

# Consultation launched on post-EU reforms for British courts

Press release

A 6 week consultation launched today (2 July 2020) seeks to deliver on the public's wish – expressed in the 2016 referendum – for British courts to be the ultimate arbiters of our law.



- consultation opens to seek views from legal sector, businesses and judiciary
- ministers act so that EU case law can be reconsidered more rapidly by our courts
- government delivers on commitment for UK courts have the final say on legal disputes

Views are being sought from the legal sector, business, and the judiciary on which British courts should have the power to depart from retained EU case law. At present, only the UK Supreme Court and the High Court of Justiciary in Scotland will have this power from 31 December 2020.

Under proposals set out by the Lord Chancellor Robert Buckland, more courts would be given the power to move away from those EU case laws which we retain – such as those concerning our fisheries, borders or taxes. This will enable the law to evolve more flexibly to recognise the UK's changing status following on from our departure from the EU, as we take back control of our laws.

Following the Transition Period, British judges will be able to reconsider these types of cases in the new context of the UK's departure from the EU.

Lord Chancellor said:

Since leaving the EU we are no longer bound by European laws, and it is absolutely right that British courts have the final say on legal disputes.

We will work with judges and the legal sector to decide exactly which courts should have the power to depart from retained EU case law and will set out our plan in due course.

The [consultation](#) sets out 2 options to expand the number of UK courts and tribunals that can depart from retained EU law, whilst maintaining legal certainty across the country. The Ministry of Justice will consider extending the powers to either:

- The Court of Appeal of England and Wales, the Inner Court of Session in Scotland, the Court of Appeal Northern Ireland and equivalent level courts throughout the UK;
- or, those courts and the High Court of England and Wales, the Outer House of the Court of Session in Scotland, The Sheriff Appeal Court in Scotland, the High Court of Justiciary, and the High Court in Northern Ireland.

The government will continue to work with the devolved assemblies, legal professionals, judges, and business to make sure our legal sector's world-leading status is maintained and our courts are equipped with the powers they need.

All responses to the consultation will be carefully considered, with next steps set out in due course. Any change to regulations would require legislation.

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## **OSCE Representative on Freedom of the Media: UK statement**

The United Kingdom welcomes the Representative on Freedom of the Media, Mr Harlem Desir, back to the Permanent Council and we thank you for your continued work to promote and defend media freedom since your last report.

Let us first put on record our support for you and your team's dedicated work to hold all OSCE participating States to account, and in doing so to support us as we implement our commitments on media freedom.

The content of your report demonstrates the need for greater attention to media freedom, and reminds us of the foresight of our predecessors, when they created the Representative on Freedom of the Media over twenty years ago.

Despite the achievement of securing the Milan Decision on Safety of Journalists in 2018, it is clear that all states must remain vigilant

regarding threats to journalists and media actors across the OSCE region. We remain concerned over the number of attacks, threats and harassment of journalists in a wide number of States, as well as the use of legal threats to intimidate or silence journalists.

We also remain concerned over the specific and distinct threat that women journalists face when their work and their gender intersects. We therefore appreciate the efforts of your office, over a number of years, to understand and respond to the gender-related aspects of safety of journalists. We look forward to the forthcoming publication of the Resource Guide on Safety of Female Journalists Online.

More recently, we appreciate the vigilance of your office during these unprecedented times, and welcome the joint statement on COVID-19 issued together with the UN Special Rapporteur on Freedom of Opinion and Expression, and the Organisation of American States Rapporteur on Freedom of Expression, calling on states to promote and protect access to, and the free flow of, information during the pandemic.

In this context, we are concerned by the increase in measures to criminalise content, including by the use of defamation laws, or the introduction of new legislation. As your March joint statement said "Any attempts to criminalise information relating to the pandemic may create distrust in institutional information, delay access to reliable information and have a chilling effect on freedom of expression." In this context, we also call on States to support public service broadcasting and to ensure that journalists have access to information.

As we said in March, a free press is crucial for a comprehensive response to the ongoing COVID-19 pandemic. Their work serves to keep societies informed, to promote proper health measures and to counter false or misleading information. It allows people to access credible information to protect their health and that of their communities. It allows people to recognise problems that must be addressed and to hold their governments to account.

Mr Chairman, one year ago, the United Kingdom, together with Canada, launched the Media Freedom Coalition. To date, 36 countries are members of the coalition of which 25 are OSCE participating States. The first full meeting of Senior Officials of all Coalition members met in Geneva in January, and we are grateful that a member of your team was able to participate in this meeting.

Since its launch the Media Freedom Coalition have reaffirmed members' commitment to media freedom through our statement on World Press Freedom Day and highlighted the continued importance of Media Freedom during the coronavirus pandemic. We look forward to upcoming events such as the postponed World Press Freedom Day conference in December, and more immediately, your event on artificial intelligence and free speech this month. Such events provide an opportunity for Coalition members to work with your team to take this important work forward to protect and promote media freedom.

The RFOM is a critical institution. And it is important that the RFOM is able to carry out their mandate in an impartial, independent and objective manner. Just as you have done Mr. Desir.

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## Change of Her Majesty's Ambassador to Ireland: September 2020

Press release

Mr Paul Johnston has been appointed Her Majesty's Ambassador to Ireland in succession to Mr Robin Barnett CMG who will be retiring from the Diplomatic Service.



Mr Paul Johnston has been appointed Her Majesty's Ambassador to Ireland in succession to Mr Robin Barnett CMG who will be retiring from the Diplomatic Service. Mr Johnston will take up his appointment during September 2020.

### **CURRICULUM VITAE**

Full name: Paul Charles Johnston

Married to: Nicola Carol Johnston

2017 to 2020	Brussels, UK Ambassador to the EU for Political and Security Affairs, UK Permanent Representation to the EU
2015 to 2017	Brussels, Deputy Permanent Representative, UK Permanent Representation to NATO
2011 to 2015	Stockholm, Her Majesty's Ambassador and Director Nordic-Baltic Network
2008 to 2010	FCO, Director, International Security
2005 to 2008	New York, Political Counsellor, UK Mission to the United Nations

2002 to 2004	FCO, Head, Security Policy Department
1999 to 2002	FCO, Various roles including Head of Kosovo Policy Team; Head of European Defence Section; and Deputy Head of Department for EU External Policy
1995 to 1999	Paris, Private Secretary to Her Majesty's Ambassador and subsequently Second Secretary covering, inter alia, the former Soviet Union and former Yugoslavia
1993 to 1995	FCO, Desk Officer for Bosnia and Herzegovina, Eastern Adriatic Department
1990 to 1993	Ministry of Defence, roles including on International Procurement Policy, Resources and Programmes (Navy) and as Private Secretary to the 2nd Permanent Under Secretary

## Further information

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# Schools and colleges to reopen in full in September

Current restrictions on group sizes will be lifted to allow schools, colleges and nurseries to fully reopen to all children and young people, as Covid-19 infection rates continue to fall.

Covid-19 secure measures will remain in place to reduce the risk of transmission, with schools being asked to keep children in class or year group sized 'bubbles' and encourage older children to keep their distance from each other and staff where possible. This is alongside protective measures such as regular cleaning and handwashing.

Where there is a positive case in a school or college, the Public Health England local health protection team will advise on the appropriate action, which could include small groups of young people and staff being asked to self-isolate for up to 14 days. Where there are two or more confirmed cases in a two-week period, health protection teams may ask a larger number of other children or young people to self-isolate at home as a precautionary measure.

Where an outbreak in a school is confirmed, for specific detailed investigations a mobile testing unit may be dispatched to test others who may have been in contact with the person who has tested positive. Testing will first focus on the person's class, followed by their year group, then the whole school if necessary.

All staff, pupils and their families will continue to have access to testing if they develop Covid-19 symptoms and schools will be provided with easy to use home testing kits for children and staff who would otherwise be unable to get a test.

Schools will be expected to have plans in place to offer remote education to pupils who are self-isolating.

For nurseries, childminders, and other early years providers, restrictions on group sizes will be lifted from 20 July, increasing capacity from the start of the summer holiday.

Education Secretary Gavin Williamson said:

I know these past three months have been some of the most challenging that schools have faced. What they have achieved to make sure that young people are kept safe and can continue to learn during this period is remarkable, and I am incredibly grateful for that.

Nothing can replace being in the classroom, so ever since schools, colleges and nurseries closed to most children, we have been working hard to ensure they can reopen as soon as possible. We have already seen more than 1.5 million children and young people return, but we must make sure all pupils can go back to school in September, giving them the opportunity to thrive and fulfill their potential.

I want to reassure parents and families that we are doing everything we can to make sure schools, nurseries, colleges and other providers are as safe as possible for children and staff, and will continue to work closely with the country's best scientific and medical experts to ensure that is the case.

The guidance published today (2 July) provides schools, colleges and nurseries with the details needed to plan for a full return, as well as reassuring parents about what to expect for their children. The guidance has been developed in close consultation with the sector and medical experts from Public Health England.

Deputy Chief Medical Officer, Dr. Jenny Harries, said:

Thanks to the hard work of everyone, including our teachers and all school staff, there has been a decline in the rate of COVID-19 transmission in our communities.

A child's education is essential to their healthy development – we know that missing too much school can have a negative impact on

children's mental and physical wellbeing.

Everybody wants children to be safe and thankfully as we have learned more about COVID-19, the evidence has shown that the risk of severe disease in children is low. However, although the number of COVID-19 cases has declined, it is still in general circulation – so it important we ensure schools implement sensible precaution to reduce potential transmission of COVID-19 and minimise any risk to teachers and their pupils.

Schools will need to work with families to secure full attendance from the start of the new academic year, with the reintroduction of mandatory attendance.

To ensure pupils can catch up on lost learning, schools will be required to resume teaching a broad and balanced curriculum in all subjects, making use of existing flexibilities to create time to address gaps in knowledge. Schools should consider how all subjects can contribute to filling gaps in core knowledge.

This will help pupils catch up and will work alongside the financial support provided to primary and secondary schools through the Government's £1 billion Covid catch-up package. This is on top of the £14 billion that we are investing in schools over the next three years.

Exams will take place in 2021 and Ofqual is consulting on arrangements for those exams, including measures to mitigate any impact on pupils from time out of school.

Alongside this, Ofsted will carry out visits to schools in the autumn term to discuss how they are supporting the return to education for their pupils, with routine inspections planned to restart in January 2021.

Nurseries and other early years providers, including childminders, have already been welcoming back children of all ages since 1 June, with a range of protective measures in place. From 20 July, restrictions on group sizes for nurseries, childminders and other early years providers will be lifted, increasing capacity for more children to return, as set out in updated guidance published today.

The schools guidance sets out a range of measures to protect children and staff. This guidance applies to all mainstream schools, alternative provision, independent schools and boarding schools and sets out advice on how they can minimise contact and mixing. Separate guidance has also been published for special schools.

Schools should implement class or year sized bubbles, as well as encouraging staff and pupils, where they are able, to keep their distance from each other and avoiding touching. All schools should work to implement other policies in line with their own risk assessment and in a way that ensures pupils can be

taught a broad and balanced curriculum. Other measures set out in the guidance include:

- teachers to distance from each other and older students where possible
  - increasing the frequency of cleaning
  - reducing the use of frequently shared items
  - minimising contact in corridors
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## **UN Human Rights Council 44: Statement for the Interactive Dialogue with the High Commissioner for Human Rights**

Thank you, Madam President,

We must focus on the greatest global crisis in a generation. More than half a million people have died from COVID-19, with untold suffering and damage to our ways of life and economies. The pandemic, and the exceptional measures needed to tackle it, will profoundly affect the enjoyment of human rights. All States must adhere to their human rights obligations. COVID-19 cannot be used as a cover for repression.

The pandemic has affected people differently. While the mortality rate is higher for men, women and girls, disadvantaged and vulnerable groups including minorities and disabled people have been disproportionately affected. Members of such groups must be fully included in the response and recovery, to truly build back better.

The UK is committed to supporting a sustainable and inclusive recovery. We recently hosted the Global Vaccine Summit, raising \$8.8bn to immunise 300 million children and support the global fight against COVID-19. We are all in this together.

Beyond Covid-19, we remain deeply concerned about human rights in many countries, including Syria, China – particularly in Xinjiang, Russia and illegally annexed Crimea, and Myanmar. And as last week's Urgent Debate made clear, racism is a scourge that knows no borders. We all have work to do to tackle it.