

Striking and Speaking: Rebellions over the Criminal Justice and Immigration Bill

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The first major backbench rebellion of the Brown premiership took place on 9 January 2008, with four separate Labour rebellions during the Report stage of the Criminal Justice and Immigration Bill. The Bill also saw divisions within the ranks of the other two main parties.

The Government averted another possible rebellion when the Lib Dem MP, Dr Evan Harris's new clause calling for the abolition of the law on blasphemy was withdrawn, after Home Office Minister Maria Eagle indicated that the Government would be bringing forward legislation of its own. This short briefing paper explains the votes and details those who defied their whips.

The votes

The largest Labour revolt saw 37 Labour MPs vote against the Government's plans to remove the right to strike from prison officers.¹ This was the largest Labour backbench rebellion thus far under Gordon Brown's leadership. Both the Conservative and Liberal Democrat frontbenches supported the Government on the division.² As a result, the Government easily won the division by 481 votes to 46.

Among the 37 Labour rebels was former Labour deputy leadership candidate, Jon Cruddas. Neil Gerrard, who acted as a teller for the noes, termed the ban on strike action 'Thatcherite legislation'. But this was no rebellion of the innocents: all of the 37 rebels had voted against Tony Blair's Government. Indeed, 13 out of the top 20 Labour rebels from the Blair era took part in the rebellion. Nevertheless, 26 of the 37 rebels were voting against the Brown Government for the first time.

Earlier, Fiona Mactaggart, the former Home Office minister, cast her first ever vote against a Labour Government when she joined one other Labour MP – Dr Lynne Jones (who has considerably more form) – in voting against the bill's programme motion. Mactaggart had wanted to move New Clause 2, which dealt with the issue of people trafficking and prostitution, and later only got 30 seconds to do so, before she was cut off, as a result of the bill's tight timetable. Neil Gerrard, who also spoke in the debate, abstained on the programme motion.

The third rebellion of the evening came when the Liberal Democrats moved an amendment to Clause 107 of the bill, which makes it a criminal offence to incite hatred on grounds of sexual orientation. The Lib Dem amendment would have required the Attorney General to have regard to the importance of the right to freedom of expression provided by the European Convention on Human Rights. Three Labour MPs voted in favour of the amendment. Meanwhile, the Conservative frontbench abstained, provoking a rare three way split amongst the party's MPs. Six

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¹ One Labour MP, Paul Truswell, voted in both lobbies.

² The Liberal Democrat MP, Mike Hancock also dissented.

Conservatives supported the Liberal Democrat motion, while fourteen Conservatives opposed it.³ Bob Spink cast a deliberate abstention by voting in both lobbies. The Liberal Democrat amendment was defeated, 64 votes to 316.

Immediately afterwards, a division was called on Jim Dobbin's amendment No. 1, also to Clause 107, that would have insisted in inserting the following conditions:

Nothing in this Part shall be read or given effect in a way which prohibits or restricts discussion of, criticism of or expressions of antipathy towards, conduct relating to a particular sexual orientation, or urging persons of a particular sexual orientation to refrain from or modify conduct related to that orientation.

Dobbin felt that the Clause would have a 'chilling effect' on free speech, especially among people with firm religious convictions. Twelve Labour MPs defied the whips to vote in favour of Dobbin's amendment. They included five MPs who were breaking ranks against the Brown Government for the first time: Joe Benton, Jim Dobbin, Peter Kilfoyle, Greg Pope, and Geoffrey Robinson, one of Gordon Brown's closest allies on the backbenches. Again, however, all five had voted against the Blair Government at least once. The vote also triggered a rebellion amongst Lib Dem ranks, with four Liberal Democrat MPs voting against their whip to support Dobbin's amendment.⁴ The Conservatives allowed their side a free vote, but the frontbench spokesperson, Nick Herbert, indicated he was in favour of the amendment. In the event, only five Conservatives joined the Government in opposing, with the Conservatives splitting decisively 150/5 in favour.⁵ It was defeated by 169 votes to 338.

The rebels

The table below lists those Labour MPs who rebelled in one or more of the votes. The various rebellions collectively involved a total of 44 rebels. Of these 32 were defying the Brown Government for the first time. The votes succeeded in upsetting two different sets of rebels: a sizeable chunk of the PLP ideologically opposed to trade union reform, and a much smaller group of normally loyal MPs with strong religious convictions. It brings to 56 the number of Labour MPs to have voted against the Brown government since it began.

³ The six supporters were: Peter Bone, Peter Bottomley, Stephen Crabb, Philip Hollobone, Daniel Kawczynski and Greg Knight. The 14 opponents were: David Amess, Tony Baldry, John Bercow, Brian Binley, Christopher Chope, Philip Davies, Nigel Evans, Christopher Fraser, Robert Goodwill, John Greenway, Gerald Howarth, Robert Key, Edward Leigh and Peter Luff

⁴ They were: Alan Beith, Colin Breed, Tim Farron and Greg Mulholland.

⁵ They were: John Bercow, Crispin Blunt, Michael Fabricant, Robert Key and Ed Vaizey.

Criminal Justice and Immigration Bill rebels

Name of MP	Programme	Prison Officers	Sex orientation (Lib Dem)	Sex orientation (Dobbin)
Abbott, Diane		X		
Austin, John		X		
Benton, Joe				X
Burgon, Colin		X		
Campbell, Ronnie		X		X
Caton, Martin		X		
Clapham, Michael		X		
Clark, Katy		X		
Connarty, Michael		X		
Corbyn, Jeremy		X	X	
Cousins, Jim		X		
Cruddas, Jon		X		
Cryer, Ann		X		
Cummings, John		X		
Drew, David		X		X
Dobbin, Jim				X
Etherington, Bill		X		
Flynn, Paul		X		X
Gerrard, Neil		X		
Gibson, Dr Ian		X		
Godsiff, Roger				X
Hamilton, David		X		
Havard, Dai		X		
Hoey, Kate		X		X
Hopkins, Kelvin		X		
Jones, Dr Lynne	X	X		
Kilfoyle, Peter				X
Mactaggart, Fiona	X			
McDonnell, John		X	X	
Meale, Alan		X		
Moffat, Anne		X		
Murphy, Denis		X		
Pope, Greg				X
Prentice, Gordon		X		
Robinson, Geoffrey				X
Sheridan, Jim		X		
Skinner, Dennis		X		
Smith, Geraldine		X		X
Taylor, David		X		X
Trickett, Jon		X		
Truswell, Paul		A		
Turner, Dr Desmond		X		
Vaz, Keith		X		
Wareing, Robert		X	X	
Winnick, David		X		