

Brussels still rules

One of the extraordinary things since the vote is the enthusiasm of the UK establishment to carry on implementing everything the EU sends us and to wish to be even more rigorous in applying EU rules, when many continental countries take a much more relaxed approach. I see we are being taken to the ECJ for alleged non compliance with the clean air rules and over EU citizenship rights and we are busily putting into UK law various EU measures.

One above all shows just how much control Brussels exerts over us. That is the General Data Protection Regulation. This directly acting EU law comes into force on May 25th. It has led to months of work and much opportunity for consultants and lawyers, as businesses scramble to ensure they are fully compliant. Most are already careful in the way they keep and handle data about people they deal with, but need to demonstrate they handle it in a specified way under the new law. I have no problem with the aim of the legislation, but this blockbuster of a law requires specific bureaucratic processes to handle data to be sure that a business that does handle data well is seen to do so.

This of course includes MP offices. We are often sent sensitive details about a person's job or income or health when people wish us to help resolve a dispute with public authorities or help them get a better deal from a branch of government. .

The House authorities sent out substantial and very cautious advice. The Secretary of State for Culture, media and sport who is responsible for this area of law has also offered less austere advice. MPs are keen to be able to share data in order to resolve queries and complaints about government, but also keen to comply with this new law.

The government is also enacting a similar law as UK law. This is the Bill that allowed amendments concerning the press which have been the subject of recent controversy. With or without this law the GDPR comes into effect next week. Businesses are having to contact people and firms on their mailing lists and getting consent to staying on those mailing lists. Some are worried they will lose contact with large numbers of people they want to talk and who may wish to hear from them. Is this a helpful good idea?

That Customs Union again

How many more times do we need to explain the Customs issues to the media and to some of the Remain peers and MPs?

The government's debate about the New Customs Partnership or Max Fac (Maximum Facilitation) is we read inclusive. There does seem to be general agreement there is no worked out model of a New Customs Partnership that everyone thinks will work, and certainly no buy in to the original concept from the EU. No 10 has denied rumours that the government now wants to extend transition. That would be a very bad idea.

I suggest the government leaves the NCP debate, and goes back to the basics of the negotiation. They tell us they have worked up a No Deal option and are prepared to leave without a deal next March, though they are very keen to have a deal. So the first requirement in any briefing of Ministers and in public statements should be to set out clearly how the system will work with No Deal as the base case. This is not difficult to do, as we know how we currently trade with the rest of the world under WTO rules and with the EU tariff schedule, and we know that works. Many so called complex supply chains need components from outside the EU and they come in just in time. We can then negotiate better terms with the rest of the world, reducing the tariff barriers that already exist. Any deal needs to be better than No Deal.

The government should then ask the EU if it wants a tariff free deal or not. Assuming it does we then do not need to put the extra customs line into electronic filings for EU goods in the way we currently do for non EU goods. The UK and EU can negotiate the exact terms quite quickly, as it can be based on Canada plus extra items that reflect our current arrangements for service access to each other's markets.

If the EU does not want a free trade agreement with us then we end the idea of a Deal and ensure proper enforcement of the smooth border arrangements under the WTO Facilitation of Trade Agreement . We should agree a sensible way of dealing with detailed matters to ensure smooth flows of trade, which are much in the EU's interest.

The business of England

On Tuesday in the Commons we were asked to go into English Grand Committee to approve the Rating Bill that has been making its way through Parliament.

This is a modest measure, allowing higher rates to be charged on empty property, and allowing contiguous properties that can be properly considered as one property to be charged tax as one. The measure only applies to England.

Under the partial reforms England gained in the last Parliament, any Bill relating just to England can be debated in an English Grand Committee comprising all the MPs representing English seats, and has to be approved by a majority of English MPs on a vote. This procedure prevents the Union Parliament forcing a new law on England which England does not want.

This falls well short of the powers Scotland enjoys through its own Parliament. Not only can they prevent the UK Parliament passing a law on a devolved matter they do not like, but they can also propose and enact measures which the rest of the UK does not like. In England's case if we want a law but there is no majority in the UK Parliament for it we are prevented from passing it.

On Tuesday the SNP decided to make an issue out of this. They spoke with contradictory intention. They both argued that England should have its own Parliament to settle such matters, and objected strongly to English MPs having a veto over such legislation. They decided to force a debate on the Bill where English MPs saw no need to. The Bill met with general agreement – or lacked any English opponents.

The settlement of the English issue was only ever a partial and I trust temporary one. England should of course have the same right to propose as well as to block on devolved matters, as Scotland enjoys. The modest proposals so far incorporated in Standing Orders does something to address the unfairness in the lop sided devolution settlement Conservative governments inherited from Labour. The SNP did themselves harm by mocking a modest improvement to our constitutional arrangements.

The role of the House of Lords

The unelected Lords has two important tasks. It is there to provide detailed scrutiny of legislation to see if improvements can be made given the purpose and political context of the Bill provided by the government with its Commons majority. It is also there to ask the Commons to think again about its political judgements where it thinks the whole idea of a Bill or policy is misjudged. In this second role the Lords could persuade the government or the Commons to cancel a measure or amend it substantially.

There is a long standing convention that the Lords does not ask the Commons to think again about a Bill or measure that was in the governing party's Manifesto. That makes sense, as such an idea has been well tested by the exertions of election debate as well as in subsequent Commons exchanges. It has been directly voted for by the electorate who voted in the case of a prominent pledge, or has gained the implied consent of the electorate for a lesser pledge which probably avoided prolonged attention because it did meet with general approval.

Yesterday the Lords broke their Salisbury Convention again by pressing for a second reconsideration of the Conservative Manifesto pledge on press freedom. The Commons rejected the Lords revised amendment by 301 to 289, so I expect that will be the end of the matter. This vote also is of interest because it casts light on the progress of the EU Withdrawal Bill. I trust it will give the government the confidence to have an early debate and vote on the

unhelpful amendments the Lords have put through to the EU Bill.

This Bill is a central Manifesto Bill of the Conservatives and the DUP. Those peers who say the Salisbury convention no longer applies because the Conservatives fell just short of a Commons majority have to acknowledge that the Coalition does have a majority and the Bill featured in the manifesto of both parties. On that basis Salisbury should apply. For that matter it also was in the Labour Manifesto, so an overwhelming majority of MPs were elected on the pledge to carry through the necessary legislation for our exit. There is also the point that a well supported nationwide referendum should also be an override against the Lords seeking a different outcome.

Some peers try to argue that their amendments to the EU Bill were “improvements” not designed to prevent Brexit. It is difficult to interpret some of them in this favourable light. Removing the date of exit means their Bill would leave us plunged into legal uncertainty on the day we leave the EU under international law in accordance with the Article 50 letter. It is most important the parallel UK Bill comes into effect at the same time. Wanting us to stay in the Customs Union or single market is a denial of what was clearly voted for in the referendum, when both sides agreed leaving the EU meant leaving both the single market and the Customs Union. Some of those peers who have urged these amendments on the Lords have made no secret of their opposition to the whole policy of Brexit which was freely chosen by voters in the referendum and then again in the results of the General Election.

I trust just as the Commons has twice now voted to uphold a Manifesto promise of the governing party against Lords amendment over press issues, so we will do the same to the amendments to the EU Withdrawal Bill that seek to slow down, water down or prevent Brexit.

Technology and transport

I was pleased to see the government announce major steps forward in introducing digital signalling systems to the English railways. It is a classic example of how the digital revolution can solve major problems we currently have on our congested and inadequate railway network.

I have long argued we have enough track in most places, but need to use it more intensively. Network Rail tell me they can only run 20 trains an hour on a piece of track, despite the trains all going in the same direction on it and despite usually good visibility along lines that are mainly straight. As a result the rail track we see around is empty most of the time. The old fashioned signals we have often fail, leading to extra delays as safety rules understandably make it difficult to override signals even where the driver can see the track is clear.

Digital technology will allow each train to have full visibility of the track ahead and know in detail its own position and the speed it can travel forwards. The early adoption will allow safe passage of 24 trains an hour, an increase of 20% in track capacity, with the possibility of going higher than this as the technology and its use matures. It could mean both more trains on track and safer trains if applied well.

We need the similar adoption of better technology for traffic lights. Junctions with a clear main road and side roads or a lesser road intersecting should revert to main road green at all times when the feeder roads have no traffic, with sensors informing the system. For more complex junctions with two or more busy roads, sensors could do a better job equalising the misery of waiting times by offering green light phases proportionate to the flows.

I have recently written about how technology could also eliminate the stack of aircraft waiting to land at a busy airport for much of the time. Predictably there were the usual pessimists here telling me it cannot work. I take heart from the fact that the last meeting I held on it with the government was positive, with systems now in development.