

Government defeated twice on Terrorism Bill

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The Government suffered two defeats in the Commons on the Terrorism Bill on 9 November 2005, both coming as a result of backbench dissent. They were the first defeats for the Labour government since it came to power in 1997, the first for any government since the Major government lost on an EU Fisheries 'take note' motion in December 1995, and the largest substantive defeats on whipped votes in the Commons since July 1978,[†] when the Labour government failed to overturn a Lords amendment on the Wales Bill. That motion was negated by 280 votes to 247, a majority against the Government of 33. On that occasion, 22 Labour MPs voted against the Government, including Neil Kinnock, and a certain Gwyneth Dunwoody – the only Labour MP who took part in that rebellion to take part in tonight's rebellion.

The two rebellions in November 2005 saw the government lose by 31 votes (322 to 291) on the 90 day option and 33 (323 to 290) on the 28 day option.

The votes

Despite all the talk prior to the vote of possible Tory cross-voting helping the Government, on 90 days Sir Peter Tapsell was the only Conservative MP to join 291 Labour MPs and Sylvia Hermon, the UUP's sole MP, in the aye lobby. Meanwhile, the no lobby comprised 49 Labour rebels voting alongside 189 Conservatives, 62 Lib Dems, 9 DUP, 6 SNP, 3 Plaid Cymru, 3 SDLP, two independents (Peter Law and Dr Richard Taylor), and the Respect MP, George Galloway.[‡]

Similarly, the 28 day vote saw 51 Labour MPs (including tellers) support David Winnick's amendment. The Labour rebels were joined in the aye lobby by 188 Conservatives, 62 Lib Dems, 9 DUP, 6 SNP, 3 Plaid Cymru, 3 SDLP, two independents (Peter Law and Dr Richard Taylor) and the Respect MP, George Galloway. Meanwhile, the no lobby comprised 289 Labour MPs, Sylvia Hermon of the UUP and two Conservative MPs – Michael Mates and Sir John Stanley - both of whom had abstained on the 90 days option. Bill Cash, who had voted with the Conservatives against 90 days, abstained on 28 days. Other non-voting Conservatives include Michael Mates (on 90 days) and Ann Widdecombe (on both).

But the scale of the defeats was such that even if the DUP had voted *en masse* with the Government – as a result of one of the many deals and stitch-ups that were being rumoured throughout the day – the Government would still have lost.

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[†] We say 'substantive' because technically, the last time any Government was defeated by this much was on 28 March 1979 when a Conservative MP moved a prayer annulling an increase in the price of firearms certificates. Then, only one Labour MP - Max Madden - rebelled, but the Government did not have its troops in place, and the prayer was carried by 115 votes to 26, a majority against the Government of 89.

[‡] By the end of the night, Peter Law had brought his total votes against the Labour Government so far this session to sixteen; George Galloway had accumulated a total of thirteen anti-government votes.

Indeed, even if the Government had benefited from the DUP's nine votes, it would still have been at least 13 short of victory. It would therefore have required both increased Tory support *and* DUP support to ensure victory. Neither was forthcoming.

The rebels

Despite the size of the defeat, there was nothing very surprising about the identity of the Labour MPs who inflicted the first Commons defeats of the Blair Premiership. Most of those who trooped through the division lobbies against the Government have been doing so regularly over the last few years. It is not in any way to diminish their behaviour to note that for the most part it was entirely predictable.

The rebellions involved a total of 53 Labour MPs (listed in the table at the end of the paper).

On both 90 and 28 days the rebels included six members of the new intake, four of whom were voting against the Government for the first time – Sian James, Sadiq Khan, Sir Peter Soulsby and Emily Thornberry. The other two members of the 2005 intake – Katy Clark and Linda Riordan – can now be fairly classified as hardcore Labour rebels, having already voted against the Government so far this Parliament on 13 and 11 occasions respectively.

The only really surprising name rebelling over the 90-day amendment was that of Nick Raynsford, the former Minister for Housing and Local Government, who voted against the Government for the very first time - although he had also abstained on the Second Reading of the Council Tax (New Valuation Lists for England) Bill two days before. Six other Labour MPs – Roger Godsiff, Doug Henderson, Mark Lazarowicz, Christine McCafferty, Julie Morgan, and Chris Mullin – were also voting against the Government for the first time this session, but all had rebelled as well in the last parliament.

Taking a closer look at the Labour rebels, three Labour MPs who had voted for the Government on 90 days – Frank Doran, Joan Ruddock and Rudi Vis – voted in favour of the Winnick amendment on 28 days. All three were voting against the Government for the first time this session, but all three had rebellious records from the last Parliament. One Labour MP – Martin Caton – who had abstained on 90 days, also voted in favour of 28 days. Peter Kilfoyle was only Labour MP to vote against the Government on 90 days to then support the Government on 28 days. Meanwhile, Mark Lazarowicz, who had voted against the Government on 90 days abstained on 28 days.

Other rebellions

In addition to the two defeats, the Government also suffered three other smaller rebellions yesterday. At the beginning of the afternoon, three backbenchers had voted against the Bill's second programme motion. Later in the evening, the Government only avoided a third defeat when it made concessions relating to the new encouragement to terrorism offence: such acts had either to be intentional and/or reckless. Thirteen Labour backbenchers remained dissatisfied with the definition of 'reckless', voting against the Government, and reducing its majority to 42. Lastly, twelve Labour MPs supported a Conservative frontbench amendment to the Bill that would have deleted the offence of glorifying terrorism, cutting the Government's majority to 25.

The Terrorism Bill has now seen 13 Labour rebellions, averaging 18 MPs per rebellion, and involving a total of 53 Labour backbenchers.

The state of play

The five Labour rebellions added 14 fresh names to the list of those Labour backbenchers who have now defied the Government in this Parliament, bringing to 62 the total number of Labour MPs to have voted against their government since the election in May.

They bring the total number of Labour rebellions so far this session to 28, averaging 14 MPs per rebellion.

This constitutes a rebellion in 32% of votes. So far, this is notably higher than the 21% of the previous parliament between 2001 and 2005 – which was itself the highest rate of rebellion in the post-war era.[§]

On BBC's *Newsnight* on the night of 9th, the Home Secretary prayed one of us in aid, in defence of his argument that the rebellions in the previous parliament were larger than they currently are. It is true that there were larger rebellions in the last parliament. Iraq, top up fees, foundation hospitals, and prevention of terrorism, for example, all saw larger rebellions in absolute terms. But the average size of a rebellion in the last parliament was 14, exactly the same as it currently is – despite their currently being fewer MPs.

So the bad news for the Government is that MPs in this Parliament are so far rebelling at a faster rate than they were in the last Parliament, they are rebelling in at least the same numbers (and, measured as a percentage of the parliamentary party, greater numbers), and they have shown that they are prepared to bite and not just bark.

[§] P. Cowley, *The Rebels: How Blair Mislaid His Majority*, London, Politico's, 2005, pp. 4-6.

Terrorism Bill, Report Stage, Labour rebels

<i>Name of MP</i>	<i>Programme motion</i>	<i>90 days</i>	<i>28 days</i>	<i>'Reckless'</i>	<i>Delete glorification</i>
Abbott, Diane		X	X		
Austin, John		X	X	X	
Burden, Richard		X	X		
Caton, Martin			X		
Clapham, Michael		X	X		
Clark, Katy		X	X	X	X
Cohen, Harry		X	X		
Corbyn, Jeremy		X	X	X	X
Cousins, Jim		X	X		
Cryer, Ann		X	X		
Dobson, Frank		X	X		
Doran, Frank			X		
Dunwoody, Gwyneth		X	X		X
Fisher, Mark		X	X		X
Flynn, Paul		X	X	X	
Gerrard, Neil		X	X		
Gibson, Ian		X	X	X	X
Godsiff, Roger		X	X		
Grogan, John		X	X		
Hamilton, David		X	X		
Henderson, Doug		X	X		
Hoey, Kate		X	X		X
Hopkins, Kelvin		X	X	X	
Jackson, Glenda		X	X		
James, Sian		X	X		
Jones, Lynne	X	X	X	X	X
Khan, Sadiq		X	X		
Kilfoyle, Peter		X			
Lazarowicz, Mark		X			
Lloyd, Tony		X	X		
Love, Andy		X	X		
Marshall-Andrews, Bob		X	X	X	X
McCafferty, Christine		X	X		
McDonnell, John		X	X	X	X
Meacher, Michael		X	X		
Morgan, Julie		X	X		
Mudie, George		X	X		
Mullin, Chris		X	X		
Prentice, Gordon		X	X		
Raynsford, Nick		X	X		
Riordan, Linda		X	X	X	
Ruddock, Joan			X		
Short, Clare	X	X	X	X	X
Simpson, Alan	X	X	X	X	X
Skinner, Dennis		X	X		
Soulsby, Sir Peter		X	X		
Taylor, David		X	X		
Thornberry, Emily		X	X		

Trickett, Jon		X	X		
Vis, Rudi			X		
Wareing, Bob		X	X	X	X
Winnick, David		X	X		
Wood, Mike		X	X		

Note: X indicates a vote against the Government