

The EU Withdrawal Bill does not give Ministers large powers

It is one of those ironies that the people who most liked our membership of the EU which sidelined Parliament over large numbers of important laws, now claim wrongly that the Withdrawal Bill gives Ministers special powers to by pass our democracy. On the contrary, the Withdrawal Bill restores Parliamentary control over our laws in a very real way.

The UK has always had two main types of law approved by Parliament. Main policies and important changes are put into law by Act of Parliament. This requires a long deliberative process in both House of Parliament before approval. Subsidiary details, ways of implementing the legislation and updates to values and dates are often put through in Statutory Instruments. These go through after a short debate on a vote to approve or reject the whole Instrument.

During our time in the EU governments of all persuasions used these Statutory Instruments to impose whole new laws that would otherwise have required an Act of Parliament in order to implement EU Directives. They were able to do so using the argument that Parliament had legislated in the original European membership Act to accept all these EEC/EU laws. Whilst governments observed the form that they had to be approved as Statutory Instruments, Parliament was also told in each case it had to vote for these new laws to conform with the requirements of our membership of the EU.

The Withdrawal Bill is as important a piece of legislation as the European Communities Act which it repeals. IT will remove all ability of Parliament in future to put through what are effectively complex new laws without the need for an Act of Parliament. It will restore UK democracy.

It also will transfer all current EU law into good UK law to ensure continuity, and to reassure Remain voters. Thereafter Parliament will only be able to change these European laws if government proposes and MPs accept new primary legislation to do so. With this in mind the government is planning a Fishing, Customs, Trade and other new laws next year to change features of the EU law in these areas.

Opposition MPs object to the relatively minor power that Ministers may, under the this draft legislation, make changes to EU laws by Statutory Instrument where there are technical matters that need cleaning up. For example many EU laws refer to the UK as a member state. These references need to be amended to former member state. Some EU laws grant rights of appeal to EU bodies whose powers will be removed by this legislation, so Ministers need to nominate new appellate bodies.

Ministers have made it quite clear these powers are not designed to allow them to change the sense or purpose of the law with an Act of Parliament. They will only be used for technical matters. Parliament anyway has the right

to veto any SI under these powers, so it would be easy to stop any abuse.