

Northern Ireland Affairs Committee

Oral evidence: Work of the Secretary of State for Northern Ireland, HC 161

Monday 28 March 2022

Ordered by the House of Commons to be published on 28 March 2022.

[Watch the meeting](#)

Members present: Simon Hoare (Chair); Scott Benton; Stephen Farry; Mary Kelly Foy; Mr Robert Goodwill; Claire Hanna; Ian Paisley; Stephanie Peacock; Bob Stewart.

Questions 227 - 325

Witnesses

I: Rt Hon. Brandon Lewis MP, Secretary of State for Northern Ireland; Madeleine Alessandri, Permanent Secretary, Northern Ireland Office; and Colin Perry, Director, Economy and Protocol, Northern Ireland Office.



Examination of witnesses

Witnesses: Rt Hon. Brandon Lewis MP, Madeleine Alessandri and Colin Perry.

Q227 **Chair:** Good afternoon, colleagues, and good afternoon, Secretary of State and team. Thank you for joining us this afternoon. We have a lot to go through, as you can imagine, Secretary of State, so let us make a start. There were horrible scenes seen, as we know, last Friday, with Minister Coveney—things that probably all of us hoped we would not see again. You will not be at all surprised to know that we would be interested to hear your assessment of that and where you think things may be headed. Also, there was what we had all cheered earlier in the week on the change to the security assessment in Northern Ireland. Has thinking altered on that as a result of Friday's activities and some of the more inflammatory language that we are possibly hearing at protocol demonstrations?

Brandon Lewis: Yes. It is a stark reminder of the reality. It does not change the decision made last week. These things are always kept under review. It was good news to see things moved from "severe" to "substantial", as you say, last week. I absolutely agree with that. As I said last week, we must not let that distract us from the reality that even at "substantial", having moved down, the definition of that is that an attack is likely. It just moves from being highly likely to likely. We should not underestimate the reality of what that means. We are "substantial" across the UK now. It means that in Northern Ireland we still need to be alert to the reality of the risks. As I said last week, for people, if they see things that they are concerned about, they should make sure they report them.

In terms of what happened at the end of last week, I personally think Northern Ireland and the wider society and civic society of Northern Ireland is far better represented by the excitement and positivity of things like the Oscars result with Sir Kenneth Branagh last night. That highlights an industry in Northern Ireland that is doing phenomenally well and should be loudly applauded. Society is much more focused on that kind of positive way forward than the sorts of acts that we saw at the end of last week.

The security alert that we saw in north Belfast was declared, thankfully, a hoax, but it underlines the reality that there are some people who want to do what they can to either cause harm to others to disrupt a positive way forward for Northern Ireland. It is all of our jobs, across Northern Ireland—those who are elected in Northern Ireland and those who sit in the UK Government and beyond—to ensure that they do not prevail.

The overwhelming position of people in Northern Ireland is that the small minority who seek to behave in often a cowardly way like that are certainly not seen to come out of it in any positive way. They should not; they must not. It was right that Minister Coveney was able to and did carry on and finish the rest of his day as planned. We have to carry on



and show that that kind of activity will not disrupt the positive move forward for Northern Ireland. There is so much going on in Northern Ireland that is positive.

Q228 Chair: Would you share my assessment that we have a way of doing things in this country—of effecting change? It is through discourse and through the ballot box. For those who purport to be British citizens and acting under that umbrella, if you will, that sort of behaviour is a very un-British way of doing politics, is not the way to effect change and will not be successful.

Brandon Lewis: Absolutely; I could not agree more. It repulses most of society, not just the British but for the people of Northern Ireland. We saw that last week. We have seen it time and again over the last couple of years. When civic society and wider society think that they are being let down by people like that, they are not going to let it get in their way. They are carrying on and getting things done. That is the right way to go. We have to make sure that that kind of behaviour does not prevail in any form whatsoever.

The right way to go forward is a democratic process. Discussion and negotiation is what has brought the big steps forward in Northern Ireland and has to be the only way that we can see things moving forward in the right way. People want to see that kind of approach. I absolutely agree.

Q229 Chair: Finally on this, should the PSNI require additional resource from colleagues in the Home Office, do you stand ready to facilitate those requirements in order to underpin the security of the citizens and visitors to Northern Ireland?

Brandon Lewis: There are a couple of things on that. PSNI's resourcing comes through the Northern Ireland Executive, which has substantial underspend itself if it wants to put more money into the PSNI. The NIO is another source of its funding. If it is looking and feels it requires extra resources for any reason, it is never shy in talking to us. We will always have those discussions and look at what is viable, appropriate and right to make sure it has the funding that it needs.

Q230 Chair: It may not be just for funding. It may be actual resource.

Brandon Lewis: Yes. When I talk about resource, I mean in the widest sense. We have supported them and worked with them on issues where they may require resource from partners around the UK from time to time. We will always work with them and support them on that, as we have done.

While we are here at Committee and talking about PSNI, huge credit is due to PSNI. The way it handled things over the last period, working with partners to allow that threat level to come down, in itself is a credit, not least to PSNI and partners. Also, specifically, there is the way it handled last week. I am sure he will not mind me saying, but Minister Coveney himself particularly messaged me to say to me how professionally he



thought PSNI had acted. It is right that it gets the public positive feedback around the way it handled last week and matters over the weekend.

Q231 **Stephen Farry:** I have a follow-up on the Chair's questions. First, I want to place on the record our thanks to the PSNI, the security service and indeed all others who were involved in the work that has allowed the security threat to be downgraded, albeit with all the caveats that you have said around the ongoing threat.

I am conscious that we treat dissident republicans as a national security threat, so the responsibility is for the UK Government and at a Northern Ireland level. However, loyalists have tended in recent years to be treated purely as a domestic criminality issues for Northern Ireland authorities to manage. In light of what happened last week and other threats that have been made, are the Government likely to reconsider the wider approach and perhaps begin to treat them also as a national security threat, as well as being a domestic criminality threat?

Brandon Lewis: There are very clear delineations between what is devolved and what is treated in one format by the Executive through the DoJ and, directly, the PSNI, and through us. There are no plans to change that at the moment. On a whole range of issues, we all work together, as we have done and I have been part of over the last couple of years, to make sure we are bringing all the resources that we have, both in Northern Ireland and across the UK, to the benefit of the safety and security of people in Northern Ireland. That is always done in partnership.

Madeleine Alessandri: There is a continuum. What we see as incredibly important is to make sure that all the capabilities that are available at the devolved level or of the state are brought to bear on anything to do with the safety of the people of Northern Ireland. You cannot often put things in neat boxes, so it is important to see things as a continuum.

Brandon Lewis: As you have given me this segue by referring to the loyalist paramilitaries in that way, it is important to also give credit to the work done by the IRC, which I am very pleased we have just last week announced we have been able to reappoint. There is their fourth report, which is quite important, and how we look at the next steps forward, not least of all because it is important that more often than not we should not be referring to loyalist paramilitaries, because they are not. They are criminal drug dealers and thugs. The people who are criminal drug dealers and thugs should be treated in the way and given the least amount of respect that that kind of activity warrants.

Q232 **Stephen Farry:** I would certainly be very keen that you keep under review the potential to reassess that.

Brandon Lewis: That is only in the sense that we will always give all the support we can, working with the DoJ and the PSNI, to whatever they need to keep people safe in Northern Ireland.



Q233 **Claire Hanna:** I wanted to ask your view on the touring protests happening against the protocol. You will possibly be aware of the decision by the Ulster Unionist Party leader, Doug Beattie, to disengage with the event, presumably because he, like a lot of us, can join the dots after five decades of this. Blood and thunder rhetoric is given from a platform and ultimately, whenever people start to get hurt—they always do start to get hurt afterwards, like the man who was violently pulled out of his van on Friday; like presumably what was attempted at Doug Beattie's office last night—those who come up with the rhetoric always do a Pontius Pilate after they have riled up the angry men.

Given that your democratic counterpart, Simon Coveney, was essentially threatened at a rally on Friday, at which no word of condemnation was offered at that event, do you believe this is a moment to reflect and urge an end to or a tempering of those protests? Nobody is saying anyone should forgo their right to protest. As Doug Beattie has courageously done, I know in my party there is a movement where we have urged people to temper and balance their right to protest with the right of others to live in peace and security.

Do you believe that this is a moment to urge people to proceed with caution in those events, given that we are in an election period? The people attending those events have a real-time opportunity to express their views democratically at the ballot box, which I think we will all agree is the appropriate way for people to express their views. Would you like to offer support to Doug Beattie or to add your words to how you believe people should proceed with those protests?

Brandon Lewis: I am very happy to answer that. In terms of the specific issue around Doug Beattie and what we saw at his office, overnight as it were, again it is an example of a despicable, pretty cowardly action. Doug is someone who has served 30 years in the armed forces. He is someone who is used to dealing with things and handling these things. In a political world, it is not what you should have to deal with.

It follows up on pretty despicable actions, as I say, in terms of the Hume event on 25 March as well. It is right that everybody condemns both of those kinds of actions. Obviously one is particularly serious, in terms of what happened on 25 March. There is no excuse for the kind of behaviour we saw yesterday with Doug Beattie's or anybody else's office. Sadly, we have seen graffiti and things over the last couple of years as well.

In terms of protests, I saw on Twitter and in the media coverage the position the UUP has taken. I am going to be a bit careful in terms of giving comment about what I think people should or should not be doing through the election period. That is a matter for the politicians who are up for election to take a view on.

I would defend people's right to peaceful protest. That is part of British society. It is absolutely right as part of freedom of speech, but it should be peaceful protest, done in the right way. If people have a view about it,



we need to defend their right to make sure their view is heard, but they should be doing it in the right way. They should not be doing it in a way that causes harm to others and disrupts other people's lives.

Q234 **Claire Hanna:** There is rhetoric about upping the heat. Many of us from Northern Ireland do not hear words like that and not think of the three Quinn boys, who were murdered after a rally like that, in their beds, by people who were riled up by blood and thunder rhetoric. Do you think that that is constructive language? Do you think that it is helping to resolve the issues around the protocol?

Brandon Lewis: I have always thought, and I have a fairly strong track record over various jobs over the years of making the point, that, as politicians, we all have a duty to think about the language we are using and be very aware that language has consequences. What we say has consequences. As I say, that should not interfere with people's freedom of speech and their ability and right to protest on something. They should be protesting in an appropriate and safe way.

Q235 **Chair:** I take your point entirely about what should be self-imposed strictures on politicians. What of those who are not, who may be taking part in a peaceful demonstration, but who use language that incites violence or appears to condone the use of violence as a political tool? What is your message to them and indeed to law enforcement on that?

Brandon Lewis: My message to all politicians, and I say this as someone who—

Chair: I am talking about those who are not politicians.

Brandon Lewis: Anybody has a right to freedom of speech, but everybody should be using their freedom of speech and their right to protest in a peaceful way that does not cause damage to others. We are now in a pre-election period. I am not going to give comments about what particular politicians who are up for election may or may not have said or be saying in the weeks ahead, because they have not done anything yet.

All politicians and those taking part in protests should be conscious that language means something. We have to also balance that, and I will defend people's right to freedom of speech and freedom to protest in an appropriate and proper way.

Q236 **Chair:** That is a given. I am tempted to say, "Here we go again," with regards to power sharing in the Stormont institutions. We find ourselves in another situation. Can you tell us what the Government and your Department are doing to encourage the re-establishment of fully functioning institutions at Stormont? What are your secondary plans? If those are not successful, where do we go from here?

I presume that you will accept the basis of my thinking. Having had an interregnum for three years, where public policy delivery effectively trod



HOUSE OF COMMONS

water, and then the distraction of Covid, now is the time when everybody in Northern Ireland, irrespective of their traditions, political allegiances or whatever, is looking to politicians to deliver timely solutions to pressing problems, not least the cost of living.

Brandon Lewis: Yes, absolutely. Credit to all the politicians of all parties of Stormont, who came back into power sharing at the beginning of 2020, literally days before we were all dealt the blow of Covid that has been with us for the last couple of years, and through some really quite difficult periods. It is not surprising, when you have five very different political parties, that they are occasionally going to disagree on things and that is going to make life challenging in a power-sharing structure.

Throughout that period, pretty much, they have been able to work through that, certainly in the Covid issues that people had to deal with, to find ways through to get things done. I am not saying that it has been a bed of roses at all times between the parties—that is more a matter for them to comment on—but they managed to do that. The people in Northern Ireland have benefited from having that devolved Government up, running and functioning, with the exception of the three days or so last year.

My view has been the same as it was. I made this point when Sinn Féin was refusing to nominate last summer. I made this point when the DUP withdrew the First Minister, Paul Givan, a couple of months ago. Power sharing and devolved government are important. The institutions are important. Parties that are part of the political process and take part in the democratic process should fully take part in that. Therefore, after the elections, I would expect to see all parties nominate as is appropriate from their party position. I have said that to all the party leaders and I will continue to make that point.

You have to be very clear as well that the people of Northern Ireland want to see the Stormont institution up and running, dealing with, as you say, the cost of living issues, being able to get the money that is being put across the UK Government—another £47 million just last week—in Barnett consequential. We want Stormont up and running to make decisions around that for the benefit of people, to get the reforms approved and through on the health service, so we can get on top of a third of the population being on a health waiting list. All these issues are issues that need a functioning Stormont. I will continue to be very clear about that with all politicians of all parties in Northern Ireland.

Q237 **Chair:** How do you move the dial of political operation to a more grown-up rating or level? At the moment, irrespective of what agreements say—“New Decade, New Approach” or whatever it may happen to be—and no matter how much money goes from the Treasury to support a well-meaning and wide range of initiatives, we still have this thing, this modus operandi, of, “I am not getting my own way, or things are not going my own way, or whatever. I have not scored a goal; I am going to take my ball home,” instead of trying to stay on the pitch and score an equaliser



or whatever it may happen to be. You can choose your own metaphor. How do we stop this just leaving the field? It is the people down on the ground who suffer most.

Brandon Lewis: One thing we saw in the three-year interregnum is that it is the people in Northern Ireland who lose out because of, arguably, some of the challenges that the Executive need to deal with. Covid has obviously taken up a huge amount of bandwidth for all Governments across the world over the last couple of years. Some of the issues that have built up, such as the health waiting lists, etc., have built up because we have had three years of no politicians able to make those big decisions.

Sometimes we see in Stormont that there can be challenges around making those big decisions. That is partly why we see such big underspends on a consistent basis. I am pretty confident that we will see a very substantial underspend again this year. That will not be down to whether anybody withdrew from Stormont. For the bulk of this year, Stormont has been up and running and could have moved forward and made those decisions.

That is why the independent Fiscal Council is so important. I am pleased that that is now up and running, but of course the benefits from that will flow in time, rather than immediately, because it is as people are used to seeing the outcome from the independent Fiscal Council reports. This is why it is also important we took through the “New Decade, New Approach” changes with the Bill that we passed, now the Act, to mean that at Stormont, after the elections, the Ministers who are in place can continue for up to 24 weeks. That gives a bit more stability and a bit of focus to people that this is not going to bring down Stormont, but it obviously makes some of those bigger decisions more challenging without having a First or Deputy First Minister.

Ultimately, one thing over the next few weeks is the people of Northern Ireland being clear with their politicians on the doorsteps that they want to see them playing a full part in Stormont. Across civic society, the business community, academics and the public sector—wherever you are in Northern Ireland--I pick up that people want to see Stormont up and running and focusing on making those decisions that need to be made for the benefit of the people of Northern Ireland. That playing through to the politicians who are up for election is key. For me to go any further than that while we are in a pre-election period is probably unhelpful.

Q238 **Chair:** I take that. You will recall, I have little or no doubt, that in this Committee’s report on “New Decade, New Approach”, we recommended to the Government that there should be a working group established, focused on further institutional reform. That recommendation or the need for that recommendation would seem today to be even stronger. What is your thinking on that?



Brandon Lewis: We have an election based on the current set of rules. We need to let the people in Northern Ireland go and vote, and the politicians in Northern Ireland then hopefully nominate and get on with things, based on the rules we have today. It would be unhelpful to get into what people might look at after that. The reality is that we have a set of rules. We have literally just updated them and we have to focus on getting that up and running and delivering.

Q239 **Chair:** Let me have another go by rephrasing it another way. We all recognise the importance to the people of Northern Ireland that a fully functioning devolved Assembly delivers to people in all sorts of areas. You have referenced health, but it is right the way across the board. Can we take any comfort today that, given the overall prize that that delivers, "The rules do not allow it," will not be trotted out as an excuse to stop things getting back up and running? If the rules do not allow it and it is the rules that are the inhibitor, the rules can change.

Brandon Lewis: I would not want to set any hares running around changing rules further, having literally just updated things in line with NDNA. We will be focused on working with the parties to get Stormont up and running.

Q240 **Chair:** The rules are not the 10 commandments, are they? They can be rewritten.

Brandon Lewis: No, they are not. If you look at "New Decade, New Approach", what brought Stormont back in the January of 2020 was a whole range of things that are in that document, some of which have been delivered on. I am quite proud of what we managed to do at the Northern Ireland Office in getting on and doing this even through Covid. There are other areas that have not yet been delivered on that we need to deliver on, across the Irish Government, the Executive itself, the Assembly and ourselves.

Some of those were new things that you could argue are changing the rules. One is around the institution that we did just a few weeks ago. If we are after 5 May and the parties are looking at things that are important to them, we will always talk to them and look at that. The focus has to be on the fact that we have a set of rules. We have a structure of how Stormont works and that is what these elections are based on. When voters go to the ballot box, they will go to the ballot box based on an understanding of the system as it is today. That is what they are voting on, and that is what I think they will expect their politicians to deliver on.

Q241 **Chair:** If the rules do not allow Stormont or provide excuses to stop Stormont working, or reasons it is not going to be working, you are not taking anything off the table, surely.

Brandon Lewis: I am literally saying that, as we have a set of rules in place, have not yet had the election and are in a pre-election period, as



HOUSE OF COMMONS

tempting as it is to think about what might happen in a future period of time, I am not going to get drawn into that.

Chair: You are not giving in to temptation.

Brandon Lewis: It would be immensely unhelpful and also misleading, in the sense that we have an election, the rules are in place and they are the rules this election is being fought on.

Chair: I gave it a good go and you were more than up for the challenge. Shall we turn to something not at all contentious: the Northern Ireland protocol and Brexit?

Q242 **Sir Robert Goodwill:** Welcome, Secretary of State. There are a number of issues that are still outstanding with regard to the protocol and others that I think it would be fair to say have been parked in a place where they cannot stay forever. Can I ask a little bit about the situation on border checks in Northern Ireland ports? Would the suspension of border checks, as we saw Edwin Poots attempting to do, be a breach of the UK's obligations under international law?

Brandon Lewis: First of all, those checks are still ongoing. There is no shift to that.

Sir Robert Goodwill: He tried to stop them.

Brandon Lewis: I appreciate the point, yes. They are still ongoing. Our view is that they are a requirement. They are a legal requirement and it is right that they are continuing. Even taking those away does not necessarily in and of itself even solve some of the issues that businesses are having, certainly for Great Britain to Northern Ireland trade, in terms of the extra paperwork and the restrictions on it. Colin, do you have anything to add to that?

Colin Perry: No. It is as you say. Those checks are in place. They are continuing. There is a court case and it will come to the court. Clearly, there are ongoing discussions about how those checks take place. Some of those checks will fall on the devolved Administration; the Agriculture Department there and the chief vet will make decisions about the kinds of checks that they put in place.

Q243 **Sir Robert Goodwill:** If a similar attempt were to be made, the Secretary of State has powers under section 26 of the Northern Ireland Act to intervene. It says under section 26 of the Northern Ireland Act 1998 that the Secretary of State may direct a Northern Ireland Minister to comply with the UK's international obligations. Is that a power that you feel that you would be prepared to use in that situation?

Brandon Lewis: The fact that section 26 exists means there is a power there that we can use. I would look at using every other means that I possibly could on any issue. On certain other issues, which no doubt we will touch on during the course of this afternoon, I have shown fairly strongly that I will resist using section 26 and try to find other ways of



doing things, in partnership, wherever we possibly can, with the Executive, rather than being tempted into using section 26. I believe in devolution, so I believe in trying to work with the Executive to get things done in a devolved way by the devolved authority as much as we can.

Q244 **Sir Robert Goodwill:** It smacks of those dreadful words, “direct rule”, which nobody wants to mention out loud.

Brandon Lewis: I would definitely much rather work with a devolved authority, delivering on things that are matters for the devolved authority.

Q245 **Sir Robert Goodwill:** We are going into elections at the moment and it is hoped that there will be a power sharing agreement and we will have an Administration in Stormont. In the possibility that that would happen, how would that affect the UK’s ability to meet its international obligations under the protocol?

Brandon Lewis: We have continued to work on the protocol issues even when we have not had the First Minister and Deputy First Minister in place over the last few weeks. I will let Colin come in in a second on this. There are issues around the protocol. We are very clear as the UK Government, and I have said this a number of times on the record. The protocol in its current format is not sustainable. It is not working. It does not work for businesses across Northern Ireland.

When I have met with businesses across Northern Ireland, with the exception of one sector, they are fairly unanimous around their view of the protocol and that the EU’s package offered last October does not resolve the issues either. There are fundamental problems there that we need to resolve. We absolutely need to do that, but that is a matter between the UK Government and the EU, rather than something that is directly for the Executive, in terms of the workings of those negotiations and discussions.

Colin Perry: It slightly comes back to your earlier point around the checks. Those checks are in place. Those checks will continue. It is only the First Minister and Deputy First Minister that are not in place currently. The other Ministers remain in place, so Minister Poots remains Minister for Agriculture. That allows things to continue and officials will be able to continue under instruction from Ministers from here on. It is not quite the case that, in the absence of the First Minister and Deputy First Minister, nothing can happen. Things can and do continue.

Q246 **Sir Robert Goodwill:** There are still some big outstanding issues. Although we have a grace period for retail, that only applies to the bigger retailers. Smaller retailers have problems. There is also process, in my own experience, of Kilkeel Seafoods, for example, which brings in scampi from Scotland and processes it in Northern Ireland, but none of it goes anywhere other than back to the UK for the breadcrumbs we put on the scampi.



HOUSE OF COMMONS

Chair: If you have not read Robert Goodwill's dissertation on the manufacture of scampi, I urge you to do so. It is a right riveting read.

Brandon Lewis: I am aware of the issue.

Chair: He has walked us through the scampi story on many occasions.

Q247 **Sir Robert Goodwill:** I think what the Chair is referring to is that some of the scampi actually comes back to Whitby via Vietnam, where they are shelled by hand, but, whatever, it does not go through the Republic of Ireland. None of it is consumed directly in Northern Ireland. It all goes back. There must be other processors that process food products in Northern Ireland, but that then is not at any risk at all of going into Northern Ireland's market. Is that something you are working on?

I mentioned it to Commissioner Šefčovič when we were in Brussels in November and he seemed to think that there could be a workaround for some specific situations like that. Currently, the scampi has to all go to Glasgow to get a vet to certify it, and that adds time to the journey, more wastage and more cost.

Brandon Lewis: Yes. It is one of the areas we want to resolve. Our fundamental position and the logic behind the Command Paper last July was, rather than keep finding these individual issues, let us resolve the overriding issues so we do not get these individual problems.

There are other examples. We have over 200 businesses in Great Britain not supplying Northern Ireland now because of some of these issues. You have large supermarkets that are moving goods from Great Britain to Northern Ireland in a similar way as you say, Mr Goodwill, to the products of the scampi industry that are moved between Scotland and Northern Ireland and are consumed within the UK, but are still having to go through these checks.

We have supermarkets moving goods from Great Britain to Northern Ireland that are sold and consumed in Northern Ireland. They do not even have a store in the Republic of Ireland and yet they are going through the same checks as if they were moving goods to a store they do not actually own in Dublin. That is not sustainable. It is not appropriate within the internal market of the UK either. It is certainly not what is going to be able to function for the benefit of people in Northern Ireland. These are all issues we need to resolve. They are the issues that the team that is doing the negotiations and the Foreign Secretary are focused on, absolutely.

Q248 **Sir Robert Goodwill:** Turning to another subject, how are the Government making sure they meet their article 2 obligation to ensure no diminution of rights guaranteed under the Belfast/Good Friday agreement.

Brandon Lewis: We are absolutely focused on that, including working with the Northern Ireland Human Rights Commission. I know we have



been talking with them. I met with them a little while ago, but officials have been regularly in contact with them as well.

Madeleine Alessandri: We are in regular contact with them and working with them very closely, and the Equality Commission for Northern Ireland as well. Between those two, they are clearly making sure. We make sure they are funded as well for those elements of the dedicated mechanism. That is fully funded and protected because of the importance of article 2.

Brandon Lewis: We are absolutely committed to that.

Q249 **Sir Robert Goodwill:** One suggestion that has come forward is that there should be some sort of statement, like we had on human rights, in that any new legislation is article 2 compliant and that should appear on the face of the Bill. The Government lawyers should check that and that would be open to scrutiny during the process of that particular Bill. Is that an idea that you would smile upon?

Brandon Lewis: I am always willing to look at things. I would actually like to resolve the issues of the protocol so these issues are not issues in the first place. That has to be the core right. We are absolutely committed to article 2. This is one of the points I have made before. If you look at the fundamentals set out in the protocol, article 2 being one of them, there is not disrupting the everyday lives of people and their communities, protecting all aspects of the Good Friday agreement, respect for the internal market of the UK, state functions and respecting the single market of the EU.

These are all the things the protocol is set out to achieve and we all agree on. The problem is the implementation of it. That is what we need to resolve—to make sure these things do not become issues in the future again.

Q250 **Sir Robert Goodwill:** Finally, turning to medicines, when we were in Brussels, I think the Commissioner was optimistic that we would have a fix, and so it came to pass, but at the moment we are in a bridging period. There are concerns that, if we have new medicines that are authorised in the UK but not authorised in Europe, they may not be available to people in Northern Ireland, or indeed there could be other medicines currently available that would then be withdrawn from the market.

Is this a real concern that people should be worried about? This is an actual thing that impacts on people's lives if they have been taking a medicine. It may be a proprietary medicine, but the one that works for them. They suddenly find it is not on the shelf.

Brandon Lewis: The EU made a unilateral proposal in December. It is not comprehensive, as you say. There are risks involved with that. We are looking at that, working with the EU around how we can find a resolution that works that is more comprehensive and deals with these issues.



Colin Perry: It is very much as you say. There are those discussions ongoing and it is not yet resolved. Fundamentally though, if I went back to the Command Paper, the Government's position is that you need to take medicines out actually. That is the better way to resolve this issue. The whole thing is incredibly complicated and not just human medicines but animal health medicines as well. The Commission's proposal did not deal with the latter, so there is still an ongoing dialogue between the UK and the EU around this. The Government's solution of taking it out of the protocol would seem to offer the better way forward.

Brandon Lewis: As I just mentioned, there are what I see as those four or five key principles that the protocol was seeking to deliver. This is the document that was aimed at protecting the Good Friday agreement. I appreciate that some would argue now that it is the very document putting it at risk. Within it, one of those key four or five aims, which I endorse, is the protection of state functions. If supplying your citizens with the medicines they require is not an important state function, I am not really sure quite what is. That would be the simplest way to deal with it, but those conversations are ongoing with the EU.

Q251 **Sir Robert Goodwill:** There is a minority train of thought in Brussels that they should punish the UK for voting to leave and make it as difficult as possible. Is any of that type of frame of mind coming through in the negotiations? I think we were very cheered up by Vice-President Šefčovič. He seemed very constructive and willing to engage. Do you pick up at all in the reports back from negotiations that they may not be quite as enthusiastically keen to fix these problems as we are?

Brandon Lewis: I obviously do not sit in the negotiations. The negotiations are handled by the Foreign Secretary and her team. I met with Maroš Šefčovič with the Foreign Secretary recently. Actually, I saw Maroš briefly in the US just a few weeks ago as well. My impression of Vice-President Šefčovič is that he is someone who is pragmatic. I think that he would like to try to find a way through this, but he is trying to work within a mandate.

There is a real issue that the mandate, from his point of view, may not give him the flexibility to find a way through this so far, bearing in mind we have been working on this for the best part of a year now, continually looking to deal with individual issues at the beginning but then, as we outline in the Command Paper, we think that it is better to try to deal with the wider issues that avoid these individual issues.

In my experience over the last six or nine months, I have not seen the sort of flexibility from the EU that I would have expected to see. I have not seen the pragmatism and flexibility that would allow us to agree a deal, otherwise we would have agreed one by now. I have certainly not seen the flexibility and pragmatism that would allow us to remove some of the challenges that are causing so many problems for businesses in Northern Ireland.



It is not just businesses; it is communities. I have the leader of the Jewish community of Northern Ireland outlining to me how they cannot practice their religion under the EU's requirements.

Sir Robert Goodwill: We took that evidence in our report.

Brandon Lewis: That is a pretty clear indication that this is not just about politics. This is about the everyday lives of people in Northern Ireland. My view is that we need to resolve that.

Q252 **Sir Robert Goodwill:** The Foreign Secretary and her Ministers are quite busy with other things happening in the world. Do you think it might be an idea if the Prime Minister were to appoint a Minister specifically to deal with negotiations in Brussels, in the same way that, in the past, we have had somebody whose job has been solely to do that? I can see the Foreign Secretary having lots of other things on her mind at the moment. This might not be top of her in-tray every single night.

Brandon Lewis: I have been fortunate enough to work with both Secretary Gove, Minister Frost and now the Foreign Secretary, Liz Truss, on these issues. They have all been absolutely focused on getting outcomes that are right for the people of Northern Ireland. The Foreign Secretary is very focused on that. Her team that is focused on this—the team that is working on the protocol and on the Northern Ireland protocol issues. It is not spread across five different issues. That is not a concern that I would raise. The Foreign Secretary and her team are absolutely focused on this and working hard. We work across both my Department and hers to ensure they are alert to the issues that need to be resolved for the benefit of Northern Ireland.

Q253 **Chair:** Secretary of State, you said that we want to agree a deal with the European Union. Let me ask you the devil's advocate question. As a Secretary of State in the Government, what do you say to those in the EU who say, "We agreed something with you and you do not like it. You seem to be either surprised or disappointed that what you agreed to is being implemented. Why should we expend any more blood, sweat and tears on something that, six months later, you might not like again and not implement, or come back, move the goalposts, etc?" What would you say to somebody who might posit that question?

Brandon Lewis: That is a very fair question and I have made that point myself. There are two different avenues. One is that I would make the point that the protocol was agreed at a very difficult period. It was before we had the wider TCA. Some of the issues that people find unpalatable within the protocol have a different solution in the TCA that people might find, arguably, more palatable. I do not know. That is a matter for others.

The point I would make at two levels is that, even within the protocol itself, there were a number of areas that were not fully resolved. They were either vague or—

Chair: That is why we had the joint working group.



Brandon Lewis: Exactly, and we had grace periods to resolve. Somebody might argue that with those grace periods, in the eyes of some, by the end of that period, for example if you take the chilled meats one, chilled meats would not be available from Great Britain to Northern Ireland. It gave time for supply lines to change.

Our view has always been—I made this point in very early 2021 itself—that that was a period in which to work out how we ensure that chilled meats can continue to flow to Northern Ireland. Those issues were issues we always knew were going to still be issues that needed to be worked out and still have not been, despite the fact that I think there are ways—I have seen evidence—that you could deal with those issues and give confidence to the single market protection. We absolutely respect the EU's right to want to defend the single market. We obviously are focused on the prime aim of defending the Good Friday agreement in all of its strands.

The other point I would make, in a separate format, is, even if you still take that point that, as you said, somebody may make—that you sign up to this and you should continue to agree it; I do not think it is that simple, as it happens—the reality is that, as politicians, we are elected to serve our constituents. It is very clear that the protocol in its current format and the implementation of it that the EU is seeking does not work for the people of Northern Ireland. It is fundamentally undermining the Good Friday agreement, in terms of north-south ministerial councils, east-west trade and the Stormont institution itself.

I appreciate that some people might point fingers in some of those things. The issue around east-west trade is definitely a weakening of that strand of the Good Friday agreement. We have a duty to say, "This is not working the way it was envisaged. We still respect your right to protect the single market. We think we need to find a way to do that that does not damage all three strands of the Good Friday agreement. We are absolutely right to say that, whichever way you look at it, the protocol needs to be resolved.

Q254 **Chair:** Trade volumes are going up GB to NI and going down GB to the Republic.

Brandon Lewis: We also still have the realities. We have a situation where you have over 200 businesses in Great Britain not supplying Northern Ireland. Citizens in Northern Ireland are not able to access products the way they want to. The Committee will have seen evidence of people even getting Christmas cards with charges. There was the issue with the Queen's jubilee trees. There is the issue for the Jewish community, and it is not just with kosher food; it is also with artefacts. There is a whole range of examples of products that are not able to flow in the way that, as a UK citizen, those citizens should be able to access, let alone the businesses that need them for their supply lines.

Q255 **Ian Paisley:** In July of last year, the Government's White Paper said that



HOUSE OF COMMONS

already the protocol had got to a point where triggering article 16 was possible. You have said again today that it is no longer sustainable. I think last week it was, in Zurich, that Lord Frost said that it was poisonous. The talk is very strong, but I think most people wonder when some action is actually going to flow from that.

I have a document in front of me that shows previously four issues have had to be done before the export and import of goods in and out of Ulster. Now it is 15 measures and actions that have to be taken. Each one of those measures has an additional 23 measures on top of it. You are absolutely right that it is not sustainable. At what point does people's patience run thin on you telling us that it is no longer sustainable, and on Lord Frost, the negotiator of it, telling us that it is poisonous? When are the Government actually going to do something about it?

Brandon Lewis: Taking the Chair's analogy of devil's advocate, let me play devil's advocate the other way round. The bona fides for us of wanting to secure this and resolve this by agreeing with the EU are exactly in the answer to your question or, if you like, the premise of your question. We believe that the threshold for triggering article 16 was met last year. The fact that we have not triggered it is because we want to find an agreement with the EU. Ultimately, by having an agreement with the EU, we will have more certainty for business. It will create better stability. To do that, the EU needs to be flexible and come to an agreement on something.

I appreciate your point around where patience runs out. Our view is that we will strain every last sinew to do this by agreement with the EU. That is the work that is continuing.

Q256 **Ian Paisley:** Lord Frost, last week, in Zurich, went further. He said that your party, the Government, should make the end of the protocol a poll pledge for their next election. Your next manifesto pledge should be to scrap the protocol. Do you agree with that?

Brandon Lewis: I am a long way off feeding into what will be in the next party manifesto.

Q257 **Chair:** I also get rather suspicious about unelected politicians telling those of us who are elected what should be in our manifesto.

Brandon Lewis: Lord Frost has huge experience in this area and is entitled to his views as a member of the party. We are not yet drafting manifestos for a general election, so I am not going to be drawn on that.

Q258 **Ian Paisley:** I get the diversion about talking about the election. Do you think that the party policy should be that you should now scrap the protocol?

Brandon Lewis: Our party policy, our Government policy, is to secure an agreement with the EU to resolve the issues of the protocol. That is what we are focused on.



Q259 **Ian Paisley:** Scrapping it is not on your agenda.

Brandon Lewis: Article 16 does not scrap the protocol. I saw somebody commented in the press recently—I cannot remember who it was, but I thought that it was quite fair—that you have the anomaly at the moment of people who do not like the protocol at all wanting us to use article 16, which of course is part of the protocol and therefore reinforces the protocol. People who support the protocol do not want us to use article 16, which is part of the protocol. You have this slightly odd dynamic going on at the moment.

Article 16 is part of the protocol. It is the right and appropriate thing to use if we cannot come to a resolution. It would set aside areas or the protocol itself for the benefit of people in Northern Ireland. It is part of the toolkit. It is something that is on the table. We have been very clear that we will consider using it. If we have to use it, we will. We do not want to. If we wanted to, we would have already done it. We want to get an agreement with the EU. That is where the focus is and where the focus remains.

Q260 **Ian Paisley:** After eight, nearly nine, months of recognising that article 16 could have been triggered, are you looking maybe at section 38 of the protocol as an alternative measure to actually legislating for Northern Ireland over some of these matters that are causing fundamental problems that you have identified as unsustainable?

Brandon Lewis: As I have also said, our focus has to be on, as it rightly is, for me, the Foreign Secretary and the Prime Minister, resolving these issues by agreeing with the EU. We will strain every last sinew we can to get that agreement. I fully appreciate that we are not seeing anything like the flexibility or the pragmatism we would like to see or that is required in order to resolve these issues at the moment, but we will continue to work on that.

Q261 **Ian Paisley:** People join the dots and feel, “If we are going to be treated like second-class citizens...” If, after nine months of patience, working, negotiations and persuading, the Government do nothing, you can understand why some people think that perhaps street politics is the only thing the Government listen to. I may not have that point of view, but you understand that that is a point of view that some people have. Government are potentially feeding that by not taking action.

Brandon Lewis: I do not accept that. It is wrong for anybody to think that there is any other way to take things forward other than through proper diplomatic negotiations and process. I defend people’s right to freedom of speech and proper and appropriate protest, but not beyond that. That is the wrong message to give anybody and I would not support anybody who takes things that way.

We have been prepared to take action. It is not just that we published a command paper. We took the unilateral action back in the spring of last year to ensure that we could continue the movement of chilled products.



HOUSE OF COMMONS

We took action, and ultimately it was agreed to by the EU, around the standstill, so we could at least keep things moving as they are at the moment. We have shown that we will take action where we need to.

Quite rightly, the focus, both for Lord Frost and the Foreign Secretary now, is around trying to get a deal with the EU that gives that certainty and stability for businesses that know that once it is agreed, it is agreed. One of the challenges with article 16 is that it starts another process. I know that businesses would prefer to see the certainty of a deal with the EU. We will strain every last sinew to get a deal with the EU, but we do not take anything off the table. If we need to act, we will act.

Q262 **Bob Stewart:** Secretary of State, this is going to be a difficult one, but I think that you have given me the clue as to what the answer is already. Do you and the Permanent Secretary have a target date for you to try to sort this problem out? Frankly, it is crippling Northern Ireland at the moment. We actually require it to be sorted. Do you have a date? You have to think somehow, in plan terms, "We have to get this done by Christmas, Easter, whenever". People have suggested that it might be in the next Tory manifesto. That is more than two years away. Do you have a date, or are you going to tell me, "How long is a piece of string?"

Brandon Lewis: You make a very fair point around the reference to what may or may not be in the next Conservative Party manifesto. I firmly believe that we need to have resolved these issues long before then anyway.

Bob Stewart: There we have one target date.

Brandon Lewis: That gives you something.

Chair: I would bank that, Bob, and run.

Brandon Lewis: That might be as much as I am going to give you in the sense of a time, for two reasons. One is that a very real thing is that, when you are in these negotiations, anybody in negotiations has to make a judgment around how those negotiations are going. To put fixed timelines on these things is immensely unhelpful.

You just have to take a judgment call about whether these negotiations are progressing in a way that gives us good reason to believe that they are positive and are going to come to a positive conclusion. That is a judgment call we have to take. There will be a point where we have to take a view, potentially, that they are or are not. That is a decision that will be made across Government, particular with the Prime Minister, the Foreign Secretary and me.

It is also unhelpful to set timeframes. I am somebody who set a timeframe for wanting to legislate on another area of controversial issues in Northern Ireland.

Chair: We are coming on to that.



Brandon Lewis: We have not delivered that, for very good reasons, which I am sure we will touch on. You will have to excuse me, but I am not going to set an actual target.

Q263 **Stephen Farry:** Moving on to moving deadlines, there are a couple of issues to raise with you, Secretary of State, in that regard. Starting with the cultural package, as you know there were various promises made in terms of this happening in the autumn. Then there was an almost watertight promise from your Minister of State a few weeks ago in this regard; he left a slight degree of wiggle room. Can you update us, in terms of what your plans to legislate for the cultural package of NDNA are. In particular, what do you see as the current timetable for doing that?

Part of the reason for asking this is that it took an extraordinary length of time to negotiate the NDNA package in this regard. It was at the heart of the dispute for the best part of three years. I have a concern that, if this is kicked back into the devolved space and some sort of negotiation happens after the elections, we could see a lot of this unravelling and making the process of re-establishing the institutions that more difficult. For that reason, I had hoped that this would have been done and dusted prior to the election. Could you update us in terms of what your plans are and whether we are likely to see it coming up in the Queen's Speech specifically in this regard?

Brandon Lewis: We still have, and I personally have, a commitment to delivering this. I have always said that I do not think that this should be a political issue. I have found it astonishing. Across the UK we celebrate heritage, history, dialect and language. As a Minister who negotiated some of the money for the Cornish language and as a Minister in a Government that, in a previous incarnation, brought in the Welsh Language Act, let alone the love of dialects around the UK, the fact that this ever became a political issue is wrong anyway.

It would not be right or proper to introduce legislation during the election period around these issues. It needs careful preparation and planning before introduction. Even in the latter stages, we have been working through making sure we get all parts of it right. As you say, Mr Farry, it was one of the areas that had a lot of discussion and took a long time to agree between the parties as part of NDNA. Even in doing that, it still was not fully resolved.

The names of the commissioners, for example, have still not been fully resolved. I am much keener to see at least the parties agree on what the final names would be before we legislate, because we cannot legislate for a commissioner who does not have a name. I am absolutely apprised of the importance of it and of the reality of the impact of this after the election. We are and I am committed to getting this done.

Q264 **Stephen Farry:** You see the risk of this potentially unravelling.



HOUSE OF COMMONS

Brandon Lewis: I absolutely understand the importance of this for people in Northern Ireland and how this plays for the political parties, yes.

Q265 **Chair:** Should we expect a Bill in the Queen's Speech or just a reference to, "My Government supports the aspirations of NDNA"? Have you made a bid to the business managers?

Brandon Lewis: Rather like it is always very sound to avoid commenting on a Budget pre-Budget from the Chancellor, I am also pretty sure that it is fairly sound to not comment on what may or may not be in a Queen's Speech this far out from when a Queen's Speech will be. I am not going to comment on that, but I am focused on this. It is something we want to deliver. It is something we made a commitment on and it is a commitment I stand by.

Q266 **Chair:** Your message to the parties in Northern Ireland is that it is not a question of whether this is done but when and by who.

Brandon Lewis: Yes. Ultimately, if the parties can suddenly come together and find a way to deliver this where it should be delivered, at the Executive, all the better. We said that we would deliver this if it was not delivered by the Executive, and I stand by that commitment.

Q267 **Chair:** If the stumbling block is, as you have put it, the names of the commissioners—not the individuals but the titles—that has to be an incentive for Stormont to deal with it, surely. Then it can author these titles rather than have them, for want of a better phrase, foisted on them by Westminster.

Brandon Lewis: I have always thought that this would be much better done by Stormont, as it was Stormont parties that agreed this package in the first place. Even if we take this through Westminster, it will be the package that was agreed in NDNA between the parties. We would ensure that any language we use is directly taken from the NDNA agreement.

Q268 **Chair:** Can we reprise Bob Stewart's question? What is your drop-dead date on this?

Brandon Lewis: No.

Chair: You must have something pencilled in.

Brandon Lewis: I am very cognisant of the importance of this for Northern Ireland parties.

Q269 **Chair:** Will you say to the leaderships of the parties in Northern Ireland, "We are going to give you X amount of time following the elections to deal with this"? Otherwise, they do not know what the cut-off point is for dealing with it and anybody with an interest in it does not know when the baton is going to transfer from Stormont to Westminster, without trying to navigate through very thick fog. Will you be giving that date? I am not saying, "Tell us now," but will you be giving a date to the party leaders to



HOUSE OF COMMONS

say, "Deal with it by X, or we will take up the baton and deal with it"?

Brandon Lewis: That will certainly be a conversation I would have with the party leaders after 5 May.

Q270 **Ian Paisley:** Secretary of State, you brought up the titles. There is an objection to the titles of what these commissioners are called—an Irish culture commissioner and a British culture commissioner. What is the objection?

Brandon Lewis: That is not what is in NDNA.

Q271 **Ian Paisley:** Which part of "British culture commissioner" is objected to?

Brandon Lewis: This is something that was not resolved. The NDNA agreement itself does not name both commissioners. It does not give a name.

Q272 **Ian Paisley:** What is the problem? Can you elaborate? Is the term "British" objected to?

Brandon Lewis: It is by some, yes.

Q273 **Ian Paisley:** You are telling us that the reason why Sinn Féin does not have an Act at the moment is because it objects to the term "British".

Brandon Lewis: "British commissioner" is not what is in NDNA though.

Q274 **Ian Paisley:** The term "British" is there.

Brandon Lewis: Yes, it is.

Q275 **Ian Paisley:** "British commissioner" is not there, but the term "British" is there: "British identity".

Brandon Lewis: Yes.

Ian Paisley: It is in paragraph 26, I think.

Brandon Lewis: Yes, but it is not actually referred to exclusively in that format in NDNA.

Q276 **Ian Paisley:** No, but then "Irish language commissioner" is not referred to exclusively either. Is that right?

Brandon Lewis: There is reference to "Irish language commissioner", but there are different references around the culture commissioner—

Q277 **Ian Paisley:** Can you confirm that the reason why this has not travelled is because there is an objection to the word "Britishness" in the title?

Brandon Lewis: There is no agreement in NDNA over what the titles of all the commissioners would be. When we legislate, we need to make sure we have that sorted out and that we legislate appropriately, so that we have a name that is the right name.

Q278 **Ian Paisley:** You are confirming that there is an objection to the use of



HOUSE OF COMMONS

the word "Britishness".

Brandon Lewis: No. Let me rephrase that. I would not say that it is an objection to the word "British" necessarily. It is an objection or a lack of agreement about what it will be called, because there is no reference in NDNA to having a British commissioner.

Q279 **Ian Paisley:** Is there an objection to anything about Irishness?

Brandon Lewis: No.

Q280 **Ian Paisley:** So we can assume from what you have said and what you gave away earlier that it is about the British component of this process.

Brandon Lewis: It depends. Some people refer to it as Ulster Scots; some would refer to it as a British cultural commissioner.

Ian Paisley: Yes, okay, a British and Ulster Scots tradition.

Chair: What about a joint cultural commissioner?

Ian Paisley: That is not it either. You will find that there are two commissioners in the agreement. There are two commissioners in the agreement. I think that is the issue.

Brandon Lewis: There would be three commissioners as part of the culture package.

Q281 **Ian Paisley:** The stumbling block has been around the particular strength—

Brandon Lewis: No, that is not the only stumbling block. There have been issues around some of the details in the Bill and getting meetings in place with some of the parties to agree some of those things. Ultimately, the big stumbling block in the last few weeks has been parliamentary time, because of Ukraine. That has taken up a lot of parliamentary time. We are committed to doing this. We will do this in a way that fits absolutely with what was agreed and what is printed and published in NDNA.

Q282 **Stephen Farry:** In a similar vein, Secretary of State, I was under the very clear impression that 31 March was a hard deadline by which you would have put in place the commissioning of abortion services. However, in last week's written statement you made a commitment to inch it forward in the sense of making further preparations for this. You did not give a firm date as to when this was going to happen and almost implied that, once again, you would be looking to see if the Executive would address the issue some time after the election.

Could you clarify what is going on in this regard? How long are you prepared to give this in practice? There are consequences for women and girls from the ongoing delay, in the sense that some people are struggling to have equity of access as things stand in Northern Ireland. Others are still having to travel to GB to access services. How long is this



going to go on? Is there going to be another effective deadline by which you will act if no one else has done so?

Brandon Lewis: Women and girls in Northern Ireland should be able to access high-quality abortion and post-abortion care in Northern Ireland, in the same way that people can across the UK. I have a legal duty to ensure the service is provided, but there is a moral duty on all of us as well. It is more than disappointing that the Department of Health has not been able to ensure that this has been provided.

On 24 March, I set out that I have instructed our officials to prepare the work on further regulations to ensure that these services are commissioned. Those regulations will put a duty on the Department of Health to make abortion services available. It will remove the need for the executive committee approval process before those services can be commissioned, which has been, arguably, part of the problem. Those regulations will also confer power upon me to be able to do anything that a Northern Ireland Minister or the Department could do, for the purpose of ensuring that the recommendations in paragraphs 85 and 86 of CEDAW are implemented.

Q283 **Stephen Farry:** The concern I have is that you will look to the post-election situation and go, "Maybe we should give it a few weeks or a few months to see if we have a different set-up in the Executive—a different Health Minister." This process keeps constantly getting dragged out. Can you give us a firm commitment that there will be a hard stop at which you will act if there is no action in Northern Ireland?

Brandon Lewis: We are acting. We are doing the work now to put these regulations in place.

Q284 **Stephen Farry:** There is no stop point by which you will actually lay the regulations at this stage.

Brandon Lewis: There is not a fixed date. I am very conscious that we had the end of March delivery. Because of the changes we made to NDNA, the Ministers continue in place. It would be much better, in a devolved area, if the devolved Administration Ministers were able to deliver this. They have not been able to do that. These regulations will take away the stumbling blocks from doing that but also put that power into my office to be able to deliver it if we need to after the elections.

Q285 **Stephen Farry:** I am afraid, both with the cultural package and with this, that we will be here in six months' time, still on "If", "Maybe", "Someone on the Executive may do something".

Brandon Lewis: You will not be here in six months' time having this discussion.

Madeleine Alessandri: The Secretary of State has also asked me to set up within the Northern Ireland Office a very small expert team, because clearly we do not have the expertise in this area. It is an expert team



HOUSE OF COMMONS

that we are working with, as well as with the Department of Health, to identify who will help us to be able to take this forward. Clearly, the best is if we can find a way through the Department of Health—

Q286 **Stephen Farry:** It will not be six months anyway, at least, but hopefully a little sooner.

Brandon Lewis: This needs to be done. Women need to have access to good-quality healthcare, advice and services.

Q287 **Chair:** It strikes me, without drawing any moral, principled argument, that in the political processes with which Northern Ireland endures, whether it is devolution or here, we ask the people of Northern Ireland to forebear with the process on so many things in a way that our English, Welsh and Scottish constituents would find entirely intolerable. We would not find it acceptable as Members of Parliament. Their patience is incredible.

There was Mr Paisley's reference. As he knows, I do not agree with him on the protocol, but he has referenced that point. We will come on to legacy. We are talking about abortion. We have been talking about the culture stuff, etc. It is always that we have to wait for some event to take place. There must be a fear that the people of Northern Ireland will just opt out of the doing of democratic politics, because it does not achieve anything for them. That has to be a general worry for all of us, I would suggest.

Brandon Lewis: I can understand somebody drawing that conclusion. We will come on to legacy. In my experience of talking to people, I think that people know that some of the issues are immensely complicated, let alone sensitive. That is why some of these issues are still with us when we are now coming up to 24 years on from the Good Friday agreement. There are others you have not mentioned, such as integrated education, where still only 7% of the population, arguably, are benefiting from integrated education, in terms of reconciliation of society. There is a whole range of things like that.

It is not my job to make the case for the Executive Ministers. That is for them in their political context and no doubt they will be doing that over the next few weeks. I would defend the institution of Stormont, in the sense that we should bear in mind that Stormont was up and running literally for days, a couple of weeks at best, before Covid came upon us. I think therefore that people recognise, as much as they want to see these things dealt with, that, for some of these things, the capacity and bandwidth for Stormont has been focused absolutely on doing the right thing by people through Covid. That is something that people understand.

Q288 **Chair:** Politicians should be able to walk and chew gum, surely.

Brandon Lewis: Across the world, Governments have been dealing with an unprecedented challenge. I am not going to criticise the Stormont politicians for being absolutely focused on Covid. If you take the



HOUSE OF COMMONS

Department of Health, where we are talking about this issue, there has been a particular focus there. I personally think that the issue around abortion services and healthcare support for women should have been dealt with.

Equally, I am not going to criticise the Executive over its last couple of years. In the context in which they have been functioning, overall, there will be areas where any one of us might be able to critique particular things. Overall, for the Executive to continue to function and work through the last two years, in light of when it was reformed and what it has had to deal with, it has done a good job of working together, all five parties, to be fair.

Chair: My comments were not restricted to Ministers at Stormont. It is the political processes that seem so slow, cumbersome and ponderous that we are not delivering across a whole range of things.

Q289 **Scott Benton:** Secretary of State, can you understand why Conservative Back Benchers such as me are so frustrated at a number of different issues? We have spoken about the protocol. We have acknowledged the immense problems that has created, especially in the unionist community, and yet we are perpetually kicking the can down the road. In our manifesto, there are Government proposals there to legislate to end the vexatious cycle of prosecutions against our veterans as well. We will come on to that in a second. Again, it seems to be endlessly kicked down the road.

In relation to abortion, we have an issue that is a devolved matter and yet we have a Conservative Government, when it sees fit, interfering in that. Can you understand why people like me would be so frustrated at those three different issues and how they have been handled by my own Government?

Brandon Lewis: Yes. Also, you have to bear in mind the context that there is a difference between them. Apart from the moral duty of wanting to make sure, if somebody is a member of the Conservative and Unionist party, that people across the Union are treated equally and fairly, which is part of the issue with the protocol. I absolutely accept that. It is part of the negotiation and discussion with the EU.

On abortion, that equally applies. We need to make sure women have access to good-quality healthcare. I agree that it is something I would like to see the Executive do. We have done everything we can to support and work with the Executive to see them deliver it. I would still much prefer to see the Executive deliver it. There is also a legal duty on me, as Secretary of State, that has been put on me by the UK Parliament that is not just a matter of the devolved area. This is a duty that the Parliament of the United Kingdom put upon the Secretary of State for Northern Ireland in 2019.



There is a legal duty on the Government to deliver on that. That does not distract us from the fact that we also want to deliver on making sure we resolve the protocol. I appreciate that we will come on to this. In terms of legacy, it is not just about delivering on our manifesto pledge. It is primarily about delivering for the people of Northern Ireland and ensuring we have a structure going forward that is not failing people the way the current structures are failing people in terms of getting to the truth.

Q290 Ian Paisley: Secretary of State, later this week in this House, your Government are going to ask your MPs—and, considering that you are on payroll, you will be expected to vote—to abolish at-home abortions because of the end of Covid. The House of Lords returned it last week, but you are going to be asked to do that. Unless you are going to indicate to us today that you are rebelling on that, do you not think that it is incredulous that you are going to lay down a completely different policy in Northern Ireland, which is actually against the wishes of the people of Northern Ireland on this abortion issue?

Do you not think that, going back to what Mr Benton said, that really sticks in the craw of people? You have this two-sided approach to it. You are allowed to legislate in a particular way. You will insist on a policy that will remove at-home abortions, yet in Northern Ireland you will insist on one of the most liberalised policies on abortion, almost termination to the point of birth in Northern Ireland. I think that is incredulous.

Brandon Lewis: Here in the Westminster Parliament, these issues have always been a matter of conscience for individual MPs.

Ian Paisley: At-home abortion is not. This is a health one.

Brandon Lewis: In terms of how people generally vote on these issues, it has always been a matter of conscience. In terms of the situation in Northern Ireland, the regulations we are looking at in Northern Ireland are not around those. They are about the legal duty to ensure that the services that are provided for as being required under the Act that was passed in 2019 by this Parliament, which follows the paragraphs 85 and 86 of CEDAW, are implemented. It is nothing more and nothing less than that.

Q291 Ian Paisley: Your letter was quite interesting, because it says that, if the Department continues to fail to implement the services, these regulations will ensure that you are able to take actions. Then you spell out what those actions are, including taking on board all the powers and responsibilities that a Minister in the Northern Ireland Department would normally have. You are actually doing what Stephen says. You are actually kicking it down the line considerably. That word, "If", means that you are still leaving it to the Department of Health in Northern Ireland.

I prefer that you leave it to the Department of Health in Northern Ireland, but I do not think that it is right that there is a pretence brought on here. Let us be clear: you are not going to do anything in this matter until well after May, according to the letter that you have sent us. That is the letter



that you have sent the Committee. It was not to me personally, but the letter that you have sent the Committee. That is a fact, is it not, Secretary of State? You are doing nothing until after May.

Brandon Lewis: No, but we are. We are preparing to put the regulations in place. We are setting up an expert team to do the work to prepare to put these regulations in place and deliver these services. I make no bones about the fact that, as I have said before and as you have just outlined, I would much rather see the Health Minister in Northern Ireland deliver the requirements under CEDAW.

Q292 **Ian Paisley:** You mentioned the team in the letter to us as well, which Madeleine mentioned. Can you spell out to us whether that team will be drawn exclusively from Northern Ireland? Will it be drawn from across the UK? Who will be paying for that team? Will the Northern Ireland Office be paying for that team out of its budget? Who will that team be answerable to? This looks like a power grab on a very technical issue that should be left exclusively and, according to the Belfast agreement, ought to be left exclusively to the people of Northern Ireland. Why the power grab?

Brandon Lewis: As I have said to you, I would much rather this was delivered by the Northern Ireland Executive. We need to make sure that women and girls have access to these services. There is not just the moral duty but there is a legal duty on the Government and on my Department under the Act that was passed by Parliament in 2019 to be CEDAW-compliant. Yes, this team would work through the NIO.

Madeleine Alessandri: The team will be the expert team and they will be recruited on the basis of their expertise from wherever they come from in the United Kingdom. It will be a small team, but they will have that expert knowledge to work closely along with colleagues in the Department of Health in the Northern Ireland Civil Service who are closest to that.

You asked about the question of funding. We are working through that with Treasury, so that we will get the funding that we require for that small team to work together to see and understand how commissioning services can be taken forward.

As you rightly identified, this is a complex and expert area. It is important that we take all the steps we possibly can to make sure that, when services are commissioned, so that women and girls in Northern Ireland have exactly the same reproductive rights as women and girls in the rest of the United Kingdom, we have the same duty of care to them in terms of sustainability of service, value for money in service and all the other areas you would expect me to look at as accounting officer.

Q293 **Ian Paisley:** You will accept that recruiting an expert team of that nature will not be done in a couple of weeks. That could probably take in excess of three to six months. Am I right?

Madeleine Alessandri: No, I do not think you are correct on that.



HOUSE OF COMMONS

Q294 **Ian Paisley:** How many months would you put on it? Do you think it will be operational by August, for example?

Madeleine Alessandri: I am not going to put a timeline on it, but there are a number of people who have the expertise. It is a question of identifying them and getting them in. I am not going to give you a timeline.

Q295 **Ian Paisley:** Surely it would be an open recruitment for something like that. You could even do a consultation.

Madeleine Alessandri: There is an expert recruitment. We are looking for expert skills and we will make sure that we have the right expertise.

Q296 **Ian Paisley:** Even so, an expert team would require proper recruitment practices. This is not a tap on the shoulder matter.

Madeleine Alessandri: No, of course. That is even more important because of the expertise that is required. We will do it properly, rigorously and fully, but I am determined that we have the right people with the right skills into that team, as quickly as we can.

Q297 **Ian Paisley:** Secretary of State, you mentioned about the capacity and bandwidth within the Northern Ireland political scene to take decisions. I am probably like everyone in this room. I am from Northern Ireland. When I write to the NIO, I would expect prompt answers. I wrote to the NIO in August of last year about employment practices and the shortage of labour in certain sectors. I got a reply back six months and one day later, on 21 February.

Obviously there is a shortage of labour in the NIO and a shortage of bandwidth or capacity to answer things from the NIO. I do not think that you should say that the Northern Ireland parties could not agree this matter between them. They probably could if they were left alone to do it. You stepping in on this matter, Secretary of State, causes bigger problems. That is a point I have made to you before and I will make it again publicly.

Brandon Lewis: I appreciate the point and, yes, you have made that before. That does not divert from the legal duty that is set up by the UK Parliament. It is a legal duty on me, let alone the moral duty, as I have outlined, as well. You say that the parties could agree this, but at the moment the parties have not even been able to agree to put this in front of the Executive, so they have not been able to agree this. It is not only that they have not been able to agree it because of capacity. They have chosen not to even take this as an Executive issue.

Ian Paisley: Yes, but your Department cannot reply to letters.

Chair: I do not want to get into the weeds of the operation of the correspondence unit of the NIO. I am going to leave that issue and we are going to turn to legacy.



HOUSE OF COMMONS

Q298 **Scott Benton:** Secretary of State, you probably suspected this question may be coming. When you appeared before this Committee in October last year, you stated in relation to the legacy proposals that your focus was still on delivering those within the autumn. We are nearly at six months later on and seemingly we are no further forward. I appreciate that you could not be drawn on the question with regards to the cultural package and the inclusion of that within the Queen's Speech, but surely we are due to expect legacy proposals as part of that Queen's Speech. Can you confirm that that will be the case?

Brandon Lewis: I would be very surprised if any Secretary of State in any Department anywhere tells you what is going to be in the Queen's Speech, because none of us holds the pen on the Queen's Speech. It is too early to outline what is in the Queen's Speech and it would be inappropriate.

I fully appreciate and, as I have said on the Floor of the House, accept the critique that we have pledged to do this and legislate, as we said in our Command Paper in the autumn of last year. I have a very strongly held determination and desire to do that and we have not delivered on that, so it is absolutely fair for people to critique that.

In our defence and in my defence, I would say that this is a highly complex issue. There was a range of issues that came from the Command Paper. We were very clear in the Command Paper that it was a paper we wanted to engage on. There has been an extension because of the challenges of Covid, what happened in Afghanistan and what has happened in Ukraine. Importantly, people in Northern Ireland, the victims' groups, as well as veterans' groups and civic society more widely, have been feeding in around legacy, given the sensitivity of it. For some people, this is a very painful, difficult area.

It is right that we have taken that extra bit of time to continue engaging, which still continues, not least because it is also a highly complex legal area as well. We have to make sure that, when we legislate, we bring forward legislation that ideally has the support of those who are still seeking information on what happened, but also that it is legislation that will hold and legally works to deliver in the way we intend it to, so we do not have a problem where we deliver something with a very clear intent but it legally then has issues.

We have taken that extra bit of time and we continue to do that work, but this is an area we are determined to deliver on. As Simon Coveney said, just last week in the press conference around our BIIGC meeting, this is not something that can be held off indefinitely. We need to resolve this. The current system is failing everybody and we need to resolve that.

Q299 **Scott Benton:** On that final sentence there, Secretary of State, you have recently visited Washington and Dublin. Presumably this was one of a long list of issues you discussed during both appointments. Can you bring the Committee up to date with feedback from Washington and Dublin on



the legacy proposals and whether the Command Paper is maybe going to be adapted or changed as a consequence of those?

Brandon Lewis: I have always said—and I think I have said this in oral questions on the Floor of the House—that our Command Paper was a paper to engage on. We are listening to the engagement for that. We are taking that engagement to inform the final decisions we have to make around bringing something forward that we think can work.

In terms of delivering for people, we still do not know, in far too many cases, the details of what happened. We need a system that can work to avoid all the problems we have seen over the last 18 months alone, in terms of cases collapsing, which fails both those who served and those who are seeking information.

Q300 **Scott Benton:** I commend you for continuing to try to bring proposals forward. Every Secretary of State has failed on this challenge over the last 20 years, so we all appreciate how difficult it is. You mentioned a few moments ago about making sure that victims' groups particularly supported the proposals. There are the political parties in Northern Ireland as well. There is Washington and Dublin. There is fulfilling our own manifesto commitments as well, which of course is important too. Do you think that trying to do all those things and keep everybody happy is achievable? How are you going about trying to perform the seemingly impossible on that front?

Brandon Lewis: I am very cognisant of the fact that there is a reason why, in the 24 years, in the next couple of weeks, since the Good Friday agreement, there has never been anything that has brought together complete unity in terms of a way forward on these issues. Otherwise we would not be having this conversation. It is immensely difficult.

In terms of doing something that will literally keep everybody happy, it is difficult from the political parties' point of view, but there is also a real challenge and recognition. When I talk about the complexity of this, even within victims' groups of course there are many people who served within Northern Ireland who are victims or relations and friends of victims as well, so the victims' group goes more widely. Even within the victims' groups there are families where each member of the family will have very different views about what they would see as a positive outcome, ranging from not wanting to reengage or reopen anything, right the way through to wanting to get every bit of detail they can about what happened. That is even within one family. That is not untypical.

What we are focused on and what I think is deliverable is a package that can help to resolve some of the issues we are seeing at the moment. If you take Ballymurphy, which took 50 years, it should not take 50 years for people to get to an understanding of what happened. We need to deal with that. It is possible to deliver a process of investigation and information recovery that can move with pace to get people, not least of all because we have a generation of people now who served and who lost



loved ones or were injured. They are of an age where, if we do not resolve things in the next few years, they literally will not be with us anymore. We have a duty to get that resolved for them while they are still alive, as far as we can. There are also arguably two generations of people coming through who were not even born at the time of the signing of the Good Friday agreement.

It is possible to do something that can deliver all of that and to do so in a way that respects and delivers for those who served. There is a big difference, which underlines a point a number of colleagues like you have made in the past, between those who went out every day to protect life and country and those who went out to murder and harm civilians and destroy society. It is possible to deliver something that reflects on a positive way forward across a range of areas. We have always talked about this as a package of things that include areas, as we talked about in the command paper, such as an oral history, to give people who have never had their voice heard a chance to have that voice heard. That is very important for the wider civic society as well.

Q301 Scott Benton: During our recent visit to the Republic, we heard from one particular group on legacy proposals. That group suggested that an introduction of a statute of limitations related to Troubles-related incidents in Northern Ireland would create an imbalance between the criminal justice processes available to victims in Northern Ireland compared to that within the Republic. I think the specific point was the Irish Government could not suggest to the Garda that it should not take particular cases forward for prosecution. How would you respond to that point about an imbalance between the justice systems north and south, if the current proposals under the command paper were to go forward?

Brandon Lewis: We will and we are reflecting on the feedback and engagement we are having from the command paper. We will do that for any proposals that we put forward. Even if you take the issue of the command paper, I would say a couple of things. The criminal justice system and the structure of that is failing people. We have seen case after case collapse that failed both the accused and the victims and their families. Whichever side, it has failed them.

It is also meaning that information is not coming forward because the experience that some people have had, whether it is through things like Boston tapes or HET, around coming forward and talking, but then being put through another process that they were told would not happen afterwards, means that nobody else is looking to come forward. We have to try to resolve those issues to give people space in which to come forward, recognise and, as I said before, as painful and difficult as this is, be honest with people about the reality of the current systems, failures and why it is not working.

In terms of Republic of Ireland, the Irish Government themselves said they would seek to legislate as well. I hope they will, particularly in terms of information recovery. There are still cases where I know that people in



HOUSE OF COMMONS

Northern Ireland are seeking to get information around things that they believe the Irish Government can help them with, so it would be good to see that come forward. Just before Christmas, we saw the former Attorney General for the Republic of Ireland made a case that, effectively, the Irish Government have not been prosecuting for some considerable time themselves. Some might argue that the Irish Government already have this in practice.

Q302 **Bob Stewart:** Secretary of State, I remember last summer you suggested to me that you hoped to have legislation by Christmas. Obviously that has not happened. I am totally with you on how difficult it is with all the stakeholders and the legal implications of what you have. My friend, Dennis Hutchings, died in October 2021, actually in court when he should not have been, in my view, in Belfast. It was disgraceful. He died actually on the job, as it were.

Fundamentally, do you think we will ever get legislation? You seem optimistic. Based on the fact that it seems so flipping impossible, is this just going to continue to dribble on and on and on, until everyone has died, of course, which is happening?

Brandon Lewis: That is exactly the situation that is intolerable. I am confident that we will be able to deliver something on this. As I know you recognise as well as anybody, Mr Stewart, particularly with your experience, this is such a complex, sensitive and, for many people, very painful area.

Bob Stewart: I do not envy you. It is flipping impossible.

Brandon Lewis: It is not just around the pure legislation around how you deal with things. A lot of engagement we have had with civil society has been on how you deliver oral history in a way that people have confidence in, that people will want to be involved with and that is accessible to people. It is how you deal with these issues where, as I have touched on, even within families there are very different views on how we go forward, how we recognise the fact that there will never be moral equivalence between those who served country to protect life and country and those who went out to do harm to society, civilian life and anybody's life.

These are very complex matters. Much as I accept the critique that we had sought to do this during the course of last year and were not able to achieve that, I will also defend the delay. It was and has been important for us to continue to try to delve into and work through with people what it is that works for people, in terms of information recovery, and be very clear with people that we are not ending investigations. This is about speeding up investigations to get to the truth and information for people, but with a system that can actually deliver.

Taking the time to both work through the legal complexity and the sensitivity of this has been the right thing to do, but I am confident that



we will be able to bring something forward that can deliver on those things and do a fair job of balancing those competing, you could argue, challenges that Mr Benton rightly outlined. I am confident that we will be able to do this. As I say, I can only go back to a point that I think Simon Coveney made very well after the BIIGC, the British-Irish Intergovernmental Conference, just last week, which is there is always a temptation with things like this that to do nothing would be easier, but in this case we cannot do nothing. The current system is failing, we need to find a way forward and we cannot let that go on indefinitely.

Q303 **Bob Stewart:** I am glad to hear that, because I am a member of the Northern Ireland Veterans Association, so I speak for them. There is a feeling among ex-soldiers, Permanent Secretary, that the Northern Ireland Office is not co-operating in this matter. Could you or the Secretary of State assure me that that is wrong?

Brandon Lewis: I can absolutely assure you, as Secretary of State. I will let the Permanent Secretary speak for herself in a moment. I can absolutely assure you the Northern Ireland Office has been working flat out, with absolute commitment, even through Covid, when things were difficult, but still working with civic society to work through this issue. Mr Benton made this point. We have not managed to resolve this in 24 years. This is not straightforward

Bob Stewart: I get that. I am glad that is on the record.

Brandon Lewis: The team, with expert advice and legal advice, has been working through this to make sure that, when we bring something forward, when we are ready to legislate, we do so in a way that works, that delivers for the people of Northern Ireland and for those who served with such honour for their country and to protect life. I will let Madeleine as well just touch on it from the point of view of the team.

Madeleine Alessandri: Thank you, Secretary of State. The team, as you would imagine, speaks frequently to Danny Kinahan, the veterans' commissioner. We are in very close contact with the Minister for Veterans, who sits across MoD and Cabinet Office. I think I have said this to this Committee before. For my team, this is personal, because this is home as well. It is the most sensitive and difficult issue that we have to work on. There are not many families in Northern Ireland who have not been touched in one way or other by the Troubles. They have been fanning out and having many conversations.

Mr Stewart, if you feel there are groups that have not had the contact that they would like to have, put them our way, because we are talking to as many people as we can possibly find.

Bob Stewart: It is not that. It is just a feeling. That is the feeling of the Northern Ireland Veterans Association, I can tell you. Putting it on the record, you have just denied it, absolutely. That is good.



Brandon Lewis: We will continue to meet with representatives from the veterans' group, with Danny Kinahan and others, as well as victims' groups. Actually, I have done in just the last couple of weeks. This is about trying to do something that works for everybody. That is complex but it is achievable.

Q304 **Chair:** Secretary of State, you mentioned there, and in response to Mr Benton's question, that this has been 24 years. That clearly, of itself, creates an imperative to—I am loth to use the term “resolve”—find some workable, deliverable thing. Is it also in your mind that, every day, week or month that this goes on, another group of people of the next generation become tainted by the narrative of this unresolved issue? Therefore, it is not just addressing the deficit of failure to do so over the last 24 years, but there is an investment in the future: that the young can see that this has been dealt with sensitively, proportionately, sensibly—call it what you will—and that some of that narrative, which so infects people's minds and spirits and thinking, can finally be drawn to a close.

Brandon Lewis: Yes, absolutely. It is always dangerous to just talk about what may be in legislation. We talked about this wider package in the command paper. To use your last comment, I appreciate the way in which you meant it, but it is not about bringing it to a close in the sense that we want to make sure we are delivering investigations. We also want to make sure that people are aware of our history. We have to be alert to and conscious of our history to know where we are going next.

There are a few things that are important. You are absolutely right in terms of a younger generation of people who want to be focused on, quite rightly and understandably, the issues that affect them. They want to see a positive future. There is a huge duty of care that we owe to those who are of an age where, if we do not resolve things in the next few years, whichever side of the debate they are on, they are either not getting the truth of what happened and understanding what happened, or clarity that they are innocent of anything resolved, which we need to do.

This is also particularly for younger people. This is one of the things that I think has been most interesting and is hugely important, which is the oral history. What has really struck me with civic society is that people who would not consider themselves, or others may not consider, to be victims also have a story to tell. Particularly for some young people, who have never experienced what it was like to live in parts of Northern Ireland through the Troubles, they feel very strongly about what it was like and therefore why you should never ever want to risk going back to that kind of a situation.

That is just as important as the issues that tend to dominate media coverage of this issue. That is why, for us, this is part of the complexity. It is about making sure we get a holistic package, rather than just one part of the story. That is the important part of it and particularly plays into that understanding for today's younger generation about why the



positive prosperity and peace we have seen in the last 24 years is so important to build on, while recognising the past, rather than being dragged back to the past.

Q305 **Claire Hanna:** I wanted to ask about the electronic travel authorisations for the common travel area. Was the NIO consulted about those and the impact that might have on the border before the proposal came forward?

Brandon Lewis: On the electronic travel authorisation, I am only smiling because you say ask whether the ETA discussed with the NIO. All these things are discussed across Government, but I was the Immigration Minister in 2017 who started the work to deliver electronic travel authorisation, under the then Home Secretary. I have seen the ETA in various formats over the last four or five years. That is why I was able to make the comment last week at the press conference for the BIIGC that this is not something that has been done in the last few weeks. This has been a piece of work ongoing for some time and it is partly about modernising our whole approach to the borders and having a modern border approach for the UK.

Q306 **Claire Hanna:** Obviously the land border is not the same as the other borders of the UK. Everybody accepts that Britain has a sovereign right to defend its border, but it has implications for the island of Ireland. What is the process for screening issues like this and the disruptive impact they will have for Ireland?

Brandon Lewis: There is no reason for this to be disruptive in any form. We work across the Government. The Home Office is talking to us. Simon Coveney and I were out there last week, talking to Helen McEntee's Department in the Irish Government as well. In the same way that, at the moment, nationals who require visas can process through, the common travel area means that people can flow through in the same way.

We have seen it around the world. I saw a number of people talk about tourism particularly being affected. When you look at countries around the world, including in the EU, that have brought in a variation of an ETA in one form or another—we have the ESTAs for the US, for example—they have not found it disrupted tourism. There is no reason that it should in Northern Ireland. We will continue to protect the CTA.

Q307 **Claire Hanna:** There will not be that many islands that have two distinct jurisdictions. You will know that a substantial proportion—I think around 50%—of tourists coming to and spending time in Northern Ireland come via the Republic. They will not all have a nailed-down itinerary. This will be problematic for people who are having a few days in Donegal and want to go across to the Giant's Causeway and to spend some money. How are you going to mitigate that, given that so much of that traffic comes through Dublin, because it has the international flights, et cetera?

Brandon Lewis: The reality is that we do not have a border between Northern Ireland and Ireland. People can flow through as they wish. We



are very clear that people—if they are coming into the UK and are non-British or Irish citizens, who therefore do not benefit from the CTA, when the ETA comes in—should have an ETA, in the same way that a visa-holding national should have a visa at the moment. We are not proposing, nor have we ever proposed, to put any form of border checking on this. Colin, do you want to add anything to that?

Colin Perry: I would only reinforce what you said. The idea is to go for something that will be relatively straightforward to complete, so therefore you try to reduce the friction involved. As the Secretary of State said, there is no suggestion that there are going to be some sort of checks at the border between Northern Ireland and Ireland. It is aiming to deal with modernising the way that these things happen. It will be promoted to people to allow them to benefit from what is an unparalleled tourist offering right across the island of Ireland.

Q308 **Claire Hanna:** We have discussed it previously in the Committee. If people do not have one, they could find themselves in contact with law enforcement, through an accident or whatever. Is your message that, if somebody is in Donegal, they should not come across if they do not have an ETA? Is that the clear message?

Colin Perry: It is very much that we would be encouraging people to do that. If they came across, we are really only looking if there are egregious cases. Otherwise you are going to be encouraging people to—

Brandon Lewis: Our position will always be to ask people to follow the letter of the law, in the same way that today a national who requires a visa, who is coming from Ireland but may require a visa to come into the UK, if they are coming into Northern Ireland, or England, Scotland or Wales, should have a visa.

There would be no difference with the ETA, other than the ETA will be unlike a visa, a much simpler system. It will be a very small additional cost for travellers. Those who have used ESTAs for the US, or the equivalent for other countries, will know that it is a quick process. It is not done every time you travel. They last for a year at a time. There is no reason for this to have any impact. It is something the Home Office has talked to the Irish Government and the tourism authorities about.

Q309 **Chair:** The Bill sets very clear financial penalties. It carves out very clearly that people who transport visitors by boat or plane will be fined if they land somebody in the UK who does not have the relevant piece of paper. What happens if somebody lands somebody in Shannon or Dublin and they then get on a coach trip, or in a taxi, or they hire a car and go across? Who has the liability? If that person who is driving themselves is involved in an accident and requires the help of the National Health Service and does not have the piece of paper, will they still qualify for free healthcare? Will they be seen as illegal and be landed with a bill.

It strikes many of us that this is another Home Office initiative where it



could easily be said that if you come into GB you have to have it. Border Force is there to do it. We are asking people to have a piece of paper. They do not see themselves as going to Northern Ireland or the Republic. They see themselves as visiting the island of Ireland. That is how it is marketed in tourism. You have to get yourself a piece of paper. Nobody is going to check whether you have it, but it might have penalties if you do not have it and require some sorts of services. It does not seem to show any Home Office sensitivity with regards to how, in the tourism element, the island of Ireland operates in 2022, does it? That is why Discover Northern Ireland and others are so upset about.

Brandon Lewis: Do not forget that there are differences between the healthcare services themselves in Northern Ireland and Ireland anyway. We are very clear that there will not be any routine immigration controls on journeys within the common travel area. There are not. There will not be. That is no different to how it functions now with people who are visa-requiring nationals.

Madeleine Alessandri: It will be digital, so people will be able to do it very easily.

Q310 **Chair:** I appreciate how it works. I am trying to work out what happens where people either do not know that they need one or do not bother to get one. Let me give you another scenario. Somebody is driving. They are an American citizen. They are driving. They have arrived in Dublin. They have a week in the Republic. They want to have a week in the north. They hire a car and drive. They cause an accident. Has there been any discussion with the insurance industry as to whether their insurance would be valid if they did not have the relevant piece of paper.

Brandon Lewis: Do you mean if they travel from Ireland into Northern Ireland?

Chair: Yes. They have driven over the border. There have been no checks, because it is an invisible border.

Brandon Lewis: With respect, their insurance would depend on the details of the insurance that they have taken out with the hire company, in the same it does when you travel to other countries.

Chair: I take that.

Brandon Lewis: As somebody who has travelled across borders in North America, that is something that is a matter for the details of the insurance company of the company you are hiring from.

Q311 **Chair:** Do you take the point that, if that is then pointed out to them and they did not realise they needed it, and they go, "I cannot be bothered," there is the potential for that visitor to only spend time—more time and therefore more money—in the Republic?

Brandon Lewis: I am quite happy to come back to the Committee on that, or ask the Home Office to come back with details on that, because it



HOUSE OF COMMONS

depends. It depends upon the details of what the insurance company has set out, in terms of that hire company. It may not void your insurance necessarily. If you are a visa-requiring national, it does not necessarily mean that, if you do not have a visa and you drive through Northern Ireland to get to Donegal from Dublin, for example, if you took that route, that voids your insurance. That is not necessarily the case. Therefore, the same would apply with an ETA as well.

Q312 **Chair:** Could that not be deeply worrying to a resident in Northern Ireland who has their car shunted?

Brandon Lewis: As it would have been today and as it would have been last year. If that is the case, it would have been the case last year. That is not something the ETA itself will bring in. The ETA itself will be very clearly advertised. One of the reasons why the Home Office is working with the tourism companies is to make sure that visitors know, in the same way they would if they were from a country that required a visa, that they require an ETA, should they come into the UK, i.e. Northern Ireland. The tour operators will know that as well.

Q313 **Claire Hanna:** Do you see the logic in exempting residents of Ireland, even if they are not British or Irish, from the visa, so somebody who is French or whatever else living on the island of Ireland? Why would they not be exempted?

Brandon Lewis: The CTA applies. Then you are changing the structure and the rules of the CTA.

Q314 **Claire Hanna:** You are changing their ability to move freely around—

Brandon Lewis: We are not changing the CTA.

Q315 **Claire Hanna:** You are because you have removed the ability to move freely, and that would seem to be a logical exemption to protect EU nationals in particular. Looking at refugee issues at the moment, particularly the Ukrainian crisis, how are the UK and Irish Governments co-operating on that at the moment?

Brandon Lewis: The Home Office, again, is liaising with the Irish Government. I had a conversation with the Irish Government about this last week, because we, both the Irish Government in Ireland and here in the UK, want to make sure that all citizens who are coming from Ukraine to seek refuge get the support they need. The Home Office and Irish Government are in contact and working together.

Q316 **Claire Hanna:** Do you believe that the Irish Government refugee policy is a security risk to Northern Ireland or Britain?

Brandon Lewis: There are two sides to this. One is that in the UK it is fair for us to want to ensure that people who are coming into the UK are the right people to come here, bearing in mind this is a country that, just in the last couple of years, had an assassination attempt made by Putin's regime on the streets of England. I do not think that it is unreasonable



that the Home Office is very clear about wanting to ensure that we avoid allowing people in, bearing in mind people have come into the UK before specifically to do harm to others. We ensure that people who are coming in are genuinely people from Ukraine who need and want refuge here.

That also means that we can focus our support, quite rightly, in the humanitarian areas where it is most needed. Also, one thing the Home Office and the Irish Government are working together on is to ensure that, for people who come in—and there may be some; there may be some but there may be none—through the Irish Government’s route but then decide they want to move into the UK, be it Northern Ireland or via Northern Ireland into mainland Great Britain, we are able to give them support. To do that, we need to know who they are, so that we can give them the humanitarian support to settle and ensure that they get all the support they need. That is why the Home Office is working with the Irish Government and the Ministry there to make sure we have all that in place.

Q317 Stephen Farry: I have a follow-up from Claire’s question. You said that it is the UK’s policy that no one should enter the UK who requires a visa without a visa. There may well be a number of Ukrainians who have entered through either Rosslare or Dublin without a visa for Ireland, which I support, who have then travelled into Northern Ireland because they have contacts in Northern Ireland and that is where they want to be, in terms of having a degree of safety.

Those individuals cannot apply for the Homes for Ukraine scheme in situ in Northern Ireland, because the rules only allow for an out-of-country application. Given the very unique situation in Ireland, with that land border, is the Northern Ireland Office trying to liaise with the Home Office and the Department for Levelling Up, Housing and Communities around some sort of bespoke arrangement to regularise those people, who may well already be in Northern Ireland, who want to continue to be in Northern Ireland. Under the current rules, it would suggest that they have to go back south, then apply to get back in again.

Brandon Lewis: Yes. The Executive have been working with organisations and have the welcome centres coming. I recognise that this is an issue. It is one of the reasons why the Home Office is wanting to work so closely with the Irish Government to make sure that we can identify people like that to make sure that they get the support that they need to be able to settle in the way that we want to be able to support them to do, whether they choose to stay in Ireland or move into Northern Ireland or indeed anywhere else in the UK. The discussions are ongoing between the Departments and the Governments.

Stephen Farry: That is reassuring.

Q318 Ian Paisley: On investment into Northern Ireland, do you think that Her Majesty’s Government are short-changing Northern Ireland?



Brandon Lewis: No, absolutely not. If you look at the evidence, it is quite the contrary. I am very proud of the fact that we have seen record levels of investment in Northern Ireland in the last couple of years, through the block grant but also with wider investment such as the new deal.

Q319 **Ian Paisley:** Foreign and direct investment has of course done very well, but that is not HMG investment in Northern Ireland. UK Government capital investment funding for Northern Ireland has consistently been the lowest per head of all the UK nations. That is a fact. That is the evidence. It is £49 million. When it came to Northern Ireland's allocation of £49 million under the levelling up fund, we were to get 3% of it; we fell short of that. Northern Ireland has not yet been allocated from the shared prosperity fund. The facts seem to suggest that Northern Ireland is being short-changed.

Brandon Lewis: No, it is quite the opposite. First of all, inward finance from around the world is doing very well and is a great credit to those who have been involved in that. I see some of that myself in the work that we have been doing with companies investing in Northern Ireland from the US, particularly in the last few months. In terms of UK Government investment, we have seen the biggest investment in Northern Ireland since devolution began with the settlement this year for the Executive.

One of the frustrations I have is seeing the Executive consistently underspend and have surpluses at the end of the year. I am very clear that we will see that again this year. The £15 billion from the UK Government is the largest settlement since devolution began. That goes on top of the money from "New Decade, New Approach", which is obviously a couple of billion, the money for PEACE PLUS, which is over £730 million from the UK Government alone and the £400 million we are investing from the new deal. Arguably the largest financial packages of city and growth deals in the UK and town deals are in Northern Ireland. The UK Government spend more per capita in Northern Ireland than any other part of the United Kingdom.

Q320 **Ian Paisley:** I agree with you that it is a disgrace when Government Departments in Northern Ireland hand money back. Anyone from my constituency would see that as a crime. That money should be held and spent in Northern Ireland.

Chair: You are not alone in that, Ian.

Ian Paisley: You must agree that, in order to do that, sometimes flexibility, in terms of the process of being able to spend in the next calendar year and the next financial year should be allowed. It would prevent some of this money being handed back. That is something that I hope could be reformed.

Turning to a specific example in terms of connectivity, driving people into



Northern Ireland and promoting Northern Ireland as a place to come, the Republic of Ireland has recently given an extra €200 million to Aer Lingus to help that airline promote its transatlantic operations and to bring more people into the island of Ireland. That was a UK organisation. That is fine. I would like to see the same sort of effort being made to promote direct flight links in and out of Northern Ireland transatlantic, because they are missing. Do you think shared prosperity, levelling up or any of those programmes by the Northern Ireland Office could achieve that success?

Brandon Lewis: I would support the direct transatlantic flights. It is not just about finance. We, as the UK Government, have been resolute in our support for that for connectivity for Northern Ireland. If you take through Covid, we have put the increased support in to make sure we kept flights and ferry movements going throughout that period. I would happily support and do what I can to make the case for transatlantic flights, but that is not just about UK Government investment.

I have had conversations in the past with partners in the US about direct transatlantic flights when I was working in the Home Office, both for Northern Ireland and more widely in other airports across the UK. That would be an exciting way forward. It is not just about money. There are other issues, particularly US, if you want to look at having a structure to have US passport control effectively here. I am trying to think of the phrase. Sorry, my mind has gone blank.

Stephen Farry: The pre-clearance.

Brandon Lewis: It is pre-clearance, but there is another phrase, which is what we have in St Pancras as well, where you can clear. I am trying to think what it is now. Anyway, you know what I am talking about. That is quite a complicated structure. If there is the demand there, that is the first thing that the airlines themselves will look at to see if it is viable. It is certainly an area that I would personally support. I am very happy to pick that up with you.

Q321 **Ian Paisley:** You say about demand and I agree with you: it has to be demand-driven. I think that there is demand there. The issue is if there is a rival country next door, and they are a rival when it comes to business like this. You have a £200 million slush fund being driven into that company to encourage it to bring routes in and out of its country—it is perfectly fine for it to do that—and there is no slush fund, essentially, for Northern Ireland companies or transatlantic companies to jump on and compete coming into Northern Ireland.

Chair: I am not sure we can call it a slush fund, otherwise everything is a slush fund.

Q322 **Ian Paisley:** You know what I mean. It is payment into the infrastructure by the state. Is there anything that can be done directly? You say that you would be very supportive of it. Do you think that resources should be put there? Would the NIO put resources there?



HOUSE OF COMMONS

Brandon Lewis: As I say, I have had conversations around this before, and it has not been the money that has been the issue that has stalled it. I am very happy to pick this up and have a wider conversation around it. The principle of it is positive, but of course we also invest, to use that phrase, in a wider range of areas, as we are with the £400 million that we are investing in Northern Ireland through the new deal programme, the hundreds of millions we are investing through the city and growth deals and as we will continue to do with a wide range of products.

I appreciate your point around being able to move money through years. There are monies allocated for Northern Ireland that have been unspent for many years, which are still available under fresh start and things like that. There are a range of areas there where we need to make sure that we are spending the money that is already allocated. If you look at the sums we have managed to secure for Northern Ireland, particularly in the last couple of years, I am proud of the fact that we have broken all records, in terms of increasing investment and the money moving from the Treasury into Northern Ireland, for the benefit of people in Northern Ireland.

Q323 **Chair:** In the closing stages, can we turn to intergovernmental relations? Will the new Prime Minister and heads of devolved Governments council be able to meet in the absence of a First Minister and Deputy First Minister?

Brandon Lewis: Yes.

Q324 **Chair:** Who from Northern Ireland would attend to represent Northern Ireland's interests? Is it you, as Secretary of State? Is it won by a raffle?

Brandon Lewis: That is a fair question. It is one of the things we are looking at. Because the other devolved authorities are still in place, it would meet as a wider group. In the past, either the head of the Civil Service, or, where we have a difference now—we saw this with a few structures and meetings over the last couple of months—depending on the topics, relevant Ministers who are still in place can represent the Executive.

Chair: That is helpful. Thank you very much indeed. Secretary of State, you offered us two hours. We have taken one hour and 59 minutes.

Brandon Lewis: You let me off easily. You have let me off lightly.

Q325 **Chair:** Hopefully what you and officials, for whose attendance we are all grateful today, will take back from this session is that you have a lot of balls up in the air at the moment, in terms of proposals, legislation, etc. At some point, gravity has to take over and they have to land.

Brandon Lewis: I am very conscious of that, yes.

Chair: We are very grateful to you for your time.