

# Chancellor of the Duchy of Lancaster statement: 20 May 2020

With your permission, Mr Speaker, I would like to make a statement on the government's approach to implementing the Northern Ireland Protocol as part of the Withdrawal Agreement with the European Union.

The Protocol exists to ensure that the progress that the people of Northern Ireland have made in the 22 years since the Belfast (Good Friday) Agreement is secured into the future.

The Belfast Agreement is built on the principle of consent. It was ratified by referenda in both Northern Ireland and Ireland. And the Agreement is crystal clear that any change in the constitutional position of Northern Ireland within the United Kingdom can only come if the majority in Northern Ireland consent to any change.

The vital importance of consent is recognised in the provision for any alignment in the Protocol to be disapplied if Northern Ireland's political representatives conclude that it is no longer desirable. Embedding that recognition of consent in the Protocol was intrinsic to its acceptance by the government.

Therefore, for the Protocol to work it must respect the needs of all Northern Ireland's people, respect the fact that Northern Ireland is an integral part of the customs territory of the UK and respect the need to bear as lightly as possible on the everyday life of Northern Ireland.

Although there will be some new administrative requirements in the Protocol, these electronic processes will be streamlined and simplified to the maximum extent.

As the European Commission's own negotiator Michel Barnier has spelled out, the Protocol's procedures must be "as easy as possible, and not too burdensome, in particular for smaller businesses". As so often, but not always, M. Barnier is right. The economy of Northern Ireland is heavily dependent on small and medium-sized enterprises. Subjecting traders to unnecessary and disproportionate burdens, particularly as we wrestle with the economic consequences of COVID-19, would not serve the interests of the people of Northern Ireland for whom the Protocol was designed.

And the Protocol text itself is explicit that implementation "should impact as little as possible on the everyday life of communities".

So in that context it is important for us all to recall that the clear majority of Northern Ireland's trade is with the rest of the United Kingdom. So safeguarding the free flow of goods within the United Kingdom's internal market is of critical importance to Northern Ireland's economy and people.

Today we are publishing [a Command Paper that outlines how the Protocol can be](#)

[implemented](#) in a way that would protect the interests of the people and economy of Northern Ireland, ensure the effective working of the UK's internal market, and also provide appropriate protection for the EU Single Market, as well as uphold the rights of all Northern Ireland's citizens. Now delivering on these proposals will require close working with the Northern Ireland Executive – underscoring once again the significance of the restoration of the Stormont institutions in January. I would like to put on record my gratitude for the constructive approach which has been shown by the Northern Ireland politicians, including the First Minister and Deputy First Minister, as well as Honourable Members from across the parties this House.

There are four steps we will take to ensure the Protocol is implemented effectively.

First, we will deliver unfettered access for NI producers to the whole of the UK market. Northern Ireland to Great Britain goods movements should take place as they do now. There should not be export declarations or any other processes as goods leave NI for GB, and we will deliver on unfettered access through legislation by the end of this year.

Second, we will ensure there are no tariffs on goods remaining within the UK customs territory.

In order to ensure that internal UK trade qualifies for tariff-free status, there will need to be declarations on goods as they move from Great Britain to Northern Ireland. But these systems will be electronic and administered by UK authorities. It will be for our authorities to determine any processes that are required – using the latest technology, risk and compliance techniques to keep these to an absolute minimum.

And that will also allow us to deliver on our third key proposal: which is that implementation of the Protocol will not involve new customs infrastructure.

We acknowledge, however, as we always have done, that on agrifood and live animal movements it makes sense to protect supply chains and the disease-free status of the island of Ireland – as has been the case since the 19th century.

That will mean some expansion of existing infrastructure to provide for some additional new processes for the agriculture and food sector. But these processes will build on what already happens at ports like Larne and Belfast. And we will work with the EU to keep these checks to a minimum, reflecting the high standards we see right across the UK.

There is no such case however, for new customs infrastructure, and as such there will not be any.

Fourth, we will guarantee that Northern Ireland businesses will benefit from the lower tariffs that we deliver through our new Free Trade Agreements with third countries. This ensures that Northern Ireland businesses will be able to enjoy the full benefits of the unique access that they have to the UK and

EU markets.

These four commitments will ensure that, as we implement the Protocol, that we give full effect to the requirements in its text to recognise Northern Ireland's place in the UK and its customs territory. And as we take the work of implementation forward, we will continue to work closely with the First Minister and deputy First Minister, with Northern Ireland MPs from across the parties, and also the business, community and farming groups that have provided such valuable feedback for our approach.

We have already guaranteed, in the New Decade, New Approach deal, that the Northern Ireland Executive has a seat at the table in any meeting where Northern Ireland is being discussed and the Irish Government is present.

Alongside that will be a new business engagement forum that will exchange proposals, concerns and feedback from across the community on how best to maximise the free flow of trade. And we will ensure that those discussions sit at the heart of our thinking.

Mr Speaker, we recognise that there will be a wide range of voices and responses to our Command Paper. We will listen to these respectfully while we continue to put our own case with conviction at the Joint Committee.

Our approach will of course continue to be informed by our extensive engagement with businesses, politicians and individuals right across communities in Northern Ireland.

We stand ready to work with the EU in a spirit of collaboration and cooperation, so that a positive new chapter can open for Northern Ireland and its people in every community – and in that spirit that I commend this statement to the House.

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## [Assay Offices re-open](#)

News story

All 4 offices have now reopened and are providing assay services.



Following the temporary closures due to COVID-19, all 4 UK Assay Offices have now reopened to provide assay services.

Opening hours and arrangements are being managed carefully in line with government advice to ensure the welfare of staff and the public.

Please check the website for the relevant Assay Office for details of opening hours and arrangements:

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## [First meeting of the UK-EU Specialised Committee on Citizens' Rights](#)

News story

Joint Statement following the meeting of the Specialised Committee on Citizens' Rights between the UK Government and European Commission via videoconference.



The first meeting of the UK-EU Specialised Committee on Citizens' Rights was held today, co-chaired by officials from the UK Government and European

Commission. The Committee was established by the Withdrawal Agreement to monitor the implementation and application of the Citizens' Rights part of the Withdrawal Agreement for EU citizens in the UK and UK nationals in the EU.

The UK and EU exchanged updates on the implementation of the citizens' rights provisions in the Withdrawal Agreement. We share the objective of ensuring the timely and correct implementation of the Withdrawal Agreement to provide certainty to UK nationals in the EU and EU citizens in the UK.

The UK and the EU reaffirmed their commitment to complying with the legal obligations under the Withdrawal Agreement that protect citizens' rights.

The co-chairs agreed that the Committee will meet regularly to follow the progress of implementation.

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## [UK Government publishes its approach to the Northern Ireland Protocol](#)

- The paper sets out how the UK will meet its obligations under the Northern Ireland Protocol – upholding Northern Ireland's place in the UK and respecting the Belfast (Good Friday) Agreement
- Businesses in Northern Ireland will have unfettered access to the rest of the UK market
- There will be no tariffs on goods remaining within the UK customs territory, and no new customs infrastructure
- Northern Ireland businesses will be able to benefit from the new free trade agreements that the UK will strike with countries around the world

The Government has today (Wednesday 20 May) published its [approach to implementing the Northern Ireland Protocol](#), as part of meeting in full its obligations under the Withdrawal Agreement with the European Union.

The command paper outlines how the protocol can be implemented in a pragmatic, proportionate way: one that protects the interests of the people and economy of Northern Ireland, recognises Northern Ireland's integral place in the United Kingdom and its internal market, provides appropriate protection for the EU Single Market, and respects the unique circumstances of Northern Ireland.

It makes clear that the UK Government's priority will remain strengthening Northern Ireland's place in the United Kingdom, and above all, preserving the huge gains from the peace process and the Belfast (Good Friday) Agreement.

The paper also sets out four key commitments that will underpin the UK Government's approach to implementing the Protocol:

- There will be unfettered access for Northern Ireland's producers to the whole of the UK market and this will be delivered through legislation by the end of the year.
- No tariffs will be paid on goods that move and remain within the UK customs territory
- Implementation of the Protocol will not involve new customs infrastructure – with any processes on goods moving from Great Britain to Northern Ireland kept to an absolute minimum so that the integrity and smooth functioning of the UK internal market is protected.
- Northern Ireland's businesses will benefit from the lower tariffs delivered through our new Free Trade Agreements with countries like the United States, Australia, New Zealand and Japan – ensuring Northern Ireland firms will be able to enjoy the full benefits of the unique access they have to the GB and EU markets.

As set out in the paper, the Protocol will only remain in force as long as the people of Northern Ireland want it to. Democratically elected institutions in Northern Ireland will decide whether to extend or end the arrangements in a consent vote that can take place every four years, with the first vote taking place in 2024.

Chancellor of the Duchy of Lancaster Michael Gove said:

At the heart of our proposals is a consensual, pragmatic approach that will protect the Belfast (Good Friday) Agreement and the huge gains from the peace process.

Implementing the protocol in this way will ensure we can support businesses and citizens, and protect Northern Ireland's place in the UK's customs territory while upholding our commitments to the EU's Single Market. Northern Ireland will benefit fully from its access to the UK and EU markets.

The whole of the United Kingdom will be able to capitalise on the opportunities that will come from forging our own path and striking new free trade agreements with countries around the world.

The Secretary of State for Northern Ireland, the Rt Hon Brandon Lewis CBE MP, said:

The UK Government's top priority is to protect the huge gains of the Northern Ireland peace process and as a new chapter opens in the United Kingdom's relationship with the European Union, we are committed to ensuring prosperity and opportunity for all communities in Northern Ireland.

These proposals will implement the Protocol in a flexible,

proportionate and sensitive way – while protecting the interests of both the whole of the UK and the EU. Our approach represents a practical way of implementing the Protocol while making sure that businesses in Northern Ireland can take full advantage of the opportunities presented as the United Kingdom begins to forge new trade links across the globe.

Today's publication also sets out plans to establish a new business engagement forum, which will meet regularly to allow Northern Ireland's businesses to put forward proposals and provide feedback on how to maximise the free flow of trade. The Northern Ireland Executive will be invited to join the forum.

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## [Inspection report published: An inspection of Administrative Reviews \(May – December 2019\)](#)

I understand that in responding to my reports the Home Office will always want to accentuate the positives. But, this can give the appearance of selective hearing.

It is true that the Home Office's handling of Administrative Reviews (ARs) has improved since I inspected it first in 2015 (when it was poor) and again in 2017 (when it was better but still required work). My latest report shows that ARs are now generally effective at identifying and correcting "objective" factual or process errors, albeit too slow to put things right in some cases.

However, the report also points to several areas where ARs are not working, including where the decision to refuse involved an assessment of the applicant's credibility, and at the border where individuals are being asked to waive their rights to an AR without appropriate oversight.

I have argued that, after almost five years, the Home Office should be thinking beyond merely tweaking its processes and should be asking whether the Administrative Review system has delivered the benefits, including for applicants, that it claimed it would during the passage of the Immigration Bill 2014, when the proposed removal of appeal rights was the subject of considerable concern in Parliament and elsewhere. If the answer is "no", or "not yet", it needs to take a more fundamental look at the scope of ARs and at what it is seeking to achieve through them.

The Home Office has said that it is conducting an evaluation, which it aims to complete by the "end of summer 2020". This needs to be comprehensive and

transparent if it is to convince the department's doubters that it is willing to listen and learn; though the test goes much wider than ARs. However, some of its responses to this latest report suggest only a qualified acceptance of the need to be more open and more adaptable.

Before starting this inspection, I inspected the Home Office's handling of complaints. My report was sent to the Home Secretary on 4 July 2019 but remains unpublished, although I am aware that work is going on in the department on this subject. The two systems are distinct, but there are obvious cross-overs. To be of value, each has to be efficient and effective at providing remedies and redress, including an apology, where the Home Office is at fault. Both are opportunities for the Home Office to show its "human face", as it has tried to do in its handling of ARs in respect of EU Settlement Scheme decisions.

I hope that when it responds to my complaints handling report the Home Office is able to demonstrate clearly that it recognises the importance of these systems to the rebuilding of trust in its intentions and its competence. In my view, the AR response does not quite manage this.