

Submission from Mr Jim Allister KC MP (Traditional Unionist Voice)

I write to draw the Committee's attention to [The Noise Emission in the Environment by Equipment for use Outdoors \(Amendment\) \(Northern Ireland\) Regulations 2025](#) and to ask that the **Committee draw the regulations to the attention of the House.**

I do so mindful of your terms of reference especially: '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 (e) that there appear to be inadequacies in the consultation process which relates to the instrument.'

In what follows I will address the presenting difficulties with the regulations, first, in terms of 3 (e) and then 3 (a).

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

There has been no consultation with the UK citizens who will be impacted by these regulations, the people of Northern Ireland, about either the framing of the EU standards that these regulations apply or of the framing of the [Noise Emission in the Environment by Equipment for use Outdoors \(Amendment\) \(Northern Ireland\) Regulations 2025](#) themselves.

The Government seeks to dispense with this difficulty through para 7.1 of the Explanatory Memorandum.

'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 product safety requirements.'

In truth, however, when viewed from the perspective of the principles of citizenship and consultation generally, not to mention the SLSC terms of reference in 3 (e) in particular, pertaining as they do to inadequacies in the consultation process, this statement is deeply problematic. The Government has effectively said it did not consult the people of Northern Ireland because international law dispenses with the need for consultation, as if that makes the difficulty go away.

Setting to one side whether their assertion is correct, the presenting issue remains in place, namely that because **there has been no consultation with the people of Northern Ireland, there are plainly inadequacies in the consultation process which should be drawn to the attention of the house.**

ii. 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

This leads to two further points that engage directly with 3 (a) namely that the legislation is 'politically or legally important or gives rise to issues of public policy likely to be of interest to the House.' The legislation is both politically and legally of great importance:

First, when read in the context of both paras 7.1 and 7.3 of the explanatory memorandum, it is clear that it was necessary to consult UK citizens living in England, Wales and Scotland about the introduction of legislation that can be imposed on UK citizens in Northern Ireland without consultation. **This generates two huge difficulties that make these regulations of great political and legal importance on the basis of which they should be drawn to the attention of the House.**

In the first instance, 7.1 and 7.3 mean that the regulations are implicated in a process that while in the Government's view justified by international law, **undermines the civic rights of UK**

citizens in Northern Ireland. This erosion of citizenship is plainly contrary to the Belfast Agreement obligation to uphold the rights of the people of Northern Ireland to ‘pursue democratically national and political aspirations’ from the 1998 level, (when the right was conferred), when the people of NI could stand for election to make all the laws to which they are subject **and benefit fully from being engaged with consultation processes.**

In the second instance, the Government’s suggestion in 7.1 that consultation can be dispensed with for UK citizens in Northern Ireland even while, 7.3 makes it plain that this cannot happen in the rest of the country, inaugurates a discriminatory practice that effectively states that while UK citizens living in England, Wales and Scotland are worthy of a form of citizenship wherein they are consulted about their legislation, UK citizens living in Northern Ireland are not worthy of this dignity.

In addition, the following points should also be made:

In the first instance the legislation undermines the territorial integrity of the UK in violation of international law by bowing to the notion that the EU should make the laws for part of the UK even when the UK is not represented in its legislature. By honouring the attempt of 27 other sovereign states, working through the EU, to place this legislation on Northern Ireland, giving NI a different law from the rest of the country, but one that is in line with the EU, these regulations are implicated in undermining a key principle of international law in the name of which non-compliant treaties can be struck down. The UN Declaration on Principles of International Law, Friendly Relations and Co-operation among states in accordance with the Charter of the United Nations is very clear: ‘Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.’ The Declaration is also very clear that: *‘The principles of the Charter which are embodied in this Declaration constitute basic principles of international law, and consequently appeals to all States to be guided by these principles in their international conduct and to develop their mutual relations on the basis of the strict observance of these principles.’* And: *‘Where obligations arising under international agreements are in conflict with the obligations of Members of the United Nations under the Charter of the United Nations, the obligations under the Charter shall prevail.’^[1]*

In the second instance, these regulations and their explanatory memorandum then use the fact that the EU has been allowed to treat part of the UK in this way, and the need to avoid divergence, to bring the rest of the UK into line with the EU bit by bit through multiple SIs. Of late this has included, in addition to these regulations, for example: the Official Controls (Plant Health) and Phytosanitary Conditions (Amendment) Regulations 2025 and the Ecodesign for Energy-Related Products and Energy Information (Amendment) (Northern Ireland) Regulations 2025. This is politically important because it involves undermining the stated desire of the British people in the biggest democratic vote in our history, to leave the EU.

In the third instance, the problem with the Government’s justification for dispensing with consultation in NI by means of appealing to international law, even as it rightly insists upon consultation in the rest of the country, is that this appropriates international law for reactionary purposes. Their approach not only implicates international law in removing the rights of some UK citizens to consultation, thus weakening their citizenship, but also in promoting discrimination because it is done at the same time as insisting on the provision of consultation in the rest of the country.

For all these reasons these regulations are politically and legally important and should be drawn to the attention of the House.

8 April 2025

^[1] <https://digitallibrary.un.org/record/202170?ln=en&v=pdf>.

Response from the Department for Trade

The Noise Emission in the Environment by Equipment for use Outdoors (Amendment) (Northern Ireland) Regulations 2025 were laid before Parliament on 31 March 2025. They implement two discrete technical amendments to the Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001 as they apply in Northern Ireland, one concerning how noise levels are measured and one removing the obligation to provide copies of paperwork directly to the appropriate authorities.

The noise made by certain types of outdoor equipment, such as excavators, lawn mowers and tower cranes, is tested in accordance with rules set out in legislation. This ensures that people are not exposed to unsafe levels of noise at work or home. The Government is updating legislation in Northern Ireland to ensure that the way in which noise emissions are measured better reflects technological developments, improving the accuracy of measurements for the relevant products. Changes will also remove the requirement to provide paperwork directly to the appropriate authorities within 28 days of supplying the product for the first time. The obligation to provide this same paperwork alongside each product when the product is first supplied or used remains, it is just the additional obligation of providing to the appropriate authorities that has been removed, reducing burdens for business and bringing this in line with other sector requirements.

We have consulted with a range of stakeholders in Northern Ireland, as well as across the rest of the UK, with regards to these changes. This has included manufacturers, trade associations and conformity assessment bodies. Interested parties have expressed support for the changes as having a positive impact on legislation. Regular engagement with stakeholders remains ongoing. The Department for Business and Trade also engages regularly with the Northern Ireland Civil Service and the Executive on these matters.

In addition, the Government ran a Call for Evidence last year, which covered implementation across the whole of the UK. No concerns were raised and the overwhelming majority of respondents to the Call for Evidence supported the discrete technical changes as introducing technological advancements, ensuring more precision in testing methods and reducing unnecessary administrative burdens for businesses.

On 1 and 2 April 2025, the Government also informed Parliament and stakeholders consecutively that it will bring forward legislation, subject to parliamentary approval and when parliamentary time allows, to update testing and reporting requirements for products on the Great British market. This will therefore mean that requirements for Great Britain remain the same as those for Northern Ireland, thus protecting the integrity of the UK Internal Market.

17 April 2025