

Northern Ireland Affairs Committee

Oral evidence: [Work of the Secretary of State for Northern Ireland, 2017-19](#), HC 498

Wednesday 21 November 2018

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Members present: Dr Andrew Murrison (Chair); Mr Gregory Campbell; Maria Caulfield; Mr Robert Goodwill; Lady Hermon; Kate Hoey; Conor McGinn; Ian Paisley; Jim Shannon; Bob Stewart.

Questions 324 - 464

Witnesses

[I](#): Rt Hon. Karen Bradley MP, Secretary of State for Northern Ireland; Colin Perry, Director, EU Exit and Corporate, Northern Ireland Office; Chris Flatt, Director, Strategy and Legacy, Northern Ireland Office.

Examination of witnesses

Witnesses: Rt Hon. Karen Bradley MP, Colin Perry and Chris Flatt.

Q324 **Chair:** Good morning, Secretary of State. It is a great pleasure to see you here. Good morning, Mr Perry and Mr Flatt. We have a series of questions. As previously arranged, we will not invite you to have an introductory peroration, but we will go straight into questions, if that is okay with you. I will open with a few on the Northern Ireland border, since it is the topic of the moment. Can you tell me where we are with the Border Delivery Group?

Karen Bradley: Please indulge me, Mr Chair, by allowing me to congratulate and thank you for your work on the World War I advisory group. I am saying that with my previous hat on as Culture Secretary, but also as Northern Ireland Secretary, because the event that Lady Hermon and a number of others were at, at St Anne's Cathedral on Remembrance Day, was a very special moment. I know it would not have been possible without the steering work you had done on the World War I advisory group. I think the only consistency in terms of ministerial representation on the group was you. Thank you very much for everything you did.

Chair: That is very kind. Thank you.

Karen Bradley: On the Border Delivery Group, that is clearly a cross-Government matter. We have an IMG on borders that meets regularly, and work is being done to ensure that preparations are made for border work in both no-deal and deal scenarios.

Q325 **Chair:** Do you think perhaps the Border Delivery Group was stood up a little too late in respect of the Northern Ireland border? The National Audit Office, as you know, has been quite critical of the fact that it only really began its work in July.

Karen Bradley: There is a balance to be had here in how one deals with matters as sensitive as the border. None of us should underestimate the levels of unease and unrest that there are in Northern Ireland regarding what will happen after Brexit. There is always a balance as to when one starts work preparing for no deal and when one starts to do public work preparing for no deal, bearing in mind that there are always going to be sensitivities.

Q326 **Chair:** That is very true. Nevertheless, the National Audit Office was quite clear that we are way behind the curve in relation to planning for the various contingencies in relation to the Northern Ireland border. I am wondering what the sensitivities to which you refer and to which the National Audit Office refers actually are. Can you describe those?

Karen Bradley: One only has to visit the border to see the level of unease that there is and the concern that there might be only limited



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border crossings, that checks would potentially be required at the border, and at the proposals that have come forward for monitoring people and goods crossing the border. Among various sources—I am not saying in Government—those have caused unease.

What the Belfast agreement delivered for many people was certainly about identity. This has caused some unease about the ability to identify as an individual in the way that one is comfortable with in Northern Ireland. We all have to be mindful of those sensitivities, because we do not want people to be unduly concerned about something that we are all working to avoid and are committed to avoiding.

Q327 **Chair:** That is absolutely right, but in the event that we have not planned for the various contingencies—and the vehicle for planning for a lot of that is the Border Delivery Group—concerns over those sensitivities will be enhanced, will they not? That is really what the NAO was getting at.

Karen Bradley: The NAO has made its report. I can say that, in terms of no-deal preparedness, this is now a weekly standing item at Cabinet. We have a weekly update from the Secretary of State for Exiting the European Union. There is a weekly meeting of the domestic preparedness committee, which is the Cabinet committee that meets to prepare for no-deal planning. There is an IMG on borders and there is significant work being done. Clearly, the NAO is able to look at the past, but the Government are clear that we are going to be prepared no matter what the outcome is.

Q328 **Chair:** That includes no deal.

Karen Bradley: Yes, absolutely.

Q329 **Chair:** The withdrawal agreement contained reference to avoiding checks at the land border, but including certain checks, particularly SPS checks, over the Irish Sea. Can you say to what extent checks will be increased under the withdrawal agreement beyond those that currently exist?

Karen Bradley: In terms of animal health, the draft text sets out proposals for checks for animals, which, in the absence of an EU-UK veterinary agreement, would go up from 10% live animal checks, as there is today, to 100%. Clearly, we are working to a UK-EU veterinary agreement and would expect the checks to be broadly as they are today. In a deal situation where we are working towards a future relationship, in the unlikely event we end up in the backstop for a short period of time—and we all want to avoid being in the backstop—one would also expect that we would have been able to sign a veterinary agreement, which would mean that live animal checks were broadly as they are today.

Q330 **Chair:** Can you say what going up from 10% to 100% means in practice? Does that mean every single animal that crosses the Irish Sea would need to be checked in some way and, if so, what does the checking involve?



Karen Bradley: In the absence of an EU-UK veterinary agreement, that would mean 100% live animal checks, as it would mean 100% live animal checks going from GB to any other part of the European Union. GB to France would involve 100% live animal checks, likewise GB to the Netherlands, Denmark, et cetera, and vice versa: 100% live animal checks coming the other way. We do expect to sign an EU-UK veterinary agreement much in line with the situation we have today, and we would therefore expect live animal checks to be broadly in line with what they are today.

Q331 **Chair:** You will be familiar with evidence given last week to this Select Committee about technical and procedural customs ways of dealing with the border. Is it your assessment that those checks would be sufficient to remove the need for a backstop?

Karen Bradley: You will know that, in the withdrawal agreement, it is clear that, if there are alternative approaches to dealing with the hard border on the island of Ireland, they can supersede the backstop. Let us be clear of the choreography here. We want to enter into an implementation period that starts on 30 March next year and runs until 31 December 2020. We would ideally like at that point—and we will all be working using best endeavours—to have a future arrangement in place, which means on 1 January 2021 we move straight into that future relationship, with no extension of the implementation period and no backstop.

Say we end up in a position that there is a short period of time during which we are unable to ratify the deal. It may well be that there is a regional parliament or some other body that has been unable to ratify the deal in the EU 27. Legally, none of the work of getting the deal in place can start formally until we are a third country, which we will not be until 30 March, which is why the implementation period is so important. In that unlikely event, we will have a sovereign choice as to whether we extend the implementation period or go into the backstop. If we end up in that insurance policy backstop, it is possible to end the backstop through alternative means. One of those could be a technological solution, if one is found at the time and all parties are happy, that resolves the issue of no hard border on the island of Ireland.

Q332 **Chair:** The issue would then ultimately be whether the independent adjudication panel was likely to agree with the UK that an alternative to the backstop was available, and whether the European Union had acted in good or bad faith in approaching that as a potential solution, if it was being difficult about the removal of the UK.

Karen Bradley: That does not need to go to independent arbitration. If you read the withdrawal agreement, it says that the backstop will end when we move into the future relationship, if an alternative approach is found or if we go into the review mechanism. There are three ways in which the backstop can end, in the unlikely event that we end up in it in the first place. It is not a question of needing to go to independent



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arbitration at that stage. It would be a clear fact that technology has been developed that deals with the issue of the hard border on the island of Ireland.

Chair: Secretary of State, you are an optimist. I am perhaps more of a pessimist. We shall have to see.

Q333 **Jim Shannon:** Secretary of State, it is always nice to see you. I wish we could see you when we were feeling less anxious than we do today. But you know we are quite annoyed—let us be quite truthful about it—at what has been proposed by your leader, our Prime Minister, who I have honourably and consistently supported in the voting lobbies on many things that normally I would not support her on. Being an honourable person, I have delivered that, because my party has agreed to it. I am a team player, and will walk through the lobbies and vote on things when I perhaps do not feel very easy doing so.

Let us be quite clear. For us, there is a very clear red line. The one red line is the backstop. Secretary of State, no matter how you word it, how you put it together or how you try to show it, if it goes through Parliament, which I suspect it will not because the consensus of opinion from all parties seems to be not to support the withdrawal agreement, it becomes a legally binding agreement that can only be annulled by mutual agreement. In other words, the Republic of Ireland and the EU have to agree to it. Therefore, it gives authority to the EU and the Republic of Ireland over the affairs of Northern Ireland ad infinitum, and waters down our positions as Members of Parliament representing our constituents in Northern Ireland in this House of Commons. It gives the authority to the Republic of Ireland and to the EU.

I do not want to argue with you, but I am going to fight quite dirty. You mentioned a short period of time. There is no short period of time. We see the long term of this, and the long term of this is something we cannot agree to. Can you tell us why you, as Secretary of State, why the Prime Minister and why at least some of the Conservative Party are pursuing a policy that is at odds with the majority of Members of Parliament in this House—those who attend—and why there is a need to pursue something that is so much against the confidence and supply arrangement that we had with your party? That is the first question.

Karen Bradley: Sorry, I thought you were going to continue, Mr Shannon.

Jim Shannon: I am going to continue, just after you finish.

Karen Bradley: This is not easy. Being in government is not easy. Making decisions is not easy. As Secretary of State, every day I have to take decisions based on the balance of risk and reward, what I believe to be in the best interests of the country and, as Secretary of State for Northern Ireland, what I consider to be in the best interests of Northern Ireland.



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There were always going to be parts of this 585-page withdrawal agreement that were difficult and uncomfortable reading for all of us. You will know what the original proposals from the European Union were for what the backstop should look like. Let us be clear; we cannot leave the European Union in an orderly state without some form of withdrawal agreement. It is not possible to do so. If we leave without a withdrawal agreement, the 40-odd years of economic and regulatory close entwined working that we have had with the European Union cannot be undone easily and quickly, and it will be chaotic and disorderly.

We need a withdrawal agreement to leave. Any future relationship is going to involve a withdrawal agreement, and that withdrawal agreement is clearly going to have to have some form of insurance policy in it. That has been made clear to us by the European Union, and we have had to accept that we have to enter into or we are asked to enter into some form of insurance policy.

The original insurance policy put forward by the European Union, you will recall, as the Prime Minister said, was unacceptable to her and unacceptable to any British Prime Minister, because it would have created two separate customs territories within the borders of the United Kingdom. It would have seen the people and citizens of Northern Ireland subject in full to European Union rules, laws and regulations with no say over those by the UK Parliament. That was simply unacceptable.

We have worked to get an agreement. I said last week in an interview that if I had been interviewed on this three months ago, I would have been told there was no way we could have had a UK-wide customs territory agreed as part of this insurance policy because it splits the four freedoms, and the European Union, which is not a person or a country but a legal construct of legal rules which are very clear that you cannot split the four freedoms, would not allow that to happen. We have managed to negotiate that.

Would I be comfortable if there was no review mechanism in there? No, I would not. We absolutely have to have a review mechanism. "Best endeavours" is a legal phrase, as the lawyers in the room will know. It means something legally. The European Union will have to act to give its best endeavours in order to find a way to get a future relationship that resolves the issue of a hard border on the island of Ireland.

Acting in good faith also has legal meaning. The text is clear that this is a temporary arrangement. The safeguards that have been put in place, including the unilateral commitment from the United Kingdom that we will ensure there is no divergence on regulation between GB and Northern Ireland in the short period of the backstop, should we end up there, and the fact that we could extend the implementation period, I believe are all sufficient safeguards to give me the comfort that I can vote for this deal.

This will be a matter for every Member of Parliament. I am not here to criticise any Member of Parliament. I am not here to tell Members of



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Parliament that their judgment or assessment different from mine is wrong. I am just here to explain why I have made the decision and the assessment I have made.

It is not easy. Government is not easy and leadership is not easy. The Prime Minister has had to take a decision in the national interest. Is it better to get an orderly withdrawal from the European Union? Is it better to ensure that we deliver on the results of the referendum and leave the European Union? Should we potentially not leave the European Union, because that is easier than entering into this insurance policy? I do not think that is the right decision. The right decision is that we leave: we leave on 29 March in line with the wishes of the people of the United Kingdom, and we do so in a way that delivers on that referendum. But I do not shy away from the fact that there are difficult decisions that need to be taken.

As I say, I am convinced by the safeguards that have been put in place and the reassurances that have been given. The fact that the European Union dislikes the backstop means that, as a legal construct, not as a person or a country, there is no way that there will be a situation where we can be bound into the backstop indefinitely, because article 50 is not able to bind a future relationship. That is the legal position of the European Union. People can go to the Court of Justice of the European Union and test that if they wish to.

All those points convince me that the right thing to do is to accept the deal, to get the future relationship and to make sure we never go into the backstop in any way. As I say, there is no withdrawal agreement in which there is no backdrop, and there will always be difficult decisions that have to be taken.

Q334 Jim Shannon: An insurance policy is only good if you can claim on it. I see this as an insurance policy you cannot claim on. We have to disagree on this, Secretary of State. You are of one opinion and I am of certainly a very different opinion.

I understand that legal opinion has been sought on this, which, if it is not known already, will be known by this weekend. I understand as well that the legal opinion on this legally binding document will indicate that it is illegal, and it does inhibit and interfere with the constitutional politics of this great United Kingdom of Great Britain and Northern Ireland and places Northern Ireland in a very difficult position. It will be interesting to see just what develops over the next time period of time. Secretary of State, yes, it takes a mutual agreement of both parties to end the backstop, and this is what worries me.

You also said, Secretary of State, "We want to avoid a hard border". It is very interesting that in the last few days Leo Varadkar, the Taoiseach, has indicated that he does not want a hard border, never wanted a hard border and there will not be a hard border. It is almost as if there is a realisation that this withdrawal agreement will not go anywhere. If it does



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not go anywhere, quite clearly it means that, as he at the last minute seems to understand, we have no wish to see that happening.

You have been doing this love-in with the business community and others across Northern Ireland with us last week, which I understand will continue on Thursday. The Ulster Farmers' Union came out and made a statement, which I understand perhaps was not cleared at the highest levels. For the record, I am a member of the Ulster Farmers' Union; my opinion was not sought. My neighbours are members of the Ulster Farmers' Union; their opinion was not sought. They have a very different opinion. I want to relay, Secretary of State, that there is a large body of opinion in the Ulster Farmers' Union, across the business community and across the unionist population in Northern Ireland that is diametrically opposed to what has been put in this withdrawal agreement.

We can sit here and talk about what is going to happen when we leave. The way it is going, the withdrawal agreement will not get through the House. If it does not get through the House, we should be looking at a new deal that is acceptable and has at least some hope of support within the community across Northern Ireland.

Again, Secretary of State, I ask you this question, and it is very clear. In your contact with other people across Northern Ireland, have you made any overtures or have you spoken to anyone who has given you an opinion of where we stand in relation to the withdrawal agreement and ultimately to the backstop down the Irish Sea for Northern Ireland? It seems to me that you are almost seeking the opinion you want to hear, rather than the opinion of those people out there. I just want to tell you that, if you do not cast your net wider, seek opinions of other people and stop seeking the one blinkered opinion that it is quite clear to me some people are portraying, you are going to get a very rude awakening.

Karen Bradley: There are a number of points there, Mr Shannon. Perhaps I can start with the comments by the Taoiseach. I am not going to comment on what is said by politicians from other countries, but I remember, the first time I appeared at this Committee, it was said that nobody wants a hard border on the island of Ireland. That was not news to anybody. We have been clear that, as UK Government, we will do everything we can unilaterally in the event of no deal to ensure that there is no hard border on the island of Ireland. This withdrawal agreement is the basis on which, in a future relationship, we can legally ensure that that is the case and that we have absolutely no doubt about that from both sides.

You have talked about business and others. It is my job as Secretary of State for Northern Ireland to speak about Government policy in Northern Ireland. That is my job. It is my job to represent Northern Ireland in Cabinet. It is my job to take the Cabinet position and the Government position, and explain it to people across Northern Ireland. I have not shied away from anybody, any viewpoint or anything else. I say respectfully we have a difference of opinion on this matter, but I am not



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going to shy away from explaining what my opinion is, the difficult decisions and the parts of this agreement that are undoubtedly unpalatable.

In an ideal world, there would be a very different outcome, but in an ideal world it would all be on our terms and there would be nobody else involved. There is not. There are 27 other countries, and those 27 other countries need to be happy with the withdrawal agreement as well as us, so that means accommodations have to be made.

As I say, politics and leadership is about looking at the balance of the risks and rewards, weighing them up and deciding whether you can manage the risks and, if you can manage the risks, whether the rewards are worth managing the risks for. In my view they are, because an orderly Brexit—an orderly leaving of the European Union—is the best thing for the people of the United Kingdom and for the people of Northern Ireland.

I will just say very gently that this is the deal. This is the deal that has been agreed by the EU 27. This is not going to get better. You will have seen the press coverage of what the other 27 are saying at the moment. We still have a difficult Council to get through. This withdrawal agreement is not going to change, but there will have to be a withdrawal agreement in any future relationship. There cannot be a future relationship without a withdrawal agreement. If you want to leave the European Union, as I do, because I want to respect the democratically expressed view of the people of the United Kingdom, this is the only way that it is possible to leave in an orderly fashion.

Q335 Jim Shannon: The responsibility of this sovereign Government, which we have the privilege of being part of, at least in a way, as parliamentarians, is to look after and be responsible for the views of the people who voted us into this place. That should be the priority of the Government, not an agreement that alienates part of that community, as it does in Northern Ireland. Mr Chairman, that is my final comment on it. Secretary of State, we will agree to differ and very much differ on this one here. The policy that you are pursuing is one I certainly can never vote for and never will.

Karen Bradley: As I say, we will agree to differ, Mr Shannon, but I do think this is in the interests of the United Kingdom and in the interests of everybody in Northern Ireland. The fact that it respects the Belfast agreement, that it delivers on no hard border on the island of Ireland, that there will be no border in the Irish Sea as a result of this, that we will have a good future relationship that will enable businesses across Northern Ireland and the whole United Kingdom to continue to trade with the European Union, is a very, very important breakthrough. Therefore, I do support this deal.

Q336 Conor McGinn: First, I want to say that I was sad to see Shailesh Vara stand down. In the political environment we live in now, people who go



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about their work quietly and diligently do not always get the credit they deserve, and he did that. I wish John Penrose well in his role.

I want to ask you about two very specific things, Secretary of State. This week, David Sterling, the head of the Northern Ireland Civil Service, made public draft legislation around recommendations from the Historical Institutional Abuse Inquiry, including the appointment of a commissioner and the awarding of compensation. He has put that out to consultation, which closes in February. He said—it is unusual for a civil servant to use such language, but justifiable in these circumstances—that at the point the consultation closes, you have a moral duty to act to bring this legislation into force. Do you agree with him and will you do that?

Karen Bradley: First, I would also like to put on record my thanks to Shailesh, who as a Minister of State did, as you say, work incredibly hard but quietly and was very effective. We will miss him desperately from the Northern Ireland Office. I am very pleased that John Penrose is the new Minister of State. I know he will do an excellent job, but Shailesh was a great Minister. It is the same point we have just talked about. There will be differences of opinion, and I respect his dignity in believing that he could not support this position. I wish him very well for the future and hope to continue working with him. I am sure we will see him at Northern Ireland Questions quite frequently.

On the matter of the Historical Institutional Abuse Inquiry, as you will know, the difficulty we have is that, because the Hart inquiry reported after the Executive collapsed, we have no comments from Ministers as Ministers as to their view of the recommendations. That makes it very, very difficult. There is no legal basis on which decisions can be taken.

Q337 Conor McGinn: You put a Bill through Parliament last month that said civil servants can issue guidance on matters like this. The head of the Civil Service is telling you that you have a duty to act, so you do not need Ministers.

Karen Bradley: In the guidance, we are looking at trying to unlock those decisions that had stalled following the Buick case that were looking at the previous programme for government and the decisions taken by Ministers previously. That is what the guidance was about. It is not about changing law and it is not about major policy decisions. We do not want civil servants taking major policy decisions. It is completely wrong for them to do so. I, again, want to put on record, as I have done before, my incredible admiration for the work of the civil servants in NICS, because they have been acting under the most immense pressure.

Q338 Conor McGinn: Sure, they have. What are you going to do in February?

Karen Bradley: In regard to the Hart recommendations, it is very good that the preparatory work has been done, including the consultation. I very much welcome the fact that a consultation has been launched. I have met the victims of the abuse. It is absolutely unbelievable what



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people went through and that they have had to wait this long even to have the inquiry.

As you will know, I was the Home Office Minister when the inquiry into institutional child abuse in England and Wales was set up. You will know we had long debates at that point as to whether the Hart inquiry should be folded into what is now the Alexis Jay inquiry. It was felt that that would not be appropriate, because it would stall the opportunities, ironically, for recommendations from the Hart review, which we knew would make recommendations sooner than the Jay inquiry. It would delay those recommendations being implemented. It is rather ironic, really, that we are in the situation we are in.

Q339 **Conor McGinn:** Do you agree with David Sterling that you have a moral duty to act in February when this consultation closes, if an Executive is not in place?

Karen Bradley: What I would say is we need an Executive in place, because that is the right way to deal with this.

Q340 **Conor McGinn:** We are not going to have an Executive in place by February.

Karen Bradley: That is what we need to have.

Q341 **Conor McGinn:** We are not going to have that.

Karen Bradley: There is a moral obligation on those politicians in Northern Ireland to do the right thing.

Q342 **Conor McGinn:** I appreciate, Secretary of State, the difficult position you are in, because you want to see Stormont and the Executive re-established, as we all do. This inquiry started in 2012. It reported in January 2017. Over 500 victims of the most horrendous sexual, physical and emotional abuse had the courage to go to that inquiry and talk about their experiences. Estimates based on other inquiries of this nature in other countries say that perhaps 5,000 people will come forward when this legislation is enacted and justifiable compensation—the meagre sum that it is, in terms of what they went through— is made available.

Do you know what those people are? They are absolutely sick of hearing warm and woolly words about understanding, empathising and the inability to act because Stormont is not functioning. You have the head of the Northern Ireland Civil Service, who has put forward draft legislation, who has put it out to consultation and who has said that you need to act after that consultation ends. The victims want to hear from you— notwithstanding the fact that we want to see an Executive re-established—that if it is not re-established, you will do that.

Karen Bradley: If I may say, there is a process, and that process involves consultation. I pay tribute to David Sterling for having taken the decision to start the consultation process in the absence of Ministers. But, even if there were Ministers in Stormont, nothing could be done until that



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consultation process had been completed. My message is that the easiest way to resolve this is to have Ministers in Stormont. Let us get the consultation process completed, and then let us see where we are at that point. My focus is on getting the Ministers into Stormont, because that is the easiest constitutional way to deal with this issue. You know the difficulties we have and the constitutional complications.

Q343 **Conor McGinn:** I do, and I understand the position you are in, but my focus is on ensuring that, five years since the inquiry started, when many of these older victims of abuse have died without receiving the justice they deserve, we get them in as quickly as possible.

Karen Bradley: We have to go through a consultation process. That will then need to report. We will need to look at the review of the consultation. As you will know, a consultation process can supersede the recommendations of an inquiry, so we need to look at what the responses to the consultation are. I would ask everybody who is interested in this matter to respond to the consultation, so that there is as much evidence as possible and so that the civil servants can do the work they are able to do within the confines of their role. As I say, my focus is on getting the Executive re-established, because that will be the easiest way of dealing with this matter when we know what the responses to the consultation are.

Q344 **Conor McGinn:** On a different and specific issue, but similarly around decisions that are not being taken that are having a huge impact on people in Northern Ireland, you and I have known each other for a while. In your previous role as Secretary of State for Culture, Media and Sport, I knew that your commitment to grassroots sports, to involving young people in sport and to seeing it as a way to progress social mobility and enhance educational attainment was absolute. You and I worked on that and absolutely agreed on that.

Since 2010, the Irish Football Association and the Ulster council of the Gaelic Athletic Association have run a coaching programme for schoolchildren across Northern Ireland: 53 coaches working in 400 schools providing coaching, games development, discipline, fun and enjoyment for 36,000 children. It costs £1.3 million a year. That programme has had its funding withdrawn from 2019-20. Twice previously civil servants have stepped in, in the absence of an Executive, to bridge the funding gap.

This programme, run by the Irish Football Association and the Gaelic Athletic Association, not only provides and delivers services for schools; it also provides an incredibly strong message about the power of sport and about people working together. Will you step in and fund that programme, so that schoolchildren in Northern Ireland can continue to benefit from the programme that has been running since 2010, at a cost of under £11 million in all that time, and to save those 53 jobs?

Karen Bradley: First, can I join you in agreeing that sport is a great unifier and a great alternative to other activities? When I was in the



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Home Office, sport was one of the areas that we looked at as an alternative to crime for those who may end up in gangs. In DCMS, it was clear to me that there are such opportunities to bring people together through the soft power that sport has.

I probably should congratulate Ireland on the magnificent win over the All Blacks at the weekend, which was a fantastic thing. It meant that my son at rugby training on Saturday morning decided to wear his Ireland rugby shirt rather than his England one. I am not sure what that says for the future, but maybe you know who he will be supporting in the World Cup at this stage. I agree with you that sport is a great unifier, and the opportunities to bring people together through sport should never be underestimated.

Q345 **Conor McGinn:** What about this programme, which is doing that?

Karen Bradley: We will be looking at the budget for 2019-20 for the whole of Northern Ireland in due course, and these matters will be looked at at that stage.

Q346 **Conor McGinn:** It is £1.3 million. You could use the salary savings you are making from cutting MLAs' salary, which has been suggested, to pay for it. It is not a lot of money.

Karen Bradley: As you will know, the way that the block grant works is that this Parliament votes for the block grant. It is then given to the Departments in Northern Ireland. Ideally, there is an estimates process in Stormont. We do not have Stormont at the moment, so we have done budgets in this House. Those budgets set out the departmental spending limits. They do not determine how the Departments then spend the money.

Q347 **Conor McGinn:** Could I impress upon you the importance of this programme to the IFA, the GAA, schoolchildren across Northern Ireland and the 53 people who are going to lose their jobs?

Karen Bradley: You will have been heard loud and clear by all those who take decisions on this matter.

Q348 **Conor McGinn:** Tomorrow night I am in Belfast. I am delivering the inaugural equality and diversity lecture at Queen's University. It is about rights, responsibility and respect in building the common good. What do you think I should say, and is there a particular message you think I should give to the LGBT community about marriage equality?

Karen Bradley: There should not be any surprise at my support for marriage equality. I voted for it for my constituents, and I would like to see changes to the rules in Northern Ireland, but these are devolved issues. We have to respect the constitutional arrangement. I know you have worked hard on a Private Member's Bill. I presume you will be back for your Private Member's Bill on Friday, having given the lecture. I sadly will not be able to join you as I shall be in Cannock at *Question Time*,



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which I believe has already been publicised, so I do not think I am giving any secrets away. I want to see change, but these are changes that need to be taken in Stormont and, therefore, we need an Executive back in Stormont making those decisions.

Q349 Conor McGinn: I agree with that, and that is where I want the decision to be made. I am respectful of the different views of colleagues on this, not just in terms of the substantive issue, but in terms of the procedural issues. But, again, Secretary of State, people are getting fed up with hearing that it needs an Executive and an Assembly re-established, especially when in truth, despite the efforts that I know you are making, they are not seeing any tangible progress towards that. People are frustrated because people rightly believe that rights delayed are right denied.

It is all very well for you to fly the pride flag over Stormont Castle and talk about your support for equal marriage, but a gay couple in Northern Ireland today still cannot get married. A gay, married couple who come from England, Scotland, Wales, Ireland or anywhere else into Northern Ireland do not have their marriage recognised. That is an affront to human rights, equality and decency in the 21st century United Kingdom and Northern Ireland.

Karen Bradley: I know how strongly you feel about this matter. I am frustrated beyond belief about the fact we do not have an Executive today and that we have had such a long period without an Executive, because that is an example of a decision that needs to be taken, but there are so many other decisions that could be taken and are not being taken as a result of not having an Executive.

I suspect everybody round this table could pick another decision that they would like to see being taken, but I have to be clear: there is no alternative to devolved Government. There is no alternative that works for the people of Northern Ireland, other than the politicians they elected doing the right thing, coming together, showing leadership and forming that Executive. That is what we need to see and that is what I am focused on.

Q350 Kate Hoey: Thank you, Secretary of State, for being here. First, we were all very sad to see Shailesh go; he is very well respected. How did you feel when he said in his resignation letter, "We are a proud nation and it is a sad day when we are reduced to obeying rules made by other countries who have shown that they do not have our best interests at heart"? How did that make you feel about what was happening?

Karen Bradley: I was very sad that Shailesh felt he needed to resign. I had worked closely with him. I was very impressed and very pleased with the support he had given me and the work he had done, but I knew we had a difference of opinion on this matter. We had discussed it on a number of occasions.

Q351 Kate Hoey: You did. Before you went to Cabinet, you had discussed it



with him.

Karen Bradley: We have discussed his position on this matter and his views on these matters. I knew that he would have to look at this agreement in the round and make a decision on the basis of that. He decided on the basis of seeing the agreement that that was his position, and I respect his position. As I say, I am not here to be in any way critical of those who have a different view of this from mine. My judgment as Secretary of State for Northern Ireland, having looked at the 585 pages, having gone through the explanatory notes and having gone through the outline draft political declaration, is that overall this deal—

Q352 **Kate Hoey:** We are pretty clear on what your view is now. At Cabinet, did you speak up at all? I do not want you to tell us what went on in Cabinet, although we have heard quite a lot. Did you point out to the Prime Minister and others how this might go down in Northern Ireland?

Karen Bradley: It would not be appropriate for me to comment on what I or anyone else said at Cabinet.

Q353 **Kate Hoey:** We can take what we want to assume from that. Can I ask you how you felt when you heard about Martin Selmayr, the German head of the EU civil service, boasting that losing Northern Ireland would be the price that the United Kingdom would have to pay for Brexit?

Karen Bradley: That is not a price that we are going to pay for Brexit. It is not going to happen. The constitutional and economic integrity of the United Kingdom will be preserved, no matter what happens. I am confident that the safeguards in place in this withdrawal agreement and the future relationship we are working to will be good for the whole United Kingdom. We will come through Brexit as the whole United Kingdom in a much better place and able to strike trade deals with third countries that will benefit businesses across the United Kingdom, including in Northern Ireland. We will see people being able to benefit from global Britain outside the structures and institutions of the European Union, but still with a close relationship and friendship with our friends in Europe.

Q354 **Kate Hoey:** If we have a backstop, we have no idea when it can end, and it can only end if the EU basically decides to allow it to end. Is that right?

Karen Bradley: Mutual agreement is on both sides. Everyone is talking about this as though only the EU can stop it. This is mutual. There is a process we can go through with a joint committee and an arbitration panel, looking at whether best endeavours have been used to reach a future relationship and whether we have acted in good faith. These are legal terms. Let us be clear: the EU is not a person. It is a legal construct. The European Commission is bound by the legal rules of the European Union, which is clear: article 50 cannot bind a future relationship.



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You have to look at the whole document in the round and the terms used within it. You cannot pick out one article and say, "This proves that we are going to be held in against our will." You have to look at the whole thing. It is absolutely clear. There is no divisibility between Northern Ireland and Great Britain in this document. Let us be clear: if we go into the backstop—and it is an "if", because none of us wants to be in a backstop—it is desperately, desperately uncomfortable for the European Union and the member states of the European Union. Nobody wants to go into it, but it is there to ensure that we can all move forward, comfortable there will be no hard border on the island of Ireland.

Q355 **Kate Hoey:** If we ended up in this backstop, as certain numbers of people still feel we will, who would represent the United Kingdom on the joint committee that considers a request to terminate the backstop?

Karen Bradley: Decisions have not been taken about the membership of the joint committee, but suffice to say it will be ministerial representation. If you look at the article in here on the joint committee, it says clearly that it would comprise representatives of the Union and the United Kingdom, co-chaired by the Union and the United Kingdom. It is a joint committee established under international law. It is quite common in any form of international agreement like this that there would be a joint committee. It would be for the United Kingdom to determine who the representatives were and, as I say, it will be jointly chaired by the Union and the United Kingdom.

Q356 **Kate Hoey:** Who would represent the United Kingdom?

Karen Bradley: Those decisions have not been taken yet as to who the people would be. We need to get this deal ratified first. Let us get the deal sorted out, and then we can determine who the people are. Is anyone putting in a bid?

Q357 **Kate Hoey:** You must understand this a little bit. I appreciate you did not understand that Protestants voted unionist and all that. I will forgive you for your lack of understanding of hundreds of years of history.

Karen Bradley: Ms Hoey, I was making a point that there are many people who do not think about these things in their day-to-day lives. It was one line in a one-hour interview where I was trying to make the point that this is not something people are considering on a daily basis.

Q358 **Kate Hoey:** I said I forgive you for that, but with respect, with 40 years of problems and terrorism, I am very surprised. This is the problem for many people in Northern Ireland. Under the backstop, by virtue of the fact that the Irish Government will still be members of the EU, they are going to have more say over areas of regulation that will affect Northern Ireland than the United Kingdom Government. Can you see how people in Northern Ireland see this as a betrayal of some of the red lines the Prime Minister set out, and that, no matter how good our relations are, it will basically give a foreign country actual jurisdiction over some of the way we run our internal affairs in future? That upsets and angers huge



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numbers of people in Northern Ireland.

Karen Bradley: I can see how some people reading a very small part of the withdrawal agreement may read it in that way, but I am here to say to them that they are wrong. That is not the case. There will be no rules that will change in Northern Ireland without that decision being taken by the people of Northern Ireland. It will not be Dublin or anyone else making decisions about the rules in Northern Ireland.

I absolutely agree with you that that would have been the case if we had had the backstop as put down by the European Commission in March this year. That backstop has been rejected wholly, and so the decisions that will be taken about the rules in Northern Ireland will be a sovereign matter for the people of Northern Ireland.

Q359 **Kate Hoey:** How will that be tested?

Karen Bradley: In what way?

Kate Hoey: In terms of the people of Northern Ireland and their views.

Karen Bradley: The rules in Northern Ireland cannot change without rules changing either here in Westminster or in Stormont. They cannot be automatically changed by another third party.

Q360 **Kate Hoey:** To end the backstop, would there have to be a vote in this Parliament?

Karen Bradley: We would have to look at the specific circumstances. Let us be clear: we are talking here about a situation none of us wants to be in, where perhaps on 1 January 2021 we have not been able to legally ratify everything about the future relationship. Therefore, we make a sovereign decision as to whether we extend the implementation period. We decide in our Parliament whether we extend the implementation period or we go into the backstop.

There are good reasons why the backstop may be more beneficial. It may be more beneficial because it ensures the end of freedom of movement, with no payments into the EU, and restores and returns many of the issues in the implementation period. Let us be clear: the implementation period is not an easy place to be, but it is a glide path to a future relationship.

We will take a sovereign decision as to whether to move into the backstop or whether to go into the implementation period. At the point we go in, we will have absolute parity of rules. There will be no difference between the rules that apply in the European Union and in the United Kingdom. If, during the very short period we are in the backstop—let us be clear: it will be a short period—there are changes in the rules in the European Union, it would be a matter for the UK Parliament or the Northern Ireland Executive, depending on whether it was a devolved matter, as to whether those rules would change. Clearly, we would be saying we would expect to change the rules, because we would want to



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make sure there was no hard border on the island of Ireland during that period.

This is the political risk point. This is the point that you have to take as a politician. If you believe that the risk of this happening, the risk of a change happening and the risk of us not complying across the whole United Kingdom with that change—and we have made a unilateral commitment that that will not be the case—are too high to allow you to move into a situation where we leave the European Union in an orderly manner with a withdrawal agreement, which no one is saying is perfect but is the withdrawal agreement on the table, and you are prepared to accept either no deal or no Brexit, that is a choice you take as a politician. The choice I have taken is that I do not believe we will be in a situation in a backstop where we will end up with changes in regulation. That is my political judgment.

Q361 **Kate Hoey:** Clearly, you have great confidence in the good faith of the European Union. There are a number of us who probably do not have quite that good faith. What incentive is there, once we are in that longstanding situation, for the EU to try to get something sorted? They are still getting our money and they are still ruling over us really. We might have officially left.

Karen Bradley: Not in the backstop. There is no money in the backstop.

Q362 **Kate Hoey:** What is the point of it?

Karen Bradley: The €50 billion—somewhere between £35 and £39 billion—that has been agreed is meeting our obligations under the multiannual financial framework, which we have already signed up to. We are a law-abiding country that meets our obligations. As global Britain wanting to go out and strike trade deals with other countries in the rest of the world, meeting our obligations and standing by our obligations is a very important thing that we should make sure we do. There is partly that and partly the fact that we have agreed an implementation period. That is what we are getting for our money.

In the backstop, no money transfers over. In the backstop, we have a situation where the four freedoms are split. That is desperately uncomfortable for the European Union. You have heard the comments that are being reported in the press from Spain about what that would mean for Gibraltar and how uncomfortable they are about that. You have heard the fact that the French are not happy that there will be no access to our waters at that point.

Let us be clear: businesses in Northern Ireland under the backstop will have absolute access to the single market of the European Union and unfettered access to the rest of the United Kingdom's single market, with access to the trade deals we are striking around the world. That puts Northern Ireland businesses in a remarkably beneficial position.

Q363 **Ian Paisley:** They will be paying two rates of VAT at the same time.



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Karen Bradley: They will not be paying two rates of VAT, no.

Q364 **Ian Paisley:** It will be a differential rate to the rest of the United Kingdom.

Karen Bradley: We have been clear that we will make sure unilaterally that there is parity between the regulations in Northern Ireland and the regulations in the rest of the United Kingdom—in Great Britain. We have been clear that we will do that unilaterally. I return to the point. If you were an Irish business looking at the business just across the border that now has access to the single market, has access to Great Britain and has access to those trade deals, you might not really want your Government to continue in a backstop for very long.

Ian Paisley: You would not want to pay a different rate of VAT.

Q365 **Kate Hoey:** Finally, Secretary of State, on this issue, do you understand that there is a perception that, whatever the Prime Minister says, you will go along with it and that your role really is just to keep a lid on everything until we manage to finally hopefully—

Karen Bradley: I could take that in a very offensive way, Ms Hoey, if I wanted to.

Kate Hoey: I was saying “perception”.

Karen Bradley: I am clear: I have a brain in my head and I am capable of thinking. I have made the decisions that I have made on the basis that I think they are the best decisions, as the Secretary of State for Northern Ireland, for Northern Ireland and the United Kingdom.

Q366 **Chair:** To be clear, in relation to elements of the single market to which you referred and which are contained within the backstop and the Northern Ireland protocol, it is your belief that the European Union will not be changing regulation in a way to achieve what it refers to as a level playing field on things like environment and workers’ rights that may potentially disadvantage part of the United Kingdom. We are taking that as perhaps an article of faith, are we, or are you referring to something that is more specific within the draft withdrawal agreement?

Karen Bradley: I am referring to, as I say, the political judgment you have to take. One of the reasons, I think, we voted to leave the European Union is because the European Union is a cumbersome beast that takes forever to change things and has no flexibility, and the legal system does not operate in a way that we like in the United Kingdom. It does not work for us. That is one of the reasons that the people of the United Kingdom voted to leave the European Union.

As I say, there is a political judgment to be taken as to how quickly one thinks that regulations by the European Union could be changed in a way that during the backstop would make a significant difference. Let us be clear: it would only be on those matters that were necessary for north-south co-operation.



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Q367 **Chair:** Yes, but they are very broad, are they not?

Karen Bradley: We are referring to about 40 pages in about 1,100 pages of the acquis here. We are not talking about everything, but in those areas one has to make a judgment. If Members think that the EU is likely in that period to make significant changes to those regulations, that is their judgment.

Q368 **Chair:** During the period of the backstop.

Karen Bradley: During the short period of the backstop, if we end up in it in any event.

Q369 **Chair:** You say “short”, but we do not know that, do we?

Karen Bradley: As I say, it is a temporary arrangement. It is clear in the agreement that it is a temporary arrangement. Everybody has agreed it is a temporary arrangement. We all want to get on and get the future relationship sorted out, but we are not going to be able to do that without a withdrawal agreement.

Q370 **Mr Goodwill:** On that point, is it not the case that, in the way the EU formulates legislation, there is quite a long lead-in, with the consultations, the process through the Parliament, the co-decision et cetera, so it is unlikely that some piece of legislation would pop up during the backstop that we would need to then take action on?

Karen Bradley: From your experience, Mr Goodwill, of the European Parliament, you know far more than many do about the way it works. It is highly unlikely, one would expect, for the European Union to pop up with a piece of legislation out of the blue that could possibly cause problems.

Q371 **Mr Campbell:** You are very welcome, Secretary of State. You mentioned several times the issue of the hard border. I appreciate you said that you did not want to comment by and large on what the Taoiseach or someone from another country had said, but have there been any discussions between you or the NIO with the Department of Foreign Affairs about the timing of the Taoiseach’s comments at the weekend about the hard border?

Karen Bradley: The Northern Ireland Office does not discuss these sorts of matters with another sovereign Government. This is a matter for that sovereign Government. It is not a matter for the Northern Ireland Office.

Q372 **Mr Campbell:** It seems more than a little odd that, for two years now, the Taoiseach and others have talked about the possibility of a hard border. They have almost waved this threat of a hard border—this mythical, nonsensical, impractical and impossible concept. It was not done in the past. It could not be done now and could not be implemented in the future, and yet it was used as a negotiating ploy for two years.

At the weekend, the Taoiseach says that even if we have no deal, there is still not going to be a hard border. Thank you very much, Mr Varadkar. I



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have been saying that for two years. There cannot be a hard border, but our Government appear to have accepted the threat that there might be, and that someone might implement something that could not be done and could be circumvented easily by everybody because there are so many crossing points in Northern Ireland. You could not do it. It is impossible. You did not mention it at all to the Department of Foreign Affairs and say, "What was that intervention about?", "Have you an explanation for it?", or, "You never said this for two years, but now you have said it". That did not cross anyone's mind in the Northern Ireland Office to ask.

Karen Bradley: The Irish Government is a sovereign Government. It is not the role of a Department of another sovereign Government to tell another sovereign Government what to say and what to do. It is entirely a matter for that Government and the leadership of that Government.

Q373 **Mr Campbell:** I was not suggesting you should tell them, but ask them why.

Karen Bradley: As I say, this is not the way that things operate.

Kate Hoey: That is the problem.

Karen Bradley: I was just seeing if I could find the quote, but I do not have the exact quote. I think what the Taoiseach said was that he did not want to see one and he would work hard to avoid one, but there would be pressures from the European Union. That is because, in the event of no deal, we would have two separate customs territories: a separate customs territory for the United Kingdom and a separate customs territory for the EU, and the Irish are part of the EU customs arrangement.

From a WTO perspective, the negotiations for Ireland are conducted by the European Union, as they are for the United Kingdom today. The WTO rules are clear that there needs to be, between two separate customs territories, the possibility of checks, and contemporaneous forms need to be filed to ensure that, when goods are passing across the border, the right tariff has been applied, they meet the country of origin test, the SPS tests are correct, and health and safety and everything else has been complied with.

The UK Government are clear. We would wish to avoid any form of hard border on the island of Ireland and we would be looking to do everything we could to ensure that did not happen, but the WTO is clear in its rules between two separate customs territories. You cannot unilaterally apply different rules to Ireland that you do not then apply to the whole of the rest of the EU, because you are breaching the most favoured nation situation within the WTO.

Also, you could not say, "We will apply zero tariffs unilaterally to EU goods", although the EU may not apply zero tariffs in return, "and we will not apply those tariffs to other countries", because in the way the WTO



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works you have to look on a product-by-product basis and on a tariff-type basis. If we were going to have zero tariffs on steel, for example, from the EU, we would also have to have zero tariffs on Chinese steel. There are reasons why we have the tariff arrangements we do, so that we can ensure there is a level playing field for our businesses. It is not as simple as saying, "There will be no tariffs, therefore there will be no checks."

Also, global customs rules are not—if you look, for example, at the US-EU TTIP arrangements, only about 10% of the value of that for the UK was in tariffs. Most of the value in the TTIP arrangements, if they had come into play, would have been the value of removing frictions at the border. It is the frictions at the border that are the concern. Under WTO rules there would need to be checks.

Q374 Maria Caulfield: Sorry, just to interrupt you there, no one is denying that checks need to be made. We sat through evidence sessions the whole of last week. No one is denying those checks need to be made, but no one is saying they need to be done at the border. They can be done at point of origin or point of sale, and there are systems in place now across the EU and across the world that could be implemented to do that. That is the frustration of this Committee. We do not disagree that those checks need to be made. They never have needed to be made at the border.

Karen Bradley: As the UK Government, we have been clear that we would unilaterally do all we could to ensure that there were not checks at the border, but we need to be realistic about what this means for the retailer in Northern Ireland travelling to the cash and carry in Ireland, because if they do not go to that cash and carry, they need to go to the cash and carry that is significantly further away, causing them more costs and putting up the prices to their consumers. We have to think about the implications for the conservatory builder or bathroom and kitchen fitter travelling across the border day in, day out, with what are consignments that will need to have customs declarations made on them.

Q375 Maria Caulfield: They can be done away from the border.

Karen Bradley: We are talking about a small business here. We are talking about a sole trader who would suddenly be told, "In order for you to meet the demand of your customers who happen to live five miles away but in a different country, you are going to have to go through a heck of a lot more regulation, even if you are doing it from your own sitting room, to do it".

Q376 Maria Caulfield: I do not know, Secretary of State, if you watched the evidence sessions last week, but the customs brokers who do this for a living internationally have said that there are ways to exempt very small businesses. Because it is a VAT border now, those businesses are registered to manage VAT.

Karen Bradley: They are not registered for VAT. They are too small for VAT. That is the point.



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Q377 **Maria Caulfield:** They could be excluded, but they could still be registered.

Karen Bradley: You are expecting that you can get a small business exemption through some sort of max-fac arrangement. The EU has been clear that that is not negotiable. It may well be in the future that this is possible.

Chair: We need to remain a little bit focused.

Q378 **Mr Campbell:** Secretary of State, you talked about realities. I do not know if you accept that the WTO may not understand the porous nature of the border. If small traders were faced with this mythical hard border, if they had a small unit on one side of the border and another small unit on the other side of the border, and there were 16 crossing points close to both, which there would be—there are 300 crossing points—it would be impossible to police by the WTO, the Army or the Border Force. Anyone who tried to would fail miserably. The concept is a failed concept. It is a sine qua non. It just would not happen.

Karen Bradley: I agree with you. It is absolutely impossible to police the border. We have proved that, and nobody wants to return to a situation—

Q379 **Mr Campbell:** Yes, but our Government have allowed the EU to use the possibility of this impossible event as a structure to get the backstop.

Karen Bradley: If I may say this, you are suggesting that those small businesses need to set up two bases, one in Ireland and one in Northern Ireland.

Mr Campbell: Many of them already have.

Karen Bradley: Maybe they do, but we should not be thinking of a solution that requires small businesses to set up two hubs.

Mr Campbell: I agree.

Karen Bradley: Instead, we should be finding a solution that enables businesses to continue in the way they have operated forever, and that is what I want to see. That is what I am keen on.

If, in the future, a technological solution or a solution through global customs arrangements came into place that meant this could be the case, I would support it wholeheartedly. I am not opposed to these, but I have looked long and hard at technology solutions and I cannot find one that works today for the border we have between Ireland and Northern Ireland.

Let us be clear as well: we are going to comply with WTO rules. We want to take our seat at the WTO, quite rightly, and we want to sign new trade deals under the WTO. That means we have to comply with WTO rules.

Mr Campbell: That is what I wanted to come on to.



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Karen Bradley: Also, if the WTO is so good, why do we want to sign trade deals that are better than WTO elsewhere in the world? We want to do that because WTO is not that good.

Q380 **Mr Campbell:** On trade deals, which you have mentioned a couple of times, could you outline the position that would prevail in the time that the backstop would prevail, and then beyond that time, assuming the EU agrees to us departing, which it has to? You said it was mutual. That means it is a double veto. If we want out and they do not want us out, we do not go out. It is a veto.

Karen Bradley: We go to arbitration.

Q381 **Mr Campbell:** I know, but we do not get out. We cannot decide we are out because of what the EU says.

Karen Bradley: We go to arbitration and, if the arbitration says that the EU has not used best endeavours and has not acted in good faith, we leave.

Q382 **Mr Campbell:** We as a sovereign nation cannot decide to say we are out without going through the arbitration and the EU agreeing that that is the case.

Karen Bradley: That would be the case even in a unilateral get-out. In a unilateral get-out, you would need to have terms and conditions. I very much hope he will not, but if my husband chooses to divorce me he cannot do so unilaterally. He either needs to prove I have acted unreasonably or he needs me to say, "Okay, you can divorce me". Those are the basics of a contract.

Q383 **Mr Campbell:** You can both go your separate ways physically.

Karen Bradley: Those are the basics of contracts, are they not?

Mr Campbell: That is not the question.

Karen Bradley: On the record, I really do hope he does not divorce me. I will be clear about that.

Q384 **Mr Campbell:** Good relations are always good all round. I want to try to examine what your view is, within the backstop and beyond the backstop, in terms of trade deals. Northern Ireland, as you have put it, is going to be offered a particular customs position in the backstop and then beyond it.

Let us say in the backstop we get to the point that we are about to negotiate a trade deal, and I am looking for it to come to Coleraine, and somebody else is looking for it to come to Cardiff. Are you saying that, in the backstop, exactly the same rules would apply to getting that trade deal and that inward investor, under whatever the regime is, to come to Coleraine as would apply to get it to come to Cardiff?



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Karen Bradley: Yes. Northern Ireland exporters are able to benefit from UK free trade deals in the backstop arrangements exactly like Cardiff, Coleraine, Carlisle or Kirkcaldy. I am trying to think of a “C” in Scotland.

Mr Campbell: Kirkcaldy is a “K”.

Karen Bradley: I know it is, but it is the same sound.

Q385 **Mr Campbell:** Beyond the backstop, then, assuming we get permission to leave, are there any changed environments for a GB-based business under a trade deal compared to Northern Ireland?

Karen Bradley: We would leave. We leave the European Union as the United Kingdom on 29 March 2019. We stay in the implementation period as the United Kingdom until 31 December 2020. We may or may not extend the IP. We may or may not go into a backstop, and we may or may not be in a future relationship at that point, but the whole UK is able to benefit from trade deals that we can sign at the end of the implementation period.

Q386 **Mr Campbell:** You would be happy enough, then, that your comments on the record here could be judged against any legal opinion that may be forthcoming shortly.

Karen Bradley: This is the legal opinion I have on the document—the 585 pages—as a whole. This is a very complex document. There are lots of dependencies and interdependencies in it. There are lots of protections that have been built into the document, but the legal opinion I have is absolutely clear that the United Kingdom leaves—that is, the whole United Kingdom—and the whole United Kingdom can benefit from trade deals that are signed once the United Kingdom is outside the European Union.

Q387 **Lady Hermon:** Thank you so much, Secretary of State and your colleagues from the Northern Ireland Office, for being here this morning. We have not heard from Mr Perry or Mr Flatt, so I intend to change that.

Karen Bradley: I will take some water at that point.

Lady Hermon: I am making my way through the questions. No. 1, since we have Mr Perry here: how much did it cost the taxpayer to pay 90 MLAs their full salary since the collapse of the Assembly in January 2017, until the very welcome cut in their salaries this month, November? Mr Perry, over to you, how much did it cost?

Colin Perry: I recall giving you a figure when we appeared last time. I do not have that figure in my head at this point.

Karen Bradley: I am sure I have answered a PQ on it recently.

Colin Perry: I am sure I can provide it, if you would like it.

Q388 **Lady Hermon:** I am astonished, because at the last Northern Ireland Oral Questions in the House, which was 31 October, I did ask the same



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question to the then Minister of State. I am sorry that Shailesh Vara has decided to resign; he was a very fine Minister indeed. There has been lots of time to check how much it has cost the taxpayer. When you last told us, which was on 4 July this year, the cost at that stage was—

Colin Perry: I cannot remember the figure I gave at the time. I think it was about £6 million.

Q389 **Lady Hermon:** It was £6 million in salaries to the MLAs, who were not doing a full-time job at that time. Secretary of State, could you improve on the accuracy of the figure?

Karen Bradley: I am looking to see if I can find it in here. We will get it for you. I know we had a PQ on it very recently, so I am sure we have it to hand.

Q390 **Lady Hermon:** I think the PQ might well have been in reply to me, and it was a very unsatisfactory reply to me, which means that, in fact, I have written to the Northern Ireland Office, so I am astonished that no one has that figure at hand.

Karen Bradley: We have it. There were go. Between 1 January 2017 and 31 October 2018, £8,504,716 has been paid in salaries to Members of the Legislative Assembly.

Q391 **Lady Hermon:** Let us just read that slowly, please, so that viewers can absorb how much it has cost.

Karen Bradley: I shall pass it to Colin.

Colin Perry: Between 1 January 2017 and 31 October 2018, £8,504,716 has been paid in salaries to Members of the Legislative Assembly.

Q392 **Lady Hermon:** Over £8.5 million has been paid in salaries. Do you think that is money well spent, paying MLAs a full salary for not doing a full-time role?

Karen Bradley: Well, as you will know, I have cut their salaries because—

Q393 **Lady Hermon:** Yes, you cut their salaries in November. Was that money well spent? I ask that since we have taken evidence recently in this Committee about education budgets being overstretched—so overstretched that there have been donations of toilet rolls to primary schools. It is absolutely shameful. Let me ask again. Do you think £8.5 million was well spent paying a full-time salary to MLAs for not doing a full-time job?

Karen Bradley: As I say, clearly, I have cut their salary now.

Q394 **Lady Hermon:** Mr Perry, do you want to say that publicly?

Colin Perry: I was simply observing that Trevor Reaney produced a report that set out a range of activities that MLAs undertake and made a



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series of recommendations to the Secretary of State around the levels of pay for MLAs.

Q395 **Lady Hermon:** Yes, but you are not trying to defend, I hope, paying a full-time salary to MLAs when they were not doing a full-time job. Members of a legislative assembly—the clue is in the middle world, “legislative” assembly. They did not pass any legislation at all. You are not defending that.

Colin Perry: I was observing that Trevor Reaney set out the range of activities that MLAs undertake, which include activities for their constituents.

Mr Campbell: My constituents have a very hardworking MLA, though, I believe.

Q396 **Lady Hermon:** Thank you, Mr Campbell. Moving swiftly onwards then, but on the same theme, I was very struck and very concerned when I heard someone who does not like being in the media talking about mental health issues, but I was so pleased that he did. That was Gary Lightbody of Snow Patrol, who was very angry with local politicians that we do not have a functioning Assembly. I hope I am not misquoting here; I tried to take this from the report of what he said. He said, “It’s an unforgivable act to leave a country unmanned for so long and we are at the behest of the winds”. It is a very striking remark. You are nodding your head in agreement, Secretary of State.

Karen Bradley: I read the report. I thought it was very brave of him and he made some very pertinent points. The fact that we have not been able to publish the suicide strategy, for example, or that the NICS cannot publish the suicide strategy because there is not ministerial approval to do so is just another example. Mr McGinn earlier talked about the Hart review. As I said, there are many such areas. The people of Northern Ireland deserve better. They deserve their politicians to do the right thing, come together and reform that Executive, to deliver on things like mental health provision.

Q397 **Lady Hermon:** Absolutely, so do you agree that it is an unforgivable act for the politicians of Northern Ireland to leave the Assembly non-functioning? As we understand it, they have no intention of having it up and running this side of, certainly, a Brexit decision, well into the spring of next year. Is that unforgiveable or is it not? There is only one answer to that.

Karen Bradley: I find it very difficult to comprehend.

Lady Hermon: It is unforgiveable, in other words.

Q398 **Kate Hoey:** If I could just interrupt for one second, Secretary of State, as I understand it, all the politicians in Northern Ireland apart from Sinn Féin have said they will go back into the Executive tomorrow, without anything else having to be discussed or decided, with no red lines. Is that



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not true?

Karen Bradley: Many things have been said by many politicians across Northern Ireland. I am focused on getting politicians in a room and getting them to a place where they can go back into government, because that is the best thing for the people of Northern Ireland.

Q399 **Lady Hermon:** I certainly agree with the description used by Gary Lightbody. It is an unforgiveable act to leave the country unmanned for such a long period of time.

Secretary of State, you made reference there to a suicide strategy. There is a suicide strategy. It is appalling, shocking and very, very upsetting for the families who are affected by suicide. There is a suicide strategy sitting on the shelf. We know that; we have taken evidence about it. Surely to goodness, as Secretary of State, you are able to make this point to the Permanent Secretary within the Health Department. This is something that would be welcomed. It is not something that is going to cost money. It is not something that is going to have anyone objecting to it. Surely you should be pressing the Permanent Secretary within the Health Department to use the powers that were given to him in the legislation, the last Northern Ireland Bill, to take that suicide strategy off the shelf and get on with implementing it.

Karen Bradley: As you will know, it is not easy, but there are constitutional difficulties with the Secretary of State for Northern Ireland directing the Civil Service of Northern Ireland in any way. That is, in many ways, quite right, in the same way that the Secretary of State for Scotland cannot direct the civil servants in Scotland to act in a way, but there is a Government in Scotland and, therefore, no one puts the question there. It is very frustrating that we are in a situation where, constitutionally, my powers are extraordinarily limited.

The Bill that we brought forward—the Act that we debated and that gained Royal Assent earlier this month—is one that nobody wanted to be in a position to have to do, because it puts me and the Civil Service in a very uncomfortable position. It stretches the constitutional situation in a way that none of us wants to do but, in the interests of the people of Northern Ireland, we all agreed it was the right thing to do. I am very grateful for the support that was given across both Houses for that Act of Parliament. But it would not now be appropriate, having issued the guidance, for me to start to say, on specific decisions, “This is where I want you to act and I want you to act on that as a priority”. That has to be a decision now for the Permanent Secretaries, and it will be for them to make a decision as to which areas they can make decisions in, under the guidance, having the level of cover that the guidance gives them.

Obviously, we will have a report on the decisions that have been taken. The first report will be before the end of the year. It will be interesting to see at that point, but it would be constitutionally wrong for me and



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putting civil servants in a very difficult position if I started to say, on specific areas, "I would like to see action".

Q400 Lady Hermon: While I accept that you cannot direct the Permanent Secretary to do something about the suicide strategy, surely to goodness you can encourage; you can say, "It would be helpful". That is not constitutionally beyond your remit. It is not giving direction; it is encouraging or asking for progress to be made. We need a suicide prevention strategy.

Karen Bradley: We have to just be very careful, because I do not want to do anything that makes it more difficult for the decisions that need to be taken to be taken. As Secretary of State, I have issued the guidance. Thank you to the Committee for the work you did on the guidance. If I may inform the Committee about the guidance on the amendment that the House of Commons and the House of Lords backed on the situation with regard to abortion and same sex marriage, we have been working on that. I did not want to delay the overall guidance going out. You all know the guidance has square brackets at that point, but I will share that draft guidance with the members of the Committee sometime shortly. I want to make sure I go through the same process I went through with the original guidance, of sharing it with the parties first and taking their comments. I will then bring it to the Committee for the Committee's comments. I have to be extraordinarily careful that I do not start to breach the constitutional situation we are in. While I am sure that the Permanent Secretary will have heard very clearly your concern about this area, it would not be appropriate for me to go any further.

Q401 Lady Hermon: Let us see where we have made progress, because the Act gave you power, Secretary of State, to appoint members to the Northern Ireland Policing Board. Let us hear about the progress in making those appointments.

Karen Bradley: We have been through an interview process.

Q402 Lady Hermon: What were the criteria for applying for the post? Are they MLAs coming on? These are political appointments to the Northern Ireland Policing Board.

Karen Bradley: No, these are the lay members. We have gone through exactly the same process that we would have gone through previously, with a panel process of interviews. I have been given a list of appointable candidates.

Q403 Lady Hermon: Is this a full Policing Board? You are appointing 19.

Karen Bradley: No. I will be appointing, at this stage, three members now and three members in June who meet the number of lay members who are leaving the board, in order to ensure that the board remains quorate.

Q404 Lady Hermon: You are replacing independent members.



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Karen Bradley: They are lay members, yes.

Q405 **Lady Hermon:** You are not making any political appointments.

Karen Bradley: No.

Q406 **Lady Hermon:** Therefore, the Policing Board will not be quorate, in terms of making decisions. They can only be made by a properly statutorily comprised—

Karen Bradley: The process we are going through on the Policing Board and the Probation Board is that we are looking at the lay membership of that board to ensure it is quorate at this stage.

Q407 **Lady Hermon:** The statutory duties of the Policing Board require the 19 members to be on it, so those powers are not going to be exercisable by the Policing Board. My impression had been that you, as Secretary of State, having taken through the legislation, could appoint the entire membership of the Policing Board, including the political representatives. Is that not the case?

Karen Bradley: I will ask Chris if he could give the technical provision.

Q408 **Lady Hermon:** We need clarity on that. In the legislation, it is quite clear that the Secretary of State has the power to appoint members, and they were listed and one of them was the Northern Ireland Policing Board.

Chris Flatt: We are looking at replacing the lay members as they leave. That leaves the Policing Board carrying out what it is doing at the moment, which is engaging with the police on an informal, regular basis.

Q409 **Lady Hermon:** When are political members going to be appointed, since the Secretary of State now has the power to do so under the legislation?

Chris Flatt: That is something that still needs to be considered. The point of the powers that we took in the public appointments is to only take those that are absolutely critical, which is where there are people leaving who cannot be replaced by any other means. That is the power that has been taken in the Bill and that is the process that has been gone through, just dealing with the absolutely critical positions.

Q410 **Lady Hermon:** That is very interesting; no political appointments are being made. Thank you. That was a very useful update.

Moving on to the Hart report, I am sorry Mr McGinn has left, but I will follow on from what he has said. The head of the Northern Ireland Civil Service pointed out that he believed you had a moral responsibility to implement the Hart report at the end of the consultation period, in February, if there is no Assembly sitting. Bearing in mind what he said, could you confirm, because I have asked this on a number of occasions—and I know you have met with the victims of historical institutional abuse and I am very grateful to you for doing so—whether you have met Sir Anthony Hart, the author of the recommendations, at any stage?



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Karen Bradley: No, I have not met Sir Anthony Hart.

Q411 **Lady Hermon:** Have you asked to meet him?

Karen Bradley: We have considered this, and it would not have been appropriate, given that I have no powers to do anything about the Hart report, as it stands, as a report. No ministerial decisions have been taken with regard to the Hart report and, as Secretary of State, I am unable to take decisions. We have to make sure that there is a very clear division and that it is clear that, as Secretary of State, I am not imposing on those matters that are devolved.

Q412 **Lady Hermon:** I am not suggesting that you impose at all. I just think, as a mark of courtesy at the very least, it would be very helpful if you were to meet with Sir Anthony Hart.

Karen Bradley: On the basis that there had been no consultation, at that stage, I did not want to do things that would create legal difficulties in the future. Having taken advice and having looked at this, I was concerned that meeting Sir Anthony Hart, at this stage, could then impact on future cases. That makes life very difficult, I agree.

Q413 **Lady Hermon:** Is that a refusal to meet with him?

Karen Bradley: As I say, Lady Hermon, it is not a refusal to meet. It is about making sure that, when a legal case is going on, nothing is done that impacts on those legal proceedings. You will know the division there needs to be between politics and the judiciary. In much the same way, with constituents, I am unable to meet, for example, the head of the tribunal or the head of the board that the constituent has taken to tribunal while the tribunal is going on. It would not be appropriate in my position as an advocate for that individual, but without the decision-making powers to do so.

We are now in the consultation period and I am very pleased that we are in the consultation period. To be clear, we would always have had to have a consultation even with Ministers in place, so I am very pleased that the Civil Service has been able to take this step so that we are ready to get to the endpoint. But I just want to be clear about meeting Sir Anthony Hart. I accept the courtesy point you make, but there are always difficult legal propriety issues when it comes to matters that are—

Q414 **Lady Hermon:** You have made that point very clearly, but at some stage I hope you will be able to meet him.

Karen Bradley: I hope I will as well. I am trying to think whether I have met him socially, but I have certainly not met him in an official capacity.

Q415 **Lady Hermon:** You will be well aware that some of the victims have described the proposed compensation of £7,500 as “derisory”. Do you believe it to be derisory?



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Karen Bradley: That is something that the consultation needs to look at and, as I said earlier, I hope everybody will respond to the consultation. It is very important that all views are heard.

Q416 **Lady Hermon:** You are neutral on that. Let me move on to the EU and the withdrawal agreement. You have tapped the withdrawal agreement several times this morning—the 585 pages—and you have told us that it is agreed. You have also mentioned, quite rightly, that in parallel with the withdrawal agreement there is a draft political declaration on the future relationship between the United Kingdom and the EU. It is a much shorter document, very aspirational at the present time, but as the Prime Minister has made clear and, indeed, as the document makes clear, both have to be agreed, both have to be signed off and nothing is agreed until everything is agreed.

Karen Bradley: Yes. What we hope from the Council on Sunday is that a fleshed out document will be produced, more than seven pages, that gives more information and more detail as to the future framework.

Q417 **Lady Hermon:** There were reports in the press this morning that there was a “secret” 20-page document. Have you seen the fleshed out document, in the words you used?

Karen Bradley: This is a matter that is subject to negotiation. Those negotiations are ongoing. I know the team are working incredibly hard in Brussels to flesh out as much as can be done on taking that seven-page draft political declaration into a much more detailed political declaration, but it would not be appropriate for me to comment on it at this stage.

Q418 **Lady Hermon:** I know, but could you just confirm that you have seen a lengthier document, as the Secretary of State for Northern Ireland?

Karen Bradley: It would not be right for me to say what documents I have or have not seen in Cabinet meetings, under Cabinet rules.

Lady Hermon: I think it would.

Kate Hoey: It is hardly a state secret.

Q419 **Lady Hermon:** Let me ask another question. Having read the withdrawal agreement—all 585 pages of it—you will know that tucked away in the middle of it, on page 307, there is the constitutional guarantee and the consent principle, as set out in the Belfast Good Friday agreement. It is in that very heavy text. It has been agreed, it has been accepted and it is in that agreed withdrawal agreement, which you have tapped. Would it not be helpful and advisable to have that constitutional guarantee and the consent principle mirrored from the withdrawal agreement in the political declaration?

Karen Bradley: It is a very interesting point. I am not sure whether it is possible, given that the future framework is about the whole United Kingdom, but you make an important point. With the consent principle,



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the constitutional state of the United Kingdom is guaranteed in this agreement.

Q420 **Lady Hermon:** It is indeed, and you agree that it would be helpful to see it reflected in the political declaration going forward.

Karen Bradley: As I say, it perhaps would not be right for me to speculate on what should or should not be in the political declaration, but it is right that we highlight the fact that it is in the withdrawal agreement. It has been agreed and it is the basis on which our future relationship is made.

Q421 **Lady Hermon:** Absolutely, so will you confirm this morning that you will be pressing the Prime Minister to make sure that the constitutional guarantee and the consent principle from the Belfast Good Friday agreement are reflected in the political declaration?

Karen Bradley: As I say, we should not muddy waters.

Q422 **Lady Hermon:** We are not muddying waters; it is a straightforward question.

Karen Bradley: But we need to be absolutely clear that it is there, and it is a very good point.

Q423 **Lady Hermon:** We have managed to extract a very good point. Can I take that as a commitment that you will be asking that it is reflected?

Karen Bradley: You make a very good point, Lady Hermon.

Q424 **Lady Hermon:** It is a political declaration about the future relationship between the EU and the United Kingdom. Therefore, there can be no impediment at all to seeing that constitutional guarantee written in black and white, in that political declaration as well as in the withdrawal agreement. You would agree with that.

Karen Bradley: I take your point.

Q425 **Lady Hermon:** Thank you. Finally, can I just ask how the new Brexit Secretary is settling in?

Karen Bradley: He seemed to be settling in very well when I saw him yesterday. I have not had a chance to see him today because I have been here.

Q426 **Lady Hermon:** Of course, you will be directing him to come to Northern Ireland and see the border at his earliest opportunity.

Karen Bradley: You will find those conversations have already started.

Q427 **Chair:** Can I ask how you expect the Policing Board to carry out its statutory functions given the very limited appointments that you have just outlined?



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Karen Bradley: We expect them to be able to continue doing what they were doing in the last few months in the absence of political representation on the board. We were clear in the Bill and the Act that we want to do the minimum required to ensure that there is a Policing Board that is properly constituted and quorate. I have never shied away from the fact that I cannot make—

Q428 **Chair:** You have the power, under section 5 of the legislation, to appoint members of that board. It does not qualify the nature of those members, and there is no point having a board stood up if it cannot do its statutory functions, I would suggest.

Chris Flatt: I have just been clarifying the position. We are moving on to the political nominees next. We were dealing with the urgent issue, which was the lay members who were about to run out. The next stage that we will get to is the political members.

Q429 **Chair:** Does the same go for the Probation Board?

Chris Flatt: That is with the Policing Board, and we will get to the Probation Board as well.

Q430 **Chair:** Can I encourage you to get on with it, bluntly?

Karen Bradley: We are doing.

Chris Flatt: It is important that we follow the public appointments process with all this, and we are going through the proper processes. It needs to go through the right stages, but that will be the next thing that we are getting to.

Chair: Thank you for that clarification. Can I encourage members and respondents to ask their questions and respond briefly? We are running out of time.

Q431 **Ian Paisley:** Secretary of State, it is good to see you. Can I add my comments to the commendations and tributes made to your former Minister, Mr Vara? I look forward to John Penrose fulfilling his functions as your associate and deputy.

First, can I commend the way in which, in a non-pejorative way, you have passionately defended your case on the withdrawal agreement? I might not agree with you, but you have done it in a non-pejorative way. In Northern Ireland, we are used to people threatening us, saying if you do not agree with something you are opposed to peace and making the most irrational arguments. At least you have made rational arguments. I may not agree with them, but I must commend the non-pejorative way in which you have done it. I look forward to the debate continuing over the weeks ahead on these issues.

There is one aspect of this process. There have been a lot of comments made about peace being jeopardised as a result of Brexit, and people have focused on those probably dissident republican views on the border and what might or might not happen if the border were to be hardened in



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any way. No one appears to have put much effort into considering what loyalists might or might not think of the position, if they perceive that the constitutional integrity of Northern Ireland as part of the UK is undermined. Has any work been done on that? Has any security brief been taken on the views of loyalists?

Karen Bradley: Thank you very much for your comments, Mr Paisley, and it is good to see you back. I want to be clear: I am not here to be critical of anybody who takes a different view from me on this matter.

Q432 **Ian Paisley:** You have made that clear. I welcome that. It is refreshing, Secretary of State, to be allowed to have an argument and not fall out with someone.

Karen Bradley: Yes, and that is the best way for us to conduct our politics. I also want to be clear: I see no evidence of any change in public opinion in Northern Ireland that wants to see any return to the days of old. People have seen the progress that has been made in the last 20 years. They do not want to go backwards, and we want to do everything we can to ensure that we continue moving forwards economically, socially and in every way, so that the people of Northern Ireland can benefit from the opportunities afforded to the United Kingdom as a non-member state of the European Union.

On the issue around the view of loyalist communities, I met the Loyalist Communities Council recently. We always do significant work, as the Northern Ireland Office, with that council and others. In terms of the security situation, these are probably questions that would be more properly addressed to the chief constable rather than me. It would not be right for me to speculate or comment on work that is being done in that area.

Q433 **Ian Paisley:** You met the Loyalist Communities Council recently. I understand that your colleagues, both at advisory level and Lord Duncan level, have met with various groups—fisheries, the business community, car dealers, hoteliers, manufacturing groups—to discuss the withdrawal agreement. Do you intend to do that with loyalist groupings as well?

Karen Bradley: Absolutely, yes. We are meeting everybody we can. I am clear that, as the Secretary of State for Northern Ireland, I want to make sure that I have the opportunity to explain this document, what is proposed and the whole deal in the round with everybody. I want everyone to have a chance to ask questions of it, to challenge it and to understand the thinking behind it. As I say, I shy away from seeing nobody on this matter.

Q434 **Ian Paisley:** A specific issue that this Committee has been interested in over the years, which I have a particular interest in as well, is fuel laundering. Have you any update to make with regard to progress that has been made in that area?



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Karen Bradley: I well recall, when I was a Home Office Minister, responding to a debate that you and others were very interested in on this particular matter. We now have the National Crime Agency operating in Northern Ireland. At the time, that was the debate we were having—whether we could get the NCA to operate in Northern Ireland, and it does. These are matters of organised criminality that are, quite rightly, dealt with by the NCA, PSNI and other experts in the field.

Q435 **Ian Paisley:** The *Irish Times* reported in July that the Republic state loses €300 million annually because of cross-border fuel smuggling. A report in November in the Northern Ireland papers indicated a joint Welsh and UK operation in Northern Ireland. There was a massive amount of toxic waste left by launderers dumped in Northern Ireland and over 22,500 litres of smuggled fuel found. It does not seem that there is much progress being made on addressing this issue of fuel being smuggled and, indeed, it seems to be coming from Ireland now across to mainland Britain. This is a major business for these criminals. What can be done to stop them?

Karen Bradley: These are operational matters for the police, the National Crime Agency and others. As I say, this is something that we have debated for many years, and I know that the police use all the skills and capabilities they have to address these issues.

Q436 **Ian Paisley:** There is an all-Ireland marker in the fuel, which allows for identity of that fuel within Ireland. Is there any view that, post-Brexit, there could be an all-British marker that would differentiate what is coming and what is moving across our borders?

Karen Bradley: I am not sure we have looked at that at this stage. As I say, we need to agree the withdrawal agreement and our future relationship, but certainly there are a number of areas in which, as a sovereign nation, we will be able to take decisions.

Q437 **Ian Paisley:** Can you take that back to HMRC, PSNI, MI5 and the task force?

Karen Bradley: We will absolutely do so.

Q438 **Ian Paisley:** Thank you. The Government, very kindly, gave us additional money with regards to the city deal for Northern Ireland. Of course, the city deal is a bit of a misnomer, because it includes many cases outside of the city. I am delighted to say it has included parts of North Antrim and parts of East Antrim. The St Patrick's barracks site in Ballymena is a very significant site in this programme and, no doubt, you will have read the submission made on the Belfast regional city deal. We really need to see more industrial, light engineering and innovation jobs coming back to areas that have lost those types of employment. Can you give us a commitment that that city deal, in conjunction with the universities, will look very specifically at sites like St Patrick's barracks to locate that type of opportunity back into areas that have been deprived?



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Karen Bradley: Thank you very much for raising the city deal, because that was a very good piece of news for the Belfast region. Clearly, we look forward to progress also being made on Derry and Strabane, which the Chancellor referenced during the Budget. The commitment to £350 million of investment from the UK Government—the highest per capita deal in any of the devolved nations—is a real demonstration of the support that this Government have for the work the Belfast city region has been doing. You are right; the fact that it brings six councils together, right from North Antrim all the way to the border down in Warrenpoint, is an opportunity to build on the strengths of that region. It shows that, working together, the whole is so much more than the sum of the parts.

You are right that the proposal for St Patrick's barracks is a very exciting proposal. The ideas that the teams have put together to build on the strengths that there are in the Belfast city region and really develop them, using the universities and further education colleges, are why the Chancellor has given the commitment he has. It shows the vote of confidence that this Government have in that area.

Q439 **Ian Paisley:** I understand that one of the roles you specifically have in this will be signing off a heads of terms agreement with the local councils in the city deal. How quickly do you think that will be done? Will it be done before the end of this financial year, for example?

Karen Bradley: No. Being realistic, we are now into the full negotiation and, clearly, we need to look at all parts of the city deal. There is the UK Government commitment, but there is also a commitment that needs to be made by the Executive. In the absence of an Executive, that is difficult, so we need to get the Executive in place so it can make the commitment it needs to make. We need to also look at private sector and other commitments that are required. I cannot say to you that heads of terms will be signed off in very short order, but we are working intensively to make sure it can be done as soon as possible.

Q440 **Ian Paisley:** For clarity, we know that the role that Stormont will play in this is a minority role. The big role is played by HMG and local councils.

Karen Bradley: It is, but we do expect there to be funding from the devolved Government, as we have seen in Wales and Scotland. Therefore, we do need to get Stormont there, so that we can get that commitment made.

Q441 **Ian Paisley:** The point I am making is that I do not want it to be delayed as a result of us not getting Stormont there. We need expedition on this.

Karen Bradley: We have to be realistic. Some of the powers that need to be vested into the councils currently sit in Stormont. Those powers cannot be vested without Stormont sitting. I want to be clear: I want to see this happen as soon as possible. I want to make sure we give as much support as we can to that, but there will be difficulties that are not



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experienced in Wales and Scotland because there is devolved Government.

Q442 **Ian Paisley:** In recent days, we have seen ingenuity and engineering skills that probably were only dreamt of, with the 90-mile bridge being built between one part of mainland China and one of the islands off China. As you know, there is a 13-mile stretch between Northern Ireland and the mainland at one area; between Northern Ireland and England, it is slightly longer. Would you support a feasibility study by Her Majesty's Government, looking at the potential of a bridge link between Northern Ireland and the British mainland?

Karen Bradley: Anybody who visits the Causeway coast will always be struck by just how close Scotland is to Northern Ireland. You will know, Mr Paisley, that there are specific issues regarding the seabed, the current and other matters around that area, but I will always be interested to look at proposals for any matters in this regard.

Q443 **Ian Paisley:** Would you speak to your colleagues in the Cabinet? Could you even agree a joint meeting between you, me and colleagues in Northern Ireland to discuss this opportunity?

Karen Bradley: I am sure we would be happy to meet about it.

Q444 **Maria Caulfield:** I want to specifically touch on fishing in Northern Ireland, because we have recently done an inquiry on this. I am sure you have read it, but there is a huge concern that historical reciprocal arrangements between Northern Ireland and the Republic of Ireland, which allowed access to fish up to the six nautical mile zone, have been suspended following a decision of the Supreme Court in 2016. This is having a huge impact on the fishing industry in Northern Ireland, and it has been stuck at Committee stage since March 2017. Can I ask what discussions you have had with politicians from the Republic of Ireland to say that that is not acceptable, given the impact it is having on fishermen in Northern Ireland?

Karen Bradley: You are referring to the voisinage arrangements. This is a Defra lead, but we ensure that there are discussions taking place, because we want to see this resolved.

Q445 **Maria Caulfield:** From a Government-wide perspective, if this is ongoing and it is having a huge impact on part of the United Kingdom, what commitment can you give that the Government will push the Republic of Ireland to resolve this as soon as possible, and maybe put a deadline in place for them to do so?

Karen Bradley: I am always loath to put deadlines in place. When you pass the deadline, where do you go? We are certainly keen to see this resolved, and it was raised in Prime Minister's Questions, so I know the Prime Minister is aware of it, as is the Environment Secretary. We all want to see this resolved.



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Q446 **Maria Caulfield:** If this seems to be ongoing, would the Government consider restricting access of the Republic of Ireland fishermen to UK waters?

Karen Bradley: As I say, we want to see this resolved. That is the key point. We want to work to get this resolved and, as I say, across Government we want to see a resolution to this matter.

Q447 **Maria Caulfield:** Finally, would you make a commitment to meet with some of the Northern Ireland fishermen, to hear first-hand the impact this is having on their industry?

Karen Bradley: I am always happy to meet stakeholders and groups from around Northern Ireland. I enjoyed meeting fish vendors when I was at the Balmoral Show and hearing all about the work they do. I am always happy to meet.

Q448 **Mr Goodwill:** Businesspeople around the country, but particularly in Northern Ireland, are concerned and worried about what they should be doing now to try to prepare for whatever sort of Brexit we get. That will range from, as you mentioned, the kitchen fitter who maybe picked up a box of screws at the B&Q on Damolly retail park in Newry, fitted 50 of them to a kitchen in Dundalk and then reimported the screws back to Northern Ireland—there are all sorts of complexities—right through to the big companies like Thales, Bombardier and Wrightbus. There is one particular group this Committee has taken evidence from who are very concerned indeed, and that is the Lough Neagh Fishermen's Co-op. Could I ask if the Secretary of State has had any engagement with them and can understand some of their issues?

Karen Bradley: I have not personally had engagement with them, but I am aware of their concerns and certainly my officials have been looking at it. We need to have that formal trade agreement, because Lough Neagh eels are a geographic indicator, as recognised by the European Union. There are debates and discussions about geographical indicators and how they operate, but obviously we need to make sure the future export of those eels is possible, and that is why we need to get the formal trade agreement right. Also, of course, we need approval by the EU CITES Scientific Review Group.

Q449 **Mr Goodwill:** Specifically, the issue of CITES is very much of concern. Around about 400 tonnes of European eel are caught in Lough Neagh, the majority of which are exported to Belgium, France and northern Germany, as well as, of course, the traditional Billingsgate jellied eel market. Under appendix II of CITES, which came into force in March 2009, it is illegal to import and export to or from the EU this species, which is under threat. If Northern Ireland is no longer in the EU, that will have two implications. One, it will mean it is even more rare in Europe, because Lough Neagh is the only sustainable eel fishery. Secondly, they will have difficulty accessing the market and it may be quite a complex thing. There are a lot of jobs concerned. I know that Invest Northern



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Ireland put £120,000 of its money into that. Can I specifically ask if she would meet with those fishermen and look at the CITES aspect as well as the overall trade aspect?

Karen Bradley: You are absolutely right that the risks here are significant. We need to get this right. There has been a scientific case put forward and, by 19 March 2019, we are expecting a finding on that.

Q450 **Mr Goodwill:** Finally, has she reflected on the fact that her Government, along with the EU, have been negotiating, compromising and coming up with a deal, and that is in marked contrast to the impasse we have seen in Northern Ireland, where people do not seem to be able to negotiate or compromise, and do not seem to put the people's interest before their own political hang-ups?

Karen Bradley: We are always looking for an accommodation in Northern Ireland that will enable the parties to do what I know they want to do, which is to go back to Stormont and start governing in the interests of the people who elected them.

Q451 **Bob Stewart:** Could you possibly tell me what your views are on the statute of limitations for soldiers at the moment? What is your current position?

Karen Bradley: As you will know, we have consulted on the proposals that were agreed in the Stormont House talks back in 2014. That consultation closed last month, and we are reviewing the nearly 18,000 responses we have received to that consultation, to ensure that we take account of the thoughts that were applied. We have had this discussion before. My personal view, as Secretary of State, is that a statute of limitations is not the answer to the situation, because it would apply to both sides.

Q452 **Kate Hoey:** Why would it have to?

Karen Bradley: Legally, it would have to apply to both sides.

Kate Hoey: We can change the law.

Karen Bradley: International law is clear. The risk we have is that we would do something one-sided that was not legally sound internationally. We could potentially see our own soldiers in front of the International Criminal Court as a result of that action.

Q453 **Bob Stewart:** What about a political decision? The Government made a political decision in the Good Friday agreement to allow people out of prison who had killed my soldiers, for example, after a very short period of time. That was a political decision; it was not a legal decision, so why do we not make a political decision?

Karen Bradley: If I can make two points on that, first, difficult decisions and difficult compromises were made during the passage of the talks on the Belfast Good Friday agreement and this was one of those decisions.



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From my conversations with those politicians who were involved at the time, things were done that they were not entirely comfortable with. But the overall deal was put to the people of Northern Ireland; they voted overwhelmingly in a referendum to accept that deal, including the changes to the sentencing rules so that, no matter how long the sentence was, those who had been convicted of terrorist activities that took place in the Troubles would be released from jail after serving two years. It is not 12 months; it is not two years but you only serve half of it for good behaviour; it is a full two years. They are released on licence; those licences can be and are revoked.

I also want to be clear that any letters of comfort that were issued to terrorists—the on-the-run letters that have been the subject of debate previously—are not legally binding. They do not carry any weight in a court of law and they do not provide any sort of comfort to people that, if they are tried for a terrorist atrocity, they will be able to use those to stop them being prosecuted and found guilty.

Yes, you are right that that was a political decision, but we also have to be cognisant of international law. International law is clear that if we were to apply a statute of limitations to military and police—and I want to be clear: we owe a great debt of gratitude to the RUC and the military for the work that they did getting us to the point—

Q454 **Bob Stewart:** We owe a bigger debt of gratitude to them than to terrorists who kill people, who are murderers, who are on the streets of Northern Ireland now.

Karen Bradley: This is a difficult decision.

Q455 **Bob Stewart:** It is a difficult decision. The Government made a difficult decision at the Good Friday agreement. Make another difficult decision, if it is one. It is not a difficult decision to me. I am sorry; I do not mean to be aggressive.

Karen Bradley: I know, and I know how strongly you feel about this; I really do. If there was a simple answer, I would want to share it with you and do exactly that, but I have to be clear. There are two points. First, a statute of limitations would have to apply to both sides.

Q456 **Bob Stewart:** Why?

Karen Bradley: Legally, in international law, it has to. We have looked at this.

Q457 **Bob Stewart:** Does the same thing apply to people let out of prison on licence? Is that international law too?

Karen Bradley: That is a piece of statute that was passed in this House after a referendum of the people of Northern Ireland.

Q458 **Bob Stewart:** Have another referendum; I do not mind, but our soldiers are required to be let off the hook on this matter.



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Karen Bradley: If I can just complete the point, I know how strongly you feel about it, and I feel strongly about it.

Q459 **Bob Stewart:** It is not me. I have not lost people, apart from my own men; I have not lost family members, but I have to say there is very strong feeling about this, Secretary of State. To me, as part of supporting the Government, I am not very happy about our Government's lack of progress on this.

Karen Bradley: If you would forgive me, I will just complete the point. I share those very strong views. I am outraged by the situation we are in and that is the current situation of the legal position in Northern Ireland. A statute of limitations, though, would have to apply to both sides, and I find it incredibly difficult to think that parliamentarians would vote to allow terrorists to walk away scot free because of an understandable view—

Q460 **Bob Stewart:** We have managed to do that before.

Karen Bradley: If I can just complete the point, the other problem with a statute of limitations is that it would not apply necessarily to the RUC. That would mean we would be leaving police officers to face trials that terrorists were not facing.

Q461 **Bob Stewart:** I do not understand that. Why would it not apply to the Royal Ulster Constabulary or the Police Service of Northern Ireland? They are equally fighting terrorism as the Army is.

Karen Bradley: It also would not stop the coronial inquests. The inquests that are going on at the moment are much of the problem. These are civil matters; they are not criminal, and no statute of limitations could end those. For understandable reasons, people want to do something. I understand that, but I fear there will be unintended consequences of those actions that could put our service personnel and our former police officers in a far worse position than they are in today. I do not want to allow that to happen. Also, of course, a statute of limitations would say a prosecution did not happen; it would not stop the investigation. It would not stop people having to go and face charges, sitting in police cells and being interviewed.

I want to get to a position where we stop all of that. I am working hard on the consultation responses, so that we can find a way to deal with this matter and we can all be happy that our service veterans and former police officers do not face harassment in the courts and do not face a disproportionate focus from the legal services. But the judicial position, as we sit here today, is one that the statute of limitations, as proposed, does not resolve. That is why, while I would love to say to my honourable and gallant friend, who I know feels incredibly strongly about this, that there is an easy solution, that we can do this in this Parliament and it will be gone, it will not be. I would like to sit down with him, go through the reasons why and try to work on something that we can all agree with, that we can do and that works.



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Q462 **Bob Stewart:** Secretary of State, I am going to stop the questioning, because we take a different view. I pay tribute to your honour and your straightforwardness on the matter. I am sure, privately, you feel much as I do. I accept that, but in your official position you have a different view. My view is this. We are sent to this “mother of all Parliaments” as representatives of the people and we are meant to try to change things, to make things better. I do not accept that politicians cannot change a statute of limitations. I do not accept that laws cannot be changed. That is what we are here for. Our soldiers have done their duty over many years. Some of them have been bad and they should be tried, but the vast majority have not.

Karen Bradley: But under your proposal they would not be. I hate to say this, but they would not be.

Q463 **Bob Stewart:** I am sorry, but we have to find a way of getting our soldiers off this hook. It is up to political people, like us, to sort it and change the law, if necessary.

Karen Bradley: That is what I want to do. I absolutely want to do that, but we have to do it in such a way that there are no unintended consequences and that we help to resolve the situation.

Q464 **Bob Stewart:** I agree with that—no unintended consequences—but let us find a way.

Karen Bradley: Please let us sit down and go through it together.

Chair: Secretary of State, that is a good point at which to draw this to a conclusion. You have been with us now for over two hours. We are very grateful for your presence here. Thank you for your answers. We look forward to seeing you again before too very long.

Karen Bradley: Thank you.