

## EU and UK laws – what a different approach to framing them

Over our years in the EU growing volumes of legislation have been passed by the EU. Some of it is directly acting through EU Regulations requiring no UK Parliamentary endorsement. Much of it is embodied in Directives, which require the UK Parliament to pass a UK law to achieve the stated aims and reproduce the detailed proposals in the Directive. Some of these measures have replaced good UK laws, and reflect a general wish to have high standards of employment law or environmental regulation. Some have been meddlesome and damaging, as with the fishing regulations. I do not wish today to go into the balance of good and bad law that came from the EU. I fully accept that some EU law is good law we want anyway and all of it after we have left becomes UK law to ensure immediate continuity. I want instead to examine the very different approach legislators have adopted to these two types of law.

Parliament has not been able to consider or amend any Regulation. Opposition parties in the UK have very rarely objected to Directives that have come from Brussels. They have accepted a form of approval which prevents amendment to the draft law. However long and complex the EU Directive is, it is embedded in UK law as a Statutory Instrument using what are known as Henry VIII powers for government to press Parliament to pass something with little debate and no amendment. These powers are normally reserved for the detail needed to implement primary legislation which has been through a long, argumentative process with plenty of scope for amendment in the UK Parliament. In the case of EU law this does not happen, as the enabling Statute is the European Communities Act 1972 which created the most massive Henry VIII power of them all allowing any legislation from the EU to go through as an SI. Opposition parties have also always accepted government advice that they have to pass the relevant SI because it is a requirement of Brussels, backed up by the threat of court action in the ECJ and fines if we do not comply. Parliament has never turned down an EU Directive. Domestic legislation requiring SIs to implement them does sometimes encounter refusal to enact with the government having to take it away and rewrite the SI or abandon the attempt to push it through. The more law we have that comes from the EU, the less Parliament can amend and improve in future. Parliament's role in updating and improving our law codes has become more and more impeded by the rapid growth of EU competence and law.

Recently the Commons was asked to enact the EU's General Data Protection legislation, even though this was already a directly acting Regulation, so keen was the civil service to see it fully into effect. I have no problem with the principle that governments and companies holding and handling data should be careful with it and protect people from harm from its theft or inappropriate use. There were already laws in place before the GDPR to do this. Maybe they needed improvement and updating. What I thought was interesting was there was little opposition attempt to amend or criticise the EU approach to this task. Small charities complained that it was very heavy

handed, forcing them to spend a lot of money on advice and new systems to carry on holding lists of their supporters and communicating with them when they were not in any way unhappy or threatened. Small businesses were concerned about their marketing lists and often had to spend a lot of money on advice and systems when they had caused no problems before. If these proposals had been a UK government initiative requiring normal primary legislation I am sure the opposition would have put up much more of a fight to try to improve the legislation.

In the endless and repetitious iterations of Project Fear 2 all we hear about is trade and trade deals. We need to remember one of the central tasks the public want us to do. They want us to restore a fully functioning Parliament which properly probes and amends government legislation on all matters before the Parliament including all those that are currently fixed in Brussels and not subject to any decent scrutiny.

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## [West Berkshire receives extra money to tackle rough sleeping](#)

The government today has announced help for 83 Council areas with rough sleeper problems. West Berkshire is in the list, and will qualify for £264,820 from this budget. The government is determined to work with local authorities to provide an alternative to anyone sleeping out on the streets.

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## [Swedish Democrats](#)

The trend on the continent to the destruction of the main centre left and centre right parties continues apace. The Social Democrats and the Christian Democrats in most countries have lost their supremacy as leading parties capable of polling well and even forming majority governments. That is so pre Euro and twentieth century.

Sweden still has a government led by the Social Democrats, though it is a minority administration that needs the good will of a number of opposition parties to allow it to pass a budget and stay in office, even with its coalition partners the Greens making it a larger minority. The latest polls for the forthcoming General Election show a strong spurt in the performance of the Swedish Democrats, a populist anti immigration party. The other parties regard the Swedish Democrats as unacceptable and wish to keep them out of government. Polling at 20% in the latest surveys, the SD remain around

5% below the Social Democrats.

Italy has established a government out of the Lega and Five Star, two challenger parties that did better than the Socialists and Forza, itself a remodelled centre right party to displace the Christian Democrats more than twenty years ago. Spain still has a Socialist led government, but in a minority and needing to do deals with the challenger parties to get anything through.

So what do these new parties want? They want some relaxation of EU budget controls. Several of them want a reduction in migration into the EU and a change of policy towards economic migrants. Many will be happy to stay with the EU but want it substantially reformed, whilst others think the EU is a big part of the problem and openly campaign to quit the Euro or leave the EU altogether.

The EU needs to think carefully how it responds to these mass movements. So far the Commission seems to think it can just ignore these elections. Even more bizarre is the way traditional parties just accept their fate and do nothing to get back in touch with voters as that would require standing up to the EU.

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## **Chequers explained: the EU is just offering a costly Withdrawal Agreement for now.**

There is no chance of the government securing a legally binding agreement that implements all the proposals in the Chequers paper. The EU has made that clear, and the government itself has said it will need to make more compromises. This implies it will give the EU more wins over and above those included in the Chequers draft.

We need to remember what the EU has in mind and what Chequers glosses over in the negotiations to date. The EU wants the UK to sign a Withdrawal Agreement before we leave. This would bind us in to the EU for a further 21 months, require us to pay an estimated £39bn, much of it over the next two years, and would prevent us from exploiting any of the benefits of Brexit in terms of UK legislative change from EU laws, and deny us new trade deals with non EU countries. I have never seen the rationale for such an Agreement from the UK point of view. Delay is particularly frustrating. What could we agree in 21 months that we have been unable to agree in the 33 months from the vote until official exit day? Why is more business uncertainty after March 2019 a good thing, when Remain tell us it is bad thing prior to departure?

The UK government has in mind a Future Comprehensive Partnership. The EU sees

this as meaning the UK will have to sign an EU Association Agreement, normally reserved for countries wanting to join the EU to bring them more formally into line with EU legal requirements. No-one thinks there will be a full Association Agreement ready to sign before March 2019 so it would be a promissory note of a possible Agreement. Why would any government wish to sign away so much money in a Withdrawal Agreement when the prize it says it wants will not be properly defined or legally binding at the same time?

Many people including me think an Association Agreement would be a bad idea. It would bind us into the rules of the single market – just for goods under the Chequers model but for the whole thing according to Mr Barnier. The EU would then want budget contributions, powers for the European Court and the rest of their mantra that you have to observe all the rules and pay the bills if you want to remain in the single market.

Understanding this Vote Leave campaigned to leave the single market and customs union as part of leaving the EU. Dressing up belonging as some new Partnership will not wash with Leave voters, and will not wash in its Chequers form with the EU. The one thing many people can unite behind is in ruling out signing the Withdrawal Agreement, as that on its own is very clearly a bad deal.

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## [A new migration policy](#)

Amber Rudd told us there would be a government White Paper on a new migration policy for the UK during the first winter after the Brexit vote. Iain Duncan Smith did a lot of work on what one could look like and sent it to her. 2 years on from the decision to leave we still await the government's proposals. We are told they are coming soon. I would like them to be ready for our exit on 29 March 2019, the date the PM has promised again for us to leave in accordance with the legislation now passed.

Iain's ideas revolve around the current government policy of bringing net migration down to tens of thousands from the quarter of million level that has been common in recent years. That should not cause the PM problems as she has defended this target and repeated it in the 2017 election. He proposes in line with the official Leave campaign that the new policy should not give preference to people from the EU over people from the rest of the world. There should be common criteria for assessing eligibility.

Students coming to study at recognised universities and Colleges should be free to come. Anyone with their own means should be welcome. Anyone with high level qualifications or with skills we are short of should be permitted. Anyone coming to visit, to travel, to be a tourist would of course be welcome. The new controls would operate on anyone coming from the EU as well as elsewhere who wanted to come to look for a job or take up a low paid job, who would need benefit top ups and social housing. The UK would of course

continue to offer asylum where appropriate.

We want a policy which is good for the UK economy and fair to all from around the world. We want people who come to settle here to have access to good affordable housing and decently paid employment. We also want that for all those already here and born here, at a time when lower wages have been kept down and when housing in many areas is in short supply. The sooner we have a fair and sensible migration policy, the sooner we can get on top of the housing and pay issues.