

My contribution to the Debate on the Extradition (Provisional Arrest) Bill (Lords) – Clause 1, Power of Arrest for Extradition Purposes, 8 September

Sir John Redwood MP (Wokingham) (Con): Two very important principles should be in all our thoughts when framing extradition legislation. First, there is the imperative to make sure that where someone has committed a serious and violent crime, such as a terrorist offence or murder or some other such crime, in the United Kingdom and has escaped abroad, we have arrangements so that we can pursue justice against them through co-operation with countries around the world. We should also have very much in our mind the issues that my right hon. Friend for Haltemprice and Howden (Mr David Davis) drew to the attention of the House. We should be very concerned about innocent people in our country who may be the object of extradition requests or demands from countries abroad to take them into justice systems that are not up to the standards of our own, or not the kind of thing we would want an innocent person, particularly, to have to approach, only to see justice not done in those countries if we have undertaken such extradition matters. I echo my right hon. Friend's request that we need to look again at how the US relationship is working. This was sold to the House some years ago on the basis that it would be targeted on those criminals we could all agree about—the terrorists, rapists and murderers who were committing violent crime—and it is of concern for us to discover that that has not been its main use at all.

I hope the Minister will share with the House his thoughts on what arrangements we will move towards with the other European countries now we have left the European Union. There may be a move to put all European Union, or European economic area, countries under these provisions, but we should definitely look at the different standards of justice system in those countries. While many of our European friends have excellent justice systems that we would be very happy with, there are very variable standards throughout the European continent. Given that we are rethinking our foreign policy and our position in the world generally, this is a good opportunity to look at them one by one and to ask whether some of them are below the standards we would expect and whether they have not made good use in the past of the very widespread powers granted to them under the European arrest warrant.

When I was preparing for this debate, one set of figures I saw in a commentary was for the period from 2010 to 2018. It said that over that period, continental countries had used the European arrest warrant eight times as often as we had used it for criminals, or alleged criminals, that we needed to undertake it for in our courts, so it has been asymmetric. In part, that is because there are many more people on the continent than there are in

the United Kingdom, but it also tells us something about the seriousness of the offences that they are interested in for extradition.

I am pleased to see that there is some recognition in the legislation that extradition should be reserved for more serious offences. One does not want a complex and expensive system such as this to be used for a lot of minor offences. The Government have chosen to define it as something that is an offence in the United Kingdom and which would command a prison sentence of three years or more in the event of somebody being found guilty. I think that is a good start, because one of the features of the European arrest warrant that many people did not like was that somebody could be extradited under it from the United Kingdom for something that was not actually an offence in the United Kingdom. That did not seem a very fair system or proposal.

I hope the Minister will share with us some of his thoughts on what would be an appropriate list of European countries and whether they should just slot into the proposals that we are debating today. I think I am happy with the list of countries that we are being asked to endorse, with the caveat that we need to look at the American relationship in the way that my right hon. Friend the Member for Haltemprice and Howden suggested. I fully understand that now is not the afternoon to try to make dramatic changes to that and why he has tabled only a probing amendment. We are asking the Government about that, but there are big issues here that we would like them to review.

Junction Safety and Capacity

I recently received this answer to my Parliamentary Question on junction safety and capacity:

The Department for Transport has provided the following answer to your written parliamentary question (81475):

Question:

To ask the Secretary of State for Transport, what funding is available for local authorities to improve junction safety and capacity and to remove bottlenecks to make it easier for people to get into town centres by car and van. (81475)

Tabled on: 28 August 2020

Answer:

Rachel Maclean:

Local highway authorities, such as Wokingham Borough Council, have a duty under Section 41 of the Highways Act 1980 to maintain the highways network in their area.

The responsibility for improving junction safety and capacity is also a matter for the relevant local highway authority. The Department for Transport is allocating over £1.7 billion for local highways maintenance and improvements in 2020/21 through the Transport Infrastructure Investment Fund to local highways authorities in England, outside London. Of this Wokingham Borough Council will receive over £5.1 million. It is entirely for each authority to determine how their share of this funding is utilised to meet local needs.

[A new commuting model?](#)

Many companies are saying they are looking at more staff working some days at home and some in an office in the centre of a city. One of the issues that arises is how will people travel to and from the office, and what will that cost? Will the nationalised railways respond with attractive new tickets and offers which allows people flexible choices of when to travel, with a suitable discount for being regular users?

I started researching this article by going onto one of the big well known rail ticket sites. They ask the right questions there, and offer a cost comparison for people wanting to commute for fewer than 5 days a week. They of course can only compare costs against the background of the present ticketing offers. They show that the railway has not yet bothered to think through what a part week commuter might like.

The worked example I was offered showed this for the daily costs of travel:

3 day commuting Anytime day return £48.90

Weekly season £39.53

Annual season £33.83

Traditional 5 day commuting

Anytime Day return £48.90

Weekly season £23.70

Annual season £20.24

As these figures reveal, there is a substantial discount offered on high ticket prices for daily commuting 5 days a week. If someone now wants to commute three days a week they still have to buy the full 5 day a week season ticket, but get a much smaller effective discount on the daily fare. I guess these figures do not allow for holidays which means the actual daily cost on the season ticket is higher.

The railway needs to do better than this. People may now be flexible not only about which days they go into the office, but also which times. There may be a willingness by employers, particularly all the time social distancing applies, to allow or support staggered hours. The railway has always claimed commuter fares even on season tickets have to be so high because it is all peak travel. This imposes high peak costs on the railway which needs high capacity for just a few hours a day. This new pattern of reduced days and a wider range of times allows the railway to flatten the peak, which should lead to economies to pass on to users.

If the railway wants its business back it needs to do better by commuters. One of the main reasons people do not want to return to five days a week in the office is the high cost rail service which often let them down.

UK sovereignty

There seem to be some misunderstandings about what government and Parliament did sign up to as we set out the Withdrawal Agreement and Political Declaration.

As far as I am concerned I strongly supported Clause 1 of the EU Withdrawal Agreement Act 2018 which simply repealed the European Communities Act 1972, the source of all EU power in the UK. The Act then went on to recreate EU powers for a transitional period which I was less happy with.

The EU Withdrawal Agreement Act 2020 contained the all important Clause 38 to reassure people like me that the UK is going to be an independent sovereign state from the date of exit. That Clause as enacted says

“It is recognised that the Parliament of the UK is sovereign. In particular its sovereignty exists notwithstanding...” the provisions of the 2018 Withdrawal Act that had reimported EU powers. “Accordingly nothing in this Act derogates from the sovereignty of the UK”

This was a crucial reassurance, reflected in the Political declaration which committed both parties to negotiating a future relationship that reflected this UK sovereignty. No-one reading either document could be in any doubt that the UK was not signing up then or now to anything which meant the European Court of Justice would decide our fate, nor to anything that meant we had to follow EU laws. The UK did not offer up its fish as some further concession.

The Political Declaration said “It must also ensure the sovereignty of the UK and the protection of its internal market, whilst respecting the result of the 2016 referendum including with regard to the development of its independent trade policy and the ending of free movement of people between the Union and UK”. It went on to explain a Free Trade Agreement with no

tariffs would be at the heart of the new relationship.

I find it very odd that some are now making silly allegations about the UK and international Treaties when the UK placed this central point at the heart of all our dealings with the EU over Withdrawal Agreement 2019/20. Either the EU assists in good faith to secure this with a deal, or it will have to accept that the UK can confirm all of this again in primary legislation by way of amendment to the detail of the Withdrawal Act . We can stress again we end Transition EU powers at the end of the so called Implementation period. So far it is the EU that has resiled from the Withdrawal Agreement by not accepting UK sovereignty and not offering the tariff free Free Trade Agreement they signed up to in the Declaration. .

No deal is better than a bad deal

Mrs May had the right approach and the right slogan when she first embarked on negotiations over the UK's exit from the EU. "No deal is better than a bad deal." If she had stuck to that we would now either be completely out with no deal, or more likely out with a Free Trade Deal to protect EU tariff free entry to the UK market and vice versa.

Once she dropped this important statement and revealed a continuous wish to give in to most demands the EU made she left the UK unable to get any kind of decent deal. The EU perceived the UK as weak and willing to recreate many features of its membership without the votes or voice. This was all much chronicled here as elsewhere, as delay followed concession and concession followed delay.

UK voters showed their massive disapproval in the European elections which should not have been needed had we simply left as planned, and went on to confirm their clear wish to leave the EU with or without a Free Trade deal in the General election of 2019.

The new government has rightly insisted on three things . They do not wish to stay in the single market and customs union which we are still in during transition. They are not trying to recreate something like membership of the EU through a comprehensive partnership or Association Agreement. They will leave without an agreement if the EU does not want a Free Trade Agreement. As they say in vivid language, they do not want the UK to become a vassal state. The UK is not seeking any special privileges from the EU and and is only suggesting similar trade arrangements to other independent countries like Canada and Japan.

It is crucial to success that the government adheres to this sensible position. It was rightly reminding the EU of it in statements by both the Prime Minister and the Chief UK negotiator this week-end. Brexit means taking back control of our laws, our borders, our fish and our money. The UK is

offering a Free Trade Agreement which is of more benefit to the EU than to us, though both would benefit from it. Instead of continued posturing and refusal to discuss this issue the EU should take advantage whilst the offer is still there. The UK government this time does have to get on with No deal if the EU does not want to talk about proposals that are mutually beneficial.