

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Third Delegated Legislation Committee

DRAFT NORTHERN IRELAND ACT 1998
(SECTION 75 - DESIGNATION OF PUBLIC
AUTHORITY) ORDER 2020

Wednesday 1 July 2020

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The Committee consisted of the following Members:

Chair: GRAHAM STRINGER

† Bailey, Shaun (<i>West Bromwich West</i>) (Con)	† Howell, Paul (<i>Sedgefield</i>) (Con)
† Bhatti, Saqib (<i>Meriden</i>) (Con)	† Kyle, Peter (<i>Hove</i>) (Lab)
Brennan, Kevin (<i>Cardiff West</i>) (Lab)	† Lewer, Andrew (<i>Northampton South</i>) (Con)
† Chalk, Alex (<i>Parliamentary Under-Secretary of State for Justice</i>)	† Pursglove, Tom (<i>Corby</i>) (Con)
† Charalambous, Bambos (<i>Enfield, Southgate</i>) (Lab)	† Sambrook, Gary (<i>Birmingham, Northfield</i>) (Con)
† Clarkson, Chris (<i>Heywood and Middleton</i>) (Con)	Webbe, Claudia (<i>Leicester East</i>) (Lab)
Dowd, Peter (<i>Bootle</i>) (Lab)	† Young, Jacob (<i>Redcar</i>) (Con)
Girvan, Paul (<i>South Antrim</i>) (DUP)	Bradley Albrow, <i>Committee Clerk</i>
† Hart, Sally-Ann (<i>Hastings and Rye</i>) (Con)	
Hopkins, Rachel (<i>Luton South</i>) (Lab)	† attended the Committee

Third Delegated Legislation Committee

Wednesday 1 July 2020

[GRAHAM STRINGER *in the Chair*]

Draft Northern Ireland Act 1998 (Section 75 – Designation of Public Authority) Order 2020

9.25 am

The Parliamentary Under-Secretary of State for Justice (Alex Chalk): I beg to move,

That the Committee has considered the draft Northern Ireland Act 1998 (Section 75 – Designation of Public Authority) Order 2020.

It is a pleasure to serve under your chairmanship, Mr Stringer. The purpose of the order is to ensure that the Independent Monitoring Authority for the Citizens' Rights Agreements, which was established under the European Union (Withdrawal Agreement) Act 2020, is covered by the statutory duties on a public authority set out in section 75 of the Northern Ireland Act 1998. Let me deal with that in stages.

For those not familiar with the IMA, I point out that article 159 of the EU-UK withdrawal agreement and article 64 of the EEA EFTA separation agreement required the United Kingdom to establish a new independent authority to monitor the UK's application and implementation of the provisions in those agreements relating to the rights of citizens living in the UK and Gibraltar after the transition period. In plain English, that was to ensure that their rights were properly taken account of. The IMA was duly established under the 2020 Act on 31 January this year. The IMA is operationally independent of Government and sponsored by the Ministry of Justice. That the IMA will be accountable to Parliament through the Ministry of Justice reflects its role in supporting the principles of the rule of law and access to justice.

The Government recognise the enormous contribution that EU and European economic area and European Free Trade Association citizens living here make to the UK, and that is exactly why we have given an unequivocal guarantee to those citizens by protecting their rights in British law, now that we have left the EU, through the withdrawal agreement, the EEA EFTA separation agreement and the European Union (Withdrawal Agreement) Act 2020. As I have said, the IMA's role is to assist in protecting those rights by monitoring the implementation and application of the citizens' rights parts of the withdrawal and separation agreements. To do that, the IMA will have the power to conduct inquiries, receive complaints and initiate legal proceedings. It will also have a role in reviewing the effectiveness of the citizens' rights legislative framework—for instance, by reviewing draft legislation.

I am pleased to say that full delivery of the IMA is progressing well. An important milestone was the appointment of the interim chief executive in March. Since then, the choice of the IMA's premises in Swansea has been finalised and the IMA has begun to recruit staff. The recruitment process for the chair and other non-executive members will be launched soon.

Let me turn to the purpose of the order specifically. The IMA's role, which will be commenced at the end of the transition period, will be UK-wide. Therefore, the IMA will carry out functions in relation to Northern Ireland, which is what this delegated legislation relates to. The purpose of the order is to ensure that the IMA's functions in relation to Northern Ireland are covered by the relevant statutory equality duties as set out in section 75 of the 1998 Act. That section requires public authorities carrying out their functions relating to Northern Ireland to have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation, between men and women generally, between persons with a disability and persons without, and between persons with dependants and persons without, and to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

The order designates the IMA for the purposes of section 75. That will ensure that the IMA is covered by the equality duties applicable to a public authority carrying out functions in relation to Northern Ireland as set out in section 75. I hope that stakeholders, particularly in Northern Ireland, will welcome the assurance that those functions must be carried out in accordance with the important section 75 duties. Applying those duties to the IMA will also be consistent with the public sector equality duty under the Equality Act 2010, which has already been applied to the IMA by the European Union (Withdrawal Agreement) Act 2020.

To conclude, the order ensures that the IMA's functions in relation to Northern Ireland will be covered by the relevant equalities legislation.

9.29 am

Peter Kyle (Hove) (Lab): It is a pleasure to serve under your chairmanship for the first time, Mr Stringer.

The official Opposition support this instrument, which designates the new Independent Monitoring Authority for the Citizens' Rights Agreements—IMA—as a public authority, for the purposes of section 75 of the Northern Ireland Act 1998. It does so by giving public authorities that carry out functions relating to Northern Ireland the statutory duties of equality of opportunity among the nine equality categories and the good relations between persons of different religious belief, political opinion and racial group.

The IMA will be an important public authority in Northern Ireland, so it is right that we give it the same statutory duties that other public authorities have. The IMA will have a crucial role to play following our departure from the European Union. It will be an important safeguard for the rights of the EU27 citizens in the UK after the end of the implementation period.

Being the single authority with responsibility for monitoring the implementation of the citizens' rights provisions of the EU-UK withdrawal agreement is no small task. We have all been contacted by constituents who want reassurance that citizens' rights will not be at risk. We expect that the Government will keep to their commitments on the IMA, and that it will be an organisation with genuine teeth when it begins its operations in Swansea later this year. During the debates on the withdrawal agreement, it was promised that the IMA's independence would be valued and that it would be not be a perfunctory organisation. I hope the depth of

feeling that has been generated as a result of the EU settlement scheme will be reflected when the IMA begins its role.

The power to bring legal action against the Government or a public body that has failed to implement or apply citizens' rights correctly is crucial. Subjecting the IMA to section 75 duties will make it a better organisation and put it within the remit of the Equality Commission for Northern Ireland to investigate if it does not follow its duties as set out.

The Labour party looks forward to reading the equality scheme that this new organisation will put forward in due course. Can the Minister give assurances that this secondary legislation confirms the Government's commitment to the IMA and that the powers allowed in the European Union (Withdrawal Agreement) Act 2020 to transfer the functions of the IMA to another body that is a relevant public authority will not be used?

As the end of the transition period draws nearer, are there any updates that the Minister can give us on how the formation of the IMA is progressing in light of the current coronavirus situation? I hope that it has not been delayed.

The order gives the IMA the statutory foundation it needs to function as a UK-wide body. Labour welcomes it, and we hope that it represents another step forward in the formation of the IMA as the truly independent and effective body that it desperately needs to be.

9.32 am

Alex Chalk: I thank the hon. Gentleman for his remarks. Yes, I am in a position to say that the British Government are committed to the IMA, and we are committed to it because we recognise, first, that we have a legal obligation in keeping with our international undertakings. The IMA is also a very powerful statement of intent that we want to ensure that those people who are in our country get the message loud and clear that we not only say that we value them but are providing the legal underpinning so that they are able to assert the rights that we want them properly to enjoy in our country.

The hon. Gentleman asks whether we are on track, in light of the coronavirus outbreak, to ensure that the IMA operates on time. Again, I can give him that assurance, as I already have in my initial remarks. Recruitment is proceeding well and the IMA will be in a position to do what we ask of it the moment that the transition period ends.

In those circumstances, I hope that the hon. Gentleman will feel able to give this measure his support today.

Question put and agreed to.

9.34 am

Committee rose.

