

## **The Labour rebellion over presumed consent**

PHILIP COWLEY and MARK STUART\*

On Monday 28 June, an attempt by the Liberal Democrat MP Dr Evan Harris to introduce 'presumed consent' into the process of organ donation failed by 307 votes to 60, a Government majority of 247.

The vote came during the Report stage of the Human Tissue Bill; if passed the new clause would have made organ donation automatic unless someone had previously registered their objections.

### **The issue**

Harris argued that the present system was not working, with the numbers registering as donors falling dramatically. The Minister of State for Health, Rosie Winterton reminded the House of the purpose of the Bill, which was to ban the unauthorised retention of body parts after the scandals of Alder Hey, Liverpool and Bristol Royal Infirmary. The whole basis of the Bill, she argued, was about informed consent, and it would therefore be wrong – as well as potentially counter-productive – to introduce elements of presumed consent.

Much of the controversy in the debate centred around the Government's insistence on a whipped vote. Both the Conservatives and the Liberal Democrats were allowed a free vote. The latter was slightly unusual given the Liberal Democrats' usual practice of whipping if they have party policy on an issue, as they did in favour of presumed consent.

Stephen Pound, voting against the Government for only the second time in his parliamentary career, claimed that the Government had erred by not allowing a free vote. Gwyneth Dunwoody pointed out – slightly mischievously – that the Labour party rulebook allowed MPs to vote as they wished on conscience issues, implying that it didn't matter how the government classified the vote, if MPs felt strongly about it. Health Secretary John Reid argued that the decision over what should happen to a person's body should be a matter for individual conscience. It was not for Parliament, by free vote or any vote, to impose upon people what happened to their bodies after death.

### **The rebels**

The turnout on the vote was low, as the Labour whips had allowed many Labour an extra day in their constituency, no doubt because they thought (almost certainly correctly) that this would help reduce the scale of the rebellion.

Pound and Dunwoody were joined by 17 other Labour MPs in defying their whip to vote for the clause. They included two former Cabinet Ministers, Robin Cook and Clare Short, and are listed below.

The 19 rebels were a curious mixture. All 19 had already rebelled during the 2001 Parliament, but they were a combination of those who have done so frequently (at least relative to other Labour MPs) and those for whom rebellion was a much more infrequent activity.

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\* University of Nottingham. This paper draws on research funded by the Economic and Social Research Council. Further information is available from [revolts@nottingham.ac.uk](mailto:revolts@nottingham.ac.uk) or [philip.cowley@nottingham.ac.uk](mailto:philip.cowley@nottingham.ac.uk).

Of the 36 Labour MPs who had been the most rebellious during the Parliament – those who had previously rebelled over at least half the issues to have caused backbench rebellion – eight rebelled over presumed consent: David Taylor, Bob Marshall-Andrews, Jeremy Corbyn, Lynne Jones, Brian Sedgemore, John McDonnell, Kelvin Hopkins, and Dennis Skinner. It is, however, striking how this list includes six of the eight most hardcore rebels.

The remaining 11 rebels included some Labour MPs with reputations for voting against the party whip, but whose voting record is not as rebellious as their reputation – such as Gwyneth Dunwoody and Tam Dalyell – as well as several MPs – like Rachel Squire - who had voted against their whip just once before.

### **1. Labour rebels over presumed consent**

Robin Cook  
Jeremy Corbyn  
Tam Dalyell  
Gwyneth Dunwoody  
Kelvin Hopkins  
Lynne Jones  
John McDonnell  
Tony McWalter  
Robert Marshall-Andrews  
Lewis Moonie  
Peter Pike  
Stephen Pound  
Brian Sedgemore  
Clare Short  
Dennis Skinner  
Rachel Squire  
David Taylor  
Alan Williams  
Tony Wright (Cannock)

The former Tory leader, Iain Duncan Smith was one of 18 Conservative MPs to support Evan Harris's new clause, whilst 47 Conservative MPs voted against. The Liberal Democrats voted by 22 votes to nine in favour of Harris's clause.