

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Second Delegated Legislation Committee

DRAFT POSTAL PACKETS (MISCELLANEOUS  
AMENDMENTS) REGULATIONS 2023

*Monday 17 July 2023*

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**Friday 21 July 2023**

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**The Committee consisted of the following Members:**

*Chair:* MARK PRITCHARD

- |   |   |
|---|---|
| † Afolami, Bim ( <i>Hitchin and Harpenden</i> ) (Con)             | † Howell, Paul ( <i>Sedgefield</i> ) (Con)                                  |
| † Aiken, Nickie ( <i>Cities of London and Westminster</i> ) (Con) | † Jupp, Simon ( <i>East Devon</i> ) (Con)                                   |
| † Atkins, Victoria ( <i>Financial Secretary to the Treasury</i> ) | † Milling, Dame Amanda ( <i>Cannock Chase</i> ) (Con)                       |
| † Baillie, Siobhan ( <i>Stroud</i> ) (Con)                        | † Oppong-Asare, Abena ( <i>Erith and Thamesmead</i> ) (Lab)                 |
| Blomfield, Paul ( <i>Sheffield Central</i> ) (Lab)                | † Stephenson, Andrew ( <i>Lord Commissioner of His Majesty's Treasury</i> ) |
| † Brennan, Kevin ( <i>Cardiff West</i> ) (Lab)                    | † Twist, Liz ( <i>Blaydon</i> ) (Lab)                                       |
| † Britcliffe, Sara ( <i>Hyndburn</i> ) (Con)                      | † Wilson, Sammy ( <i>East Antrim</i> ) (DUP)                                |
| † Chapman, Douglas ( <i>Dunfermline and West Fife</i> ) (SNP)     | George James, Anne-Marie Griffiths <i>Committee Clerks</i>                  |
| † Clarkson, Chris ( <i>Heywood and Middleton</i> ) (Con)          | † <b>attended the Committee</b>   |
| † Creasy, Stella ( <i>Walthamstow</i> ) (Lab/Co-op)               |   |

The following also attended, pursuant to Standing Order No. 118(2):

- Afriyie, Adam (*Windsor*) (Con)  
 Cash, Sir William (*Stone*) (Con)  
 Drax, Richard (*South Dorset*) (Con)  
 Duddridge, Sir James (*Rochford and Southend East*) (Con)  
 Farry, Stephen (*North Down*) (Alliance)  
 Francois, Mr Mark (*Rayleigh and Wickford*) (Con)  
 Gullis, Jonathan (*Stoke-on-Trent North*) (Con)  
 Kruger, Danny (*Devizes*) (Con)  
 Lewis, Sir Julian (*New Forest East*) (Con)  
 Mackinlay, Craig (*South Thanet*) (Con)  
 Millar, Robin (*Aberconwy*) (Con)  
 Paisley, Ian (*North Antrim*) (DUP)  
 Redwood, John (*Wokingham*) (Con)  
 Rees-Mogg, Sir Jacob (*North East Somerset*) (Con)

## Second Delegated Legislation Committee

Monday 17 July 2023

[MARK PRITCHARD *in the Chair*]

### Draft Postal Packets (Miscellaneous Amendments) Regulations 2023

6 pm

**The Chair:** Before we start proceedings, I will give some preamble. It may be helpful for all Members to know that, as clearly explained by Mr Speaker in the House earlier today, Members who have not been nominated to a Delegated Legislation Committee are able to attend and speak.

I understand that some Members may want to make points of order. For the orderliness of the proceedings, it may be helpful to have those points of order now, not precluding later points of order perhaps on other issues or even the same ones. There are many experienced Members in this Committee today, and for the orderliness of getting through business, I will take points of order now if Members so wish, before I call the Minister.

**Sir James Duddridge** (Rochford and Southend East) (Con): On a point of order, Mr Pritchard. I was nominated to this Committee and I was prepared to be part of it. I was asked to absent myself from the Committee, and I refused because I had points and queries to make. When I suggested that I might vote against the legislation, I was subsequently removed from the Committee. That is an outrage to the House. I believe that this legislation does require scrutiny. I will listen to the debate but I do not think that 90 minutes will be sufficient time to hear all the contributions, let alone conclude all the issues.

More importantly, if it is the feeling of the Committee, Mr Pritchard, can you go back to Mr Speaker and review the process? Never in my 18 years of Parliament have I known of a single Member who has been removed from a Committee list without asking to be removed. In this case, it happened four or five times. I suspect that there is an element of incompetence rather than an attack on Members' rights to debate, but this needs to be looked into. I seek your guidance on whether, if we do not finish the debate here, more time can be allocated on the Floor to discuss the principle and the content of this legislation. I am sure it is something that the Chief Whip would want to know more about, alongside fishing interests.

**Sir Jacob Rees-Mogg** (North East Somerset) (Con): On a point of order, Mr Pritchard. As the papers for this meeting are not ready and not sufficiently supplied for all the Members who are attending, I suggest that the meeting be adjourned until they can be provided.

**The Chair:** Are there any other points of order?

**Sir Jacob Rees-Mogg:** Further to that point of order, Mr Pritchard. I think that point of order is fundamental because without the papers, how can people consider

this legislation properly? All that was available when I came in was the explanatory memorandum. The list of members is not available, which seems to be a deeply unsatisfactory state of affairs when the names of the members have changed so rapidly during the course of the day. When we are playing the hokey-cokey with members of the Committee, the House at least ought to be informed of who those members are. I suggest a brief adjournment while the papers are provided, and then we should come to the other points of order.

**Mr Mark Francois** (Rayleigh and Wickford) (Con): Further to that point of order, Mr Pritchard. I have two quick points.

First, I understand that the knife on the Illegal Migration Bill will fall at 6.26 pm. If you were a cynic, you would believe that the Government deliberately timed this debate for this evening, knowing that it would be ripped up by all those votes, bearing in mind we had 18 votes on the Bill last week. If you are a cynic, it is perfectly obvious to see what the Government have done; they have timed the debate now so it will be interrupted by the votes. However, can you confirm, Mr Pritchard, that if these proceedings are interrupted, there will be injury time so the debate will begin again quite a long while later, after the votes have taken place?

Secondly, for the record, the Committee of Selection nominated Members to this SI Committee last week in the normal way, including my hon. Friends the Members for Windsor, for Rochford and Southend East, for Devizes, for Dudley North and for Don Valley. I understand that some or all of those people indicated to the Whips in conversations over the weekend that they had what theologians might call "doubts" about the Government's approach. Some even threatened to vote against the legislation, whereupon they were summarily removed from the Committee by the Whips, using a procedure that is normally used only for last-minute substitutions and very special circumstances—for instance, if a family member is ill.

In 22 years in this House, I have never known the Whips, from either side, to do this. This is beyond sixth-form politics. This is manipulating the parliamentary process because the Windsor framework is clearly a failure, and it is such a failure that the Whips have to rig Committees to get it through, so they have found a bunch of other Members, at short notice, who perhaps, shall we say, are not quite as inquisitive as the five who were nobbled. You have been here a long while, Mr Pritchard; have you, in your time in this House, ever known anything quite as shameful as this?

**Sir William Cash** (Stone) (Con): Further to that point of order, Mr Pritchard, I thoroughly endorse what my hon. Friend the Member for Rochford and Southend East and my right hon. Friend the Member for Rayleigh and Wickford have said. I have been here nearly 40 years, and I have never seen anything like this. I really do deeply resent the fact that this has been done in the manner in which it has been done. Already, comments are being made on the Floor of the House, which are part of the record, and it is an extraordinary situation. I have never seen anything like it and I think that it is outrageous.

**Sir Jacob Rees-Mogg:** Further to that point of order, Mr Pritchard, it seems to me that these issues raise serious matters of privilege, which obviously have to be referred to Mr Speaker confidentially and are not a matter for this Committee to consider. However, if Members are obstructed from carrying out their duties as Members, that is a molestation of a Member.

A Member has been appointed to the Committee and summarily removed from it, without the Chairman of the Selection Committee being informed, or indeed the Member concerned being informed. That seems to me to raise, *prima facie*, matters of privilege, which should be referred to Mr Speaker. Therefore, I would again suggest that this Committee be adjourned. We still do not have the papers, so I think that there are now two good reasons for adjourning this Committee.

**The Chair:** Well, thank you. I would just say that I think, with the Government Whip here, that the strong feelings of some Members of this Committee have been noted by the Government Whips.

On the point on the membership and the paperwork being available, that paperwork is en route. In fairness to the Committee staff, I suspect that they did not anticipate the level of turnout that we have this evening. We could suspend the sitting, but I think that it might be more helpful if we perhaps encouraged the concept of sharing Committee papers, and I am happy to lead by example—*exemplo ducemus*, as the former Leader of the House might know—and I am very happy for him to have my Committee membership paperwork. I will take that decision; the paperwork is on its way; it will be here shortly, and if the right hon. Gentleman really does need to see the latest list, I am happy to provide it to him personally, or he can share with other Committee Members. I am sure that other comments will be made in a moment, but—

**Sir James Duddridge** *rose*—

**The Chair:** Forgive me, Sir James, but I will go through these points if I may. On the Committee membership, I think that Mr Speaker made it clear earlier today that that can be done. In fact, just to give a little more detail, the Committee membership of any Committee can be decided up to 10 minutes before the Committee actually sits, but I actually have the latest list, which I think was completed just shortly—50 minutes—before.

On the general point on Committee selection and changes, that is perfectly within order, and the convention is that changes can be made up to 10 minutes before the Committee sits.

**Several hon. Members** *rose*—

**The Chair:** Just one moment. I would like to finish with these points of order, then I am very happy to take others. On the point on the votes, this business was timetabled, as indeed the business in the main Chamber was, many days ago, before, I think, some of the concerns about this Committee were raised on the Floor of the House.

A comment was made about further time to debate this. I think that that was raised on the Floor of the House earlier today. I am sure that that was noted by Mr Speaker, and obviously Members will have an

opportunity to potentially bring this up as a Backbench Business debate, or to raise it in business questions, as a matter perhaps for the House to look at on another occasion in more detail.

However, I know that the substantive point of concern for some Members has been noted by the Government Whips. I hear you as well; I will pass back to the Speaker's Office the concern expressed by Members. It is right that Members should have their voices heard on behalf of their constituents, but I make the point again that although it may not have happened many times in 40, 20 or 10 years, it is perfectly within order, as Mr Speaker confirmed earlier today.

**Kevin Brennan** (Cardiff West) (Lab): On a point of order, Mr Pritchard. I am slightly confused by what is going on. I came here as I have been selected to attend the debate on the Postal Packets (Miscellaneous Amendments) Regulations 2023. May I check that that is what we are discussing, and not the “death throes of the Conservative party” regulations 2023?

**The Chair:** I am grateful for that point of order, and I can say to you that the Clerk very ably read out why we are here. We are definitely going to move on to it as some point.

**Sir William Cash:** On a point of order, Mr Pritchard. So many of our arrangements are exercised by virtue of conventions. The question of what the precision of a particular rule is has to be weighed against the conventions, against which the debate is being conducted on this occasion. As my right hon. Friend the Member for Rayleigh and Wickford and my hon. Friend the Member for Rochford and Southend East made clear, the bottom line is that there are occasions when the conventions are bypassed for good reasons. But under the precept that convention is about the reason for the rule, I can say only that this is a gross breach of the convention, because it is perfectly apparent that the reason for making the changes that have been made in this Committee has nothing to do with the question of whether the people who are being substituted on the Committee were there in the first place. It is precisely because it is quite clear that the Government would lose the vote in Committee—that is where the problem lies. That is the constitutional problem with which you and we are faced, Mr Pritchard.

**The Chair:** On the point about convention, the hon. Gentleman is absolutely right, but he will know, probably more than anybody else on the Committee, that this House, apart from “Erskine May”—parallel to that—runs very much on convention. I refer him to the most recent ruling on such an occurrence happening, which was from Mr Speaker in the main Chamber this afternoon. That is the very latest ruling from the Speaker, drawing on convention. I am just a minor Member of the Panel of Chairs: the hon. Gentleman would not expect me to take a different view from that of Mr Speaker, given all the advice he received.

**Sir James Duddridge:** On a point of order, Mr Pritchard. Members have quite rightly asked for information, and additional information has been put out, but I received



[*Sir James Duddridge*]

additional information when I was first nominated to the Committee. I was hoping to pick up a hard copy, and it is absolutely essential that such information is circulated to everyone else before we make decisions. Although I believe that there was not a consultation specifically on the regulations, I received about six consultation submissions to the Committee when I was appointed to it, including from the Democratic Unionist party. All disagreed and had substantive comments to make. I looked at it a little—I did not do all the work—in the full knowledge that the information would be here and that the whole Committee would be able to probe that information and probe the Minister on those submissions. From memory, they were all against.

The information was not here at the beginning, and I do not believe that copies have been brought in, so I have to defer to my right hon. Friend the Member for North East Somerset: this Committee cannot continue. Either the Minister should now withdraw the motion or, as a defender of the House, you should refuse to go forward, Mr Pritchard, because it is a principle of the House that if we do not have the information in front of us, we cannot decide. Either the Minister or you must bring this thing to a halt. We can always come back. This does not need to happen until 27 September 2024, so it is not an urgent matter.

**Several hon. Members** *rose*—

**The Chair:** Let me answer that point of order, because I want to try to give as full and comprehensive answers as possible. Regardless of whether the right hon. Member for North East Somerset felt that it was here or not, all the paperwork has been available online—that is the first thing. For people who might not want to read Committee papers online, they have been available all the time in the Vote Office, which I have just had confirmed by the Clerk.

**Sir James Duddridge:** Not true. Mr Pritchard, you clearly would not intentionally mislead the House or the Committee, but I was at the Vote Office to get all the paperwork. They asked me: “Would you like us to get it for you here?” That was at 24 minutes past 5 o’clock. I looked, knowing that I had something else to go to quickly, and said: “No, that’s okay. I don’t need you to print it off. It doesn’t matter that you haven’t got it for Members, because it will be in the Committee Room.” I had not realised that no one had the paperwork—it is needed.

**The Chair:** The advice that I have received is that it is and was available. As the hon. Member suggests, that might not be the case, but at this moment, we are checking, emailing the Vote Office directly as well as other Clerks, to see what the reality is. If I may, I will take the other points of order and, when I get a response, I will give a fuller answer. I am basing my answer now on the advice I have received so far; that advice might change in the next few minutes. We are seeking clarification, which I suspect the hon. Member would want us to do, rather than speaking in part.

**Mr Francois:** Further to that point of order, Mr Pritchard. As we all know, “Erskine May”, the bible of parliamentary procedure, cannot account for every possible circumstance under the sun. Therefore, Members of Parliament are used to operating within a number of well understood conventions—we might call them our traditions, for want of a better phrase. If Back Benchers see those conventions being deliberately abused, they rightly get very upset, which is exactly what is happening before your eyes.

For some years, I served on the Committee of Selection, so I know well how the procedure works. If someone is nominated to the Committee, but unfortunately cannot attend, the convention is that they try to find a substitute. If a family member is ill or there is some other pressing reason why they cannot be there, they basically ask a friend or a colleague to substitute for them. There is a procedure whereby the Whips can facilitate that, without having to reconvene the whole Committee of Selection. Everybody understands that; that is the norm.

What is not the norm is for people to be taken off a Committee against their will. That is completely irregular. That is what has happened here—five times over, for the same Committee. That is not in order; that is not a convention; that is the Government trying to rig a Committee and to get rid of people whom they thought might have the moral courage to vote the wrong way. It is bent, and that is what they have done.

You, Mr Pritchard, should not be facilitating that. You yourself, sir, admitted that the final membership of this Committee was finalised only 50 minutes before it was due to begin. That is extraordinary. Why? Because so many shenanigans were going on behind the scenes.

I offer the Whip on duty, my right hon. Friend the Member for Pendle—who, for the record, I happen to respect—and the Minister some genuine advice: do not move the motion, because everyone can see that this has become a farce. Accept that this has gone wrong—it was a mistake—so do not move it and bring it back another time. That is by far the best thing to do in the circumstances. Do not move the motion, allow the dust to settle and let us discuss the draft regulations, which are not due to come into force until 2024, in the proper way when we have more time. However, do not force the Committee to go ahead on a basis that is blatantly and obviously rigged.

**The Chair:** I will make a few points in response. As I said in my preamble, all Members who attend may speak; they just cannot vote. I know that does not address all the right hon. Gentleman’s points. So that I am not misunderstood, let me say I received the latest copy 50 minutes before the Committee began; that was not when the last submission of changes was made, which was 10.50 am this morning—to be absolutely clear—but I get his wider point.

I am glad that the right hon. Gentleman recognises conventions, because in my fourth and final point in response I will mention a convention to him. It is for the Committee of Selection to decide its own rules. If the Committee or the House decides that more comprehensive review is needed, the Procedure Committee may look at it, but that is not a suggestion from the Chair. It is just a matter of fact.

On a point of order back to the right hon. Gentleman, he used a very unparliamentary term. He will have to withdraw the word “bent”. Before I call the former Leader of the House—*[Interruption.]* Order. I can only deal with one point of order at a time.

**Mr Francois:** If that is your ruling—

**Sir Jacob Rees-Mogg:** The Chair does not have the authority to order my right hon. Friend to withdraw in Committee. The Speaker has that authority on the Floor of the House; the Chairman of a Committee does not have that authority. He may ask, but he cannot insist.

**Mr Francois:** For the avoidance of doubt, I will withdraw it anyway. You and I have known each other for many years, Mr Pritchard; if you think that word was disorderly, out of respect for you and mindful of the point made by my right hon. Friend the Member for North East Somerset, I will withdraw it. I will replace “bent” with “rigged”.

**The Chair:** It is not a matter of my opinion of what is orderly or disorderly; it is a matter of what the House thinks. I have heard a lot worse over those many years.

**Sir Jacob Rees-Mogg:** On a point of order, Mr Pritchard. As you know perfectly well, the rules in Committee are very different from the rules of the House. If you as Chairman are not happy with the order, you may suspend the Committee, but my right hon. Friend does not have any obligation to withdraw. You may make a report to Mr Speaker, but the only power you have is to suspend the Committee. That is very important because there is a fundamental difference between Committee and the Floor of the House.

**The Chair:** I am grateful for that point of order, which comes from possibly the master of civility himself. He will recognise that my right hon. Friend the Member for Rayleigh and Wickford has put the record straight, even if he did not have to in the opinion of my right hon. Friend the Member for North East Somerset, and I am grateful for his doing so.

**Sir William Cash:** On a point of information as well as a point of order, Mr Pritchard. If I heard you correctly, I think you said that the decision was taken by the Committee of Selection. I do not think that is necessarily the case, but I would be grateful to know whether the changes were made by the Committee of Selection or by other persons.

**The Chair:** No, I said that the Committee sets its own rules. I was not referring specifically to whether the Committee of Selection was involved in any of the changes. I refer the hon. Gentlemen to the reply I gave some moments ago on convention—whether it is popular or not, it is convention. If the House wants to change the rules, the House and hon. and right hon. Members in this place might want to raise it elsewhere. If they want to raise this debate more comprehensively over a wider expanse of time, they can do so, as I set out earlier.

**Sammy Wilson (East Antrim) (DUP):** On a point of order, Mr Pritchard. The statutory instrument we are debating may seem very flimsy, but it is important in so far as it is part of the jigsaw that has now been devised to rewrite the map of this country and to remove Northern Ireland from it. The way in which the Windsor framework has gone through to date has caused immense anger and political instability back in Northern Ireland. We have had a 90-minute debate in the House on one part of it, which we were then told accepted the whole framework, and now we have this today. We have seen the Government so anxious to push it through because, as we will see once we start examining it, this statutory instrument puts another block in the barrier—the border—between Northern Ireland and the rest of the United Kingdom. The Government’s way of making sure it goes through is to carry out a purge of their own party. I am glad to see that those who were purged escaped the gulag and are here tonight to raise their voice in defiance.

Mr Pritchard, given the enormity of the issue, the way in which it has been handled and the perception that it will create of the democratic process in this House—the depths to which the Government will stoop—I believe that it is important that you pay heed to the points that have been made: the papers were not available; Members feel that they have been harassed out and removed from their positions because they wish to express a point of view; and the legislation will be given the most cursory scrutiny. I believe that it is important, and it is a heavy burden on your shoulders to ask yourself: given what has happened, can this Committee proceed and have any integrity at the end of it?

**The Chair:** Mr Wilson, your point has been noted by the Chair and will be fed back to Mr Speaker, and the Government Whips are listening. You refer to me. When it comes to this position of Chair and whoever sits in the Chair, the House convention, “Erskine May” and the rules and procedures of this House are greater than one individual, however flawed or not flawed the person who sits here, so this is not a matter for me. Whoever sits in the Chair is rightly guided and protected, as Members are, by those who have gone before us.

**Danny Kruger (Devizes) (Con):** On a point of order, Mr Pritchard. First, may I say how well I think you are doing in this very difficult position? I just want to try to take some of the heat out of this. Although I agree fully with what my colleagues have so far said and their points of order, the fact is that a mistake has been made on the part of the Whips Office. I do not understand entirely the procedure by which this happened. Nevertheless, what clearly happened is that by accident—*[Interruption.]*

**The Chair:** Order. Will Members please listen? For the first Division, it will be 15 minutes and thereafter 10 minutes. Be aware that as soon as the Minister and shadow Minister are here, we can proceed, so if colleagues want to come and contribute through points of order or through the substantive debate, they should please come back as quickly as possible—*[Interruption.]* After all of the votes, of course. We are expecting nine.

6.26 pm

*Sitting suspended for Divisions in the House.*

8.6 pm

*On resuming—*

**The Chair:** Before we proceed any further, I would like to make two things clear for the Committee. First, the membership of the Committee is not a matter for the Chair; it is a matter for the Committee of Selection, as I set out earlier. The Government Whip is in his place and will have heard the strength of feeling among right hon. and hon. Members on that point. Secondly, Standing Order No. 118(5) requires that the Committee debate the motion

“That the committee has considered”

the draft regulations.

I will now call the Minister to move the motion. I will take no further points of order at this point, but if necessary I will take them later, when she has moved the motion.

**The Financial Secretary to the Treasury (Victoria Atkins):** I beg to move,

That the Committee has considered the draft Postal Packets (Miscellaneous Amendments) Regulations 2023.

May I say what a pleasure it is to serve under your chairmanship, Mr Pritchard? May I also thank hon. Members, including right hon. and hon. Friends, for coming to this Committee today? I hope that they are able to hear me. I thank them for coming to this Committee. I do understand the sensitivities—

**Sir James Duddridge:** On a point of order, Mr Pritchard.

**Victoria Atkins:** I am just moving the motion—

**Sir James Duddridge:** No, I am asking Mr Pritchard to take a point of order. I am not asking to intervene on the Minister; I am making a point of order.

**The Chair:** Point of order, Sir James Duddridge.

**Sir James Duddridge:** Thank you, Mr Pritchard. My understanding is that I probed you on when we would restart, and you said it would be after the Divisions. A Division is still continuing. The Whips were instructing people who were put on the Committee subsequently to rush here early. I was operating on the instruction that you gave to the Committee—*[Interruption.]* Sorry, but at least one Member was being rushed here. I saw it; I was standing next—*[Interruption.]* It was not my hon. Friend the Member for Heywood and Middleton; it was another hon. Member who is here. And other people are waiting; they are still in the Division Lobby, wanting to contribute here. They are people who might not be on this Committee.

It is wholly inappropriate that the Committee has restarted. When I saw that person rushing, I tried to push my way through the Lobby to get through, to rush up here, which I did, and we had already started. We were in the middle of points of order. In fact, my hon. Friend the Member for Devizes, who was in the middle of a point of order, was suggesting to you that there was a solution. He was in the middle of a point, and you quite rightly stopped him, but he had the floor.

This Committee is being duped. I hope that as I am speaking to you, someone is messaging my hon. Friend the Member for Devizes to come back to his place to continue that point of order. It is most disorderly that this is happening. Yet again, the Government Whips are breaking convention and are undermining this House. It is absolutely disgusting, and it should not be tolerated.

**The Chair:** Although I am grateful to the hon. Gentleman for his point of order, may I just say that the hon. Member for Devizes could have been here—

**Sir James Duddridge:** My hon. Friend the Member for Devizes is here, Mr Pritchard. He had the floor when we closed. You said, Mr Pritchard, that we would restart when things finished. I apologise for intervening on you.

**The Chair:** You are not intervening on me; I called you. You will not intervene on me, ever; I will call you on a point of order. Let us be clear about that.

I have been very tolerant on points of order. Let me make it absolutely clear: if there are to be other points of order, they will have to be different points of order. We are not going to go around the same procedural route with points of order that I have answered; I will not tolerate additional points of order that are just repetitions of previous points of order.

**Several hon. Members rose—**

**The Chair:** Let me finish answering this point of order first, please. Let me be absolutely clear: when the Division was called, I set out that it would be 15 minutes for the first vote and 10 minutes thereafter. I said that if the Minister and the shadow Minister were back, proceedings would continue. I was the first person back from the vote. If I can get to the front of the queue at my age, other people who are younger than me can get to the front of the queue.

It is not for the Chair to determine who gets back to the Committee Room first in order that they can carry on their previous point of order or make new points of order. I made it absolutely clear that the first vote, as set out procedurally, is always 15 minutes, followed by 10 minutes thereafter. However, on the last vote, if the Minister or the shadow Minister is in attendance, proceedings can continue. It is not for me to encourage Members to run or sidestep people in the Lobby to be here before the Minister and the shadow Minister or, indeed, the Chair.

**Richard Drax (South Dorset) (Con):** On a point of order, Mr Pritchard. I was here earlier and, if I may correct you, you did say that this session would start at the end of the Divisions. We can check in *Hansard*, but I am pretty certain that that is what you said. If that is true, this session has started prematurely.

**The Chair:** I am grateful for that point of order, but I do not believe that that is the case. It would have been “or when the Minister and shadow Minister are in attendance”. I have been on the Panel of Chairs for only 10 years, so perhaps the hon. Gentleman is right, but I am pretty sure, having called many Divisions in many situations over those years, that I know we can proceed when the Minister and shadow Minister are in attendance.



**Danny Kruger:** On a point of order, Mr Pritchard. I apologise for not being back as fast as everybody else. The point I was trying to make before we broke is that it is a great shame that this situation has arisen, and I regret the hard words that have been passed.

Although I agree with the sentiment of my right hon. and hon. Friends that, in a sense, there has been an irregularity in the attempt to withdraw names from the Committee, I understand what the Government are doing. Fundamentally, a mistake was made on the part of the Whips—let us be frank about this—in appointing to the Committee a series of people who, on record, have voted against the Windsor framework, which we are implementing today. I understand that the Whips wanted to change the plan, and I have great respect for my right hon. and hon. Friends who have been appointed to the Committee today, but I do not think it is fair for them to be asked to fulfil the duties of the Committee at such late notice.

My simple suggestion is that, given the mistake that has been made by the Whips on our side and the frankly bad blood that is now in evidence across the Committee Room, it is not appropriate to try to continue. On your part, Mr Pritchard, and on the part of the Front Benchers, surely it should be recognised that the Committee has to be reconstituted, no doubt with Members who are more amenable to the Government than some of us, and to continue on another occasion.

**The Chair:** I am grateful for that point of order. I remind the hon. Gentleman of my comments earlier about Mr Speaker's ruling. It is not a one-off. Colleagues may not like it, but Mr Speaker has made his ruling.

As I set out just before the hon. Gentleman joined the Committee again, Standing Order No. 118(5) requires that the Committee debate the motion

“That the committee has considered”

the draft regulations. The Clerk read out the title earlier; I have already called the Minister, and the motion is already in progress. As I said earlier, colleagues, who have clearly been moved to make points of order with such strength, will have other opportunities to raise their concerns with the Government on the Floor of the House about the procedural events, shall we say, of the past few hours.

**John Redwood (Wokingham) (Con):** On a point of order, Mr Pritchard. You were quite entitled not to take the points of order that I tried to make earlier or when we got back, although I would have liked to hear your consideration of them. It is a great pity that the Committee started in such a hurry when people were not back from the Division, including the representatives from Northern Ireland. Surely they, above all, should be here, given that this is such a fundamental measure for them.

I would like, in this point of order, to seek your guidance on how much time, according to your planning of this Committee, we now have left, because presumably the clock has been ticking for a little while during the Divisions. How could you regard that as at all adequate, given the intensity and range of views on what is a fundamental constitutional measure, as well as a very big economic measure, of great interest on both sides of the Irish sea?

**The Chair:** In answer to the right hon. Member's question, this Committee sitting will end at 9.10 pm. On his wider point, I will say again that I said that when the Minister and shadow Minister were in attendance, we would proceed. The only caveat to that, which the right hon. Member will know—having been here longer than I have, as a distinguished parliamentarian—is that the Committee has to be quorate.

I am agnostic: I am not looking around at who is here, who is not, and who is supporting the Government. I am completely neutral in this. I am looking, procedurally, at whether the Minister and shadow Minister are here, and whether the Committee is quorate. I cannot just make up the rules as we go along. Otherwise, we would have chaos. I call the Minister.

**Victoria Atkins:** Thank you, Mr Pritchard. To reiterate, I beg to move the motion. Before I start, I do recognise the concerns of right hon. and hon. Members and the care with which they have made their points. I hope that I can answer some of their questions in my speech. As ever, I hope that colleagues from across the House who know me know that I will always do my absolute best to answer questions. Whether I am able to do that in Committee or outside Committee, I will always, always endeavour to help with colleagues' careful scrutiny of Government legislation.

The statutory instrument before us will provide United Kingdom authorities with powers in relation to postal packets or parcels moving from Great Britain to Northern Ireland. It does nothing more or less than that. It does not, itself, put in place the wider Windsor framework arrangements.

The powers are part of delivering what we promised for consumers and businesses in Northern Ireland. They are necessary to ensure that we can implement the Windsor framework and remove the burdensome regime that the old Northern Ireland protocol would ultimately have required. As I say, I am very aware of the sensitivities and the concerns; indeed, I hope that I can help to clarify what the framework itself requires in respect of parcel movements, so I will try to deal with that now.

If I may just take us back a moment, I think it is important to remember that the Northern Ireland protocol was negotiated in good faith and under extreme pressure. If we cast our minds back to the circumstances in 2019, it was negotiated in good faith, as I say, in an effort to provide solutions to the issues raised about trade, on the island of Ireland and within the United Kingdom, following our exit from the single market.

As the protocol began to be implemented, however, practical issues came to the fore. I know that there are right hon. and hon. Members present who were absolutely forthright, and I think very persuasive, in highlighting the problems that businesses in particular were facing. Our concern has always been that, had it been fully implemented, the Northern Ireland protocol would have required international customs processes for all parcel movements from Great Britain to Northern Ireland. Nobody wants that. Indeed, that is why the Prime Minister, assisted by the Foreign Secretary, the Secretary of State for Northern Ireland and—I will give him a shout-out in due course—the Minister of State, Northern Ireland Office, my hon. Friend the Member for Wycombe (Mr Baker), negotiated a deal with the EU that, frankly, few at the time dared to hope would be possible.

**John Redwood:** Will the Minister give way?

**Victoria Atkins:** If I may, I just want to set out the circumstances, because I very much hope that that will help with some of the concerns that have been raised. I know that there is a great deal of interest in these arrangements, so I am going to be absolutely clear with the Committee what these measures entail and, importantly, what impact they will have not just for our constituents, but for the United Kingdom family.

In short, someone in Great Britain sending a parcel to their friends or family in Northern Ireland will not need to engage with any customs processes. Nothing will change for those movements compared with today. Similarly, Northern Ireland recipients of parcels sent by their friends or family in Great Britain will not need to engage with any customs processes. Nothing changes compared with today. A grandchild in Blackpool—I pick Blackpool because that was where I went to school, and there is a wonderfully rich Irish community in and around Blackpool and Preston—sending a package to his grandparents in Belfast will not need to do anything new to send it and, importantly, the grandparents will not need to do anything new to receive it.

Businesses in Great Britain selling to consumers in Northern Ireland will not need to complete customs declarations, international or otherwise. Nothing changes. Northern Irish consumers buying from British sellers, including—hon. Members have raised this point with me—the likes of Amazon and other online shops, will not need to engage with any customs processes. Nothing changes. They will buy from the British seller and receive their goods without doing anything new; I say that very clearly for the sake of colleagues here today and for others outside this Committee Room who may be listening. Those facts are now recorded in *Hansard* and can be scrutinised. I say that very deliberately, so that those who have concerns understand exactly what we have set out in the framework.

The Windsor framework explicitly removes those requirements on goods being sold to Northern Ireland consumers and, of course, on goods being sent to friends and family. There will be no routine checks or controls applied to parcels. There will be interventions only on the basis of a risk-based, intelligence-led approach. That means that the overwhelming majority of parcels will not be subject to checks.

Parcels sent from a business in Great Britain to a business in Northern Ireland will be treated the same as equivalent freight movements. They can be moved through the new green lane when eligible, when it is introduced from October 2024.

**Ian Paisley (North Antrim) (DUP):** Will the Minister give way?

**Victoria Atkins:** I promise I will give way to hon. Friends and Members.

As will be the case for freight movements, the green lane will ensure that eligible goods will no longer require international customs processes; they will instead require only the provision of routine commercial information.

**Ian Paisley** *rose*—

**Victoria Atkins:** I must give way to my right hon. Friend the Member for Wokingham, and then I will give way to the hon. Member for North Antrim.

**John Redwood:** The form of this statutory instrument is to amend regulations relating to foreign postal packets. It includes GB-NI postal packets alongside foreign postal packets in important matters in the regulations specified. How can the Government defend that? They are effectively treating Northern Ireland and GB as foreign countries to each other, accepting a form of regulation designed for a true international border and clearly violating the terms of the internal market legislation governing the United Kingdom? [*Interruption.*]

**Victoria Atkins:** If I may, I will address that point, and then I promise I will come to the hon. Member for North Antrim in due course. I am pleased that my right hon. Friend the Member for Wokingham used that language, so that I can make it clear for the purposes of *Hansard* that this is not about trying to differentiate or draw lines around our precious Union.

**Several hon. Members** *rose*—

**Victoria Atkins:** If I may, I will continue. In relation to the overwhelming majority of parcels, there will be no changes. The one instance in which there will be a requirement to go through green lane processes is where businesses are selling to business from Great Britain to Northern Ireland. I accept that this is—in the phrase used by my hon. Friend the Minister of State, Northern Ireland Office—a hard compromise. I accept that, and I say that with great respect, but we have to make the framework work because we have no alternative. I am not in the business—

**Ian Paisley:** Will the Minister give way?

**Victoria Atkins:** I will give way to the hon. Gentleman in a moment; I am still answering my right hon. Friend the Member for Wokingham. Had the Prime Minister not negotiated the new Windsor framework, we would still be bound by the Northern Ireland protocol, and we know the many problems that that posed for both private residents and businesses, so this framework is a real step forward. This SI—which is a very, very small SI in the context of the framework, dealing as it does only with parcel movements—is a step forwards in ensuring that we protect the Union. However, I very much acknowledge and appreciate, as my hon. Friend the Member for Wycombe has, that for people who are committed to the Union and to leaving the EU, it is a hard compromise, but I am afraid that it is one we must take.

**Ian Paisley:** The Minister has come to the nub of this matter, because this is about business-to-business trade. I want to know the statistics on which she has based the claim that the vast majority of parcels will be private trade; perhaps she could share those. Secondly, could she outline who will ultimately pay the additional cost that will be put on business to do these things and how long any support will be in place?

Thirdly, the Minister must accept that this measure has the potential to lead to a diversion of trade, forcing businesses in England that really cannot be bothered with the burden of filling in forms to send a very small amount of their overall trade parcel to Northern Ireland. That will force businesses in Northern Ireland to divert trade and do their business elsewhere. Does the Minister accept that that is the likely outcome of this two, three or four years down the line from now?

Fourthly, does the Minister accept that the green lane she has outlined is the safety valve for all of this, in terms of most businesses being able to operate in it? The fact of the matter is that most businesses cannot operate in the green lane—that the green lane is there for only a very few high-class businesses. The vast majority of businesses in Northern Ireland—about 20,000—will not be able to operate in the green lane structure.

Finally, can the Minister—

**The Chair:** Order. Interventions need to be short. The hon. Gentleman indicated to me earlier that he may wish to speak. He might have an opportunity to put his other points when he is called to speak. Interventions need to be short, as he well knows.

**Ian Paisley:** Thank you, Mr Pritchard. It is just because this is such a detailed business-to-business issue that I wanted to put those questions. To be fair to the Minister, I think she will actually try to answer them, which I hope will be helpful. Finally—

**The Chair:** Order. On that point, I have given latitude for four points of intervention rather than one. The hon. Gentleman will be called to speak if he rises from his chair later, and he will have another opportunity. I know that he is an experienced Member and will respect the view and ruling of the Chair.

**Victoria Atkins:** I will certainly answer the first of the points the hon. Gentleman made in his intervention—I was not able to catch them all, so I very much hope that he will be able to speak in due course. I will absolutely undertake to write to him if I am not able to deal with them in my speech.

I am told that about 5% of GB to NI parcel movements—please forgive the acronyms—are to Northern Ireland businesses. Within that 5%, the level of checks will be minimal, because we are applying this risk-based and intelligence-led approach to checks. We have not put a percentage on it, other than that it would be within that 5%, but we expect this to be minimal, because the very thing we want to encourage is trade between a thriving GB economy and a thriving Northern Irish economy.

In relation to the green lane and whether only a few businesses will be able to benefit, the answer is no. We expect the use of the green lane to be widespread. We are working to ensure that businesses in Northern Ireland and Great Britain know how to be eligible. Indeed, if there are any observations that the hon. Gentleman and others have as to the challenges that businesses face, or representations that they would like to make, will they please continue to work with us? We genuinely want to make this work for people and businesses—of course we do. As I said, I hope that the hon. Gentleman will be able to continue his speech in due course.

To return to my own speech, I was trying to set out the requirements on businesses and, importantly, the lack of requirements on individuals, families, friends and so on. Movements via the red lane, including those goods destined for the EU, will be subject to the customs processes required by the EU, as I hope colleagues will understand. The Prime Minister negotiated the Windsor framework to ensure that consumers and businesses in Northern Ireland—and, indeed, British businesses selling into Northern Ireland—could benefit by protecting internal trade within the UK.

**Jonathan Gullis** (Stoke-on-Trent North) (Con): I have a concern when it comes to the integrity of our United Kingdom, because the final sentence of paragraph 7.6 on page 3 of the explanatory memorandum states:

“This means that prior to this instrument coming into force, postal packets moving within the UK cannot be searched, seized or intercepted by HMRC or Border Force.”

This instrument will therefore change the internal integrity of our United Kingdom and is a huge giveaway of our country’s sovereignty.

**Victoria Atkins:** I am really pleased that my hon. Friend has brought that up, because it touches on the timing point that colleagues have raised. Understandably, colleagues have asked, “Why is this happening now? Why can’t it wait until October next year?” Of course, the Windsor framework arrangements will come into force in October next year, but there is a limited range of prohibited or restricted goods that are supposed to comply with EU customs rules today—for example, hazardous chemicals and chemicals that can deplete the ozone, and blood diamonds have also been mentioned to me. We do not have those powers at the moment, so we need to fill the gap as quickly as we can, so that in respect of those goods—

**Sir James Duddridge:** Will the Minister give way?

**Victoria Atkins:** May I finish the point, please? We need to ensure that Northern Ireland is not being used as a back door into the EU. I am coming at this matter not necessarily from the perspective of being particularly mindful of what may or may not happen in the single market—I do not know whether I am allowed to say that, but there we go—but because I do not want communities in Northern Ireland to be facing these pressures. I look across the room to those who know far better than I, but I am very conscious and have some small understanding of just how those pressures have been withstood valiantly in the past by communities in Northern Ireland. We want to do everything we can to support them in that and to ensure that they can continue to thrive.

**Sammy Wilson:** I am bemused by the Minister’s explanation. If she is concerned about hazardous substances, invasive species and the other things that are mentioned in the explanatory memorandum being transferred by post from GB to Northern Ireland, is she not also concerned about them being transferred in parcels from London to Scotland and London to Wales? If the regulations are all about protecting markets, why are the Government singling out Northern Ireland?



**Victoria Atkins:** I remind the Committee that we are looking at parcels, not at freight—although of course there are extensions in that regard. Of course, if items are being imported into Great Britain via Dover, Harwich, Immingham or wherever, there are separate powers on those goods to protect communities in Great Britain and, I would argue, further afield. I acknowledge the difficulties, particularly for those representing Unionist interests in Northern Ireland, but we wish to move these issues forward, and the Windsor framework is a good deal for the United Kingdom as a whole.

We need powers now to stop non-Northern Irish recipients using Northern Ireland as a back door, which is why we are so keen to pass this provision quickly and to make progress. I imagine that businesses in Northern Ireland, and businesses in Great Britain that wish to conduct business with Northern Ireland, will want to ensure that we can do this as quickly as we can. This was a significant deal for the Government, and I absolutely understand and respect the wish to scrutinise it, but we have to move forwards with this.

**Sir James Duddridge:** The list of goods seems quite general, and I was wondering whether there were more specifics. It refers to

“restricted goods, for example invasive alien species or ozone depleting substances”.

In particular, I am mindful of a company in Shoeburyness that exports seeds. It has already stopped exporting to some EU countries because of problems as a result of Brexit, but I could see it giving up unless there is a definitive list. Is there a list, or will one come out through a further SI?

**Victoria Atkins:** I want to ensure that I can provide the list to my hon. Friend now. However, just on that wider subject, the situation that he has described is exactly what we want to try to avoid in the future. He will know that there was uncertainty about how the protocol would apply. I think it was the chairman of Marks & Spencer at the time who came on to the radio at some point and talked about the 50 or so checks that M&S had to go through to send products to its stores in Northern Ireland. We want to cut through all of that, and I hope the Windsor framework will help the businesses in my hon. Friend's constituency. I also hope that he will know that we are putting a great deal of effort into the trader support service to help businesses to navigate these new customs duties. Of course, that is in the freight space as well. The Government want to grow the economy and our relationship with businesses. I am very helpfully reminded that there is published guidance on gov.uk already, but I am happy to provide it separately to my hon. Friend if he wishes to see the complete list. It is published on there already.

**Stephen Farry (North Down) (Alliance):** I am grateful to the Minister for giving way, and I congratulate her on the clarity with which she is explaining the issue. I will stress that there are people in Northern Ireland who support the Windsor framework and appreciate that it is a good deal. Obviously, with Brexit, there are no perfect solutions to these situations.

Just building on the answer that the Minister has just given about the trader support service, does she recognise that there is a potential role for the Government beyond that to try to promote to GB-based businesses the

requirements in terms of selling into Northern Ireland? I think that is an area where more work can be done without impinging directly upon the legal framework that has been agreed.

**Victoria Atkins:** I am very open to ideas and suggestions, particularly from those parliamentarians who represent Northern Ireland, as to how we can improve that understanding within the Northern Irish business community but also, importantly, here in Great Britain, because I want businesses to continue trading, and indeed to grow their trade, with Northern Ireland.

There are experts in this room who know just how ambitious and powerful the messages of support were from the international community when the Windsor framework was signed about the opportunities available for this corner of the United Kingdom, so I very much hope that this measure is seen as part of that drive and that ambition to help Northern Irish businesses to grow.

**Ian Paisley:** I would like to come back to the point where the Minister indicated, essentially, that there will be discrimination between businesses, business dealings and trade. The Minister claims that this issue has been addressed and that this measure is compliant with the European convention on human rights. How does it comply with article 14 of the ECHR, which prevents discrimination between businesses and individuals?

**Victoria Atkins:** Again, I just remind the Committee that we are dealing with parcel movements here; we are not litigating the entirety of the Windsor framework. As I say, we think it is a really positive step forward for the whole of the United Kingdom. Of course the hon. Gentleman is looking at it—quite rightly—very particularly through the lens of his constituents and Northern Ireland. However, in terms of the whole United Kingdom, and of all our businesses being able to have that certainty about how to deal with the EU, both in relation to Northern Ireland and in our wider relations with the EU, it is a good thing. After years of discussion, we now have an agreement that really gives us all, I hope, some clarity and certainty as to how we will conduct trade with the EU in the future.

As I say, I appreciate that hon. Members have rightly been scrutinising some parts of the agreement, but on the article 14 point, I am required as a Minister to satisfy myself as to the measures. I gently point to the fact that, in terms of individuals to individuals, nothing changes and, in relation to businesses—GB to NI only—nothing changes. It is simply where there may be onward traffic to the EU—as indeed, would be the case if there were onward traffic to the US—that that duty may be payable. I am veering into freight; I am conscious that, in relation to the small group of transactions we are talking about, there is a certain amount of overlap or mirroring, but we are, again, looking just at parcel movements for this SI.

**Ian Paisley:** The Minister talks about business to business, but who does business? It is people; people do business. Business to business is about people, and their rights—the company rights and the individual rights of the people doing business—are being trampled upon.



Where businesses are doing that business on behalf of other people and consumers, those people are being discriminated against in terms of cost and the diversion of trade, and there will be general discrimination because we in Northern Ireland will be treated differently from the rest of the UK, or the rest of the UK will be treated differently from Northern Ireland—the point the Minister made to my right hon. Friend the Member for East Antrim.

**Victoria Atkins:** Again, I will try to answer the hon. Gentleman's intervention as fully as I can. The Windsor framework does not introduce any discrimination against anyone. Businesses do not have human rights in the same way that individuals do. Articles 6, 2 and 8 do not apply to businesses. On his point about the business treatment, the Windsor framework is a positive step forward from what would have happened under the Northern Irish protocol. We have to operate under what would have been because I cannot pretend that the protocol did not exist or that those strictures would not come in in due course. As I say, that is not a commentary on what was negotiated at the time under those extremely difficult circumstances, but the United Kingdom and the EU have got around the table, acknowledged the significant difficulties that have been identified and come up with the Windsor framework, which answers all those concerns and does so, I would say, in a way that really moves our relationship with the EU forward.

**John Redwood:** Will the Minister give way?

**Victoria Atkins:** If I may, I will make a little progress, but I hope that colleagues feel that I have been generous with interventions.

The Government need to ensure that the powers of HMRC and Border Force are sufficient to allow them to monitor the rules for movements of parcels and that, where certain requirements are in place—the point my hon. Friend the Member for Rochford and Southend East made—for movements intended ultimately for the EU, they can be enforced. We need to be able to determine that parcels destined for the EU can be detected and to ensure that they follow the requirements of the red lane.

I know from conversations outside the Committee Room that some colleagues have read the Secondary Legislation Scrutiny Committee's report into the rationale for bringing the instrument into force on 31 August. As I have said, some existing rules apply to prevent illicit movements of certain categories of goods, such as invasive species or ozone-depleting chemicals, which is why we are bringing these powers forward to HMRC and Border Force at this time, rather than waiting over a year.

The Committee's report also noted the arguments submitted to it that the regulations would contravene the principle of unfettered access within the UK by introducing a customs border. Indeed, I have carefully noted the submission by the Democratic Unionist party about its concerns relating to the Good Friday agreement. We acknowledge, as I have said throughout, that there are a range of views on the Windsor framework itself, but these regulations are discrete and relate solely to the powers available to HMRC and Border Force. That

said, I hope that I have been able to clarify for hon. Members and hon. Friends what the framework does and does not do, and therefore what the powers granted by the regulations will monitor and enforce.

**Robin Millar (Aberconwy) (Con):** I thank you, Mr Pritchard, for bringing us to a meaningful debate on this matter. I also thank the Minister; she has been dealt a difficult hand here and she is handling it very well.

The Minister has referred several times to smallness and how this is about small packets, but these are actually big principles. I want to be reassured by what she is saying, but I have a question. It relates specifically to business and the package of information that was brought into the Committee room containing submissions, including the DUP's submission. I will quote one submission from the Road Haulage Association, on page 15, by way of example. It gives several examples of where the regulations will be changed by this provision:

“after ‘foreign postal packets’ insert ‘and all GB-NI postal packets’”.

So the revised version will read

“foreign postal packets and all GB-NI postal packets”.

In other words,

“movements from GB to NI are no longer considered on the same domestic terms as movements between England, Wales and Scotland”.

Does the Minister understand why there is confusion about this? Does she understand how it causes me and others to have concerns about the introduction of a border within the United Kingdom? Perhaps she can explain why that treatment, in that way, does not constitute an internal border within the United Kingdom.

**Victoria Atkins:** I genuinely thank my hon. Friend and acknowledge the spirit in which he asked those questions.

Historically, the role of postal parcels has not necessarily been defined in freight. As I said before, with that precise wording we are trying to ensure mirroring for this small cohort—so not between individuals or between businesses to Northern Irish individuals; that does not change. However, we do want to ensure that the mirroring in relation to green lanes and red lanes of freight is clear when it comes to those parcels.

We have been dreaming up interesting examples today in preparation for this, but I have used the example of lace. A business in Great Britain may produce lace and send it to a business in Belfast that makes dresses. If that business sells the dresses within Northern Ireland or back to GB, it will not be affected; it will not see any changes. This kicks in only if some of the dresses are sold to Dublin or further afield. We have tried to ensure that the regulations mirror each other, whether one sends a parcel by post or in a great big container.

I reiterate that the vast majority of parcels will move without any additional requirements on parcel recipients in Northern Ireland. We have pushed genuinely very hard to ensure that the interests of Northern Irish consumers, and of GB businesses selling to Northern Ireland, are protected. There are huge improvements compared with the previous protocol, but we need to manage the risk in relation to movements across the Irish border in order to avoid EU tariffs and regulatory controls. We fully accept that this is a trade-off, but we have put protecting people and businesses in Northern

[Victoria Atkins]

Ireland at the very forefront of our efforts, to try to ensure that we get to a proportioned approach in this mechanism. I hope that answers my hon Friend's question.

**John Redwood:** I thought that, in law, and certainly politically, the Good Friday agreement took precedence over other agreements, given its importance. How is this measure in any way compatible with the Good Friday agreement when it does not have the consent of the Unionist community—an important underlying principle of the whole agreement? I would also like to assure the Minister that I do not use the phrase “hard compromise”, and I have not been recommending these kinds of proposals.

**Victoria Atkins:** I am sorry; I did not catch my right hon. Friend's last point. Would he repeat it?

**John Redwood:** I thought the Minister implied earlier that I thought that this was a hard compromise. I do not; I think it is bad policy.

**Victoria Atkins:** I think my right hon. Friend misheard me. I was referring to the Northern Ireland Minister, the hon. Member for Wycombe (Mr Baker). I would not dream of putting words in the mouth of my right hon. Friend the Member for Wokingham.

A point was made about the Road Haulage Association. The answer to that intervention is that the powers were available to Border Force in respect of international movements. We understand the sensitivities and the concerns raised about making powers available for GB to NI movements, but we would say that that is not the same as making these international movements.

My right hon. Friend the Member for Wokingham asked a very important question about the Good Friday agreement. We do not accept that this is contrary to the Good Friday agreement. These regulations are in fact an enabler to the agreement that we have negotiated. As I said, we have ensured that consumer interests in Northern Ireland and the interests of British businesses selling to Northern Ireland are protected, but that means that an incentive now exists to move goods into Northern Ireland and take them across the Irish border to avoid EU tariffs. If we are to manage that risk—[*Interruption.*]

**The Chair:** Order. So that we are absolutely clear, we will return here after 15 minutes if there is one Division. For subsequent Divisions, 10 minutes will be allowed. If the Minister and shadow Minister are present and we are quorate, the proceedings will resume.

8.51 pm

*Suspended for a Division in the House.*

9.1 pm

*On resuming—*

**Victoria Atkins:** I am conscious of the interest in the room, so to give others a chance to speak I propose to sum up very quickly by simply saying that the parcels arrangements are a significant improvement for UK

citizens compared with the requirements under the old Northern Ireland protocol. However, it is vital to understand how little will change compared to the status quo for the vast majority of Northern Irish parcel recipients and those in Great Britain sending goods to them. I commend the regulations to the Committee.

**The Chair:** The new time for the end of the proceedings will be 21 minutes past 9. I ask colleagues to rise if they wish to speak, in order to help the Clerks and the Chair. There is no time limit on speeches, but speakers may want to be mindful of allowing the shadow Minister and the Minister to respond to the debate.

9.3 pm

**Sammy Wilson:** This appears rather a flimsy instrument, but when one reads through it, it is clear that it is dynamite. It blows apart the promise made that the Windsor framework ensures we remove any sense of a border in the Irish sea. In fact, this legislation will ensure that the border is deepened, made higher and cemented in place, and some of the temporary arrangements in the protocol will now be made permanent. Any change to them will be made not by legislation in this House but on the basis of whether the EU is prepared to change its legislation. In effect, once these regulations are passed, we become totally subject to the EU, amending article 7 and changing the rules about what are legal and what are illegal goods going into Northern Ireland and being obliged then to put in place the necessary border provisions. This does not protect the Union. I know that the Minister had a hard job today, and she repeated almost ad nauseam “Oh, the Windsor framework is better than the protocol.” The fact of the matter is that the instrument is only one piece of the jigsaw that will further remove Northern Ireland from the rest of the United Kingdom.

Let us just look at the draft regulations. Why are they necessary? Because there are things that cannot be done by HMRC and Border Force under existing legislation. The explanatory memorandum makes it clear that certain things that currently cannot be done need to be done. Why do they need to be done, and how do we ensure that they will be done? The draft regulations make it quite clear that Border Force and HMRC need to be able to carry out searches and interference on goods moving from GB into Northern Ireland, which they currently cannot do for movements within the United Kingdom.

The way in which we do that is by treating Northern Ireland as a foreign country. That is why not once, but six times in this short piece of legislation, we read that “GB to Northern Ireland” is added to regulations that currently refer only to foreign goods. Northern Ireland is effectively being treated as if it were a country that is foreign to the rest of the UK, and therefore the requirements and arrangements can be put in place for HMRC and Border Force to interfere with postal arrangements, which previously they could not do. Of course, you cannot import or export within your own country, so you change the definition in order to ensure that goods moving from GB to Northern Ireland are regarded as exports. We are now lumped in with foreign countries; indeed, references to the UK have now been changed to GB. I do not care what the Minister says about protecting

the Union and not trying to redraw lines. In anybody's definition, it amounts to Northern Ireland now being treated as a foreign country.

**Adam Afriyie (Windsor) (Con):** This is the first time that I have seen Northern Ireland treated separately from the rest of the United Kingdom in UK legislation. Is that the right hon. Gentleman's understanding as well? It is quite an alarming signal.

**Sammy Wilson:** That is one of the reasons why I say this is dynamite, because it exposes the lie being peddled at present that the Windsor framework actually cements us into the United Kingdom. It does not; it pushes us further out.

The second point I want to make is that businesses have been kept in the dark. In fact, the scrutiny Committee pointed out that many businesses do not know what the arrangements are, and the Government have not even been able to give an answer on what the new arrangements are going to be. What will they entail? What provision will there be? The Minister argues that there will be no effect and that, if anything, be better for person-to-person parcels. She says that there will be no effect on business to consumers and that there will be some effect on business to business. The truth of the matter, though, is that once this legislation is passed, the EU will have total control over what movements need to be checked, and our Government will have no say about what happens in Northern Ireland.

**John Redwood:** Will the right hon. Gentleman confirm that there has already been diversion of trade away from GB into Northern Ireland, and is he worried that the draft regulations will create a lot more diversion of trade away from GB?

**Sammy Wilson:** The right hon. Gentleman is quite right: that is the problem. In the absence of detailed knowledge about what the new arrangements will be, businesses will simply turn their back on Northern Ireland. I spoke to a constituent today who wanted to buy a mattress from Argos. Although Argos clearly brings goods into Northern Ireland, that was obviously inconvenient for it and it simply said, "We don't sell mattresses to Northern Ireland any longer." That is exactly what is happening. Even if the Minister is correct, the threat that there will be different arrangements for taking goods and postal packages into Northern Ireland will discourage businesses from entering into those kinds of arrangements. We are already seeing the diversion of trade.

The Government's argument is that the draft regulations improve the situation, but actually, they do not. If we had stopped even with the provisions of the protocol, the grace periods would have prevented this from happening. It does not happen at present. If the Government really want there to be no interference, why not stick with the grace periods? Why not make it clear that the regulations are not needed? There has been no leakage during the grace periods, and there is no evidence that hazardous goods and so on are moving into the EU. Why did the Government not take that stance? Why are the Government still not taking that stance? There would then be no need for the regulations.

**Sir James Duddridge:** I did not really understand the grace period, although I read about it. Does it refer to Brexit and the pre-protocol period, or is it something slightly more technical dealing with parcels?

**Sammy Wilson:** It was recognised that not even the infrastructure was in place to deal with all the parcels that come from GB to Northern Ireland. It was also known that, politically, this would create a huge storm, so a concession was made. The Government simply said, "It is impossible for us to implement the protocol, so we're not going to implement that bit of it," and the EU accepted that, so why has that situation not been left to pertain? The protection of the grace periods has now been removed, and we are introducing legislation that gives the EU the ability to say what are licit and illicit goods.

The Minister said that we do not need to worry, but we are told that one of the reasons this legislation is necessary now is that there are concerns about goods that affect the ozone layer, and that invasive species might be transferred, so we need protections. What happens if, in the future, the EU says, "People have found a way around this. They have decided that they can send those things from Sammy Wilson to somebody else in Northern Ireland"? Can the EU then use that as an argument for expanding the parcels regulations and demanding that parcels that go from one person to another be inspected too?

I asked a businessperson today, "How many of your goods do you expect to go through the green lane and be exempt? How many are business-to-business goods that are exclusively for consumption in Northern Ireland?" He said, "We don't even know, because there has been no assessment of the kinds of parcels that are being sent at present. We have to assume that about 75% of parcels will have to go through the red lane." I asked him, "What does that mean in terms of delays and costs?" I was told that, currently, the costs for goods that go through the full process from England through Dublin are higher than the freight costs themselves; the process used to take two days, but it now takes five days. We can see immediately how businesses in Northern Ireland will be affected by this change.

The Minister cannot run away from the arguments. First, this legislation undermines the Union; secondly, it will be costly to business; thirdly, even now the Government cannot tell businesses what new arrangements will be put in place; and, fourthly, there is no guarantee that the EU, when it has control through these regulations, will not use them in a way that the Government do not expect. That is why I believe that these regulations are flawed. They are not needed, they are a surrender to the demands of the EU, and they change the nature of the relationship between Northern Ireland and the UK.

**Adam Afriyie:** I am very much enjoying listening to the right hon. Gentleman, and I thank him for allowing me one last intervention. Does he have any concerns about the power of the European Union to change these regulations—going way back to the Act of Union, not just the current regulations?

**Sammy Wilson:** They do. Even the explanatory notes make it quite clear that this will be subject to the EU still abiding by article 7 of the protocol. If the EU decides to say, "Look, article 7 isn't working"—for whatever reason,



[Sammy Wilson]

maybe people are bypassing it—they can change it, and we do not have any say at that stage. We have handed control over the movement of goods from GB to Northern Ireland to a foreign entity.

**Jonathan Gullis:** Will the hon. Member give way?

**The Chair:** Order. I remind colleagues that we have six minutes left, and I am sure they want to hear the response of the Minister and shadow Minister. No? Okay, the hon. Member for Rochford and Southend East does not want to speak now. Shadow Minister—

**Sir James Duddridge:** No, Mr Pritchard. There are four or five people standing. When you said “want to hear the shadow Minister”, I was shaking my head, because I did not want to hear the shadow Minister until there had been proper debate. I have a number of points to make, and there are four or five people on this side who want to speak. I thought that the right hon. Member for East Antrim was taking an intervention. He was taking an intervention and had sat down, so it was not the right point for me to rise. The Government have not provided enough time. We are not going to get through the speakers. We are not going to go through the normal protocols here. It is not my fault, Mr Pritchard. It is the Government’s fault.

**The Chair:** Order. The hon. Gentleman, as a former Whip, knows that the timetable is set in another place, not by me as the Chair. I made it quite clear what time these proceedings would conclude. Sammy Wilson, if you want to continue, that is fine, and you can use the whole time, but if Members of the Committee want to hear from His Majesty’s loyal Opposition, briefly, and then from the Government Minister responding to some of the points raised in the debate, that is entirely up to them. The question will be put at 21 minutes past.

**Sammy Wilson:** I was just giving way, Mr Pritchard, and then once I have, I will sit down.

**Jonathan Gullis:** The right hon. Gentleman was outlining the fact that this will be subject to EU regulations—article 7 of the protocol. Would the celebrated brake in the Windsor framework be able to be applied to the legislation, in his understanding?

**Sammy Wilson:** No, it would not, because the brake itself is totally ineffective. We have already had a huge debate on that in the past. With that, I will sit down, as I understand that there are people who wish to speak.

9.17 pm

**Abena Oppong-Asare** (Erith and Thamesmead) (Lab): It is a pleasure to serve on this Committee with you in the Chair, Mr Pritchard. As we have seen, there has been a meaningful debate today. I welcome the opportunity to address the measures laid out in the draft statutory instrument on behalf of the Opposition.

**Sir James Duddridge** *rose*—

**The Chair:** Order. Is the hon. Gentleman trying to intervene?

**Sir James Duddridge:** No, I rose to make a speech, and I believe that at least four other individuals behind me also rose to make a speech.

**The Chair:** I will say to the hon. Gentleman that he is on the speaking list. Every time he does these interventions and points of order, he is just eating into the time. I know the Minister will want to respond to some of the points that he and others have raised. If he wants to continue, that is fine—

**Sir James Duddridge:** I do. I have 18 questions for the Minister.

**The Chair:** Order. I ask the hon. Gentleman to resume his seat if he is not intervening on the shadow Minister. Unless she has accepted the intervention, he has to resume his seat. As I said at the beginning and in the proceedings after the votes, points of order that have previously been made will not be taken. I ask the hon. Gentleman again to please resume his seat.

**Abena Oppong-Asare:** As the Minister knows, the Opposition support the Windsor framework, and, as the Leader of the Opposition said in response to the Prime Minister’s statement on the Northern Ireland protocol in February, the red and green lanes proposal is a good one. I just have a few questions for the Minister about the explanatory memorandum, which makes clear the introduction of new powers that will be important both to His Majesty’s Revenue and Customs and UK Border Force to manage the risks of circumvention of the UK’s new obligations. Given the staffing pressures at HMRC in recent years, will she confirm that analysis has been done as to whether there is sufficient capacity in HMRC and Border Force to implement the regulations effectively? I have a number of other questions but intend to make interventions on those points.

9.20 pm

**Victoria Atkins:** We acknowledge the range of views on the framework, but I emphasise that the SI is solely concerned with the powers available to HMRC and Border Force to ensure that the improvements in respect of policies that we have secured through the Windsor framework are implemented.

**Adam Afriye:** Will the Minister give way?

**Victoria Atkins:** I would like to answer the shadow Minister’s questions and then I will happily give way.

In terms of HMRC, we are fully confident that we have the staff and resources to meet the expectations of not just this element, but the whole Windsor framework.

**Adam Afriye:** Will the Minister give way?

**Sir James Duddridge** *rose*—

**Victoria Atkins:** I give way to my hon. Friend the Member for Rochford and Southend East.

**Sir James Duddridge:** I was standing to be called in the debate to make my 18 points; I was not asking the Minister to give way—apologies.

**The Chair:** Order. I must now put the question.

*Question put:—*

*The Committee proceeded to a Division.*

**Liz Twist** (Blaydon) (Lab): On a point of order, Mr Pritchard. Would you confirm that you will be asking only those who are officially on the Committee to vote?



**The Chair:** Yes, only members of the Committee can vote.

*The Committee having divided: Ayes 11, Noes 1.*

**Division No. 1]**

**AYES**

Afolami, Bim  
Aiken, Nickie  
Atkins, Victoria  
Baillie, Siobhan  
Britcliffe, Sara  
Chapman, Douglas

Clarkson, Chris  
Howell, Paul  
Jupp, Simon  
Milling, rh Dame Amanda  
Stephenson, rh Andrew

**NOES**

Wilson, rh Sammy

*Question accordingly agreed to.*

*Resolved,*

That the Committee has considered the draft Postal Packets (Miscellaneous Amendments) Regulations 2023.

**The Chair:** Before I finalise proceedings this evening, may I say to right hon. and hon. Members that the strength of feeling has been heard by the Chair? I have been in the Chair 10 years and have never seen such a strong objection to some of what has gone on. As a neutral Chair, I cannot rule or take a view on that, but I can say to colleagues that the Clerks and I have heard them and we will pass back that strength of feeling to Mr Speaker.

9.23 pm

*Committee rose.*

