

# Henry VIII clauses

Henry VIII legislation is a pejorative term for laws passed without Parliamentary approval. The EU has been good at using such powers. Henry VIII sometimes passed laws by proclamation, without reference to Parliament. That is exactly how the EU legislates when it puts through directly acting Regulations. The UK Parliament cannot amend or vote down such laws, but just has to accept them as good UK law. Once we have left the EU there will be no more directly acting Regulations that Parliament cannot vote down.

Incorrectly some people argue that a Henry VIII clause is a clause in an Act of Parliament which allows government to provide more detail under the Act by means of Statutory Instrument rather than having to enact further primary legislation. This has been a common practice by governments of all persuasions. Parliament agrees the framework and main provisions of an Act, then allows details like level of charges or dates of implementation to be made by Statutory Instrument. SIs still need Parliamentary approval. Parliament may debate any SI it wishes, and can vote them down if they do not suit. Parliament decides when it passes the original primary legislation how much details it is willing to handle at a future date by SI and how much of the detail has to be on the face of the Bill. Any perishable or often changing provision, like a fee or charge level, is often best left to more flexible SIs.

This system has only been extended beyond its desirable limits by substantial legislation required by the EU. Much EU legislation takes the form of a Directive or instruction to the member states to enact laws in line with the Directive. The UK has often done this by means of Statutory Instruments under the power of the 1972 European Communities Act. Large swathes of our environmental, agricultural, trade and many other areas of law have been put through by such means. The 1972 Act offered by far and away the biggest extension of the power to government to legislate by SI ever adopted, and it is a power which has been used over and over again since 1972. That will end with repeal of the Act. The government has never been granted the same power to use SIs by non EU Acts.

When Parliament passes the Great Repeal Bill to provide continuity of law as we exit the EU under the Article 50 process it will wish to transfer all existing EU law into UK law, and to allow some future changes to be made by SI where these are tidying up matters. Parliament will not allow the government to create a new fishing policy or a new agriculture policy by SI under the Repeal Act nor will the government demand such power. Once the UK has left the EU and ensured continuity of law, it will then be up to Parliament to decide which areas it wishes to amend or repeal. A new fishing policy, for example, may well be a priority. That will require a proper White Paper and an Act of Parliament. Brexit is about strengthening Parliamentary and public scrutiny and consent to our laws. Only the EU made law by proclamation ignoring the UK parliament, and only the 1972 Communities Act greatly widened the power to use SIs.

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## Happy Birthday to the EU

I wish the EU well on its 60th birthday. The exit of the UK gives the EU a real chance to complete its currency union, and its borders union, two central features of the EU project that the UK under all parties in government was unwilling to accept. Freed of UK scepticism and reluctance, maybe the EU can now press on with building its vision of an integrated continent with a single economic policy, a single budget and more powerful Treasury at federal level, and common citizenship with external policed borders. Or maybe they will discover that the people of the other countries of Europe do not buy into that wider vision either.

It should also be time for the EU to reflect on why the UK left, why many parties on the continent are now pressing for their countries to leave the currency or even the whole Union, and why there are persistent and intense problems including high unemployment, migrations, a lack of agreement on the next steps in the Union, and a lack of proper opposition to EU policies within an EU level democratic framework.

Why, for example, has someone like me been such a critic of the EU? After all, I belong to many of the groups that are meant to be believers in the project. I am a globalist. I believe in an outward going foreign policy, freer trade where possible, democracy and tolerance, and the pursuit of peace. These are meant to be the values of the EU leaderships as well, so why didn't they carry me with them?

The answer is two fold. I watched their actions, and saw that so often they did not follow their own stated aims. I also saw that where they thought they were following their aims, they often chose policies which achieved the opposite of their stated ambition.

The biggest disappointment was their wish to build a large one size fits all bureaucracy seeking to control every aspect of life. This was never compatible with the wider ideals of liberty and democracy. It made creating a single demos even more difficult than it was going to be. With so many different languages and levels of economic development it was never going to be easy to get people to believe in a new European state.

They never followed the aim of building democracy into the EU properly. The Parliament was added, but it does not provide the government nor control the government. Too much power rests in the unelected and often unaccountable Commission. These full time officials can manipulate the member states and play them off against the Parliament. There is no organised opposition to the EU government suggesting an alternative programme or approach, or ready to take over when people have had enough a particular EU government. In practice all the new laws are usually Commission ideas brokered with fluctuating factions of member states and the Parliament. The whole development is a ratchet to greater Union, even where past steps have demonstrably failed or

proved unpopular.

They never followed the aim of promoting prosperity. Their currency scheme was bound to produce wild booms and busts in differing member states economies, as Ireland, Spain, Greece and others found to their cost. It was all entirely predictable – as I wrote often. After all we had seen the damage the European Exchange Rate Mechanism did. The Euro was just the version of that you could not easily get out of.

Their austerity policies which followed the boom bust entry of the Euro into many economies has created resentments and confined a whole generation of southern young people to unemployment.

They never worked out how to decide who could be a European citizen, and how to run orderly borders. Instead of the tolerance they wanted, they have created hostile attitudes to new arrivals in many parts of the continent.

Their birthday party should be a meeting for reappraisal. Do less, and do it better. Or get consent to the grand vision. Above all, try being democratic for a change. I saw from the beginning that the EU would not be to our liking. I read the Treaty of Rome which was never a Treaty for a free trade area as advertised. It was always a country in the making, where ambition far outran practicality.

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## Ofcom consultation

I receive a great deal of correspondence from my constituents about poor service from telephone and internet companies. I am aware how much delays in getting repairs done, missed appointments and starting a new service costs in terms of time and money.

I have received the communication below from the Chief Executive of Ofcom. They are consulting on proposals to require phone and broadband to pay automatic compensation in these cases. The consultation ends on 5 June and you can access it at:




<https://www.ofcom.org.uk/consultations-and-statements/category-1/automatic-compensation>

“Ofcom has today set out new proposals to require phone and broadband companies to pay automatic compensation – either a cash payment, or a credit on a bill – to customers who suffer slow repairs, missed appointments or delays to starting new services.

When a customer’s landline or broadband goes wrong, that is frustrating enough without having to fight to get fair compensation from the phone company. So we are proposing new rules to force providers to pay money back to customers automatically, whenever repairs or installations don’t happen on

time, or when people wait in for an engineer who doesn't turn up. This would mean customers are properly compensated, while providers will be incentivised to work harder to improve their service.

Compensation payments would be set by Ofcom, and designed to reflect the degree of harm suffered by consumers. Here is how Ofcom's automatic compensation scheme would work:

Problem	A landline or broadband customer would be entitled to compensation if...	Amount of compensation
Delayed repair following loss of service	Their service has stopped working and it is not fully fixed after two full working days.	 £10 for each calendar day that the service is not repaired
Missed appointments	An engineer does not turn up for a scheduled appointment, or it is cancelled with less than 24 hours' notice.	 £30 per missed appointment
Delays with the start of a new service	Their provider promises to start a new service on a particular date, but fails to do so.	 £6 for each calendar day of delay, including the missed start date

We estimate that our plans would mean up to 2.6 million additional customers could receive up to £185m in new compensation payments each year. Currently, there are 7.2m instances where landline or broadband customers suffer delayed repairs, missed appointments or delays to new installations. Financial compensation from companies, totalling around £16.3m, is currently paid out in 1.1m of these cases.

Around one-third of small and medium-sized enterprises choose residential landline and broadband services and would also benefit from our compensation proposals.

We are consulting until 5th June and plan to publish a statement at the end of the year".

With best wishes

Helen

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## Reassurance to all EU citizens living and working in the Wokingham constituency

I have always said to those worried that I am sure all EU citizens living and

working legally in Wokingham now will be free to stay if they wish after Brexit. The UK government has always indicated that is it wish, but pointed out we need the same assurance for our citizens living on the continent. At last Mr Juncker, the President of the Commission, seems to have said as much. He regards, he says, such a matter as one of “respecting human dignity”. He said “This is not about bargaining”. Exactly.

I will continue to press the EU to do the right thing, as I want all to be reassured that there will be no forced evictions of people following Brexit. I know we all in Wokingham want those full reassurances. We seem to be much closer to them today.

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## **The President of the Commission gets it right at last**

Mr Juncker in his recent interview at last acknowledges that granting the right to stay and to work on the continent for all those UK citizens who currently do so is “about respecting human dignity.” He now says “This is not about bargaining”.

I have been a sustained critic of the EU’s refusal to live up to decent values and reassure all UK citizens living in the EU that they are free to stay if they wish. I am therefore glad The Commission has now shifted its position. I have long been reassuring all EU citizens in the UK who ask that they will be welcome to stay and work here if they wish, as I assumed the EU would not in the end throw UK citizens out. It is just bizarre that it has taken them so long to say so, and strange that even now it is not a formal statement by the rest of the EU as a whole.

If anyone in the UK remains worried about the EU’s intentions then they should write and lobby the Commission and their MEPs. The UK government has always been clear it does not intend to threaten EU citizens living in the UK.