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Dr Andrew Murrison MP
Northern Ireland Affairs Committee
Committee Office
House of Commons
London, SW1A 2HQ

10 January 2019

Dear Chair,

Thank you for your letter of 20 December 2018 which seeks clarification of matters relating to the Government response to the Committee's report on Brexit and Agriculture in Northern Ireland (published on 22 October).

You reference the Government's response to paragraph 140 of the Committee's report and specifically how decision making on border checks would take place in a no deal scenario in the absence of a Northern Ireland Assembly.

As outlined in the Government response, the UK will not impose additional border checks (of the kind it currently conducts on imports from third countries) on imports of animals (including equines), plants and their products from the EU on Day 1, as it would be disproportionate to the risk posed.

As you know, this is a devolved area, and agreement has been reached with Wales and Scotland who also plan to take the same approach. This policy is subject to agreement in Northern Ireland, although the current lack of a NI Assembly is acknowledged. If agreed, it would mean that no additional checks at the border will be applied to agri-food goods from Ireland on Day 1 or in the immediate period after Day 1.

In all scenarios, the Government will continue to uphold its commitments under the Belfast Agreement, including the avoidance of a hard border and maintaining North-South Cooperation, including the Common Travel Area. We will continue to preserve the constitutional and economic integrity of the UK as a whole. The Prime Minister has been clear that in the event of no deal we will do everything in our power to prevent a return to a hard border.

The Government response notes that the Executive Formation and Exercise of Functions Act creates a period where Executive Ministers can be appointed at any time and a Government can be formed. The Northern Ireland Civil Service have been, and will continue to, play an important role in ensuring the continuity of public services in Northern Ireland during this period. The Act provides the NICS with the certainty and clarity they need to continue to deliver vital services in the public interest. It does not give them any new powers, but the guidance provides clarity on how they can continue to use their existing powers in the public interest. It would be for the NICS to consider whether they could take the relevant decisions on border checks in a no deal scenario.

You will be aware that we also consider UK Government intervention, on a case by case basis and where absolutely necessary, should the NICS be unable to take decisions of this nature. We have been consistently clear that we will take those decisions which are necessary to provide good governance and political stability for Northern Ireland. However, the UK Government's priority in Northern Ireland continues to be the restoration of the NI Executive.

I hope that this response is helpful to the Committee's consideration of these issues.

Yours sincerely,



RT HON KAREN BRADLEY MP
SECRETARY OF STATE FOR NORTHERN IRELAND