

## **Who cares if it's three or one?: The Terrorism Bill's First Day in Committee**

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The Government survived yesterday (2 November 2005) by a majority of just one during the Committee Stage of the Terrorism Bill. The key vote concerned an amendment moved by Bob Marshall-Andrews, which tried to introduce an element of intention to the new offence of encouragement of terrorism. It resulted in the largest backbench rebellion of the Parliament, and saw the Government's majority reduced to the lowest it has been since 1997.

The Government then retreated in the face of an almost certain defeat over the amount of time suspected terrorists can be held without trial, promising to come back with an alternative proposal in a week's time during Report Stage. Charles Clarke's assurance was sufficient to lead David Winnick to withdraw his amendment, which proposed cutting the 90-day provision to 28 days. No division was taken. The Committee stage of the Bill continues today (3 November 2005).

This short briefing paper identifies the rebels, gives some brief historical comparisons, and explains why the majority does not match up with the published lists.

### **What was the majority?**

There appears to be a mistake in the division lists, as published by Hansard online.

The published results for the key vote were 299 (for the amendment) against 300 (against). Such figures exclude tellers.

Yet according to the published list, on the key vote there were only 299 MPs *including* tellers voting for the amendment.

The 299 were 186 Conservative, 60 LibDem, 32 Labour, 9 DUP, 6 SNP, 3 PC, 2 others (Peter Law and Richard Taylor), and 1 SDLP)

The Government lobby appears to be correct, comprising 302 MPs including tellers. That is, 301 Labour MPs, plus the only Ulster Unionist MP, Lady Sylvia Hermon.

So, either the Government actually won by a majority of three – or two names were missed out of the published lists of the aye lobby.

It appears as if the latter explanation is the correct one – with the published lists missing two MPs. We believe these are Gordon Prentice and Harry Cohen, both Labour MPs, both rebelling, although this has not yet been confirmed, nor has Hansard published a correction.

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## **Narrow or non-existent majorities**

Whether it was three or one, the vote on 'intent' was the narrowest majority on a whipped vote since Tony Blair became Prime Minister in 1997, beating the majority of five achieved over the Higher Education Bill in February 2004. Had the Government gone down to defeat on the Winnick amendment it would have been the first Commons defeat suffered on a whipped vote by the Blair Government.

The last time a government was defeated on a whipped vote in the Commons was December 1995, when the Major Government went down on an EU Fisheries 'take note' motion. This was one of four defeats that the Major Government suffered on whipped votes between 1992 and 1997: two connected to the Maastricht Bill, a vote on VAT on fuel, and the fisheries take note motion.

The Major Government also achieved a majority of one, on a vote on the Scott Report on Arms-to-Iraq in February 1996.

The last time a Labour Government was defeated as a result of backbench dissent was 22 March 1979, just a few days before the fall of the Labour Government, over a Conservative Opposition Prayer to annul increases in fees for firearms certificates). That was one of 59 defeats they suffered - of which 36 were attributed to the Government's minority status, but 23 of which were the result of backbench dissent.

## **The rebels**

As well as the key vote, there were two other important backbench rebellions, reducing the Government's majority to 30 and 16 respectively. Fourteen Labour backbenchers supported a Conservative frontbench amendment that would have tried to ensure that the offence of encouragement of terrorism could not be committed by negligence by adding two tests: one of specific intent, the other of recklessness. After the key vote, 27 Labour MPs voted in favour of another Conservative frontbench amendment that would have deleted the glorification of terrorism provision entirely from the Bill.

So according to Hansard, the rebellions last night involved 14, 32, and 27 Labour MPs. For reasons we have explained above, we suspect that the actual totals are 14, 34, and 27. We list those MPs in the Appendix to this paper.

They include eight Labour MPs who had all rebelled in the previous Parliament, but had so far held back rebelling in the new Parliament, until now: John Austin, Richard Burden, Harry Cohen, Frank Dobson, Peter Kilfoyle, Michael Meacher, George Mudie and Jon Trickett. This brings the number of Labour backbenchers to have defied the whips in this Parliament to 48 already, easily enough MPs to inflict a defeat on the Government.

However, as in previous votes, not all of the rebels voted against the Government at the same time. Even those who had previously voted against the Bill did not all rebel last night. David Hamilton, who had voted against the Government at Second Reading, voted for the Government last night, while Mike Wood, who had also voted against the Government at Second Reading, appears to have abstained.

Several other backbenchers were critical of the Government in voice but not vote, including John Denham, the Chairman of the Home Affairs Select Committee.

There were also absences from the other parties, including two Liberal Democrats, more than 10 Conservatives, and – perhaps most surprisingly of all, given the subject matter under discussion – George Galloway.

As a result of last night's voting, there have now been 20 Labour backbench rebellions in this Parliament – which equates to a rebellion in 27% of divisions – averaging 13 Labour MPs per rebellion.

## Labour rebels during the Terrorism Bill's first day in Committee

<i>Name of MP</i>	<i>Negligence</i>	<i>Intent</i>	<i>Delete Glorification</i>
Abbott, Diane		X	X
Austin, John		X	X
Burden, Richard		X	X
Caton, Martin		X	
Clapham, Michael	X	X	
Clark, Katy		X	X
Cohen, Harry		X (?)	
Corbyn, Jeremy	X	X	X
Cousins, Jim		X	X
Cryer, Ann		X	
Dobson, Frank		X	X
Dunwoody, Gwyneth		X	X
Fisher, Mark	X	X	X
Gerrard, Neil		X	X
Gibson, Ian	X	X	X
Grogan, John		X	X
Hoey, Kate	X	X	X
Hopkins, Kelvin	X	X	X
Jackson, Glenda	X	X	X
Jones, Lynne	X	X	X
Kilfoyle, Peter		X	X
Love, Andy		X	X
Marshall-Andrews, Bob	X	X	X
McDonnell, John	X	X	X
Meacher, Michael		X	
Mudie, George		X	X
Prentice, Gordon	X	X (?)	X
Riordan, Linda		X	X
Short, Clare	X	X	X
Simpson, Alan	X	X	X
Skinner, Dennis		X	
Taylor, David		X	
Trickett, Jon		X	X
Wareing, Bob	X	X	X

*Note:* X indicates a vote against the Government; ? indicates a vote that is believed to have occurred, but which Hansard does not currently record.