

Backbench Business Committee

Representations: Backbench Debates

Tuesday 19 March 2024

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Members present: Bob Blackman; Kevin Foster; Patricia Gibson; Chris Green; Nigel Mills; Wendy Morton.

In the absence of the Chair, Bob Blackman took the Chair.

Questions 1-21

Representations made

[I](#): Yasmin Qureshi

[II](#): Peter Gibson

[III](#): Mr Alistair Carmichael

[IV](#): Sir William Cash

[V](#): Kevin Foster



Yasmin Qureshi made representations.

Q1 **Chair:** Good afternoon, ladies and gentlemen, and welcome to this afternoon's meeting of the Backbench Business Committee. Unfortunately, one of the Chairman's relatives is very seriously ill and he has been called away to attend upon her with his family, so he has asked me to chair the Committee in his absence.

The first application is from Yasmin Qureshi and the all-party parliamentary group on hormone pregnancy tests. Yasmin, over to you.

Yasmin Qureshi: Thank you, Chair and colleagues, for hearing our application this afternoon. As you know, this is not the first time that I have been here to ask for a debate on hormone pregnancy tests, but I hope it may be the last.

Let me begin by summarising the key issues for colleagues who may not be aware of the background to the campaign. Primodos was a pregnancy test pill that was given to women in the 1960s and 1970s. By today's standards, it was the equivalent of 40 morning-after pills. We believe that it caused babies to be born with severe deformities, while some mothers miscarried or had stillbirths. Those babies are now adults in their 40s and 50s, living with lifelong disabilities and being looked after by their elderly parents.

We began the campaign in Parliament in 2012. It was a very well-attended Backbench Business debate in 2014 that forced the then Minister to rethink his approach. The Government finally agreed to set up an independent expert working group to review all the scientific evidence, but by the time the group published its report in 2017, it was clear that it had not been independent at all, and we have a lot of evidence to prove this.

A team of scientists at Oxford University then found that the correct processes for reviewing the evidence had not been followed. The terms of reference had stated that they were looking for a possible association, but the review ended up concluding that there was no causal link. That was not what they had been asked to do. In fact, it is not even possible to prove a causal link because, as with thalidomide, you would have to test the drug on pregnant women, and that is not going to happen. But since 2017, the Government have been using the expert working group report to defend their position that there is no link between Primodos and the deformities.

We continued our campaign. Eventually, in 2019, the then Prime Minister Theresa May knew that something was fishy about the expert working group's report and that it did not make sense, so she commissioned the Cumberlege review, which was a review of all the historical evidence on Primodos, as well as on vaginal mesh and sodium valproate. Baroness Cumberlege's review found that Primodos had caused avoidable harm and that the families needed to be given redress. The Health Secretary at the time, Mr Hancock, actually apologised on television for what had happened years ago.



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However, although the patient safety commissioner was asked by the Government to do a review into how to implement a redress scheme that would work for mesh and valproate victims, she was asked to exclude the Primodos families. Why? Because the Government keep hiding behind the expert working group's report.

Why do we want this debate? At our last debate in September, the Minister expressly stated that she would be open to reviewing new evidence. We have had a meeting with her since then, and she has said the same. The APPG has now published a report that very clearly sets out the new scientific evidence that proves the link between Primodos and deformities. The report also dismantles the expert working group's report, which the Government continue to hide behind. The report asks the Government to review the new evidence. It asks for a review of the expert working group's report and provides pages and pages of evidence on why it is problematic.

This debate cannot wait. Why? Because 22 people affected by Primodos have died since the Cumberlege review found that Primodos had caused avoidable harm. For some reason, the Government are refusing to respond to this report. They are refusing to respond to this new evidence; I think they are hoping that the issue will go away.

The APPG is one of the largest in Parliament: it has 133 members. Most of them have families affected in their constituency, which is why all our debates are very well attended. But the families we represent no longer have the luxury of time; time is running out for many of them.

We are asking for a debate in the main Chamber, after the local elections, when more of our APPG members will be available. The last debate that we had was attended by the former Prime Minister Theresa May, who has become a big supporter of our campaign, along with Ed Davey, the leader of the Liberal Democrats, and several other senior colleagues. The reason why so many of our senior colleagues have taken time out of their Thursday afternoons is that they know that the only way that the Government will move the dial on the issue is through these debates.

We know what has been happening with the contaminated blood campaign and with the Post Office Horizon scandal. This is no different, which is why we find ourselves here again asking you to give us some Chamber time before the general election, in the hope that we can convince the Government to finally do the right thing.

I make it very clear that this is not a party political issue. All successive Governments throughout the 1960s and 1970s did not deal or grapple with the issue. That is why we have so many members who are actively involved in it.

In my opinion, this is one of the biggest legal medical frauds of the past century—so many people have been affected by it. The Committee has always been very kind when I have come before you; you have always granted our applications. I hope that you are able to do so again.



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Q2 **Chair:** Thank you, Yasmin. Before I open the floor to other questions, there are two things I would like to raise.

First, you said that the Government have failed to respond to the all-party group's report. May I suggest that you might want to reword the suggested motion? If you included the words "That this House calls on the Government", that would make it a divisible motion and would prioritise the debate for the Chamber.

Yasmin Qureshi: Yes. Thank you for that.

Q3 **Chair:** Secondly, although you mentioned having a debate after the local elections, our first available slot would be as the first item on Thursday 25 April. That is available to you if you desire it, as you are first on our list of applicants today. Would you take 25 April if it were offered?

Yasmin Qureshi: If that is the date that the Committee can give, I will take it, because we want the matter debated. The only reason that we were asking for a date after the May elections is that we know that many colleagues will be in their constituency on a Thursday, so we probably will not have enough people. In every previous debate, we have had all the MPs turning up, and the full time allocated has been used up—not a single minute has been wasted.

Q4 **Kevin Foster:** My point is very similar to the Chair's: for the sake of the prioritisation of Chamber time, it would be worth having a motion that said something like, "That this House approves the recommendations of the report," rather than just that it "has considered" them.

Yasmin Qureshi: Great. Thank you.

Q5 **Patricia Gibson:** You mentioned that the debates are very well attended; I know that that is true, because I have participated in one. I am curious about why, despite the huge interest in your application, you have only asked for half a day. What is that: two hours, 90 minutes?

Chair: Three hours—they all get squeezed because of UQs and statements. But given the queue on the Chamber, I think three hours would be the maximum you would get from this Committee.

Yasmin Qureshi: Thank you.

Q6 **Chris Green:** Yasmin, thank you for championing the cause over recent years. You have given us a comprehensive introduction to the topic. I wonder whether it also touches on concerns about the performance of the Medicines and Healthcare products Regulatory Agency. Will that be an aspect that is scrutinised in this debate as well?

Yasmin Qureshi: That's right. It was the MHRA that set up the expert working group. To be honest, we have been very critical of its role in the whole thing, because it did not work properly.

One of our campaigners, Marie Lyon, was allowed to sit on the expert working group, but then she was gagged: she was told that she could not discuss it or say anything about it, and that she would face imprisonment

if she did. Its tactics were absolutely disgraceful. I have said it publicly: the MHRA has been horrendous.

It is sad, because it smacks of the '60s and the '70s, when the issue was first raised. There was a body called the Committee on Safety of Medicines, which was similar to the MHRA. It ignored it as well. One thing that we have argued is that Dr Inman, who was chair of that committee, actively tried to hide the evidence. He was actually working, believe it or not, with the manufacturers of the drug. I am not saying that the MHRA is doing the same, but I do not know why it is that officials get so hung up on these things. These are issues affecting people. Nobody is blaming anyone; we are just saying, "Please give us justice."

Chair: Thank you, Yasmin. The Clerks will be in touch with you to confirm Thursday 25 April.

Peter Gibson made representations.

Q7 **Chair:** The next application, on hospice funding, is from Sally-Ann Hart and Peter Gibson. I am guessing that Sally-Ann is not available.

Peter Gibson: She has been detained, unfortunately. I am sorry not to see the Chair in his place, Mr Blackman; please do pass my regards to him.

The Committee will know that I am co-chair of the APPG on hospice and end of life care; I have also served as a hospice trustee for over a decade. The APPG recently produced a report on Government funding for hospices. That was brought about by two things. The first was the statutory obligation in the Health and Social Care Act to commission palliative care—the first time that there has ever been such a statutory obligation. The second was the worrying signs throughout the hospice sector post covid, when phenomenal support was provided by the Government, which now translates into severe financial difficulties for many hospices. The picture that emerges is one of complete disparity across the country, with some hospices getting substantial funding and others getting very little. It is also very clear that there is little consistency in how our ICBs are responding across the country.

For those reasons, and to give Members from across the country the opportunity to highlight their hospices' specific issues, good work and ongoing challenges, a debate on the Floor of the House would be of great support to the hospice sector throughout the country. It would also secure a firm response from the Government on those issues. Those of us who have been touched by the work of hospices can be in no doubt as to their importance in our communities. They provide crucial support at a most precious time, not just to the dying but to the bereaved.

My application was supported by a range of parliamentarians. Every Member I approached wanted to support it and was keen to attend. Multiple Westminster Hall and Adjournment debates have been held on hospices, but I believe that the scale of the issues affecting hospices right across the country warrants a full debate on the Floor of the House.



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Q8 **Chair:** For a debate in the Chamber, it would help your case if you had a divisible motion, which might be along the lines of “That this House calls on the Government to end the postcode lottery of funding for hospices.”

Peter Gibson: I will happily be led by the Committee. This is my first appearance before the Backbench Business Committee, so I am happy to accept that advice.

Q9 **Chair:** Your application is well supported, but there is a bit of an issue around Chamber time. Could you do Thursday 2 May, which is local elections day? That would be the first available slot, by the way.

Peter Gibson: I think my preference would be to give Members the opportunity to be here. We all anticipate that 2 May will be a very poorly attended day in Parliament, with the local elections. Although I would be grateful to have the debate then, I don’t think it would secure the attendance that the issue deserves.

Chair: That is fair enough. Are there any questions from colleagues?

Hon. Members indicated dissent.

Chair: It is a good application—thank you very much. The Clerks will be in touch about a potential date.

Mr Alistair Carmichael made representations.

Q10 **Chair:** The next application is currently entitled “Regulation of defined benefit pensions”. Alistair, we are a bit concerned that you may need to reword the title, as you have had a Westminster Hall debate on this subject recently.

Mr Carmichael: Yes, we have. I am sure we can find a form of words that covers the same subject matter: “Administration of defined benefit pensions”?

Chair: We will leave you to negotiate it with the Clerks.

Mr Carmichael: Okay—we can find something.

I cannot for the life of me think why now, but for reasons that might have made sense to me at some point, I seem to have asked for time in the Chamber. However, I will take time wherever I can get it. I have already had a 30-minute Westminster Hall debate on the subject. A number of Members attended, including Justin Madders, who felt he could not put his name to an application because he is a shadow Minister, but would be keen to take part in the debate. I am reasonably confident that in the right circumstances we would be able to get 15 or more, notwithstanding the fact that I have only 14 on the application.

This is an issue of growing importance. I first became aware of it because I have a lot of BP pensioners in my constituency; BP administered the Sullom Voe oil terminal for many years. Once I started talking about it, people started getting in touch with me to say that Shell is doing the same thing, and now I hear that KPMG is doing the same thing. The Select



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Committee is doing an investigation on this, and I understand that we might even see something from it in the not-too-distant future.

The issue is that the terms of most of these defined-benefit pensions say that when inflation goes above 5%, the automaticity of increase falls away and it is thereafter a discretionary increase. When inflation was 11%, the trustees of the BP pension said, "We are not giving you that," but the next year they recommended that it should be given. We have had two years in which this has been an issue for the BP pensioners, but in fact the recommendation from the trustees was turned down by the board of BP itself.

There is an issue around the way in which these pensions are administered and regulated, and it will only become more common. I declare an interest: until 2011 the parliamentary pension fund was a defined-benefit scheme, at which point we moved to a career average scheme.

People with defined-benefit schemes generally thought that they were set pretty well for the future and a secure time. They are now finding that they are not, in blatant contradiction of some of the material that was distributed by the employers at the point when they were encouraged to pay into these funds.

Those are the issues that we wish to ventilate. As I say, it is a significant and growing issue. I expect significant interest in it, so I think it really does need more than the half-hour that I could get in Westminster Hall.

Q11 **Chair:** Can I check something? You have not ticked the box for a Tuesday.

Mr Carmichael: I would take a Tuesday, happily.

Q12 **Chair:** Presumably Work and Pensions would answer.

Mr Carmichael: It would be Work and Pensions.

Q13 **Chair:** We have not been yet given the rota for future weeks, but it could be on 30 April or 7 May. If it is a Tuesday, that would be the soonest date, probably. Alternatively, you could have time in the Chamber on 2 May, which is very popular.

Mr Carmichael: I heard you say that earlier. It might require some of us to deliberate at greater length than we otherwise would. I know that it is an election day in England and that there are police and crime commissioner elections and London mayoral elections and all the rest of it. But we have a mix of people from different parts of the country, and there are big chunks of the country that do not have local elections. Look—somebody has to fill the time on polling day!

Q14 **Chair:** Are you very kindly offering your services?

Mr Carmichael: If we take one for the team this time, I will expect the Committee to remember this on a future occasion. *[Laughter.]*

Chair: Are there any other questions?



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Hon. Members indicated dissent.

Chair: It is a good application—thank you very much.

Mr Carmichael: My apologies for having missed the Committee last week.

Chair: That is understandable.

Mr Carmichael: It was just one of those days when suddenly things happen.

Sir William Cash made representations.

Q15 **Chair:** The next application, from Sir William Cash, is on the BBC mid-term charter review. Bill, the floor is yours.

Sir William Cash: I am most grateful for the opportunity to make this application before the Committee. I have asked for a full three-hour debate because of the importance of the matter, and because the Government announced the BBC mid-term charter review in a mere written ministerial statement—not even an oral statement on the Floor of the House.

As you will have seen, my application is supported by many MPs across the House. In fact, I am rather intrigued by the degree of support that I have been getting in the Tea Room and other such places. That includes two former Chairmen of the Culture, Media and Sport Committee; the present Chair of that Committee herself; and members of the current Committee, including Labour members. It also includes the current chairman of the all-party parliamentary group on the BBC, who is the Father of the House; the former chairman of that APPG; and a former Secretary of State for Culture, Media and Sport.

I make my application because of the importance of the BBC to our national life, the mid-term charter review, and the charter itself. I hope I will not sound too presumptuous in saying that it was at my instigation that the BBC charter in 2015 was radically revised by the insertion of purpose 1 in the new charter, which is “due impartiality”, granted in that year.

That impartiality requirement is at the centre of gravity of the mid-term charter review. It was inserted after intense debate and discussion between the Government, the BBC and Ofcom—but not Parliament. That requirement for impartiality has led to a new internal system for adjudication of matters of impartiality. That new system has not been discussed in the House at all.

This debate will provide a vital opportunity for a full discussion across the House, in which every Member of Parliament who participates will be conscious of the importance of these matters to the licence fee payer and the national interest. It will also be of profound interest in respect of issues of impartiality that have arisen over the Hamas-Israel war, for example, and issues that have permeated the media on all sides regarding



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highly paid celebrities, commentators and others who are paid by the BBC but use their profile on social media to disseminate their views to millions of their followers.

On the question of numbers, I would like to refer to some figures from the past five years on the complaints made by licence fee payers, who are taxpayers, of course, about 90% of whom pay for the BBC. According to the figures, there were 1,935,179 audience complaints to the BBC from 2017 to 2023. Of those nearly 2 million complaints, only 3,692 progressed to the BBC executive complaints unit, which is the only element within the BBC complaints framework that is able to provide any reasoned form of analysis of complaints. Only 147 of those 2 million were upheld or partially upheld by that unit, and only four of the 1,067 escalated to Ofcom were decided to be BBC breaches of the broadcasting code, so it goes from 2 million complaints to four breaches upheld by Ofcom. Since the start of the current charter period in 2017, the current unit has upheld or partially upheld cases in a mere 29 instances out of a total of 147, in which it found that the appropriate standard of due impartiality had not been applied.

I know that members of the Committee, as Members of Parliament, will be aware of the importance of this subject in the national interest. I know from feedback that many MPs believe very strongly that the mid-term charter review and the new system that is being put in place inside the BBC does require full and proper debate, not only about BBC impartiality but about the system inside the BBC, the role of Ofcom and the issue of the licence fee itself. It is noteworthy that in the mid-term charter review report from the Government, the BBC was expressly and notably criticised for its significant failures of impartiality compliance.

My presentation today cannot cover all the areas of the BBC charter that are of interest, but I believe from feedback that Members of Parliament will want to debate all those issues properly and that a full three-hour debate will be welcome. I would be very happy to answer any questions, of course. Thank you, Chairman.

Q16 **Chair:** Thank you for that presentation, Bill, which clearly meets our basic requirements. Just one thing: on the application, you have ticked a full day, which for us would be a six-hour debate. In your presentation, you said a half-day.

Sir William Cash: I think three hours would be adequate.

Q17 **Chair:** Fine. In which case, if we offered you Thursday 9 May in the Chamber, would that be acceptable?

Sir William Cash: That would be very acceptable. It would be the day before my 84th birthday. It would also be a commemoration of the Norway debate, which I will not go into.

Chair: Thank you very much. The Clerks will be in touch, but an offer will be made for 9 May.

Sir William Cash: Thank you very much indeed. I am most grateful.



Kevin Foster made representations.

Q18 **Chair:** The final application, on ratification of the global ocean treaty, comes from a member of the Committee, Kevin Foster. I make it clear to all our viewers that although Kevin is a member of the Committee, he will take no part in the decision making on his application.

Kevin Foster: Thank you for the opportunity to present my application for a debate on the ratification of the global ocean treaty, which is one of the most significant agreements reached in relation to protecting our marine environment in some decades. It will basically transform the regulation system and is very much a reaction to the fact that when the current international framework was put together in the early 1980s, the idea that you could mine the bottom of the ocean would have sounded like something you would have seen in *Thunderbirds*, rather than a reality. However, it is now becoming increasingly possible to reach and operate at depths that would have been unimaginable.

The treaty has been signed, and it has to be said that the UK Government is one of the ones leading on it. It has cross-party support, and this is not an area where there is a particular disagreement. Having signed it, the core now to get it into force is to have 60 countries ratify it. I am keen that the sooner the UK gets on and ratifies, the better. I was keen to tease out from the Government exactly what work needs to be done to ratify.

In another context, we have had allusions to needing to change certain standards or policies. That is what I really want to bring out, and to get some firm commitments from the Government—and from the Opposition, given that we are close to a general election—about what timescale for ratification they would see, particularly making sure that we are in that first 60. The sooner we hit the first 60, the sooner the treaty comes into effect internationally.

For clarity, it does not have an effect within coastal waters. This is not something about what happens just off our coast; this is about what happens in what we call the international commons of the high seas.

Q19 **Chair:** Thank you, Kevin. I have just two quick issues. One is that you have ticked Tuesday and Thursday for Westminster Hall. We will have to consider whether it is a Tuesday or a Thursday opportunity. If it is a Tuesday, it has to be the answering Department of the day. Which answering Department do you expect for this debate?

Kevin Foster: It is probably a mixture, but it could end up being the FCDO, of all people, because they lead on treaty ratification. I understand that Minister Benyon is leading for the Government. It could also be DEFRA, depending on which angle they want to go with. But my understanding is that it will probably be FCDO, given that we are not talking about any of our territorial waters; this would apply to the high seas.

Q20 **Chair:** If we offered you Thursday 25 April in Westminster Hall, would that be acceptable?



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Kevin Foster: Very much so.

Q21 **Wendy Morton:** I have a quick question about the balance of names. I appreciate that you said that there is cross-party support, and that is demonstrated in the application. You have three Conservatives; we would normally be looking for four. Do you have any additional names?

Kevin Foster: The list may have been updated, but Anthony Mangnall will definitely be added, and obviously I will be there as the proposer. But it is a fair point.

I was quite pleased, in the end, with the demonstration of cross-party support: there are Members from the Labour party, the Liberal Democrats, the Green party and the SNP, and my own party is supporting the application.

Chair: Thank you, Kevin. The Clerks will be in touch.

That brings us to the end of our formal business. The Committee will now go into closed session to consider the applications.