this debate. The hon. Member for Moray (Douglas Ross) said that he accepts the sovereignty of the Scottish people. I am sure that that may come as a surprise to some of his colleagues from English constituencies who are not here this evening and who so often tell us that it is this Parliament and this Parliament alone that is sovereign, but he has made that concession so that is one concession from the Government Benches.

Share

## **Douglas Ross**

Will the hon. and learned Lady give way?

Share

## **Joanna Cherry**

I will take an intervention in a moment.

The hon. Member for Stirling (Stephen Kerr) has said that he will vote for this motion tonight. I was delighted to hear that and I very much hope that all his colleagues will go through the Lobby to vote for the motion. The support for this principle will become very important when the First Minister of Scotland once again approaches the Prime Minister of the United Kingdom looking for a section 30 order.

The hon. Member for Kirkcaldy and Cowdenbeath (Lesley Laird), who speaks for the official Opposition, also made an important concession, if I heard her correctly. I think that she said that if there was a mandate for another independence referendum in Scotland, she would

support it. Well, that is very good. In fact, it is music to my ears because there is already a mandate for another independence referendum in Scotland. It comes from the democratically elected Scottish Parliament in which, in the light of the Brexit vote, the SNP and the Greens together voted to give the First Minister of Scotland a mandate—  
*[Interruption.]* Let me finish my point. The SNP and the Greens voted to give the First Minister of Scotland a mandate to request from this Government a section 30 order to hold another independence referendum. If Government Members and Labour Members have not twigged already, let me spell it out for them: that is what this motion is about tonight. It is about protecting the right of the Scottish people to take necessary steps to protect themselves from the consequences of Brexit because, unlike the people's vote, the vote for a second independence referendum in Scotland already has a mandate. That is a distinction that the hon. Member for Edinburgh South (Ian Murray) and the Lib Dems, who are no longer in their place, do not seem to understand.

Before I go any further, I want to take this opportunity to defend our group leader, my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford). There has been a concerted attempt by Conservative Members this evening to assassinate his character by putting into *Hansard* allegations about him that cannot be upheld. Madam Deputy Speaker, I note that neither you, nor anyone else in the Chair this evening, has ruled his conduct disorderly. In speaking up passionately for the viewpoint of the Scottish National party, he is simply exercising his mandate and doing his job. In so doing, he has our support, the support of his constituents and the support of the Scottish National party.

Share

## Douglas Ross

The hon. and learned Lady mentioned what Conservative Members had said and put into *Hansard*. Will she accept that what I said about the right hon. Member for Ross, Skye and Lochaber was that he made it all far too personal—that he was playing the man, rather than the ball—and that if SNP Members really want to have a constitutional debate in which they engage people from all sides, they have to stop these petty attacks on individuals?

Share

## Joanna Cherry

Yes, I did hear the hon. Gentleman say that, but I do not accept that he was right. I suggest that he gets a mirror and looks in it more often, because it is he and his colleagues from Scotland who have been playing the man, not the ball.

This debate—as well as the debate around Brexit and Scottish independence—is really about what it means to be an independent nation in the modern world. People often ask why the Scottish National party wants to leave the United Kingdom but stay in the European Union. The answer is very simple. We do not have to look very far to see an example of what it is to be a partner in the European Union, as opposed to what it is to be a member nation in the UK. Just look across the Irish sea to Ireland, and see the treatment that the Republic of Ireland has received from the European Union. Ireland's economic and social considerations are put at the heart of the negotiations by the EU27. Contrast that with the economic and social concerns of Scotland and, indeed, Northern Ireland, which both voted to remain but whose concerns are utterly sidelined. In Scotland's case, we were given a total of 19 minutes to debate amendments to the European Union (Withdrawal) Bill, accompanied by much sneering and condescension from the Government Benches when SNP MPs dared to protest. I would say to Conservative Members that their sneering and condescension is not a good look.

Share

## **Simon Hoare**

*rose—*

Share

## **Joanna Cherry**

No, I will not give way—I want to develop my point.

I ask Conservative Members to reflect on the impression that their behaviour is likely to have on voters in Scotland when, as seems likely—for the reasons admirably adumbrated by my hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson)—the current Tory Government collapse under the weight of their own divisions and are forced to go to the country again in another general election. I suggest to Conservative Members that their role

as Lobby fodder, and the way in which they have sneered and condescended when SNP Members have attempted to protest about the lack of time given in this Chamber to the impact of Brexit on devolution, will not serve them well.

The disparity between the treatment of the Republic of Ireland within the European Union and the treatment of Scotland within the United Kingdom illustrates very clearly why I and my colleagues and wish to leave the Union of the UK but remain within the European Union.

Share

## Simon Hoare

rose—

Share

## Bill Grant

rose—

Share

## Joanna Cherry

No, I am not going to give way—I do not have long left.

The European Union is a union of equals. The United Kingdom is not a union of equals, because Scotland is not treated as an equal partner within it. We want to be in a union where we are an equal partner. *[Interruption.]*

If Conservative Members would just for a moment stop trying to shout me down, I want to finish by answering a point made by the Secretary of State for Scotland when he said that the Sewel convention was a pillar of the devolution settlement. I suggest to him that the insertion of the word “normally” put a pretty big crack in that pillar. I would like to leave him with this thought: if he was building a house to live in, would he build it on top of a pillar that only normally stood up?

Share

 8.21 pm

## **Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab)**

Today I have been dealing with the death of a young constituent, Alesha MacPhail. I offer my condolences and support to her family and friends at this dark time.

I have been in a meeting of the Scottish Affairs Committee dealing with very important issues around immigration, and I have been making representations to Ministers on the future of our trading policy if and when we are able to negotiate a deal to leave the European Union. Those important issues have an impact on the day-to-day goings on of the people of Coatbridge, Chryston and Bellshill, people across Scotland, and indeed people across the United Kingdom. They are far more important than the narrow obsession with constitutional issues that seems to occupy SNP Members.

I am firmly of the view that the people of Scotland are sovereign—they have the ultimate say; they are our boss—and that the people of Scotland have the right to determine the form of government best suited to their needs. That is a principle I believe in and, importantly, it is a fundamental principle that the Labour party is very proud of. It was a Labour Government who restored power to the people of Scotland, and it was a Labour Government who allowed the people of Scotland to vote in Scottish Parliament elections and to elect a Scottish Government. In September 2014, that principle was honoured. The people of Scotland decided that our country was stronger together, and the values and objectives of the Union were held together. My socialism has no borders.

The motion asks us to endorse the principles of the claim of right as it was endorsed in 1989. I just wonder if any SNP Members could remind us how many members of the SNP signed the claim of right in 1989. In fact, only two parties did not sign the claim of right—the actual Tories and the tartan Tories. I say to SNP Members that if they wanted to demonstrate their commitment to standing up for Scotland, they should have chosen another topic, because their record on this issue is not strong.

The House will be interested to know that the claim of right was signed in 1989 by all Labour MPs, with the exception of Tam Dalyell. The Tories did not sign up to the Scottish constitutional convention or the claim of right because they were opposed to devolution, and the SNP did not sign up to the Scottish constitutional convention or the claim of right because independence was not considered.

The people of Scotland are tired of constitutional debates. They want the Governments here and in Holyrood to work together. A Labour-led Government in Scotland and in Westminster will do that. I welcome the opportunity to remind the House of my belief in the people of Scotland, and my passion for representing and standing up for them. That means focusing on jobs, welfare and Europe, and ensuring that the people of Scotland do not pay the price for the Tories in London and the SNP in Scotland.

Share

🕒 8.25 pm

### **Tommy Sheppard (Edinburgh East) (SNP)**

I find it rather interesting that, in the course of a debate of almost three hours, we have not heard anyone speak against the notion of the claim of right. However, I caution colleagues against being deluded by any faux agreement on this matter, because I am confident that many Members who are not in the Chamber tonight would find it presumptuous that a group of citizens in one part of this island should assert the claim to be able to control their own destiny. They would do that because they regard this as a single nation, and they regard the people of Scotland, while important, as having no other rights than the people of the west midlands or East Anglia.

I am pleased that most contributors to the debate have realised that the basis of our constitution is different from that. We may have a single polity, but we have a multinational country that is based on serial Acts of Union that bring its component parts together. Once we understand that, the claim of right has to be the intellectual corollary of that position. A Union can be maintained only by consent, and if the people of Scotland do not give their consent to maintaining it, it will naturally fall.

The idea of popular sovereignty for the people of Scotland is quite old fashioned. In two years, we will celebrate the 700th anniversary of the declaration of Arbroath, and that document is worth looking at. It was in fact a letter from the nobles of Scotland to the then Pope to ask him to intervene. Much of the language is archaic, and much of it is reverential, but in that document is the grain of something that was never before expressed. It says

clearly that if the King of Scotland does not represent the wishes of the people, the people will find themselves a King who will. It is the first expression in modern times of the notion of popular sovereignty.

That idea has ebbed and flowed over the seven centuries in between. Three hundred years ago, it inspired the dissenters who were resisting the fledgling Union because they felt it was a matter of being sold out by the Scottish aristocracy. Two hundred years ago, it fuelled the friendly societies and people such as Thomas Muir who were working for popular democracy and universal franchise. One hundred years ago, it motivated the Red Clydesiders and people such as John Maclean. The idea of Scottish popular sovereignty has been consistent throughout the centuries, but never more so than the present day, and never more so than 20 years ago, when the Scotland Act 1998, for the first time in all those centuries, actually asked the people what form of government they would like. A massive majority of them—three quarters—voted to establish the Scottish Parliament.

We are having this debate about the claim of right for Scotland because we believe that the devolution settlement is very much under threat, and we wish to alert the House and the country to what is going on. The Secretary of State for Scotland says that there is no power grab, but in fact a powers bonanza. In a previous debate, the hon. Member for East Renfrewshire (Paul Masterton) listed a whole range of things that would become the responsibility of the Scottish Parliament after Brexit. However, we misunderstand if we think that responsibility is the same as power. At the same time as those areas of responsibility are being transferred to the Scottish Parliament, the Scottish Parliament's ability to do anything about them is being limited and constrained like never before. It is intended that so many areas—not just the ones transferring from Brussels, but those that are currently the exclusive competence of the Scottish Parliament—will in future be subject to UK-wide frameworks.

We do not yet have an idea—I see that today's fisheries White Paper does not have an idea—of exactly how those frameworks will work. We have so far been talking about the principle, but it is the principle that is important. If we picture a UK-wide committee to talk about fishing policy, the interests of Scottish fishermen would be represented by the Scottish Government, and likewise for the Welsh and Northern Irish, but who will speak for the fishermen of England? That will be the Department for Environment, Food and Rural Affairs—a Department in Westminster. At the same time, if there is a divergence of opinion or a

difference of view, DEFRA will determine what actually happens. That is not a partnership; it means that the devolved Administrations will be subject to and subservient to the will of the majority. The Secretary of State may say that Scotland is part of the UK, but I tell him that Scotland is not part of England, although that is in effect what such an arrangement would lead to.

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## **David Duguid (Banff and Buchan) (Con)**

I would like to take issue with the hon. Gentleman's statement about Scotland not being part of England, given that in fact Scotland has never been—certainly in the life of this Parliament—part of England, and that was not what the Secretary of State said.

Share

## **Tommy Sheppard**

I think that the hon. Gentleman might have prepared that better. The point I was making is that, in effect, such an arrangement will make Scotland—and Wales and Northern Ireland for that matter—subservient to the will of the Government in this place, which is contrary to the whole spirit of devolution.

Twenty years ago, when the architects of devolution—Donald Dewar in this place, and John Sewel in the other—were framing the proposals, they understood the need to try to make sure that the process was seen as a genuine commitment to the decentralisation of political power. They therefore enshrined a principle saying that if matters were devolved to the Scottish Parliament, this place would not interfere in those matters and would not determine anything about them without the consent of the Scottish Parliament. That principle has stood for 20 years and has not been challenged across the House. Yet, last week, we made history, because for the first time, a United Kingdom piece of legislation that required the consent of the Scottish Parliament was made law although that consent was not given. That is a problem for everyone and it will have to be addressed.

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## **Luke Graham**

Will the hon. Gentleman give way?

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## Tommy Sheppard

I fear we are running out of time, so I will not take the hon. Gentleman's intervention.

Many Members have talked about the 2014 referendum and the idea—my leader expressed this so well in his opening remarks—that for those 15 hours on 18 September 2014, sovereignty was genuinely in the hands of the people of Scotland. They had a choice to make between two alternative futures, and they chose one. I did not agree with the choice that they made, but I fully respect it—I respect it completely as a decision that they took. However, I tell the House that in the same way that a dog is not only for Christmas, sovereignty is not only for 18 September 2014. Sovereignty means having the ability to change your mind if circumstances change—the ability to adapt and take a new view.

The shadow Secretary of State asked us to imagine a situation—my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry) commented on this—where a Scottish Parliament was elected in which a majority of its Members had stood on a manifesto suggesting that the people should be consulted in a referendum. She suggested that if the majority voted for that to become the policy of the Scottish Parliament, it would be inappropriate for this Parliament to stand in its way. That was the hon. Lady's suggestion, and I agree with it. I say to the hon. Lady that the problem is that this is not a matter of hypothesis for the future; this is real, because that was exactly what happened in the Scottish general election 26 months ago, when a mandate was sought and a mandate was given.

As others have said, that mandate is extant, but it will be for the judgment of the Scottish Parliament to determine, when the dust settles on this Brexit mess we are currently in, whether it believes that it is in the best interests of the people of Scotland that they be consulted again on their constitutional future, and on whether they wish to remain part of an isolationist United Kingdom or to be part of opening up to the world and playing their role as an independent country. That day will come, and the claim of right for Scotland means that the people will have the right to exercise their decision on that matter when that time comes.

Share

🕒 8.35 pm

## **The Parliamentary Under-Secretary of State for Wales (Stuart Andrew)**

May I begin by referring to the hon. Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney), who rightly mentioned the sad death of his constituent, Alesha MacPhail? It is right that we all send our condolences to her family and say that we are with the community at this very difficult time.

I am beginning to realise that these debates become incredibly lively. Last week's debate in Westminster Hall was just as enjoyable, and I am pleased to be responding to today's debate. As my right hon. Friend the Secretary of State for Scotland suggested, the debate has served no real purpose for Scotland. As he said, we could have debated our preparations for leaving the EU, the economy, or how to address the many and varied failings of the Scottish Government. I would add that we could have debated the expansion of Heathrow airport, and the many benefits that that will bring to Scotland through extra routes and greater opportunities for exporters. It is no surprise that we are not debating that issue, however, because SNP Members refused to support the proposal. It did so not because that is not good for Scotland—they agree that it is—but because they believed that that stance would be good for the Scottish nationalist party. That, I am afraid, is this debate in a nutshell. It is not about what is right for Scotland; it is about what serves the self-interest of the Scottish National party.

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## **Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP)**

Can the Minister name one route that was guaranteed by the UK Government to Heathrow in the national planning statement?

Share

## **Stuart Andrew**

As the hon. Gentleman knows, 15% of the routes are guaranteed for regional connectivity. He has turned down the opportunity for his country to have better connectivity to the rest of the UK and the rest of the world. He says that he wants to stand up for Scotland, but he should

take part in the debates that happen here and vote in Divisions, rather than walking out, as he did at Prime Minister's questions.

The claim of right was about devolution, and we support devolution. This Government have consistently supported devolution ever since it was backed by the people of Scotland in a referendum in 1997. It was the Scottish people who reaffirmed their support for devolution in the independence referendum of 2014. We have shown our support in the Scotland Act 2016, which transferred wide-ranging powers over tax, welfare and much more to Holyrood.

We continue to show our support for devolution as we prepare to leave the EU. Scores of powers previously held in Brussels will flow to the Scottish Parliament, and we are working with the Scottish Government to ensure that Scotland and the whole of the UK are ready. In doing so, we are listening to the people of Scotland. We respect the votes that they cast in 1997 and in 2014. We are respecting their rights, as expressed by the authors of the claim of right.

The truth is that SNP Members cannot bring themselves to show the same respect. They refused to sign the claim of right because it had nothing to do with their cause of independence. They saw devolution only as a stepping stone to independence, and they have shown themselves to be equally opportunistic when it comes to breakfast—*[Interruption]*—Brexit. Yes, breakfast, dinner and tea, as we say in the north.

Shamefully, SNP Members have no interest in preparing Scotland and the UK for leaving the EU. They see Brexit only as a chance to scaremonger and manufacture grievances in a bid to boost calls for independence. That is their purpose in holding today's debate, but people will see it for what it is. They will see through the SNP's games and they will understand that it is not acting in Scotland's interest, but in its own narrow party interests.

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## **Ian Blackford**

Will the Minister give way?

Share

## **Stuart Andrew**

No, the right hon. Gentleman spoke for far too long at the beginning of the debate. In fact, I will come on to a point he made right at the very beginning of his speech. He let the cat out of the bag in the very first few sentences of his contribution when he almost lost his temper. It was clear that this is all about pushing for another Scottish independence referendum. He said that there was a majority for independence in the Scottish Parliament, but the point is that there was a majority of the people of Scotland who voted no in the independence referendum.

The right hon. Gentleman said that we ripped up the Sewel convention. I really do not understand how he can say that. It does seem that the Scottish Government and some right hon. and hon. Members, when taking part in this debate, appear to have read “not normally”, which is written in the convention, to mean not at all, never, in no circumstances whatsoever. Some Members may wish to change the terms of the convention, but this is the convention that we have.

The right hon. Gentleman talked about this Government wanting to attack the poor. I have to say to him that I find that a really quite disgraceful comment. We have done an enormous amount to turn the economy around. *[Interruption.]* He can continue to heckle, but I will come on to his behaviour in this debate in a moment. We have record employment. We have lowered taxes. We have taken the poorest out of tax altogether and our national living wage has given the poorest people in this country the biggest increase in their wage for a long time.

The right hon. Gentleman said that we were all about a power grab and that the Secretary of State could not name a single power that would be going to the Scottish Parliament. I really do not understand that. In a previous debate, my hon. Friend the Member for East Renfrewshire (Paul Masterton) spent about half of his speech listing all the powers that will be going to Holyrood. In fact, due to the time limit on his speech, he did not have time to list them all.

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**Douglas Ross**

Does the Minister also accept that, in a debate last week, not a single SNP MP could tell us any powers the Scottish Parliament was losing? Today, every time I tried to intervene on the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) about the power grab, he would not accept it because he knows Scotland is getting a huge number of powers from this Westminster Government as a result of Brexit.

Share

## **Stuart Andrew**

My hon. Friend is absolutely right. This is part of the process the SNP is trying to use. It is trying to create an image that the Government are trying to take powers away from Scotland when the fact is that, when those powers come from Brussels, when we leave the EU, we will transfer those powers to the Scottish Parliament. That is why Nicola Sturgeon herself has had to increase the size of her Cabinet: because it has more responsibility. Those are not my words, but her words in answer to why we were increasing—

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## **Ian Blackford**

On a point of order, Mr Speaker. Can I just clarify what has been going on here? Through the withdrawal Act, powers that are reserved under the Scotland Act are being taken back by Westminster. That is the reality and that is the fact. No powers are being gifted by Westminster. The Minister is simply wrong.

Share

## **Mr Speaker**

Unfortunately, the right hon. Gentleman's point of order suffers from the grave disadvantage of not even approximating to or imitating a point of order. As the cheeky grin on the right hon. Gentleman's face testifies, he knows. He was declined when he sought to intervene and he therefore opted for the somewhat cheeky ruse of a bogus point of order, but he has made his point.

Share

## **Stuart Andrew**

Thank you, Mr Speaker.

I want to challenge the assertion made by various Members of the Scottish nationalists that my hon. Friends who represent Scottish seats should stand up for their constituents. I have the privilege of working with them on a regular basis and I can say that that is what they do day in, day out with great force. They regularly meet Ministers from all sorts of Departments in this Government to fight their corner not just for their constituents but for the whole of Scotland.

Let me refer to other points that were made. My hon. Friend the Member for Moray (Douglas Ross) talked about the tone of this debate. I have to say that I was surprised at the way interventions were rejected by the leader of the SNP, the right hon. Member for Ross, Skye and Lochaber. There are ways that we behave ourselves in this House. He talked about important issues about education and health—

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## **Joanna Cherry**

On a point of order, Mr Speaker.

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## **Mr Speaker**

I hope that it is a point of order, not a point of frustration.

Share

## **Joanna Cherry**

Repeatedly this evening, Government Members have sought to suggest that my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford) has done something disorderly. Can the Speaker confirm for the record that he has done nothing disorderly and has not been ruled disorderly this evening? It is character assassination, Mr Speaker.

Share

## **Mr Speaker**

I did not find the right hon. Gentleman to be disorderly. I think I said to him at one point that it was perhaps a bit off to say, “Sit down!” to the Minister, but in terms of the right hon. Gentleman’s general conduct, it has been abrasive, but not disorderly.

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## **Stuart Andrew**

Mr Speaker, I did not say that the right hon. Gentleman was disorderly. I simply said that I did not think the tone and the behaviour were appropriate for this debate—

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## **Patrick Grady**

*claimed to move the closure (Standing Order No. 36).*

*Question put forthwith, That the Question be now put.*

*Question agreed to.*

*Main Question accordingly put and agreed to.*

*Resolved,*

That this House endorses the principles of the Claim of Right for Scotland, agreed by the Scottish Constitutional Convention in 1989 and by the Scottish Parliament in 2012, and therefore acknowledges the sovereign right of the Scottish people to determine the form of government best suited to their needs.

Share

## **Mr Speaker**

I was genuinely sorry that the Under-Secretary of State for Wales, the hon. Member for Pudsey (Stuart Andrew), was not able to conclude his speech. I say that simply because he is the very embodiment of courtesy in the House, but I am afraid that is sometimes the way the cookie crumbles. No personal discourtesy is intended to the hon. Gentleman.

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