

Submission from Mr Jim Allister KC MP (Traditional Unionist Voice) on the draft Radio Equipment (Amendment) (Northern Ireland) Regulations 2024

I write to draw the Committee's attention to the Radio Equipment (Amendment) (Northern Ireland) Regulations which were laid on 10th October.

I do so very mindful of your terms of reference:

3 (a) that it is politically or legally important or gives rise to issues of public policy likely to be of interest to the House:

And also

(e) that there appear to be inadequacies in the consultation process which relates to the instrument.

In terms of 3 (a) I would like to make the following points:

The content of these regulations is effectively imposed in the sense that they are not the result of the people's representatives in Northern Ireland, or in any other part of the UK Government, considering the matters in hand and how best to develop legislation mindful of the needs of the people of Northern Ireland who will be subject to it. The content has instead been set by people elected to represent the needs and priorities of the people of the 27 member states, and as such this legislation treats the people of Northern Ireland in imperial and colonial terms. Of course, I appreciate that Parliament has the right to veto this legislation, but the point is that neither it nor the UK Government has actually made it. The legislation is a copy of legislation that was made out of regard for other peoples. No part of the United Kingdom was submitted to this indignity before 2021 and in coming to terms with the nature of the political and legal importance of this legislation it is necessary to acknowledge this indignity which runs contrary to the democratic traditions of the United Kingdom in a way that makes the 'problem' of hereditary peers in the upper house, who disenfranchise no one, seem of comparative little consequence.

At this point it is convenient to extend our focus to both 3 (a) and 3 (e)

3 (e) that there appear to be inadequacies in the consultation process which relates to the instrument.

The explanatory memorandum states:

'7. Consultation Summary of consultation outcome and methodology 7.1 The Government has not undertaken a public consultation as this instrument's provisions are confined to the implementation of provisions as required by the terms of the Windsor Framework, ensuring that Northern Ireland has in place EU derived essential product safety requirements.'

The sense conveyed here is that because the UK has chosen to submit itself to the Windsor Framework that it has no choice about whether or not to bring forward these regulations such that conducting a public consultation would be pointless.

While this might provide an understandable justification for not conducting a consultation, it remains nonetheless deeply problematic, because it serves to underline the huge political problem with both the Windsor Framework and these regulations because they demonstrate how their purpose is one of removing the voice of the people of Northern Ireland not just in the sense of being subject to laws made by a foreign Parliament in which we have no representation

but the attendant indignity that since this is the case, public consultations serve no useful purpose.

Finally moving back just to 3 (a), these regulations are deeply controversial because they must do one of two things:

On the one hand, they could result in the creation of regulatory divergence, with one law in Northern Ireland and another law in the rest of the UK. That would be deeply controversial because it would demonstrate the way in which the United Kingdom of Great Britain and Northern Ireland has been cut in two, its territorial integrity placed disrespected, by a foreign power, such that part of its jurisdiction is subject to the laws of that foreign jurisdiction, while another portion of it is subject to laws that have been made by its own legislature/s representing its own people.

On the other, these regulations could result in an attempt, notwithstanding the ongoing presence of the Irish Sea Border, to try and hide it by Great Britain submitting to the same standards as those imposed on Northern Ireland, so that the same standards apply across the whole of the UK and the whole of the EU. That, however, would be equally, if not more controversial, because it would effectively result in using the failure to provide Brexit in Northern Ireland, to then undermine it in the rest of the UK.

21 October 2024

Response from the Department for Business and Trade

- We have consulted with a range of stakeholders - including manufacturers, retailers, and trade associations - and continue to engage. No concerns were raised.
- This legislation is not expected to have a substantive impact in practice, given industry has told the Government they are highly likely to adopt similar measures for devices supplied to the whole of the UK in order to avoid supply chain complexity.
- However, we nonetheless consider that it would potentially help businesses and deliver consumer and environmental benefits if we were to introduce standardised requirements for chargers for certain portable electrical/electronic devices across the whole UK, and have launched a call for evidence accordingly.

22 October 2024