AM: Elizabeth Truss, you may have heard Peter Mandelson saying that he thought the House of Lords would probably defeat the government and amend the Article 50 legislation and then send it back to the House of Commons, and that he hoped the process went on for as long as possible. Will the government use the Parliament Act to stop that process and speed it up?

LT: Well, I just listened to Peter Mandelson, it was like the referendum had never happened. I mean, he seemed to be making the same argument that was being made last year and which the British people rejected. So he needs to move on, and the Labour Party need to move on, because we are now in a new reality. So he’s a blast from the past, frankly, in terms of what he’s saying.

AM: But if the House of Lords doesn’t move on and amends the legislation, do you use the Parliament Act?  
LT: Well, he was very clear that the House of Commons is the elected house. We passed it with an overwhelming majority. It wasn’t true, which he claimed, that it was forced through on Conservative votes alone. Many of the Labour Party voted for Article 50 to be triggered. So the fact is it was voted for conclusively in the House of Commons. The leader of the Lords said on your show last week that they wouldn’t be holding it up, that they were looking at scrutinising. The fact is it’s a simple Bill on do we trigger Article 50? The British people have voted for that, they were clear in the referendum, and the House of Lords now needs to get on with it. Which is what I understand they will be doing, despite what Peter Mandelson claims.
AM: Simple Bill, simple question: will you use the Parliament Act if you have to?
LT: As I’ve said, I fully expect the House of Lords will recognise the will of the people and the will of the House of Commons, which was overwhelming and passed that legislation.

AM: Now, crucial to all of this whether Article 50, once it’s triggered, can be revoked again as you know, there’s a court case going through the Irish courts and possibly to the European Court about this. What is your legal advice as to whether Article 50 is a one-way ticket? Can it be revoked?
LT: Well, we’ve been through a case already in the High Court and the Supreme Court. They were very clear.
AM: But I’m not talking about this I’m talking about something very different
LT: The point here, this is not a legal question –
AM: It is.
LT: - this is a political question. The British people have voted to leave the European Union. All of those arguments were aired in the referendum last year. We were all on the TV shows making these points, those points have been made, and people like Peter Mandelson –
AM: I’m sorry, I’m really sorry, this is not a political point, this is a legal question as to whether legally Article 50 can be revoked or not, and I’m asking you as Justice Secretary what your advice is?
LT: As Lord Chancellor I do not make legal decisions. Those are made in the courts.
AM: But you get advice.
LT: The judges make the decision, that’s why we have an independent judiciary. But the point I’m making is that Peter Mandelson and others in the Labour Party who are trying to frustrate the will of the British people need to think how they can contribute to making Britain a success post-Brexit. Mandelson has lots of trade experience, why doesn’t he think about how he can
LIZ TRUSS

help get those good trade deals rather than trying to re-fight a battle which he conclusively lost last year?

AM: So you have no idea whether Article 50 is revocable or not?
LT: What I’m saying is that people can take –
AM: Now, I’m asking a very straight question.
LT: - people can take cases to court. My understanding is it’s irrevocable-
AM: Right that’s what I wanted to hear-
LT: - and when we press the button that will –
AM: That’s it.
LT: - go forward. But regardless of that situation, this is the settled will of the British people, and I think people who are trying to fight yesterday’s battle need to join us in making a success of global Britain. The Prime Minister set out a very clear vision and that’s what we need to get on with.

AM: Okay. During that referendum campaign, when everybody was sitting in chairs and talking about the arguments, you were on the same side as Peter Mandelson, you were a Remain voter. If Tony Blair got his way and there was a second referendum, would you change your mind or not?
LT: I would vote for Out. Absolutely.
AM: So you have changed your mind.
LT: I would vote for out because it’s the settled will of the British people. We now are on an irrevocable path to leaving the European Union. We have a clear vision of what we want to achieve, and times have changed, Andrew.

AM: So the arguments you used before were wrong, you have changed your mind. If that is so, why can’t the British people, if the circumstances have changed, change their minds too?
LT: The British people haven’t changed their mind, Andrew. You need to go about the country, you need to meet people and hear what they’re saying. And the people that I talk to say, ‘get on with
it.’ We want to get on with it. We want to get Britain to a status of being an independent country, being free of the auspices of the European Court, getting on with those trade deals, doing what we need to do to reform our country, whether it’s through our education system, our health service, what I’m talking about, the prison system, that’s what we need to be getting on with, not fighting yesterday’s battle, which is what some people seem to be determined to do.

AM: When the Supreme Court was attacked by the press for its judgement, a lot of people thought you were very, very slow to respond. Lord Neuberger, who’s President of the court, said this week that, ‘after the hearing, I think they,’ – politicians, by which he meant you – ‘could have been quicker and clearer. But we all learn by experience, whether politicians or judges.’ Have you learnt from that experience?

LT: Well, first of all I say I think it’s fantastic that Lord Neuberger went out in public this week talking about the Supreme Court, talking about the new positions available on the Supreme Court. I want to see a wider variety of people applying for those jobs. It’s incredibly important. And I want to see our senior judges, like David Neuberger - and I encouraged him to go on the media to talk about the Supreme court – I want to see them talking about the judiciary, the role of the rule of law, their role in our constitution, that’s incredibly important. But, Andrew, I will never say to the media what they should be printing on their headlines. I think it would be totally wrong for a government minister to go around saying, ‘this is acceptable, this isn’t acceptable.’ The fact is, in the modern world, all of us, whether we’re journalists, politicians, captains of industry, whether we work in the church, are all subject to scrutiny, and that’s absolutely right.

AM: Do you disagree with Lord Judge, who said that your words were, ‘too little too late.’ He said it’s a constitutional obligation on
the Lord Chancellor to speak and on this issue there has been silence. She is, in relative terms, a very inexperienced politician with no legal experience, who has been silent and answered to Downing Street when she should have been independent.’

LT: I will not criticise and say to the free press what they should write in their headlines. Of course it’s incredibly important that we have an independent judiciary and the rule of law in operation in this country. It’s been in operation for hundreds of years. But we’re entering a new era –

AM: So it’s fine to describe judges as enemies of the people.

LT: I didn’t say that at all. What I said was that I will not say to the press what they can and can’t write in their headlines, because freedom of the press is another really important part of our democracy, just like independence of the judiciary, and I want to see our senior judiciary, whether it’s David Neuberger, whether it’s the Lord Chief Justice, talking in public about what they do. I think the Supreme Court case was very helpful in terms of explaining to the public what judges do, what role they play in our constitution. We need more of that, Andrew. More of that.

AM: Alright, let’s move on to prisons. You made a speech this week. There is a crisis in our prisons now, isn’t there? 119 suicides last year, which is a record high, and more than 25,000 assaults, a 31 per cent increase in Britain’s prisons. That is a crisis.

LT: There is a very difficult situation in our prisons. I have acknowledged that. It’s been building for a number of years. But I don’t believe the people who say that things can’t get better, or that we need to suddenly release half of all the people in prisons to deal with it. We do have a plan. We’re recruiting more officers, and for the first time ever – and this is what we’re doing with the Prison and Courts Bill this week – we’re going to be saying that purpose of prisons is of course about punishing people, but it also has to be about reforming them. Because at the moment in legislation, as Secretary of State all I am responsible for is housing
prisoners. I think that’s wrong, because you – you know, you talk about violence, Andrew, but that is not the only problem. The other problem is we’re not reforming people. Within a year half of those people will go out and commit another crime, and that is a huge problem as well, and we need to deal with both of those things.

Q: Recidivism and the violence are connected because you’ve lost 6,000 police officers since the government –

LT: Prison officers.

AM: Prison officers, sorry, since the government came into power, since 2010. 6,000. Now, you’re recruiting another two and a half thousand, but you’re not going to get back up to the same numbers as you had in 2010 are you?

LT: No, because the world has changed and we’re digitising our prisons and we’re running them in different ways. But can I just answer this specific point, Andrew. What this will enable us to do is for every prison officer, they will have a caseload of six offenders that they are supervising. They’re encouraging them, keeping them safe, but also encouraging them to do the English and maths they need, to get off drugs, to get into employment and all those things. And that number works, we’ve tested that.

AM: You saw the reality, presumably, on that Panorama programme.

LT: I’ve seen the reality in our prisons, Andrew. I’ve visited 15 of our prisons. I’ve seen what goes on in our prisons.

AM: What were you thinking when you saw the appalling scenes, prisoners running wings of the prison, drugs freely available, officers completely losing it?

LT: Well, this is exactly what I thought when I arrived in the job in July, that it isn’t good enough, that we need to deal with it, that’s why we’re investing £100 million in more prison officers, that’s why we’ve got the Prison and Courts Bill, so that we’re
reforming people in our jails as well as housing them, which is incredibly important.

AM: Sure.

LT: But this will take time. It’s not something you can sort out in weeks or months. It takes time to recruit people, it takes time to bring those people on. But I’m absolutely determined to deal with that, Andrew, absolutely determined.

AM: Your former colleague, Jonathan Aitken is very, very – he’s been a prisoner, he’s been in charge of government departments, he says, ‘this crisis is caused by the Treasury and Justice Secretaries, who are making swingeing and unjustified cuts.’ If you look at the huge rise in prisoner numbers and a fall in prison officers, the story is very clear. You have cut too deeply.

LT: Andrew, there has not been a rise in the number of prisoners. It’s been 85,000 since 2010. So the number of prisoners has stayed the same. And in fact what’s happened is we are putting away a record number of sex offenders, so we’ve got 3,000 more sex offenders, and we’ve got fewer people going to prison. So the number of prisoners –

AM: We’re out of time here, I’m afraid, Justice Secretary, but thank you very much anyway.

(ends)