

## **The Ones to Watch: the Terrorism Bill**

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Wednesday night (26 October) sees the Second Reading of the Terrorism Bill. The behaviour of Labour MPs at the Second Readings of anti-terrorism legislation has been varied in recent years – and is not necessarily a good guide as to the size of rebellions during the later stages of a Bill's passage.

This short briefing paper explains the behaviour seen in recent years over anti-terrorism legislation and identifies the MPs whose behaviour will be crucial in determining the extent of the difficulties the Government might find themselves in. It also provides some simple historical comparisons in advance of the vote.

### **Second Reading and after**

Not all anti-terrorism legislation has generated large rebellions from Labour MPs.

For example, the Second Reading of the Anti-Terrorism, Crime and Security Bill (on 19 November 2001), just a few months after 9/11, saw just four Labour MPs (along with three Conservatives) vote against the Government. (It is worth noting that of these, only one (Jeremy Corbyn) is still in the Labour party; the other three being George Galloway, Paul Marsden and Brian Sedgmore).

On the other hand, the Second Reading of the Prevention of Terrorism Bill in the pre-election session (23 February 2005) saw 32 Labour MPs vote against the Government.

But one constant with both bills was that far more Labour MPs then went on to vote against the Government later during the Bill's passage than did so on Second Reading.

- The Anti-Terrorism, Crime and Security Bill saw just four MPs rebel at Second Reading, but 43 did so at some point during the Bill's passage.
- Similarly, the 32 who rebelled at the Second Reading of the Prevention of Terrorism Bill were dwarfed by the 77 who rebelled at some point during the Bill's passage.

During the last Parliament (2001-2005) it became increasingly common for backbench critics to rebel in numbers at Second Reading – and to try to kill an entire bill – rather than hold fire until a Bill's latter stages, where they could move more detailed amendments. That was not true, however, of the some of the anti-terror legislation, and so it seems unlikely that Wednesday's Second Reading rebellion will mark the high point of the Government's difficulties over the legislation. Instead it will be the warning shot – with many MPs expecting to see the Government move further during the Bill's passage through Parliament.

This was Charles Clarke's tactic during both the two high profile bills he took through the Commons during the last Parliament: the Higher Education Bill and

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the Prevention of Terrorism Bill. Both saw a rolling programme of concessions, with the Government giving ground at multiple points as the bills worked their way through Parliament. (This was also the tactic employed by Clarke's predecessor as Home Secretary, David Blunkett, during the passage of the Anti-Terrorism, Crime and Security Bill).

### **Potential rebels**

The Government's nominal majority is 66. Its effective majority – including the non-voting Sinn Fein MPs – is 71. Assuming a full (and anti-government) turnout by MPs from other parties, it requires 36 Labour MPs to vote against their whip to inflict a Government defeat. Of the 77 Labour MPs who rebelled in 2005 on the Prevention of Terrorism Bill, 13 have since retired, eight were defeated at the election, one (Robin Cook) has since died, and one (Vera Baird) has become a PPS. That leaves 54 sitting on the Government backbenches. They are listed below.

### **Labour MPs to watch:**

#### **Labour backbenchers who rebelled on the Prevention of Terrorism Bill, 2005.**

Abbott, Diane	Gerrard, Neil	McDonnell, John
Allen, Graham	Gibson, Ian	Meacher, Michael
Austin, John	Godsiff, Roger	Naysmith, Doug
Betts, Clive	Grogan, John	Prentice, Gordon
Burden, Richard	Hamilton, David	Sarwar, Mohammad
Cohen, Harry	Heyes, David	Short, Clare
Connarty, Michael	Havard, Dai	Simpson, Alan
Cook, Frank	Heyes, David	Singh, Marsha
Corbyn, Jeremy	Hoey, Kate	Skinner, Dennis
Cummings, John	Hopkins, Kelvin	Taylor, David
Cunningham, Jim	Jackson, Glenda	Trickett, Jon
Dobson, Frank	Jones, Lynne	Turner, Desmond
Drew, David	Keeble, Sally	Wareing, Robert
Dunwoody, Gwyneth	Kilfoyle, Peter	Williams, Alan
Etherington, Bill	Lloyd, Tony	Winnick, David
Field, Frank	Mackinlay, Andrew	Wood, Mike
Fisher, Mark	Marris, Rob	Wyatt, Derek
Flynn, Paul	Marshall-Andrews,	
Follett, Barbara	Bob	

*Note:* in addition, two Labour MPs from the new intake, Katy Clark and Linda Riordan, have already shown a propensity to vote against the Government in this Parliament.

### **Some simple historical comparisons**

The largest Labour backbench rebellion of the 2005 Parliament so far has been the 25 Labour MPs who rebelled over ID cards (18 October), reducing the Government's majority to 25 (the lowest it has been since 2005).

The largest rebellion by Labour MPs over civil liberties issues was the 62 Labour backbenchers who rebelled over control orders on 28 February, reducing the government's majority to 14, the second lowest since Tony Blair became Prime Minister.

The largest rebellion by Labour MPs ever when in government over civil liberties issues came in July 1977, when 68 Labour MPs supported an amendment to the Criminal Law Bill, which would have allowed a person held under the Prevention of Terrorism Act 1976 to inform a third party of his or her choosing of their arrest and place of detention. Then, the Government went down to defeat by three votes.

The smallest government majority since 1997 was five – at the Second Reading of the Higher Education Bill.

A total of 39 Labour MPs have already rebelled during the 2005 Parliament. These are listed in the appendix to this paper, together with the number of times they have voted against the Government since 2005.

## Appendix

Labour rebels since the 2005 election, by 21 October 2005.

<i>Name</i>	<i>Number of votes against the whip, 2005-</i>
McDonnell, John	12
Marshall-Andrews, Bob	11
Corbyn, Jeremy	10
Fisher, Mark	8
Jones, Lynne	8
Short, Clare	8
Clark, Katy*	7
Hoey, Kate	7
Simpson, Alan	7
Flynn, Paul	6
Hopkins, Kelvin	6
Jackson, Glenda	6
Wareing, Bob	6
Riordan, Linda*	5
Taylor, David	5
Gibson, Ian	4
Wood, Mike	4
Abbott, Diane	3
Clapham, Michael	3
Dunwoody, Gwyneth	3
Gerrard, Neil	3
Smith, Geraldine	3
Smith, John	3
Winnick, David	3
Challen, Colin	2
Cook, Frank	2
Drew, David	2
Mitchell, Austin	2
Skinner, Dennis	2
Caton, Martin	1
Connarty, Michael	1
Cryer, Ann	1
Field, Frank	1
Grogan, John	1
Hamilton, David	1
Lloyd, Tony	1
Love, Andy	1
Owen, Albert	1
Prentice, Gordon	1

*Note:* \* indicates the two members of the 2005 intake to have rebelled so far.