

# My intervention in the debate on the amendments for the Northern Ireland Protocol Bill

**Rt Hon Sir John Redwood MP (Wokingham) (Con):** Has the Minister ever heard the Opposition point out that the EU is breaking the protocol by diverting our trade and undermining the Good Friday agreement? Has he ever heard them asking to see the legal advice that the EU purports to use when it is so clearly violating the protocol?

**Michael Ellis, Paymaster General, Minister of State, Cabinet Office:** My right hon. Friend makes an excellent point, as usual. I have to say that I have never heard those requests.

Amendment 10, again tabled by the hon. Member for Foyle, relates to the Northern Ireland Human Rights Commission and the Equality Commission for Northern Ireland. They are, of course, important and well-respected institutions. They were established on the basis of the Belfast/Good Friday agreement. They undertake important duties and any change to their remit should not happen arbitrarily. The Government engage regularly with the commissions and they have powers to provide advice to the Government on issues arising from article 2 of the protocol. The Government have engaged broadly on the issues created by the protocol with stakeholder groups across business and civic society in Northern Ireland, the rest of the United Kingdom and internationally. In fact, the engagement has been considerable. As the Committee will know, the Bill provides specific powers to establish a new regime in Northern Ireland which addresses the issues with the current operation of the protocol. We are consulting stakeholders on the detail of how the powers are to be used. We will give plenty of notice to those affected in due course. Therefore, amendment 10 would compel the Government to do what, in many cases, they already intend to do.

We are moving quickly with the Bill because the situation in Northern Ireland is pressing. The power in clause 15 that would, among other things, allow Ministers to reduce the amount of the protocol that is excluded is designed to ensure that we can get the final, detailed design of the regime right. Its use is subject to a necessity test against a defined set of permitted purposes. It is designed to provide stakeholders in Northern Ireland with certainty that the Government will deliver the solutions that we have outlined to the problems that the protocol is causing.

It is essential that the power can be used quickly if needed. Although, in normal cases, the Government will of course engage with stakeholder groups in Northern Ireland, there may be occasions when the urgency of a situation means that the Government need to act swiftly. This amendment risks tying the Government's hands behind their back, and that is why I ask the hon. Member for Foyle not to press it.

Amendment 40 is in the name of the right hon. Member for Tottenham, who I do not think is in his place. This is the first of a number of amendments from him in the same vein, to which the Government have a single view. The amendment would replace the test of “appropriateness” in the use of the Bill’s delegated powers with one of “necessity”. Members should not confuse this with the international law doctrine of necessity, as the right hon. Member is doing.

The question covers well-trodden ground. Members may remember the extended debates on this topic during the passage of the European Union (Withdrawal) Act 2018. The powers there are similar to those in this Bill, the European Union (Withdrawal Agreement) Act 2020 and the European Union (Future Relationship) Act 2020. I note that the House and their lordships in the other place ultimately accepted that the word “appropriateness” in this context was, in fact, appropriate.

The word “necessary”, which this amendment seeks to import, is a very strict legal test for a court to interpret. Where there are two or more choices available to Ministers as to what provision is appropriate to address the issues that the protocol has created, arguably neither one is strictly necessary, because there is an alternative. Ministers need to be able to exercise their discretion to choose the most appropriate course. That is why the word “appropriate” is the correct word.

There are clearly multiple choices in how to replace the elements of the protocol that no longer apply in our domestic law. The Government must propose that which would be the most appropriate choice. That is why we have chosen that word. I therefore ask the right hon. Member not to press his amendment.

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## [Visit to Bohunt School](#)

Yesterday I visited Bohunt to discuss the details for the new sixth form. I was pleased to hear from the Head that they are advancing plans to have a new building constructed and open by autumn 2023.

I visited a couple of classes to talk to the pupils. Many were out on visits or enjoying sports as the end of term draws near.

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# The debate last night

C4 made the debate about trust. It would have been more useful if it was a debate about how we get out of the cost of living crisis, how we tackle public service reform and how we earn our livings in a divided and dangerous world.

Tom Tugendhat had an advantage with the audience that he had not been a member of the government so he had not had to vote for everything it did or defend everything it said. C4 did not press Mr Sunak on why he tore up a Manifesto promise to put up National Insurance . They did not press him on why he thought printing £450 bn of new money would not be inflationary. They did not even ask how, if a £12 bn NI tax rise was essential for the NHS it would manage now he had given back some of that money with a partial NI cut.

None of them were asked how they would slim and improve the functioning of No 10.

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## Questions for candidate Prime Ministers

This week-end is crunch weekend for the five survivors in the race to No 10. The candidates who have answered many MP questions in private rooms now go public and answer questions from the press and public. Here are some of the things people need to know from them –

1. Why do you want to do this very difficult job?
2. What would be your immediate priority on September 6th?
3. What changes would you make if any to the structure and posts in Downing Street to ensure you are well served, and to the way Cabinet and departments relate to No 10 to ensure the smooth and effective functioning of government?
4. How would you control your own diary and allocate precious time to priorities?
5. How much delegated authority should rest with Cabinet Ministers and departments?

It's the economy , stupid.

1. How do you explain the big failure to keep inflation under control, bearing in mind Japanese and Chinese inflation is around 2.5% despite energy prices?
2. Do you accept the current Bank forecasts that inflation will tumble next year?

3. Do you agree the task now is to fight possible recession and to ease the cost of living squeeze to do so?
4. Do you think lower taxes are only possible once growth has resumed and speeded up, or do you think lower tax rates are crucial to achieving better growth?
5. How would you find savings and productivity improvements in the public services? Are there current spending programmes that could be removed?

#### Getting Brexit done means achieving Brexit wins

1. What are your main Brexit wins that you wish to deliver?
2. Will you use our freedom to cut VAT on domestic fuel and on petrol?
3. Will you design an agricultural support programme which promotes more UK food production?
4. Will you beef up the freedom of the Freeports including lower taxes?
5. Will you legislate business rules that allow greater global expansion from a UK base?
6. Will you pursue the life sciences/medical research agenda which requires regulatory change?
7. How will you use the UK's seat on the World Trade Organisation as an independent country to advance the cause of free trade worldwide?
8. How will you police UK borders so we have UK decisions on the number of economic migrants we welcome?

#### National Security

1. How will you develop the UK's contribution to the NATO response to Ukraine?
2. What additional capabilities do UK armed forces need to defend us in an unsettled era?
3. Will you work closely with the private sector to ensure the UK controls essential technologies, and has sufficient capability to produce weapons and equipment which can be scaled up rapidly were need to arise?
4. How will you develop the growing alliance with our Five Eyes partners, Japan and Korea?
5. How do we become more energy self sufficient? Will you develop UK home based energy to cut our reliance on European electricity which in turn depends on imported gas and on burning coal?
6. Will you review our access to crucial minerals and other industrial inputs to cut our dependence on China and Chinese influenced parts of the world?

#### Health and education

1. Will you continue educational reforms to raise standards and level up opportunities around the country?
2. Will you expand grammars and Academies, to offer more choice to students and parents?
3. How will you get the NHS waiting lists down?
4. How will you ensure more nurses and doctors, and more access to services?
5. Is the NHS over administered but undermanaged?

6. What are your plans to improve services for the disabled?
7. How will you expand capacity for mental health?
8. What changes will you make to the outline plans for reform of social care?

#### Environment and Transport

1. Do you agree it makes little sense to close activities in the UK that produce carbon if we import goods from abroad that use as much or more carbon? Will you substitute UK gas for imported LNG to cut CO2 output? Do you agree gas is an important transition fuel?
2. Will you allow parts of the country that have plenty of new housing to choose their own local Plan to control future numbers, freeing more housing investment for places that welcome it?
3. What are your plans to improve the railway as we move to a world where the patterns of rail use and demand have changed a lot?
4. What is your vision for a greener and pleasanter land?
5. How will you help more people achieve their dream of home ownership?

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## [Mr Sunak does want to raise company tax by 31%](#)

The bloggers who come here to criticise everything I say attacked me for not saying Corporation tax will go up by 6% on Mr Sunak's plans.

If a company earns a profit of £100 it currently pays £19 tax.

Under Mr Sunak's plan the company would pay £25 tax.

The tax bill has gone up by 31% not by 6%.

Why do you always criticise everything I say even when it means you seek to deny basic arithmetic?