Submission from MR Jim Allister KC, Member of Parliament for North Antrim on the draft Supply of Machinery (Safety) (Amendment etc.) and the EU Machinery Regulation (Enforcement etc. in Northern Ireland) Regulations 2026

I write regarding the Supply of Machinery (Safety) (Amendment etc.) and the EU Machinery Regulation (Enforcement etc. in Northern Ireland) Regulations 2026, mindful of your terms of reference:

'3 (a) That the regulations are politically or legally important, or raise issues of public policy likely to interest the House.'

3 (d) that the explanatory material laid in support provides insufficient information to gain a clear understanding about the instrument's policy objective and intended implementation;

These regulations are 'politically and legally important' and 'raise issues of public policy likely to interest the House' because they provide a means of enforcing laws in Northern Ireland that were not made by the people of Northern Ireland but imposed on them by a foreign polity. The suggestion that they are of no great consequence because they simply provide a means of enforcing what is already the law is profoundly disingenuous given that a law that everyone knows is not enforced is in some ways not really a law, or at least fully a law. In this context the legislation in question really comes to life, not from the moment that it was automatically applied to Northern Ireland by a foreign legislature in which the people of Northern Ireland are, by definition, not represented, BUT rather from the moment when this legislation bites because it is enforced.

In this context the explanatory notes are profoundly disingenuous in only providing an assessment of the cost of enforcing the legislation in Northern Ireland and not the cost of the legislation as enforced on Northern Ireland. It is only when this is done that any attempt can be made to fulfil the obligations under S 13 C of the Withdrawal Agreement Act 2018, in the declaration about whether or not these regulations, if enacted, would have a significant adverse effect on trade between Northern Ireland and the rest of the United Kingdom.

While they will not have a significantly adverse effect on trade between Northern Ireland and the rest of the UK to the extent that the legislation makes provisions for goods manufactured in Northern Ireland to benefit from a CE mark that will be recognised in GB, it is spectacularly unclear whether or not these regulations, by giving life to Regulation (EU) 2023/1230 (the EU Machinery Regulation) through its enforcement, will significantly increase the costs of production in Northern Ireland compared with the rest of the UK such that they make NI goods uncompetitive in GB. It is completely impossible to make the S 13 (C) assessment of these regulations without an assessment of the impact of the costs of Regulation (EU) 2023/1230 on Northern Ireland.

In a context where Northern Ireland has already been subject to the severe indignity of having this legislation imposed on us by a foreign legislature, the notion expressed in the Explanatory
Memorandum that it would somehow be improper to reflect on the cost to Northern Ireland is deeply problematic and indeed logically indefensible:

'9.1 …Additionally, on the NI aspects of this instrument, the measures resulting from the European Union (Withdrawal) Act 2018 are out of scope of assessment. The Windsor Framework has already given effect in legislation through the European Union (Withdrawal Agreement) Act 2020, which adds provisions and powers to the European Union (Withdrawal) Act 2018.'

I would urge you to press the Government on the real costs of this legislation as it relates to the legislation that it enforces, which is the only meaningful basis upon which to assess costs if we are not to play games with meaningless abstractions deployed for the purpose of obfuscation.

I note that at para 5.7, the Explanatory Memorandum states: 'The Government has also announced that similar measures to those taking effect in Northern Ireland will be introduced in Great Britain as soon as parliamentary time allows.'

While this would help prevent 'a significant adverse effect on trade between Northern Ireland and the rest of the United Kingdom', to the extent that the commitment is that these regulations should at some point be extended to Northern Ireland, they do nothing to prevent the development of 'a significant adverse effect on trade between Northern Ireland and the rest of the United Kingdom' between now and then.

Furthermore, to the extent that the Government follows through on this commitment at some point in the future, it raises another very difficult issue because this amounts to using the disenfranchisement of Northern Ireland in respect to this legislation (in relation to which we are simply asked to provide the enforcement mechanism) to justify effectively extending that disenfranchisement to Great Britain.

The purpose of Brexit - the biggest democratic vote in the history of the United Kingdom - was to take back control and make our own laws. Northern Ireland has been denied this since 2021.
These regulations, however, come with a commitment to effectively undermine Brexit in GB as well as Northern Ireland by extending EU law from NI to GB, making them once again 'politically or legally important, or raise issues of public policy likely to interest the House.'

9 June 2026

Response from the Department for Business and Trade

Q: What is the expected impact of the EU Machinery Regulations, for which this SI will enable enforcement, on businesses, consumers and the public sector in

Northern Ireland (NI)? Will businesses and consumers in NI face bigger costs than their counterparts in GB where the EU Regulations do not apply?

A: Section 13C of the European Union (Withdrawal) Act 2018 is a requirement for primary legislation only and there are separate obligations that apply to public authorities in respect of secondary legislation, under the Government's "Safeguarding the Union" commitments. Whilst section 13C does not apply in this instance, we can nonetheless assure the Committee that the legislation will not have a significant adverse effect on trade between Northern Ireland and Great Britain, nor place Northern Ireland at a competitive disadvantage.

This is based on data gathered through our extensive engagement with stakeholders, including a Call for Evidence and a series of UK-wide roundtable sessions. This evidence shows that the vast majority of businesses in Northern Ireland and Great Britain already choose to comply with the EU requirements and plan to continue to do so to maintain single product lines. Therefore, products manufactured in Great Britain are likely to meet the same requirements as those in Northern Ireland, ensuring that Northern Ireland businesses maintain a level playing field within the UK internal market.

This SI also maintains CE recognition, so businesses that comply with the relevant EU product requirements and affix the CE marking can continue to place machinery on the market in Great Britain. This means businesses can continue to place goods on the market across the UK by complying with a single set of rules, minimising any costly duplicative processes. This also means that firms in Northern Ireland are not absorbing unique or uncompetitive production costs.

We similarly do not expect any increased costs for consumers or public sector organisations as a result of these changes.

In the Government response to the call for evidence on machinery safety legislation, the UK Government confirmed its intention to introduce similar measures across the rest of the UK as soon as parliamentary time allows. This will eliminate any potential concern regarding divergence and ensure that businesses operating and trading across the UK are subject to a consistent and modernised set of requirements.

The UK Government has also announced £16.6 million to strengthen the UK internal market and help Northern Ireland boost trade with Great Britain. This will be a comprehensive ‘one stop shop’ regulatory support service that will help businesses trade across the UK and EU markets and benefit from Northern Ireland’s unique dual market access.

11 June 2026