

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT NORTHERN IRELAND (STORMONT
AGREEMENT AND IMPLEMENTATION PLAN)
ACT 2016 (INDEPENDENT REPORTING
COMMISSION) REGULATIONS 2016

Wednesday 2 November 2016

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The Committee consisted of the following Members:

Chair: MR GEORGE HOWARTH

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|----------------------------------------------------------------------------------------|-----------------------------------------------------------|
| † Brine, Steve (<i>Winchester</i>) (Con) | † Lilley, Mr Peter (<i>Hitchin and Harpenden</i>) (Con) |
| Clwyd, Ann (<i>Cynon Valley</i>) (Lab) | † Pound, Stephen (<i>Ealing North</i>) (Lab) |
| † Colvile, Oliver (<i>Plymouth, Sutton and Devonport</i>) (Con) | † Raab, Mr Dominic (<i>Esher and Walton</i>) (Con) |
| † Costa, Alberto (<i>South Leicestershire</i>) (Con) | † Robinson, Gavin (<i>Belfast East</i>) (DUP) |
| † Cunningham, Alex (<i>Stockton North</i>) (Lab) | † Robinson, Mary (<i>Cheadle</i>) (Con) |
| † Dakin, Nic (<i>Scunthorpe</i>) (Lab) | † Shuker, Mr Gavin (<i>Luton South</i>) (Lab/Co-op) |
| Dugher, Michael (<i>Barnsley East</i>) (Lab) | † Smith, Royston (<i>Southampton, Itchen</i>) (Con) |
| † Hopkins, Kris (<i>Parliamentary Under-Secretary of State for Northern Ireland</i>) | † Soubry, Anna (<i>Broxtowe</i>) (Con) |
| † Jenkins, Andrea (<i>Morley and Outwood</i>) (Con) | Gavin O'Leary, <i>Committee Clerk</i> |
| | † attended the Committee |

First Delegated Legislation Committee

Wednesday 2 November 2016

[MR GEORGE HOWARTH *in the Chair*]

Draft Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016 (Independent Reporting Commission) Regulations 2016

2.30 pm

The Parliamentary Under-Secretary of State for Northern Ireland (Kris Hopkins): I beg to move,

That the Committee has considered the draft Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016 (Independent Reporting Commission) Regulations 2016.

It is, as always, a pleasure to serve under your chairmanship, Mr Howarth. The regulations give full effect to the treaty establishing the independent reporting commission. Let me give hon. Members some context and background to the establishment of the IRC, which was one of the commitments agreed in the “Fresh Start” agreement last November.

Hon. Members may recall that the “Fresh Start” agreement reached with political parties in Northern Ireland included agreement on a range of measures on ending paramilitarism and to tackle organised crime. Primary legislation was debated in this House and the other place, and received Royal Assent in May this year. Since then, significant progress has been made, and in Dublin on 13 September, a major step towards establishing the IRC was taken when the UK and Irish Governments signed an international treaty that establishes the IRC and sets out the agreement between the two Governments. The treaty was laid before this House on 22 September, and it will come into force when the necessary legislation by the UK and Irish Governments is completed. The Irish Government intend to pass their legislation by the end of this year, and I expect the IRC to be established early in 2017.

The IRC’s functions are to report on progress towards ending paramilitary activity connected with Northern Ireland, and on the implementation of the relevant measures of the UK Government, the Government of Ireland and the Northern Ireland Executive, including the Executive’s strategy to tackle paramilitary activity. The IRC shall report annually to the UK Government, the Government of Ireland and the Northern Ireland Executive. The UK Government and the Government of Ireland may jointly request reports on further occasions, as required. The IRC may, in its reports, make recommendations to the Northern Ireland Executive in order to inform future “Programme for Government” priorities and commitments through to 2021.

Regulation 2(1) of these regulations requires the IRC to carry out its functions

“in the way which it considers is most appropriate with a view to supporting long term peace and stability in society and stable and inclusive devolved Government in Northern Ireland”,

and the purpose of regulation 2(2) is to ensure that the treaty is given full effect in the UK. That is necessary because the Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016 requires the IRC not to act in any way that might prejudicially affect the prevention, investigation or detection of crime, or any actual or prospective legal proceedings. In addition to those requirements, the treaty between the UK Government and the Government of Ireland requires the IRC not to act in a way that might have a prejudicial effect on the prosecution of crime. Regulation 3 requires the Secretary of State to lay the commission’s reports and accounts, and its auditor’s report, before Parliament, and to arrange for them to be published.

It was agreed that the IRC should comprise four commissioners. The UK and Irish Governments will nominate one commissioner each, and the Northern Ireland Executive will nominate two. The IRC will consult a wide range of statutory organisations, agencies, communities and civil society organisations as part of its work to understand the impact of the delivery of the Executive’s action plan, and to measure progress against the strategic objectives.

The IRC will ensure that the Northern Ireland Executive and their delivery partners are doing all that they can to drive out paramilitary activity from local communities. It is vital that communities are able to challenge the control exerted by paramilitary groups, and the new commission’s reports will play an important part in informing how they do that. The IRC will hold a key role in tackling paramilitarism. It will need to establish an accessible method of engagement with stakeholders that will result in a mutual, open dialogue.

The UK Government are committed to playing our part, and have offered £25 million of additional funds, over five years, to support the Northern Ireland Executive’s strategy to end paramilitarism. We have committed a further £3 million to fund the work of the independent reporting commission.

Since my appointment as a Minister in the Northern Ireland Office, I have made a point of getting out and about in Northern Ireland. I have seen the enormous commitment of members of the community and of businesses to working hard to create the new Northern Ireland that I know all Committee members want to see. The draft regulations are a really important instrument for helping to deliver that. The IRC will play a vital part in reporting on the hard work being undertaken to drive out paramilitarism and organised crime. I commend the regulations to the Committee.

2.36 pm

Stephen Pound (Ealing North) (Lab): I repeat the Minister’s comments about what a pleasure it is to serve under your chairmanship, Mr Howarth.

Some of what the Minister said should be taken as covering the entire purpose of why we are here today, and of “Fresh Start”. It is of course regulation 2 that says we are seeking to support “long term peace and stability”.

Everything we do in connection with this legislation—in fact, all Northern Irish legislation—has to be seen through the prism of the preservation and enhancement of peace, and the embedding of the peace process.

I welcome the Minister to his post; he comes with a very good reputation. I met him in Belfast last week. I asked whether it was his first visit, but apparently it was his 15th. He has made a good impression already. I pay tribute to his predecessor, the hon. Member for Wyre and Preston North (Mr Wallace), and of course to the right hon. Member for Chipping Barnet (Mrs Villiers), for all the work they did on “Fresh Start”. It was only in September 2015 that Taoiseach Enda Kenny and the then Prime Minister, David Cameron, sat down with the right hon. Lady to agree the terms for this legislation. We have done a lot of work since then, which is very much to their credit. I do not think I am breaking any secrets when I say that it was a pretty arduous and torturous process, involving some long nights and a great many weeks away from home.

I have a few questions, but I shall not demur from the thrust of the Minister’s statement in any way. Before I start, I should say that the Opposition will support the regulations. I just referred to the hard work of predecessors; the hon. Member for Belfast East should also be credited for the extraordinary work that he did. I hope that you will allow me to pay credit to him on behalf of the Committee, Mr Howarth.

The Minister mentioned that, under regulation 3, the commission’s accounts and auditor’s reports will be published. Will he give us some idea of when that will take place? Will it be an annual process or a one-off? Will the reports be laid before the House? What will be the format?

I am slightly concerned about clause 1(3) of the Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016, which is one of those marvellous clauses beloved by parliamentarians but loathed by the Treasury. It mentions the provision of

“such moneys, premises...and staff as the Secretary of State considers appropriate” —

in other words, as the Secretary of State sees fit. You and I have been around for a while, Mr Howarth, and tend to see the expression “as they see fit” and rub our hands together. Is this really a blank cheque? Will the House be updated on the expenditure? Will there be an additional request to the House for further funding? When will we know about the funding process, and particularly the cost of staffing and premises? I appreciate that premises are not normally discussed in detail in public Committee sittings, but I am concerned about the overall cost, rather than the location.

I am also concerned about the appointment of the commission. The hon. Member for Gedling (Vernon Coaker) and I called for the commission many years ago; it is a crucial part of the architecture of the peace process. I am interested to know what the Secretary of State’s system of appointment will be. Will the Secretary of State, the Deputy First Minister or the First Minister nominate the chair? Will the chair of the commission be elected from among the commissioners? What total number has been agreed on? Will the usual cross-community provisions apply? What would the Minister’s ideal composition of the commission be? As in all such matters, the sensitivities involved cannot be ignored. Those are minor points. I am not cavilling or carping, but I think it would help the Committee to receive an answer on those minor points of clarification.

I again thank all those who were involved in “Fresh Start”, which was not an easy achievement. Her Majesty’s Opposition will acquiesce to this statutory instrument.

The Chair: For the record, what makes me rub my hands together might not be coincidental with what makes the hon. Gentleman rub his hands together.

2.41 pm

Kris Hopkins: On a Statutory Instrument Committee, there is a set speech to be made, and there are important words that need to be said, but to speak more informally, may I say what a pleasure it is to work opposite you? I know your huge commitment to peace in Northern Ireland. I am sure that you will robustly challenge me at times and will never compromise your party or objective, but I also know that you will offer us sound advice—

The Chair: Order. The Minister is assuming things about me; he means to apply his words to the hon. Member for Ealing North.

Kris Hopkins: My warmth towards you is similar, Mr Howarth, but you are right: I was talking directly about the hon. Member for Ealing North.

The hon. Gentleman’s comments about my predecessors are welcome, and I will make sure that both of them know about his kind words. I recognise that my involvement in delivering this SI comes towards the end of the process, but Members from both sides of the House and from both sides of the water have done a huge amount of work to ensure that we got to this point.

The annual reporting will include the audit element. I will be honest: I am not sure whether the reports will be placed in the Library or laid before the House, but I will make sure that we have confirmation on that. As for sensitivities around the appointments, there is a detailed process for making them, and I am happy to explain that in writing. For our part, the Secretary of State has looked at an extensive list of approved commissioners; I would not presume to know what the Irish Government are doing at this moment, but it is important that the shadow Minister understands the process, because he will engage with these people in future. I hope that gives him some clarification.

As far as money is concerned, despite the warmth between us, I am a Conservative, and I assure the hon. Gentleman that the £3 million is not a blank cheque. It will be there, but people will challenge what is spent and how it is spent. I look forward as much as he does to scrutinising the audit figures.

Stephen Pound: What about the appointment of the chair of the commission? What does the Minister propose or suggest in that direction?

Kris Hopkins: Again, I will write to the hon. Gentleman about appointments to the commission and how appointees are selected, and will give him that information in full.

Question put and agreed to.

2.44 pm

Committee rose.

