

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As far as I am concerned I strongly supported Clause 1 of the EU Withdrawal Agreement Act 2018 which simply repealed the European Communities Act 1972, the source of all EU power in the UK.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. .