

UPDATE: DEVELOPMENTS FROM JULY 2021 TO SEPTEMBER 2021

This section identifies significant developments from the beginning of July 2021 to mid-September 2021 that are of particular relevance for this book. The section is divided into six main parts: (1) legal challenges to the Withdrawal Agreement (WA), the Protocol, and/or the Trade and Cooperation Agreement (TCA) in UK or Irish courts; (2) cases in which the Protocol has been or is going to be relied on; (3) the various proposals and counter-proposals on how to address the practical outworking of the Protocol in Northern Ireland; (4) developments relevant for the outworking of the Common Travel Area (CTA);¹ (5) developments in the area of environment and trade; and (6) issues concerned with citizenship, particularly the rights of EU citizens in Northern Ireland. Each part identifies which chapter of the book is particularly impacted by the development discussed.

1 Legal Challenges to the Protocol

Allister Case

[Chapters 1, 2, 6 and 10]

At the end of June 2021, Coulton J of the Northern Ireland High Court handed down a lengthy and thorough judgment on the constitutional challenge to the Protocol by a group of Unionist politicians and others.² Although the applicants' formal challenge was to a set of UK regulations (the Protocol on Ireland/Northern Ireland (Democratic Consent Process) (EU) Regulations 2020), the court recognized that the challenge was in effect to the Protocol itself, and to the European Union (Withdrawal) Act 2018 (EUWA 2018) and the European Union (Withdrawal Agreement) Act

¹ I am grateful to Imelda Maher for the information in the section on the CTA.

² *In the matter of an application by Allister, et al* [2021] NIQB 64.

2020 (EUWAA 2020) which implemented the Protocol in UK law, under which the 2020 Regulations were made.

The five grounds of challenge were: first, that the Protocol and the 2020 Regulations were incompatible with Article VI of the Act of Union 1800 which the applicants described as a ‘constitutional statute’; second, that section 1(1) of the Northern Ireland Act 1998 (NI Act 1998) prevented what they described as ‘the profound constitutional changes in the relationship of Northern Ireland with Great Britain’ that they claimed were effected by the Protocol (a similar argument was made by a separate applicant, using the Belfast-Good Friday Agreement (‘the 1998 Agreement’) as the basis for this claim); third, that the UK government acted incompatibly with the constitutional safeguards enshrined in section 42 of the NI Act 1998 in making an agreement with the EU which included Article 18 of the Protocol (which provides the opportunity for taking a vote on democratic consent in Northern Ireland on the continued application of Articles 5–10 of the Protocol but without requiring that the vote be subject to cross-community acceptance); fourth, that the effect of the Protocol is that laws made by the EU will continue to be applicable in Northern Ireland without the electorate there being granted the free expression of their opinion in the choice of the legislature making those laws, and was therefore contrary to Article 3 of Protocol 1 ECHR and Article 14 ECHR; and fifth, that the Protocol is invalid because it conflicts with EU law and in particular Article 50 of the Treaty of the European Union and Article 10 of the Treaty on European Union (TEU).

The High Court comprehensively rejected all of these arguments and judicial review on any or all of these grounds was refused. It is unclear at the time of writing whether the applicants will seek to appeal any or all of these issues.³

JR83 Case

[Chapters 1, 2, 6 and 10]

At the end of August 2021, the Northern Ireland Court of Appeal refused a renewed application for leave to issue judicial review proceedings

³ For commentary on the judgment, see C Murray, ‘Vichy France and Vassalage: Hyperbole versus the Northern Ireland Protocol’, UK Constitutional Law Blog (1 July 2021) (available at <https://ukconstitutionallaw.org/>) and Anurag Deb, ‘The Union in Court: Allister and Others’ Application for Judicial Review’ [2021] NIQB 64 *Northern Ireland Legal Quarterly*, Advance Vol 72 AD1: 91 (<https://nilq.qub.ac.uk/index.php/nilq/article/view/943>).

against the decision of the Prime Minister to sign the WA including the Ireland–Northern Ireland Protocol.⁴

On 30 October 2020, the appellant had sought leave to issue judicial review proceedings seeking a declaration that the decision of the Prime Minister on 24 January 2020 to sign the WA, including the Protocol, was unlawful in that he did not intend that the UK government would fully implement the agreement. The application for leave, which was lodged more than nine months after the WA had been signed by the Prime Minister, was refused on the basis that the court did not consider that the mindset of the Prime Minister when signing the WA was a matter that the court could or should examine.

The appellant renewed her application to the Court of Appeal on the basis that the decision of the Prime Minister frustrated the will of Parliament and that it was unlawful for the Prime Minister to sign the WA if he did not intend to adhere to and fully implement it. The trigger for the renewed application was the publication of the UK Internal Markets Bill, which included provisions authorizing the UK government to breach international law, including the Protocol (subsequently blocked by the House of Lords), and statements at that time by ministers justifying its introduction.

The Court of Appeal held that this was an impermissible challenge to the introduction of the Bill which was prohibited by Article 9 of the Bill of Rights Act 1689, which precludes the courts questioning the lawfulness of proceedings in Parliament. The Court considered that the appellant sought to challenge the substance of inherently political decisions about the manner in which negotiations with the EU about the terms of exit were conducted. In any event, the challenge proceeded on the basis that the appellant wished to see the implementation of the WA, which was now academic as that outcome had been secured by the signing of the Agreement by the Prime Minister.

Human Rights Act Challenge to Protocol

[Chapters 1, 2, 6 and 10]

Other groups and individuals have also been reported as having considered challenging the Ireland–Northern Ireland Protocol in judicial review

⁴ *In re JR83 (EU Withdrawal Agreement)* [2021] NICA, 1 September 2021, www.judiciaryni.uk/sites/judiciary/files/decisions/Summary%20of%20Judgment%20-%20Court%20Refuses%20Leave%20to%20Issue%20Proceedings%20Against%20Prime%20Minister%20-%20In%20re%20JR83%20%28EU%20Withdrawal%20Agreement%29%20.pdf.

proceedings in the English High Court on the basis that the Protocol was incompatible, *inter alia*, with the property rights of traders in Northern Ireland, as protected by Article 1 of Protocol 1 to the European Convention on Human Rights (ECHR), and the rights of the people of Northern Ireland, as protected by Article 3 of Protocol 1 (ECHR). It appeared that the aim would have been to attempt to secure Declarations under section 4 of the Human Rights Act 1998 that section 7A of the EUWA 2018 and all other provisions giving effect to the Protocol in UK law are incompatible with Article 3 of Protocol 1. So far as is known at the time of writing, these proceedings have not (yet) been issued.

Challenge to the Surrender Provisions in Ireland

[Chapters 11 and 23]

In Case C-479/21 PPU, *SN v The Governor of Cloverhill Prison, Ireland and the Attorney General; SD v The Governor of Mountjoy Prison*, the Supreme Court of Ireland referred several questions for preliminary ruling to the Court of Justice of the European Union (CJEU). The applicants challenge the validity of the application of the surrender provisions of the WA and the TCA in Ireland, on the basis that the EU did not have the competence to bind Ireland to those arrangements. The argument, in brief, is that the EU did not have the competence to bind Ireland to these surrender provisions by virtue of the provisions of Protocol 21 to the TEU and the Treaty on the Functioning of the European Union (TFEU) '[o]n the Position of the United Kingdom and Ireland in Respect of the Area of Freedom, Security and Justice [AFSJ]', which the applicants argue indicates that the EU lacks the competence to bind Ireland to EU law measures in the AFSJ.⁵ A judgment is awaited from the CJEU.

2 Use of the Protocol in Litigation

Challenge to Abortion in Northern Ireland

[Chapters 3, 9 and 12]

In a case that due to be heard in the Northern Ireland High Court at the beginning of October 2021, SPUC Pro-Life Limited seeks to challenge the validity and lawfulness of the Abortion (Northern Ireland) Regulations 2021 (the 2021 Regulations) on several grounds. Of particular relevance

⁵ With thanks to Stephen Brittain for this information.

for the operation of the Protocol, several of the grounds of challenge argue that the Regulations are contrary to Article 2 of the Protocol. In brief, SPUC Pro-Life Limited argues that insofar as the 2021 Regulations are intended to facilitate the implementation of abortion on the ground of disability, they are ultra vires by reason of Article 2(1) of the Protocol, as well as being ultra vires as incompatible with a general principle of EU law (the prohibition of discrimination) contrary to Article 2(1) of the Ireland–Northern Ireland Protocol. As part of their claim, the applicants argue that when the Abortion Regulations were made, EU law (in the form of the United Nations Convention on the Rights of Persons with Disability) and the general principles of EU law prevented the provision of abortion on the ground of disability. The Equality Commission for Northern Ireland (ECNI) has intervened to assist the Court on these issues.⁶

Challenge to Triggering of Article 16 (Safeguards)

[Chapters 1 and 25]

In January 2021, the Commission, briefly, appeared to propose that it would trigger Article 16 of the Protocol on safeguards. An action has been initiated (Case T-161/21, *McCord v Commission*) seeking an order from the General Court of the European Union annulling the decision (or the draft Regulation, or both) of the Commission and (in effect) requiring the Commission to publish its policy on the circumstances in which the Commission would trigger Article 16 in the future.

3 Proposals on the Operation of the Protocol

Grace Period for Chilled Meats

[Chapters 1 and 17]

In the UK's Unilateral Declaration to the Joint Committee on 17 December 2020 regarding meat products, of which the European Union took note the same day, the UK had been effectively permitted a 'grace period' for the movement of chilled meats from Great Britain to Northern Ireland, until the end of June. At the end of June, the UK government extended this period until 30 September 2021, which meant

⁶ Christopher McCrudden is counsel for the ECNI in this case.

that the full set of EU regulatory requirements would continue not to apply.

As before, the Commission ‘took note’ of this extension by the UK government, indicating that it would not oppose this move, at least for the time being, and making clear that the purpose of this additional period was to allow stakeholders, and in particular supermarkets in Northern Ireland, to complete the adjustment of their supply chains. Although a lighter touch regulatory system is in operation, conditions are still applicable during the grace period,⁷ including that chilled meats are sold exclusively to end consumers in supermarkets located in Northern Ireland, and they are not to be sold to other operators of the food chain; and that they will bear a label making clear that the products are for sale only in the United Kingdom.

In September 2021, prior to the end of the grace period at the end of that month, the UK government announced that it would again extend the grace period for chilled meats entering Northern Ireland from GB, this time indefinitely. The Commission responded by again ‘taking note’ of this development, of which it had been notified previously, and indicating that it would not take action against the UK, considering that the grace period should be used to attempt to reach a sustainable longer-term resolution of issues concerning the Protocol, including proposals advanced by the UK government in July 2021 (see next section).

European Commission June Package

[Chapters 1, 4 and 7]

At the end of June 2021, the European Commission proposed a package of measures to address some of the most pressing issues related to the implementation of the Protocol,⁸ including (in effect) agreeing to extend a grace period for the movement of chilled meats from GB to Northern Ireland (see above section). In its June package, the Commission also put forward measures in a number of other areas. According to the Commission, these measures were to ensure that the application of the Protocol impacted as little as possible on the everyday life of communities

⁷ Declaration by the United Kingdom on Meat Products: 30 June 2021, www.gov.uk/government/publications/declaration-by-the-united-kingdom-on-meat-products-30-june-2021.

⁸ European Commission, ‘EU–UK Relations: Solutions Found to Help Implementation of the Protocol on Ireland and Northern Ireland’, Press Release, 30 June 2021, https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3324.

in Northern Ireland. In all cases, the measures took advantage of flexibilities and technical solutions permitted by the Protocol itself, rather than necessitating any departure from or renegotiation of the Protocol, or invoking the safeguard provision.

Regarding the long-term supply of medicines from Great Britain to Northern Ireland, the EU offered to change its own rules so that regulatory compliance functions for medicines authorized by the UK for the Northern Ireland market, in accordance with the Protocol, could be located in Great Britain, subject to specific conditions ensuring that the medicines concerned are not further distributed in the EU Internal Market.

Regarding the movement of livestock from Great Britain to Northern Ireland, several further measures were identified, including: removing the need for re-tagging when animals move multiple times between Great Britain and Northern Ireland during their life; working on a regulatory solution to facilitate the swift return of livestock to Northern Ireland from exhibitions or trade fairs in Great Britain; and facilitating the movement of sheep and goats between Great Britain and Northern Ireland. Other measures identified included measures ensuring the continued supply of guide dogs, as well as a decision waiving the need to show an insurance green card.

UK Government's July Proposals

[Chapters 1, 4, 7, 17 and 19]

Clearly, the UK government did not consider these measures sufficient. In July 2021, the UK government published a Command Paper setting out its analysis of the operation of the Protocol to date, and making proposals for a revision of the Protocol.⁹ It accused the Commission of applying the Protocol in an inflexible way and it considered that the tensions that the Protocol resulted in (in terms of the strain it was placing on Northern Ireland institutions, trade and identity) meant that the Protocol in its current form was unsustainable.

The issues that the government considered needed to be renegotiated focused primarily on trade in goods, state aid, and the overarching institutional architecture of the Protocol, rather than the arrangements for the CTA, the workings of the all-island Single Electricity Market, and the provisions that ensure that there is no diminution of human rights in

⁹ HM Government, *Northern Ireland Protocol: The Way Forward* (CP 502, July 2021).

Northern Ireland as a result of the UK's withdrawal from the European Union. These latter issues the paper considered 'not controversial'.¹⁰

Safeguard Provision

[Chapter 25]

The paper disclosed that the UK government had considered invoking the Protocol Article 16 safeguard provisions, and that it considered that it would have been justified in doing so but had ultimately concluded that it would not do so, at this time. Instead, it proposed a set of significant changes to both the operation and the structure of the Protocol itself to which it hoped that the EU would agree. In September, Lord Frost again reiterated that triggering Article 16 would be justified in the current circumstances, although the government preferred to negotiate changes to the Protocol with the Commission.

Trade in Goods

[Chapters 6 and 17]

As regards trade in goods, the paper proposed two major sets of changes: first, 'ensuring that full customs and SPS [sanitary and phytosanitary] processes are applied only to goods destined for the EU';¹¹ and second, 'allowing goods made to UK rules and regulated by UK authorities to circulate freely in Northern Ireland as long as they remain in Northern Ireland'.¹²

As regards the first, 'one possible alternative' suggested was that there

would be arrangements under which it would be the primary responsibility of any UK trader moving goods to Northern Ireland to declare whether the final destination of those goods was Northern Ireland or Ireland. Full customs formalities would be required for goods going to Ireland and the UK would undertake to enforce them. Other goods would not require customs processes.¹³

Ensuring that these arrangements would be implemented in practice would be by way of a 'light touch' system of primarily self-regulation,

¹⁰ Ibid, para 37.

¹¹ Ibid, para 39.

¹² Ibid, para 40.

¹³ Ibid, para 48.

with only periodic checks ‘on a risk-based and intelligence led basis’.¹⁴ Additional arrangements would also address SPS requirements for the transport of live animals (with the exception of pets) and certain plant products (with the exception of garden plants and seeds), with a regulatory regime essentially mirroring that which had existed for the transport of animals between GB and Northern Ireland prior to Brexit.

Regarding the second, the circulation of goods within Northern Ireland, the UK government proposed a dual regulatory regime in Northern Ireland. ‘Goods, whether manufactured or SPS goods, should be able to circulate within Northern Ireland if they meet either UK or EU rules, as determined by UK or EU regulators, and should be labelled accordingly.’¹⁵ On the other hand, ‘goods destined or produced for the EU Single Market would need to meet EU rules in full’,¹⁶ including full normal EU customs processes. Medicines would need to be treated differently, however, and the difficulties were such that it was proposed that ‘the simplest way forward may be to remove all medicines from the scope of the Protocol entirely’.¹⁷

State Aid

[Chapter 19]

On state aid (or ‘subsidy controls’, as the proposals term it), the government argued that Article 10 of the Protocol was ‘redundant’ in its current form,¹⁸ but was willing to accept ‘enhanced processes for any subsidies on a significant scale relating directly to Northern Ireland’.¹⁹

Governance

[Chapters 1, 2, 4 and 5]

As regards the institutional arrangements proposed, the UK government’s position was clear and wide-ranging: reforming the governance arrangements by ensuring that ‘the relationship between the UK and the

¹⁴ Ibid.

¹⁵ Ibid, para 59.

¹⁶ Ibid.

¹⁷ Ibid, para 61.

¹⁸ Ibid, para 64.

¹⁹ Ibid, para 65. See further George Peretz QC and James Webber, ‘The UK’s Proposed Revisions to Article 10 of the Northern Ireland Protocol: A Sensible Basis for Negotiation’, *EU Relations Law*, <https://eurelationslaw.com/blog/the-uks-proposed-revisions-to-article-10-of-the-northern-ireland-protocol-a-sensible-basis-for-negotiation>.

EU is not ultimately policed by the EU institutions including the Court of Justice',²⁰ using only international arbitration, and increasing the role that Northern Ireland actors, including the Assembly and the Executive, and wider Northern Ireland civic society and business would play in being consulted on future changes in EU law that affect Northern Ireland.

Regarding the role of the CJEU, the UK government sought to abolish the current arrangements and substitute instead an arrangement equivalent to that which operates under the TCA, what the government refers to as 'a normal treaty framework',²¹ stripping away any role for the CJEU and the European Commission in ensuring compliance with the Protocol. The paper recognized that such a change would require a new agreement, as envisaged under Article 13(8) of the Protocol.

As regards giving a greater role to Northern Ireland, the UK government suggested that where EU law continues to apply in Northern Ireland, it will be necessary to establish 'more robust arrangements to ensure that, as rules are developed, they take account of their implications for Northern Ireland – and provide a stronger role for those in Northern Ireland to whom they apply (including the Northern Ireland Assembly and Executive, and wider Northern Ireland civic society and business)'.²²

Pausing Infringement Action

[Chapters 1, 5, 8, 9 and 25]

Following this, Vice-President Maroš Šefčovič released a statement on the same day as the UK government's proposals were published, in which he said: 'We are ready to continue to seek creative solutions, within the framework of the Protocol, in the interest of all communities in Northern Ireland. However, we will not agree to a renegotiation of the Protocol.'²³ In one respect, however, the Commission was more disposed to accept a UK proposal made in the context of its July proposals to ease tensions between the UK and the EU. The UK had proposed a 'standstill period' while negotiations continued which would allow the grace periods due to expire in September to continue after that date, and (critically) for a freeze on legal action by the Commission. The Commission, in

²⁰ Ibid, para 41.

²¹ Ibid, para 69.

²² Ibid, para 71.

²³ Statement by Vice-President Maroš Šefčovič following today's announcement by the UK government regarding the Protocol on Ireland–Northern Ireland, Brussels, 21 July 2021.

response, indicated that it would consider the issue of the grace periods (subsequently agreed in September – see ‘Grace Period for Chilled Meats’, above), and agreed that it would pause its infringement action against the UK, and not move to the next stage of issuing a Reasoned Opinion.

4 Common Travel Area

[Chapters 1, 2 and 14]

MOU between Irish and UK Governments on Education

The Irish and UK governments signed a Memorandum of Understanding (MOU) in July 2021 recognizing reciprocal rights for students from primary to university level. Significantly, unlike other EU students, Irish students will be treated as equivalent to British students.²⁴

Mutual Recognition of Qualifications

Bilateral meetings between the Irish Department of Education and the UK’s Department of Business, Energy and Industrial Strategy commenced in January 2021 on mutual recognition of qualifications.²⁵ There is an expectation that these arrangements covering 190²⁶ professions of which 44 are regulated by competent authorities or in Ireland will be replaced by EU/UK mutual recognition under the CTA, but that will take several years. In the meantime, this administrative approach has led to some variation between Irish and UK regulators, for example with some professions adopting MOUs and others modifying their third-country qualifications policies to recognize those from the UK.²⁷ In

²⁴ Memorandum of Understanding (MOU) on the Education Principles associated with the Common Travel Area. Not yet published; see Irish government press release, 14 July 2021.

²⁵ Seanad Committee on Withdrawal of UK from the EU: Contribution of Minister Harris, Minister for Further and Higher Education, Research, Innovation and Science, 26 April 2021, www.gov.ie/en/speech/2c0eb-seanad-committee-on-withdrawal-of-uk-from-the-eu-monday-26-april-2021/#erasmus-and-ni-students.

²⁶ The CIPD noted 182 professions, but this suggests that there may not be a single definition of ‘profession’.

²⁷ With engineers adopting a MOU and the Teaching Council and the Medical Council changing their third-country policies.

some instances, legislation is required, and where qualifications are part of wider EU Directives or international agreements then the UK profession has to take a competency test in Ireland.

Erasmus Scheme

The Irish government has agreed with the European Commission that Northern Irish students will be temporarily registered to Irish higher education institutions and can then avail themselves of the Erasmus scheme.²⁸

5 Environment and Trade

[Chapter 20]

The European Commission has proposed a wide-ranging set of proposals to tackle climate change ('Fit for 55'). As part of this package, in July 2021 the Commission proposed a carbon-border adjustment mechanism (CBAM)²⁹ which would require importers of certain goods from outside the EU (mainly electricity, iron and steel, cement, aluminium and some fertilizers) to pay a price for these imports that reflects their carbon content in order to ensure that there is no incentive to substitute imported goods for goods produced in the EU that will be subject to strict carbon emission standards. The issue that has arisen is how this requirement would apply in Northern Ireland if (as seems to be the case) the CBAM requirements fall within the scope of the requirements of the Protocol.³⁰ The Joint Committee (JC) would need to consent to the implementation of CBAM in Northern Ireland, under Article 13. One possibility would require amending Annex 2 to include this mechanism.³¹ The UK could also sign up to CBAM more generally, especially as it links to level playing fields. CBAM highlights the potential

²⁸ Ministerial speech (n 24).

²⁹ European Commission, Proposal for a Regulation of the European Parliament and of the Council Establishing a Carbon Border Adjustment Mechanism, COM(2021) 564 Final (14 July 2021).

³⁰ Sam Lowe, 'CBAM: What Might an EU Carbon-Border Adjustment Mechanism Mean for the UK?' UK in a Changing Europe, 3 August 2021, <https://ukandeu.ac.uk/eu-cbam-uk/>.

³¹ Elisabetta Cornago and Sam Lowe, 'Avoiding the Pitfalls of an EU Carbon Border Adjustment Mechanism', Centre for European Reform, 5 July 2021, www.cer.eu/insights/avoiding-pitfalls-eu-carbon-border-adjustment-mechanism.

for there to be major policy developments in the EU (or the UK), the potential for subsequent policy divergence (and knock-on effects) and the potential to try to address or limit this divergence through various mechanisms. By September, it did not appear that the JC had yet considered the proposal.³²

6 Citizenship Issues

[Chapters 12, 15 and 16]

Voting Rights

Currently, EU citizens have the right to vote in various UK elections. It was a requirement of membership of the EU that EU citizens living in the UK could both stand and vote in local elections. In August 2021, the UK government introduced legislation that would change these arrangements. Schedule 7 of the Elections Bill would limit the extent to which EU citizens would continue to have such voting rights.³³ EU citizens who have been living in the UK since before the end of the Implementation Period, which ended at 23:00 on 31 December 2020, will retain their local voting and candidacy rights, provided they retain lawful immigration status. The local voting and candidacy rights of EU citizens who arrived in the UK after this point, however, will rest on the principle of a mutual grant of rights, through agreements with EU member states. The voting and candidacy rights of Irish citizens are not affected by these measures, as these long-standing rights long predate EU membership, but these changes will affect both local and Assembly elections in Northern Ireland. Following the successful passage of the Elections Bill, measures to bring about these changes will be made using secondary legislation. Whether these proposed changes are consistent with Article 2 of the Protocol remains to be seen.

Citizenship and Passports

At the end of the UK parliamentary session in the summer of 2021, the Northern Ireland Affairs Committee issued its report on citizenship and

³² With thanks to Mary Dobbs and Viviane Gravey for this information.

³³ Policy paper, 'Local Voting Rights for EU Citizens Living in the UK', 17 June 2021, www.gov.uk/government/publications/local-voting-rights-for-eu-citizens-living-in-the-uk/local-voting-rights-for-eu-citizens-living-in-the-uk.

passport processes relating to Northern Ireland.³⁴ The Committee recommended that the UK government take steps to facilitate Irish citizens applying for UK citizenship, including waiving applicable fees and the taking of tests as part of the application process, in light of the historic connections between the UK and Ireland.³⁵ This suggestion, it must be noted, is not grounded in any requirements under the 1998 Agreement. With regard to the 1998 Agreement's birthright provisions, the Committee was convinced that there was significance to the phrase 'to be accepted as [a British or Irish citizen, or both]', and urged the UK government to clarify its interpretation and negotiate a common understanding with the Irish government.³⁶ A response from the UK government is awaited.

Christopher McCrudden
10 September 2021

³⁴ Thanks to CRG Murray for the information in this paragraph.

³⁵ Northern Ireland Affairs Committee, *Citizenship and Passport Processes Relating to Northern Ireland* (2021) HC 158, para 7.

³⁶ *Ibid*, para 14.