



## Northern Ireland Affairs Committee

### Oral evidence: Work of the Secretary of State for Northern Ireland, HC 264

Wednesday 20 January 2021

Ordered by the House of Commons to be published on 20 January 2021.

[Watch the meeting](#)

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

Questions 71 - 124

#### Witnesses

I: Rt Hon Brandon Lewis MP, Secretary of State for Northern Ireland; Colin Perry, Director, Northern Ireland Office.



## Examination of witnesses

Witnesses: Brandon Lewis and Colin Perry.

Q71 **Chair:** Good afternoon, colleagues, and good afternoon, Secretary of State. Thank you for joining us. We are aware, Secretary of State, that you have a meeting with Number 10 and COBRA later this afternoon, so we are aiming to finish this meeting at about 3.55. With that in mind, I would urge colleagues to ask pithy and punchy questions, and for pithier and punchier replies, Secretary of State.

All I want to say very briefly in terms of opening remarks is, Secretary of State, to echo broadly what you said on the floor of the House this morning at the start of oral questions. Our thoughts and best wishes go to Edwin Poots—we will write to Edwin to give him our best wishes—and likewise to our former Secretary of State, James Brokenshire, both of whom have been diagnosed unwell in recent weeks. We wish them a full and speedy recovery.

Today, of course, there is a big change in the United States. I know that all stakeholders, politicians and all those interested in the politics and affairs on the island of Ireland look forward to working with the new administration in Washington, and we wish President-elect Biden every success and fortitude. Our prayers are with him as he embarks upon this great task.

Let us start the questioning, please, Secretary of State. Can you give us a very brief overview with regards to Covid, access to vaccines in Northern Ireland so the Executive can deliver their plan, and what thoughts, if any, you are having with the Executive about, in the future, moving out of lockdown and the like, making sure that we are in close lockstep with the Republic, given the huge amount of north-south trade and traffic that takes place every day.

**Brandon Lewis:** As I said this in the House just a couple of hours ago, I absolutely endorse and support the comments you made around both my predecessor, the Member for Old Bexley and Sidcup, and also Edwin Poot. I have been in contact with both, and, as you say, we all wish them both a very speedy and full recovery. I know they are both very determined and focused on doing just that.

It is an exciting day, as we look towards the inauguration this afternoon, with Joe Biden becoming President. He is someone who has that very direct personal commitment to and connection with the island of Ireland. That is a really positive thing for all of us going forward.

As you say, Chair, in the spirit of helping to move things along quickly in terms of Covid, we do work very closely together. Ultimately, in terms of the decisions around restrictions and how they are managing Covid in Northern Ireland, that is a matter for the Northern Ireland Executive. The Health Minister, Robin Swann, leads on that.



We have regular conversations. As I say, I meet with the First and Deputy First Minister regularly. We meet most weeks—and quite often it is more than once a week—in some form or other, using the benefit of Zoom and phone calls. When we meet weekly, we are regularly discussing where things are with Covid. There are also a couple of other key areas. Robin Swann talks regularly to the Department of Health here in the UK Government as well. I know Matt Hancock and Robin have been having some conversations directly as well.

We also do a couple of other things. We come together with the devolved authorities and the UK Government, chaired by CDL, on a regular basis. At the moment, we have been meeting in that format pretty much weekly to talk about how we are, as a United Kingdom, managing and dealing with Covid, to make sure we have a logical approach and, even where there are differences, to understand what they are so that we can manage the comms around that, so that people understand where there are differences and why there are differences.

Similarly, with the Republic of Ireland, I talk regularly to Simon Coveney. I know Robin Swann has been dealing with Stephen Donnelly, the Irish Minister for Health as well. I decided to bring together last year—we are going to be meeting next week—what we have called the quad, where we bring together myself and Simon Coveney along with the First and Deputy First Minister, and then whichever Ministers are relevant. Generally that is the Health Ministers for Northern Ireland and the Republic of Ireland. We discuss how we are managing what we are doing in terms of understanding, if there are differences across the border, again so that we can make sure the people who live and work in and around both sides of the border understand what those differences are and, as far as we can, we try to make sure there is a really logical approach both in the Republic and in Northern Ireland.

At other times we might have Education Ministers there—it depends on what topic we are discussing—but the Health Ministers are there most regularly. There is quite a lot of discussion across the UK, between the UK Government, through myself, and more widely with the Northern Ireland Executive, and, indeed, yes, with the Irish Government.

**Q72 Chair:** You have no anxiety at this juncture with regards to the supply of vaccine from GB into NI.

**Brandon Lewis:** No, the vaccine supply across the devolved authorities is something we agree with the devolved authorities. As Robin Walker, the Minister of State, outlined earlier today, Northern Ireland is pretty much ahead of anywhere else in Europe, let alone the UK, in terms of speed of rolling out the vaccine, which has been a superb effort. I do not have any concerns about the vaccine supply. It is being done on the Barnett formula structure, which is working with the DAs. At the moment, Northern Ireland is ahead of pretty much everybody and leading the way.

**Q73 Scott Benton:** Good afternoon, Secretary of State. On the anniversary of



the restoration of the devolved institutions in Northern Ireland, with the first implementation review meeting, are you able to update us on the progress made in relation to implementing New Decade, New Approach and the decisions that were taken at that first implementation review meeting?

**Brandon Lewis:** Yes. We had the first implementation review meeting last week. I would have liked to have one earlier. It is fair to draw the point that our intention this year is to make sure we get back to doing those on a quarterly basis, and we agreed that at the first meeting.

The first implementation review meeting went through and reviewed where we are. Obviously, a huge amount has been challenged with Covid, but there are areas where we have been able to progress forward, both as the UK Government and the Northern Ireland Executive. The Irish Government have outlined the €500 million that they are putting into a range of areas across their Shared Island Fund as well. We had that conversation.

We did agree at that meeting that we would make sure that the meetings as we go forward now will be on a quarterly basis. The intention is that the next one will be in March.

Q74 **Scott Benton:** I am very pleased to hear you recommit to those meeting taking place. You said that you would have liked to have held one of these implementation review meetings earlier. Obviously, there is appropriate technology available. I appreciate that Covid has somewhat changed people's priorities, but is there any reason why the review meeting was not able to be held using that technology before January this year?

**Brandon Lewis:** No. Not having the implementation review meeting was not so much about that. Initially, we did want to do it in person. Earlier on, we were trying to wait until there was a point in time when we could do it in person, but the restrictions have continued to make that quite difficult. It was not so much about the technology. To be honest, it was more about the reality of everybody being very focused on dealing with the pandemic and the health crisis, both in Northern Ireland and the Irish Government. It has just been around working out dates that could work for everybody and getting to a point when it was an appropriate time to do it. It was not so much about the technology. I am glad that we have had the first one. As I say, we have made it very clear that there is now a determination to get back to doing it on a quarterly basis, particularly because, hopefully, within a couple of quarters now, we will be moving back to a more normal way of life post Covid as soon as possible.

**Chair:** Yes, that is if any of us can remember what that was, Secretary of State.

**Brandon Lewis:** Yes, that is a very fair point.

Q75 **Scott Benton:** Turning to this Committee's recommendation for an



annual report to be produced, have you had any discussions yet with the joint board in relation to producing that annual report, and is that something you will still be looking to do?

**Brandon Lewis:** Yes. One of the things that came out of the implementation review meeting was that we will be working with the Executive and the Irish Government to publish an update on the implementation of New Decade, New Approach. As you say, it is outlined in NDNA, and I am quite keen to do that pretty swiftly.

Q76 **Scott Benton:** Another recommendation from New Decade, New Approach was in relation to establishing an independent fiscal council. In terms of accountability and scrutiny, this is a preferable way to go forward. The Northern Ireland Justice Secretary has alluded to the fact that potentially the absence of an independent fiscal council is not allowing the Executive to lobby the Treasury for additional funding, which Northern Ireland requires. Is there any particular reason why that independent fiscal council has not been set up yet?

**Brandon Lewis:** There is none that I can give you. It should have been done. This is something I discuss with the First Minister and the Deputy First Minister on a regular basis. I discussed it at various points in 2020 and I have written to the Finance Minister about the importance of establishing this.

This is not just an NDNA commitment; it is a core NDNA commitment around sustainability, transparency and accountability for the Executive. We effectively have the same thing in the UK Government with the OBR; the Irish Government have the Irish Fiscal Advisory Council. It is something people in Northern Ireland would expect to see as good governance, and it is also something that has been agreed and in discussion and plans since 2014.

I was originally told by the Executive that they would be able to get things in place around the summer of last year. Because of Covid, that moved to September. As I am talking to you right now, I still have not seen plans for the Department of Finance in the Executive that set out exactly how and when they are going to do this. It is a matter for the Department of Finance. It is absolutely right that they do that, but they need to get on with it. There is a legitimate point here. There is a range of issues where people will want to be able to understand and see what the Executive is spending. It will help the Executive in terms of their budget decisions on a range of issues to understand if and where they have underspends in various Departments, to make decisions about the following year.

It is a key thing. It is a key financial requirement of the UK Government in terms of NDNA. I have been pretty clear about the need to see this happen. At the moment, I cannot give you a good reason why the Department of Finance has not been able to move that forward. I appreciate that Covid has raised a huge number of challenges for all of us



and has delayed certain things, but at the moment, with the IFC, I have not even seen a plan of when and how exactly it is going to be put together. I am very keen for them to do that. I look forward to hearing from the Department of Finance as soon as possible. I stand ready to support them to get it done.

**Q77 Scott Benton:** Thank you, Secretary of State. We will all be reassured by your answer in relation to that question. Can you confirm, therefore, that this was indeed discussed at the recent implementation review meeting, just to ensure that everybody is focused on achieving this as a priority?

**Brandon Lewis:** Yes, I did raise it at the implementation review meeting.

**Q78 Chair:** It is such a no-brainer that most civilised democracies have something like the Office for Budget Responsibility or an independent fiscal council. Should there be an anxiety amongst the people of Northern Ireland, amongst this Committee and within the Treasury around this stubborn resistance to creating this body? As you say, this points back to 2014. What are they trying to hide? Is it incompetence, collusion, corruption or silly spending? Unless they create it, they go in to argue with the Treasury for extra funds with one hand tied behind their back. It is a self-defeating stance that they appear to have adopted.

**Brandon Lewis:** I am not going to try to put myself into the mind of the Department of Finance and why they have not done it. People will have to draw their own conclusions. In its absence, it is understandable, as you have outlined, Chair, that people are going to draw a whole range of conclusions about why. My point about this has been that it is something that could be immensely helpful. We saw the Minister of Finance, Conor Murphy, outline his budget plans just this week. At the same time as claiming that he does not have enough money, despite getting a pretty much record uplift at the spending review, he does not have an independent fiscal council—in the way that we have the OBR and other countries have independent reviews of this type—to back up any positions they have.

It can also be very helpful in assessing what has been spent by Departments and what it is being spent on. In terms of setting future budgets, that is hugely helpful. It is helpful if there is an underspend, and there can be very good reasons for underspend in any given year. It also shows the patterns and the underlying issues, which means they can help set the core budgets and look at how they allocate money in the following year, should they need to.

It is an immensely helpful thing with some really good expertise that can be brought into it. As I say, I really cannot answer why they are not doing it. It is a huge frustration for me, on a personal level. If the Northern Ireland Executive and Department of Finance want to talk about finance, the first thing anybody is going to say is, "What are you spending the money on? Where is your independent review and



understanding of that?" Until you have that, it is very difficult to put too much credence in some of the more outlandish comments that come out. I would just like to see it happen; it would be good for the people of Northern Ireland.

Q79 **Chair:** Might there be merit in having you and the Treasury, apart from the basic Barnett formula funding, stop drawing cheques in favour of the Northern Ireland Executive unless or until it is created? Is it now not time for hardball? Its absence can only raise suspicious questions.

**Brandon Lewis:** There is a balance there. That is a reasonable point. In certain areas, if they are talking to the UK Government without having an independent fiscal council, it makes it difficult for them, but there is a balance. I am not prepared to see the people of Northern Ireland and businesses in Northern Ireland lose out because the Department of Finance has not delivered on a commitment. There is a balance there. We have to make sure we get that right. We have to look at this. We have to be quite clear about the fact that there is not just an expectation but a real need for this.

Q80 **Chair:** I agree with you on who would be hit, and then those people who would be disadvantaged could then take their argument to their elected officials in the Executive to say, "What is the problem? Create it. The Treasury is stifling our funding, and it is down to you lot".

**Brandon Lewis:** You make a very powerful point, but, as I say, I am hoping that imminently the Department of Finance is going to come forward with its plans. Hopefully this becomes an issue that is in the past. We have been talking about this for six to nine months now in this format. There is a point at which, yes, the Executive need to get on and get this delivered. There is one Department holding this up. I have to say that, in the conversations I have had, there is frustration, not just from the First Minister but also across the Executive Office and the Executive more widely, about the fact that this has not happened. Quite why the Department of Finance is holding this up, I do not know. Hopefully it will not be for much longer.

**Chair:** Fingers crossed.

Q81 **Stephen Farry:** Good afternoon, Secretary of State. Could I just very briefly associate myself with the comments around both James Brokenshire and Edwin Poots? If I may, I would also just record our condolences to the family of Norman Houston, who was director of the Northern Ireland Bureau in Washington for many years. He opened huge doors for Northern Ireland over many years, and certainly all of us across the political spectrum owe a huge debt of gratitude to him, particularly on this day, which is very poignant.

Could I just quickly ask the Secretary of State this? There are aspects of the New Decade, New Approach agreement that will require primary legislation to amend the Northern Ireland Act, not least around matters such as the sustainability of the institutions. Are there plans for primary



legislation at some time over the course of this year?

**Brandon Lewis:** Yes; Stephen, you are quite right to reference Norman as well. He was a phenomenal character and diplomat for Northern Ireland, and I absolutely associate myself with those comments.

In terms of legislating to implement some of the commitments made by the UK Government in NDNA, yes.

Q82 **Stephen Farry:** Will that be during the course of this year? It has not been announced in the Queen's Speech. Has a bid been made to the powers that be in that regard?

**Brandon Lewis:** I certainly would be disappointed if I have not sorted that legislation in the course of 2021, absolutely.

Q83 **Chair:** Just before we leave NDNA, are you able to say a little about the Armed Forces Covenant and when it is going to happen? Could you confirm whether, in terms of all of the benefits that apply to recipients of it in GB, there will be equal treatment to those eligible in NI?

**Brandon Lewis:** Yes. Obviously, it is Ministry of Defence legislation, so I cannot give you the specific timeline for the legislation at the moment, but it will be UK-wide legislation. The Armed Forces Covenant is in NDNA as well. It is part of the NDNA agreement. It will be UK-wide, including Northern Ireland.

Q84 **Stephanie Peacock:** Good afternoon, Secretary of State. With reference to the recent appointment of the interim head of the civil service, what is your view and assessment of the failure to appoint a permanent head of the civil service on the stability of the Executive?

**Brandon Lewis:** The appointment of Jenny Pyper is very good news. I appreciate that she is only interim. The clarity of having a head of the civil service there now, even as an interim measure, is good. Some of the Committee will have picked up on some of the challenges that there were with not having a head of the civil service. Her leadership in the period ahead will be important in helping the Executive to navigate issues and hopefully she will maybe even persuade the Department of Finance to get the IFC organised. I wish her well in that.

Having her in place has already brought some further stability, although to be fair the Executive has worked pretty well and fairly stably through Covid, which is a credit to everybody involved, even in that situation. That will definitely help. It will be good to get a long-term solution in place. It was right for them to appoint Jenny, and ultimately it is a matter for the Executive and the Executive Ministers to have a look at in terms of what they want to do and when they want to take that final decision around a permanent appointment.

Q85 **Chair:** Secretary of State, you might want to reach for a stiff drink to stifle your surprise, because we are now going to turn to the protocol. You are reaching for water. Could you give us your assessment? We





appreciate that it is early days. We appreciate it was late into January when it was agreed, and a lot then hinged upon the ultimate deal, which emerged towards the end of last year. In percentage terms, how well is it working? What further creases have you identified that need ironing out? What is your hope for the timeframe and the use of the grace period?

**Brandon Lewis:** It is important to look at what is actually happening across the piece and where we are. You are absolutely right on that. I stand by the points I made particularly in oral questions today. I appreciate that sometimes people who cover what we say will pick out things and interpret things in their own wonderful ways, but, if you look at exactly what I have been saying over the last few weeks, the point I have been trying to make—I have made it today—is that I am not going to deny that, when you have new processes, a new system and a new situation, as we have at the end of the transition, there are going to be challenges and learning curves within that.

What we have also seen across parts of the UK but particularly in Northern Ireland is a number of different things coming together at one time, particularly in the early part of January. That is why I said, in an interview I did with the BBC last week or the week before, that we are going to be able to assess the protocol in a month or two down the line, rather than in the first few days of January.

The reason for that is because a number of things have come together. There has been an impact because of Covid, particularly some of the food supplies, particularly linked to the Covid issue we had at the border in Dover, with the lorries and the drivers not being able to travel through just before Christmas. That definitely had a knock-on effect not just in Northern Ireland. At one of the meetings we had with all the DAs, the Welsh Minister—I am pretty sure it was Lesley Griffiths—was referring to a similar challenge they were having in supermarkets in parts of Wales as well. There has been that. There have also been, of course, companies that have made commercial decisions before the deal was done. Parcels are a very good example of this, where the guidance was out on the 31st.

Coming to the second part of your question, about the grace period, as we look ahead to the end of the grace period, we are determined to be working with the sectors—with supermarkets, for example, and retailers and their suppliers—to ensure that they are able to be ready for a permanent solution in the future and able to work through that with DAERA as well. We mentioned Minister Poots earlier on. He was in a meeting with us either last week or the week before where we were discussing this.

We have to make sure we get that long-term solution to ensure we can get products continuing to flow in the way they should be through the grace period, and to do that at the earliest opportunity in order to ensure the companies have some advance notice to know the way they are going to have to work. Hopefully through the grace period we will be able to find a way to continue that free flow. We are backing this with



Government funding as well, as part of the broader support package that we have announced.

- Q86 **Chair:** Can you just clarify on the grace period? Some will have an expectation or a hope that the grace period merely gets extended and extended and extended. For others—I am probably in this camp—business has had three or four years of not being quite sure what the hell was going to happen and what they were going to be required to do; therefore, concrete clarity is required for them.

To the best of your knowledge, are the Cabinet Office and the Joint Committee working to a timetable to ensure, at the end of the grace period, that there has been plenty of notice prior to that about how the final, final arrangements are going to work, rather than this salami-slicing of extensions?

**Brandon Lewis:** Yes, we are not at the moment in a position where we want to be looking at extending the grace period. The whole point of the grace point is that there are certain issues where, at the end of having secured the protocol, we recognised there were still issues and we wanted to make sure you have that good free flow of products, such as the Great British banger, as the Prime Minister outlined.

From our point of view, the idea of the grace period is to find a solution that means that can continue to flow, and to do that working with the industry, working with our partners in the EU as well. CDL and the team will be having those conversations, but also Defra, engaging with DAERA, the Northern Ireland Executive and our partners across the EU, including the Irish Government. The idea of the grace period is to give us time to get a long-term, permanent solution to ensure that those products can continue to flow in a sensible, smooth and flexible manner.

- Q87 **Chair:** What engagement are you seeing from BEIS to make sure that GB-based businesses exporting to Northern Ireland know what it is they have to do? A lot of effort is being spent on businesses within Northern Ireland, perfectly properly, but it is about getting that stuff over the sea and making sure that those exporters know what they need to do. Is BEIS stepping up to the plate, having not had a role to play prior to the agreement of the protocol?

**Brandon Lewis:** Yes, it is. There has been a lot of engagement. I will say, as you have referred to, Northern Ireland businesses are very well equipped and ready, and they know what they are doing. That is not where the issue is. There is an issue with some businesses in Great Britain around how they move goods, not just with Northern Ireland through the protocol but actually more widely with the EU as well.

BEIS has been engaging very widely, but I recognise, as I am sure many of the Committee will, there are challenges, particularly for SMEs, with people running their businesses and focused on running their business every day, day to day. We are engaging with the business representative organisations that represent those small businesses; we can work on



things with them and they will then pass that information to the businesses who are their members. The challenge is that a lot of SMEs are not members of organisations like that. I used to run businesses and I was a member of several of them. We all have constituents, I am sure, who we have spoken to, who are focused on their business and do not necessarily read or engage with everything coming through from the BROs.

One of the things BEIS is looking at at the moment is how we can cut through to make sure more businesses across Great Britain have that understanding and the understanding that they can sign up to things like the Trader Support Service. It is doing superb work to ensure that companies can have that easy flow, and at the Government's expense rather than theirs.

**Q88 Ian Paisley:** Thank you for the kind comments for Edwin Poots, which I will pass on to him this evening. I associate myself with the comments made about James and especially the comments made about Norman Houston's family, Chloe and Connor in particular. Thank you for those comments.

Secretary of State, there is a de facto border, a blockade of administrative red tape, between trade in Northern Ireland and GB. Your Government promised that there would be unfettered movement. The first 20 days of January have been an unmitigated disaster for trade, have they not?

**Brandon Lewis:** As I said earlier on, and as I have said in oral questions before, we were very clear that we wanted to make sure we could deliver unfettered access for Northern Ireland businesses to the whole of the UK market, which is what the protocol and the deal do. We wanted to make sure there is a good flexible flow of products and the ability to trade for businesses in GB into Northern Ireland.

However, we always recognised that in certain areas, particularly SPS areas, we would build on the checks and the work that has been in place, as you know, for a considerable period of time before we left the EU and before the protocol. Yes, we are building on that for those SPS checks, because that recognises the single epidemiological unit of the island of Ireland.

As I say, I absolutely recognise that there have been some areas—parcels are a good example of this—where we have had some challenges in the early part of January, because the guidance and the date of the deal, we fully accept and take on the chin, came late to businesses. Some businesses had a bit of advance notice, but the guidance was published on 31 December. We are still working through with some companies that they can continue to move parcels in the same way as they did back in November, but of course companies have already made decisions, understandably, from a commercial point of view, before that point.



We are working through with industry some of these issues, whether it is on parcels or groupage, which I would hope we will have some announcements on to move forward on that in the next couple of days. We are trying to make sure we work with businesses so that, when we do come up with solutions to ensure this is a good, fluid and flexible process, we do so in a way that works for those businesses.

**Q89 Ian Paisley:** You say you are working through this, Secretary of State. I have haulage companies haemorrhaging £100,000 a week. They are now entering their fourth week of no trade. I have a haulage company that contacted me this morning that has now laid off 10 people. They have told all of their part-time workers not to come back in until this is resolved. This is causing huge problems and working through it offers no solution.

I see that today Hospitality Ulster, which is responsible for 65,000 employed people in Northern Ireland, has called for the protocol to be refined and amended and for the grace period to be extended for at least 12 months. How do you respond to that?

**Brandon Lewis:** In terms of the grace period, I would just refer them to the comments I made to the Chair just a few moments ago.

In terms of the wider point about working through it, I recognise that business wants to see solutions. That is why we are working with them to get solutions that work for them. For the haulage companies, particularly on the groupage point, we have been working with them. I know they had meetings just last week; I have a meeting with them this week. I am hopeful that they will see new guidance and an outline in terms of some practical mitigations that work for them in literally the next couple of days.

There has been a trial of a system—I know this has been covered in some of the media—that has been going on over the last 24 hours. This is working with DAERA, the Department in the Executive, to make sure it works, and works in a way that works for industry. That is what I mean by working with businesses, so we can work through this and find some of the solutions and get the guidance right so that this can work in a way that works for them. As I say, for the haulage companies, we are hoping to do something in that format pretty imminently.

**Q90 Ian Paisley:** There is no business occurring between Northern Ireland and Europe. This was supposed to give us entry to the single market. There is no business. Hauliers are telling me that they cannot get their good out to Europe and they are faced with this friction between GB and Northern Ireland. Secretary of State, this is a disaster. You have to move on section 16 of the protocol or do something to fix this. What are you going to do?

**Brandon Lewis:** As I said in oral questions earlier today and as the Prime Minister said last week, we will not resist using article 16 if it is appropriate, but the right way through this is to look at how we make the



protocol work in a way that is efficient and that delivers on exactly what the protocol set out to do. It means that you end up in a position where Northern Ireland has a huge competitive advantage because it can trade as an integral part of the United Kingdom and also trade with the single market of the EU.

I am not sure I agree entirely with your point around Northern Ireland businesses not dealing with the EU at the moment. I simply do not agree with you on that. It means that Northern Ireland has a huge opportunity. I appreciate that, particularly while we are in Covid, businesses are not particularly making investment decisions, but as we move forward I would expect to see that.

Q91 **Ian Paisley:** Secretary of State, I have hauliers telling me that they cannot do business with Europe because the ports are not open to them and that they cannot bring stuff back in from Europe because of new VAT regimes, which I understand we will come on to later on. The Secretary of State cannot just keep telling us, "This is going to be great when it is all worked out". A lot of these companies will not be left standing by the end of this month. They are laying people off today. We cannot wait three months for you to see how bad this is. This is awful. Please fix it.

**Brandon Lewis:** There are two points I would make to that. First of all, I am not suggesting that we are going to take three months to fix anything. As I said, on groupage I would hope we will have some guidance announcements literally in the next couple of days. Defra is working through that with the businesses and with Edwin Poots' Department in the Northern Ireland Executive, DAERA.

Ian, I am very happy if you want to feed into my team particular haulage companies that are having that issue. I simply do not recognise the idea that Northern Ireland companies are not trading with the EU. There are Northern Ireland companies trading with the EU. I am meeting hauliers this week myself, but just in case they are not in that meeting, if you have specific examples please do feed those through and I will make sure we engage with them, or the relevant Government Departments and Ministers engage with them, ASAP to get to the bottom of what the particular issues may be.

Q92 **Mr Campbell:** Secretary of State, the issue is that we are three weeks into the grace period. By my estimation, that leaves us about nine or 10 weeks to go. I take the point that you mentioned when you responded earlier, but it does not seem to me and it does not seem to many of the people coming to me, constituents and others, that in the next nine or 10 weeks we will resolve the outstanding issues.

There is a company today that distributes hand tools, and 80% of their product comes from GB. They cannot get exact and precise information about what exactly of their product coming from GB into Northern Ireland is at risk. They get different definitions. They are at sixes and sevens about knowing what to do with the product that they currently cannot



get. Up until three weeks ago, they were able to get it. They remain to be convinced that this can be resolved in the next few weeks.

The second thing is the issue of small health-food stores. They are complaining quite regularly that they cannot get product from GB and yet, if I have a friend, colleague, a neighbour or someone I know who lives in Glasgow, London or Edinburgh, they can stick a packet of grass seeds or any kind of flower seeds in the post and post them to me, and I will get them in two days. If I purchase them or try to purchase them from a company in GB doing the same thing, they cannot do it because of this red tape. It just seems nonsensical on as many levels as possible.

**Brandon Lewis:** I will take that in two parts. In terms of the first example you were giving there, Gregory, from what you outlined I am struggling to understand why they would have an issue. I hope they have engaged with the Trader Support Service. If they have not, I would encourage them to engage with the Trader Support Service. They should not have an issue.

**Mr Campbell:** They have.

**Brandon Lewis:** If you let us have some details, we will engage directly with the company. For the sort of products you are talking about, with the Trader Support Service, they should not be having an issue, on the face of what you have said. I would rather get the team to dig into some of the details of that.

The seeds issue that you mention has been raised with me, and it is something I know the Secretary of State at Defra is working on, because that comes under the SPS issues. I am just going to bring in Colin Perry from our team, who is doing some of the work around a few of these issues that have been covered already.

**Colin Perry:** Just on the seeds issue, there was a lot of concern that we heard around the transfer of seeds, but listing has been secured so traders should be able to get the cost of any plant certificates covered under the Movement Assistance Scheme, which is one of the other schemes the Government have brought in to support traders. As the Secretary of State said, if there are particular issues your constituent is facing, we would be really interested to understand in more detail what those are.

**Chair:** I am sure Mr Campbell will send those details through to you, Secretary of State.

Q93 **Fay Jones:** Good afternoon, Secretary of State. I wanted to ask whether the Government are actively pursuing further agreements in the Joint Committee to streamline trade across the Irish Sea and, if so, where? Could you tell me a bit more about that?

**Brandon Lewis:** This is the first time I have been in front of you since you joined the Committee, so welcome to the Committee.



## HOUSE OF COMMONS

Yes, the UK-EU Trade and Cooperation Agreement, together with the UK-EU Joint Committee agreement on the protocol, is focused on ensuring that we get what we are aiming for in terms of getting the movement of goods from Great Britain to Northern Ireland streamlined as much as possible. We put in place the Trader Support Service and the Movement Assistance Scheme, and there are some specific other arrangements we have put in place.

We are working with the Joint Committee and engaging with the work the Cabinet Office and the Chancellor of the Duchy of Lancaster lead on to ensure we can continue to work to make sure the protocol is working and that it works in an efficient and streamlined way that means we get through and deal with some of the challenges we have had.

I am not in any way detracting from some of the challenges that we have had over the last couple of weeks, but, as I said earlier on, there is also a reality that some of these challenges have not been related to the protocol. Some of the issues around the change have been a mixture of things coming together, as I said, whether it was Covid more widely in terms of pressures on supply, the Covid issues we saw at Dover and also businesses making, quite understandably—it is not a criticism at all; I absolutely understand it—corporate and commercial decisions before the protocol deal was done, let alone the wider deal. That is before I get on to this issue about parcels.

That work continues. The grace period is a good example where, through Defra working with counterparts in the EU but also through CDL working with Vice-President Šefčovič, in the Joint Committee format we have had, we are working through this to make sure we get positive solutions.

**Q94 Fay Jones:** On the grace period, particularly thinking about agri-food products, you mentioned earlier on that it can be revisited on a rolling basis. Is there a deadline after which we can no longer utilise the grace period?

**Brandon Lewis:** No. Apologies if I have given that impression. It is not that it will be reviewed on a rolling basis. The grace periods are there and they are in place. What we are looking to do is, well before the grace period comes to an end, to have found that longer-term permanent solution so that businesses are ready for whatever they need to do to be able to ensure that flexible free flow.

Depending on the issue, this is something that primarily is involved with the work Defra is doing with supermarkets and food suppliers, particularly around chilled meats. We are very keen to get a fixed permanent solution before the grace period ends.

**Q95 Chair:** Secretary of State, what is the cut-off date for that? There will be a number of businesses, I am sure, that will need to know what they are preparing for. As politicians, if we have learned any lesson, political decisions can be taken at 11.55 pm, but it does not necessarily mean



that businesses understand them at 12.01 am. There needs to be time for interpretation and understanding, a bedding-in time or preparation time; call it what you will. What are you and CDL aiming for as your cut-off date to say, "We are now in a position to say that, at the end of the grace period, these are the de facto concrete rules and regulations under which you will be trading"?

**Brandon Lewis:** I cannot give you a set date on that. I will give you an example, as I referred to earlier, on the groupage issue. That is something we have been working on with industry. We are working to find a solution that is effectively designed by the industry itself so we know it is a solution that works for them.

I referenced parcels earlier. Although the guidance was published on 31 December, a lot of companies were briefed about it in advance. We do work with businesses. That includes through the Business Engagement Forum, which I have run for Northern Ireland businesses over the past year or so and will continue to do so, where we engage with them. At the moment, my officials, Colin and the team are doing some deep-dives in them on specific areas.

There is also the wider engagement that I have, the Secretary of State for Defra has, CDL has and BEIS has, et cetera, with businesses across the UK. We had a meeting just last week, which I have already referenced, and we have a meeting with hauliers later this week to engage with them. We are working with them. They understand what we are looking at.

One of the things that we are very clear about—I am very happy to be very open about this—is that, with the issues we are working through in the grace period, some businesses, particularly the supermarkets, make their decisions a long, long way in advance, understandably so, for commercial reasons. Most of them have ordered their Easter eggs already, and they are probably already ordering now their Christmas products for next year.

We need to do this as early as possible. We had a meeting, as I said, just last week or the week before, which Minister Poots attended as well, looking at the timeframes we need to do this in. I cannot give you a fixed timeframe, but we are very determined to do everything we can here. Bear in mind that we are working with our partners in the European Union as well, because we want to do this by agreement with them, to get a solution that we can all understand and have in place well before the grace period comes to an end. That is absolutely the intention and the desire.

**Chair:** That is the comfort point we were looking for.

Q96 **Stephen Farry:** I just wanted to press the Secretary of State and pick up on the answers to Fay Jones and the Chair around those permanent solutions, particularly around the issue of the SPS checks, which is at the





heart of the issue about the grace periods and the potential extension.

There was a bit of disappointment that the TCA did not say anything more on SPS checks. We now have a situation where, across the Irish Sea, we have a greater level of checks than there is between, for example, the EU and New Zealand in terms of their veterinary agreement. I am just wondering whether, rather than talking about timescales and renewals, that is an area the Government would be willing to consider. Will they go back and use the specialised committee that is provided for in the TCA in relation to SPS to try to find some bespoke arrangement across the Irish Sea on SPS that will enable food and animals to flow much more freely in due course?

**Brandon Lewis:** In terms of working through some of these things, as I say, there is a level of discussion that goes on between the relevant Secretary of State, Minister or official with our partners in the EU and with industry, but, yes, ultimately the specialised committee and that kind of work is exactly where we would look to get formal agreements on these things to work forward.

Q97 **Ian Paisley:** Specifically on cattle, Secretary of State, as you know, we have full traceability of all livestock in Northern Ireland, whether they are sheep or cows. I am just wondering what measures are going to be put in place to resolve the problem now that, if you are bringing livestock to English or Scottish marts, or over for breeding or agricultural shows, under the protocol they will have to be left on the mainland for up to six months in some circumstances and a minimum of three months. This is completely unacceptable, especially if a lot of those cattle are bought and brought back to Northern Ireland or when they return from shows. What are you going to do to resolve that problem?

**Brandon Lewis:** Yes, I recognise that this is something Minister Poots himself has raised, and it is one of the things the Secretary of State for Defra is working through at the moment. At the moment, I cannot give you an outline of what the solution to that will be, but I know this is one of the things the Secretary of State at Defra is focused on.

Q98 **Ian Paisley:** Secretary of State, I do not want you to get away with thinking that Edwin Poots can solve this one; he cannot.

**Brandon Lewis:** No, my point is that Edwin Poots has raised it. He raised it at the meeting either last week or the week before, and the Secretary of State for Defra is going away to try to work out a solution on this, if we can find one. My point is that the Secretary of State for Defra is alert to this issue, and Mr Poots has raised it.

Q99 **Ian Paisley:** Turning to VAT margins, as you know, some people called for the vigorous enforcement of the protocol, which led to this VAT margin. Thankfully, that has been removed. Can you update us in terms of the physical or red tape requirements that will now be required, say, for second-hand car dealers? Will those requirements be removed also?



**Brandon Lewis:** First of all, we have issued guidance that also confirms that the change is backdated to 31 December, so car traders have that certainty for the whole period through from 1 January. We have been engaging on this, and we are looking to get a long-term derogation from the European Commission. We have issued that guidance to traders in the meantime so they can continue to apply the margin scheme for vehicles sold since the end of the transition period, but we want get a long-term derogation, and that is something we are applying for with the EU.

Q100 **Ian Paisley:** With regards to steel imports, as you know, the rigorous enforcement of the protocol has led to a 25% hike on steel imports. None of the businesses that manufacture in my constituency, in the aerospace sector, the bus-building sector and the agri-sheds sector, can afford a 25% hike in raw material, given that most of that material comes from Turkey, India and other countries outside the EU. What is going to happen with that hike? Can you guarantee that it is going to be removed, and removed immediately?

**Brandon Lewis:** We will be issuing some guidance pretty imminently. HMRC has been briefing industry, so industry is aware of what we are looking to announce. The guidance we will issue will deal with this. As I say, we have written to businesses to set out the rules, effectively, to make sure they can bring things in tariff-free. The guidance will cover all bases, to ensure that companies are clear that this will not be an issue for them. As I say, the details of that are pretty imminent. Again, this will be literally in the next couple of days, if not even later today.

Q101 **Ian Paisley:** You are telling me it will not be a rebate scheme. If I have to place an order for £1 million of steel, I will not have to pay £250,000 and then have to try to claim that back?

**Brandon Lewis:** As I say, the details of this will be published in the guidance pretty soon, pretty imminently. I am very happy to follow up after that has been published, but I do not want to pre-empt HMRC publishing the formal guidance. It has been doing that and briefing industry on that. As I say, there is a solution to the steel issue that the industry is happy with, as far as I understand it, but HMRC will be publishing that guidance imminently.

Q102 **Ian Paisley:** On the issue of groupage on freight, do you have any more details on that? We have now been told for the last week and a half, "This will be resolved". How is it going to be resolved?

**Brandon Lewis:** On groupage, as I mentioned earlier, there has been a trial over the last 24 hours. Defra is just doing some work following that trial with the industry. It is being informed by industry. I would expect to see guidance on that again in the next day or two to solve the groupage issue and to make sure we have those mitigations in place.

Because of the complexity of it and how it works, groupage will be an area where we will continue to learn to make sure the solution works and



continues to work for industry in terms of mitigation in all circumstances. As I say, there has been a trial in the last 24 hours or so. Some guidance and an announcement will flow after that trial in the next day or two.

Q103 **Mr Goodwill:** Secretary of State, I am sure we could spend a whole session on fishing and Brexit, but I wanted to ask you about a couple of specific issues that relate to Northern Ireland and nowhere else. The first is with regards to the operation of the voisinage agreement. As you may remember, there were some legal challenges a couple of years ago, but they were resolved by our friends in Dublin. Could you reassure us that this arrangement, which allows access to the six-mile limit in a reciprocal way, will continue to operate and there will be no problems for either Northern Irish or indeed Republic of Ireland fisherman?

**Brandon Lewis:** Yes. I will help you with a speedy answer. I can give you a longer answer as well.

**Mr Goodwill:** No, that will do.

**Chair:** That will be carved into the annals of history.

Q104 **Mr Goodwill:** I am afraid the answer to the next one will not be so simple. This is in regards to the European eel, which is very important to fisherman on Lough Neagh. Previously, as a member of the European Union, we could benefit from a relaxation of CITES regulations. The European eel is an endangered species. Outside the EU we have made it more endangered, because the only major population is on Lough Neagh. Are we able to continue not only to import glass eels to stock Lough Neagh from the west country but also to export those eels? 80% of them go into the European market, mainly to Holland.

**Brandon Lewis:** You are quite right: there are some challenges with eels. I am going to bring in somebody who is fast becoming an expert.

**Colin Perry:** I am not sure I am going to claim eel expertise, but I will try to attempt to answer Mr Goodwill's question. There are two halves to your question. The first is whether eels will continue to be able to be supplied into the EU, to which the answer is yes, because of the arrangements under the protocol. As for supplying the west country with glass eels, that is a known issue. There are ongoing discussions with the Commission at the moment about that, because, as you rightly say, it raises CITES considerations. That discussion is not yet concluded, but at the moment that supply is not, as I understand it, happening.

Q105 **Mr Goodwill:** Is there any timescale as to when you expect to get an agreement? It takes hundreds of millions of these tiny eels to restock Lough Neagh. They have done a lot of work over recent years to make that a very successful fishery. Is that under threat if we cannot get an agreement for this year's restocking?

**Colin Perry:** I do not have a timescale for you on how long those discussions will take to conclude, but we recognise the issue around the



restocking and, because we are dealing with live animal products, the need to get on with it. Those discussions are ongoing between Defra and the Commission, but we accept that there are CITES considerations here.

Q106 **Stephen Farry:** I am going to wrap a few questions together for the sake of speed, given that our time is tight. In some respects, this could be best summed up by saying that the incoming situation is not quite as good as we had before, but it is not quite as bad as some people had feared.

Can I just ask a couple of particular points on the way forward? First of all, is it likely that the Northern Ireland Executive will have some direct representation on the specialised committee around law enforcement and judicial co-operation, given the very particular context in which we operate around terrorism and organised crime and the land border with another EU state?

Is it likely that the Government will seek to have arrangements for the sharing of data on things like convictions with the Irish Government that go beyond the minimum requirements in the TCA?

Finally, does the Secretary of State acknowledge the absolutely critical importance of the data adequacy recognition coming from the European Union over the next number of months? In that regard, can he just recommit that the Government will ensure we are compliant and indeed remain part of the European Convention on Human Rights to enable that data adequacy to be secured and maintained?

**Brandon Lewis:** Yes. In terms of the specialised committee on law enforcement, we will be shortly discussing the attendance of that. I would expect that committee on law enforcement and judicial co-operation to include co-operation, as you rightly say, with all member states. We are not yet in a position to publish the wider details on that, although we will do shortly. As you say, there are unique circumstances in terms of Northern Ireland, with the security side sitting with the UK Government but organised crime sitting with the Department of Justice.

In terms of the exchange of data, there is a very good relationship between the Garda and the PSNI in terms of how we share information and work together. The TCA allows us to continue fast and effective exchange of criminal records for law enforcement purposes with the EU, and that obviously includes Ireland. We will continue to monitor how these arrangements work. If we need to take any further action, we will seek to do that to make sure we keep that flow working. I had a conversation with the chief constable last week, and he was not raising any issues with me about how things are working at the moment.

Q107 **Stephen Farry:** What about the data adequacy point and the importance of that?

**Brandon Lewis:** That was my short "yes" at the beginning.

**Chair:** You will be aware, Secretary of State, that we are obviously



conducting an inquiry into that area.

- Q108 **Fay Jones:** I do not think it is an interest that I need to declare, but it is probably worth pointing out that I was an Erasmus student, so I am very interested by this particular topic. As the UK Government seek to create a new version of Erasmus, the Turing scheme, the Irish Government have confirmed that they will fund Northern Irish students who still wish to take part in Erasmus+. How do you see this working out in practice?

**Brandon Lewis:** The Turing scheme is a completely new scheme because it has a global outlook and is going to give people that opportunity. It is brilliant that you had that experience of Erasmus. I am very keen that Northern Ireland students get a full opportunity to take part in something that could give them that ability to look globally. The scheme itself will be administered by the same consortium, the British Council and Ecorys, that has been delivering Erasmus in the UK. They are experienced people who know how these kinds of things work and draw on the experience they have, which also ensures some continuity between institutions and those involved.

We are going to be making some further information available on this fairly shortly, which will enable providers to prepare to bid for funding when the applications open, which will be in the coming weeks for placements taking place in September 2021. It is a very different scheme and it has that global outlook, so people will be able to look around the world for that kind of experience.

- Q109 **Fay Jones:** You mentioned that the British Council will be delivering the scheme. How will education institutions be able to bid into the new scheme? I just want to make sure that no opportunities will be denied to anybody in Northern Ireland because Erasmus+ is still active. I want to make sure that Turing is available to everybody.

**Brandon Lewis:** Yes, absolutely. Universities, schools and colleges in Northern Ireland will be able to apply and will absolutely be eligible to bid for funding. There is no cap on it either, so students in Northern Ireland will be able to benefit from those opportunities fully. When the full details have been published, we will be encouraging people across Northern Ireland to engage and take advantage of an opportunity, as I say, to have that global outlook.

- Q110 **Chair:** Secretary of State, students and young people in Northern Ireland could have two bites at the cherry in Erasmus and Turing. It seemed to be a slightly unilateral commitment from the Republic that they were going to provide Erasmus in Northern Ireland. Were you alerted to this or was it news to you? Do you welcome it?

**Brandon Lewis:** It means that people in Northern Ireland have this phenomenal benefit, being in the unique position of having more than one option. Do not forget that the Republic of Ireland offered the Erasmus scheme and the EHIC. We have now developed the GHIC, which means that the EHIC has become redundant and has dropped away from



the Republic. They have offered Erasmus. It is a great opportunity for the students who want to take advantage of that in Northern Ireland. It is very good of them to do it.

The Turing scheme covers Europe and the world, so it will be a matter for students and universities to take a view about what they want to apply for. I just want to make sure that the students across Northern Ireland have the opportunity and are encouraged to apply for the Turing scheme. Whether they want to study in Europe or elsewhere around the world, Turing will give them the chance to do that.

**Q111 Mr Campbell:** Secretary of State, on that issue of the Turing scheme, is it your understanding that the amount of money that will be made available through the Turing scheme is similar to or less than would have been available for the Erasmus scheme for Northern Ireland students?

**Brandon Lewis:** The Turing scheme itself is backed by just over £100 million.

**Mr Campbell:** Yes, that is in total.

**Brandon Lewis:** Yes, it is £100 million. As I say, colleges will be able to apply. Nowhere will have a cap on what they can apply for. It will just be a matter for them to bid into that scheme. I would encourage them to do so.

**Q112 Mr Campbell:** My understanding is that the amount of money will be less than would previously have been available. It is advantageous if people can have the option of either Erasmus or Turing, which they would not have if they were still in the EU, but, if the amount of money that is going into the administration of the Turing scheme is less than previously, obviously that is a de minimis position.

**Brandon Lewis:** I am not quite sure. I might pick this up with you outside the Committee, Mr Campbell.

**Chair:** Maybe you could write to the Committee, Secretary of State.

**Brandon Lewis:** Yes. I will pick up just to understand exactly what you are asking. The schemes in Northern Ireland would not be limited to any amount.

**Chair:** I understood Mr Campbell's question to be, in quantum terms, whether what is available to young people in Northern Ireland via the Turing scheme is equal to or greater than that which would have been available to them via Erasmus.

**Mr Campbell:** Yes.

**Brandon Lewis:** If you do not mind, I will write to the Committee on that.

**Q113 Ian Paisley:** I must say that I thought the opportunism by the Irish Government was very quick on this one. Is there anything else we can



get the Irish Government to pay for, seeing as they have made such a nice offer to our students? Is there anything else that the Secretary of State thinks that we could ask them for? About 2,000 students benefit from Erasmus. Does he see the Turing scheme as offering considerably more opportunities to more students, because Erasmus was not as massively used by students as possibly could have been the case?

**Brandon Lewis:** Good investment in infrastructure around the connections across the island of Ireland between the Republic of Ireland and Northern Ireland is good, and I am sure we will all welcome the Irish Government wanting to invest in them. I am sure the honourable gentleman is more than capable of making his own requests of the Irish Government of things he thinks they should pay for. I might resist from that just for now.

On the second part, yes, absolutely. There is a really big opportunity here with a new, globally outward-looking scheme. As we know, a lot of people across Northern Ireland look globally not just to the EU but to the US, for example. There is a strong tradition of schemes of students, particularly at universities, spending time in the US as well. The Turing scheme opens up a really big opportunity that I hope will be taken very positively and will be even more successful for students in Northern Ireland.

**Claire Hanna:** If I am right in saying that we have to finish at 4 pm, I am aware that there are a lot of other topics.

**Chair:** I am very conscious of that. The Secretary of State has very kindly offered to come back and do a fillip session; we will take you up on that offer, Secretary of State. Ideally, we will do that within the next week to 10 days. With the leave of the Committee, I am proposing that we will leave to the second half US-Republic relations with NI, centenary celebrations, Dunlop and legacy. We are going to deal with Erasmus now. I am going to try and deal with Shawcross, but, if I feel that we do not have enough time to do that, we may very well have to do Shawcross over two sessions. Is the Committee happy with that as an approach? I want to spend some particular time on legacy.

**Claire Hanna:** I am disappointed in that as an approach. I appreciate that you are trying to manage the time that we have available, but there are pressing issues, not least relating to the financial commitments and statements around the victims' pensions. As you know, victims will have been anticipating further movement on this. I appreciate we are in your hands and that you are trying to manage the diary commitments.

**Chair:** Claire, I am in your hands.

**Claire Hanna:** I am happy to put a pin in the further questions on Erasmus and we will see if we can get on to legacy. Thanks very much.

Q114 **Chair:** Notwithstanding that, I have one nagging anxiety, Secretary of State, on this Erasmus versus Turing issue, which I hope someone will keep an eye on. One hopes, in asking the question, that it is irrelevant because of generational changes, but there runs a risk, does there not, of



the Erasmus scheme being seen to be popular within one tradition of Northern Ireland and the UK Government-provided Turing scheme being popular or supportable amongst another tradition in Northern Ireland? How can we ensure that we do not have sectarianism, for want of a better phrase, of these two wonderful opportunities, which are of a real, double benefit to our young people in Northern Ireland?

**Brandon Lewis:** You make a powerful point. It is down to all of us to be clear about the fact that there is a benefit to students in Northern Ireland. They are going to have this wonderful choice, across both Erasmus and Turing, which means, per capita, there is going to be more opportunity for Northern Ireland students than anywhere else in the UK.

I would hope not. One of the things from the Good Friday agreement that we all have more to do on still is delivering more on integrated education more generally so that the community thing is not such an issue with education.

Also, the Turing scheme is a scheme that is offering students an opportunity to enjoy study and travel around the world, whether that is in the EU, the US or wherever it happens to be, where a lot of people across communities have strong connections, particularly, as I said earlier on, with the US. I would hope that we can transcend that challenge, but you make a very valid point that we need to be alert to.

**Chair:** I am grateful to you for that. We now want to turn to the Shawcross report. Mr Paisley is going to open the batting on those questions. Claire, I am taking your point very seriously and we are going to try to deal with it, but I do not want to deal with legacy in a rush to the finish. I want to deal with that in a very proper way given the seriousness of all those issues, which you rightly point to. I will do my best.

Q115 **Ian Paisley:** Secretary of State, the NIO did not commission this report. It was commissioned by the Foreign Office. What is the role that the NIO plays with regards to the Shawcross report? Do you feel it would be good to have it published? Importantly, have you had a chance to look at it or look at any of its outcomes? Are there any specific measures that you think the NIO could pursue in helping us to resolve this issue before we end up having to bring Mr Shawcross in front of our Committee?

**Brandon Lewis:** Just on Ms Hanna's point, as you say, I am quite happy to arrange for the follow-up to be pretty swift. I am very happy to cover victims' payments today—I covered some of it in oral questions today—but I am very happy to try to do this, at the latest, next week so we can get to these pretty swiftly.

In terms of the Shawcross report and Mr Paisley's question, again, we touched on this earlier today. As you say, this is Foreign Office-led, but there are Ministers across Government at the moment giving careful consideration to the internal scoping report that Mr Shawcross has produced, which is focused on doing justice to the important and very





sensitive and complex issues that it covers, to give due respect to victims. All Ministers across Government, including myself, are currently giving very careful consideration to this report.

Q116 **Ian Paisley:** It would be a real disservice, would it not, if Mr Shawcross found that he had to be brought to this Committee [inaudible] with regard to those victims of Libyan-sponsored IRA terrorism and what is in this report. I do not want to hurt those victims. They have already been grossly and badly treated. How can we help them, Secretary of State? If the Shawcross report has made recommendations about compensation, if you are aware of that, how do we action those recommendations?

**Brandon Lewis:** You asked what the NIO's role is. We have been working with the Foreign, Commonwealth and Development Office, as well as other relevant Departments with an interest in the work of the special representative on the victims of the Gaddafi-sponsored IRA terrorism. As I say, that report at the moment is with Ministers. Ministers are giving it careful consideration. They are complex, sensitive issues. It is right that Ministers take the time to give it proper due consideration before coming forward with any further steps, which will be led by the Foreign Secretary, because, as you say, it is an FCDO matter. As I say, at the moment I cannot really add anything to what I said earlier today.

Q117 **Chair:** Secretary of State, which other Departments?

**Brandon Lewis:** You have a report that is looking into security issues. There are other Ministers in Departments who will have an interest such as, potentially, the Home Office. When I was Security Minister, reports that are for the Foreign Office involving security matters would still have come to a Security Minister, for example.

Q118 **Ian Paisley:** Have you read the report?

**Brandon Lewis:** I am one of the Ministers giving it careful consideration at the moment.

Q119 **Ian Paisley:** Is that a yes?

**Brandon Lewis:** Yes, but I am not going to comment further than to say I am giving it consideration at the moment, as are other Ministers.

Q120 **Chair:** Secretary of State, can I take you to what you said? It slightly reprises what the Prime Minister said last week in response to me at the Liaison Committee. It is a serious issue, is complex and has gone on for a very long period of time. We also neglect, sometimes, to remind ourselves that it involves victims of IRA terrorism sponsored by Gaddafi that took place on mainland GB. It is not just people who live in Northern Ireland.

If one were to put off things that were difficult, complex and sensitive in relation to Northern Ireland, we would not have done very much, because everything is difficult, complex and sensitive, or most things are. Can you



give us this assurance? Our read-across from pronouncements from the Foreign, Commonwealth and Development Office is that they are incredibly relaxed about this issue, even to the extent of having to be reminded that they were the lead sponsoring Department of the Shawcross report. Are we going to see this sorted out, or is it in the too-difficult tray and there is an expectation somewhere that this Committee and others will just get bored and go and do something else?

**Brandon Lewis:** The latter is certainly not the case. As you say, Chair, this is a complex issue. You are quite right. Issues being complex and difficult does not mean that you do not deal with them. By definition, often, they are the issues we most importantly need to deal with.

It is a complex and sensitive area. It is right that Ministers have the opportunity to take time to properly and carefully consider what is in that internal report. Quite rightly, as you say, as the Prime Minister outlined last week, that does not mean that it is something that will not be dealt with. It just means that, as I say, it is right that Ministers take the time to give it proper careful consideration.

Q121 **Chair:** There is proper and careful consideration, but you will be aware, as the Prime Minister is and, indeed, the Foreign Secretary is, of conversations that certainly, recently, have been taking place within the United Nations, with the Libyan authority wishing to see its frozen assets defrosted as they are held in the United Kingdom and, indeed, elsewhere. Sitting here today, we are not entirely sure whether, under international law, any of the proceeds of these frozen assets, be it tax, VAT or whatever, could be used as a contribution towards a compensatory scheme. Would you agree, as just a matter of first principles, that we have to get this sorted out before any currently frozen assets are unfrozen?

**Brandon Lewis:** As a member of the Government who is giving careful consideration to that report, I would wait until we are ready to give a statement on that report. Then, we as a Government will outline our position on the report, which the Foreign Secretary will lead on.

Q122 **Chair:** I do not think my point in any way undermines or counteracts the serious and careful consideration point that you rightly make. One would not want the Government to be flippant on this report or, indeed, this issue. It is not as if the timeline is infinite. If the UK Government could use, in whole or in part, some of those frozen assets to make compensatory payments and then, suddenly, they were offshore because they were unfrozen, that would be a huge opportunity missed because of an elongated process of careful consideration. Has that issue of the UN and the unfreezing been taken into account when setting a timetable for Departments consulting on this issue and report to come back with their comments and observations, or is it simply, "Come back when you want it"?



## HOUSE OF COMMONS

**Brandon Lewis:** The challenge is that your question tempts me into giving a view that starts getting into giving an outline towards where we are, when we are not yet ready to give a Government position and an outline on this. As I say, we are still considering that internal report. My point is I am not going to be drawn in any further on it than what I have said.

Q123 **Chair:** Secretary of State, it does not in any way undermine the very serious point that you have quite rightly made. The only thing that we are seeking some degree of assurance on is whether that issue of conversations within the UN by Libya to unfreeze its assets has been taken into account when setting a timetable for how this issue ends up as far as the UK is concerned. I am not asking you, in any way, to give us a tip-off as to what the response might be. Has that issue, which could be fairly dramatic, been taken into account in the timetabling of your understandably careful consideration of the report?

**Brandon Lewis:** Your phrasing of the question there, just at the end, Chair, referencing what could be dramatic, highlights why it does play very much into me commenting on it at all, which draws into people's interpretations, assumptions or what they may or may not think in terms of the Shawcross report, which would be unhelpful and inappropriate. I am just not going to be drawn any further to say anything further on the Shawcross report other than it is under careful consideration by Ministers at the moment.

Q124 **Chair:** We might have to leave that there on that particular issue. Can we, however, get your assurance on this point? The NIO is not the commissioning Department; that is the FCDO. The FCDO deals with a huge variety of things across the world. We know that. Does your Department make firm representation to them on the [inaudible] with Libya? Is that point made?

**Brandon Lewis:** Looking at people on the screen, I think others might have lost the Chair in that as well as I did. I got the gist of the point. I am afraid I am going to have to go in a few seconds to make sure I am at COBRA on time. I think the point you are making, Chair, is around whether we are engaging with the FCDO to make sure that it is aware that this is a key issue.

**Chair:** That is the question.

**Brandon Lewis:** By definition of the fact that we are having this conversation and there was the conversation at the Liaison Committee last week, we are all very alert to the fact that this is a key and important point. Again, that is also why it is important that Ministers take the time to give it proper careful consideration before taking any further steps.

**Chair:** We are going to stand, colleagues, adjourned at this time, to allow the Secretary of State to get to COBRA. Secretary of State, thank you for your time. Thank you for taking our questions. Given the importance not least of legacy and issues surrounding that, we will take you up on your



## HOUSE OF COMMONS

offer of a resumption of this meeting and we would like to get that done, preferably, by a week tomorrow, if diaries allow, but certainly during the course of next week. Thank you very much indeed.

**Brandon Lewis:** Yes, absolutely, and I appreciate your facilitation today. I look forward to speaking to you next week.

**Chair:** These things happen. This meeting stands adjourned.