

Press release: UK energy statistics: statistical press release – March 2017

[Energy Trends](#) and [Energy Prices](#) publications are published today 30 March 2017 by the Department for Business, Energy and Industrial Strategy. The publications cover new data for the fourth quarter of 2016.

Energy Trends covers statistics on energy production and consumption, in total and by fuel, and provides an analysis of the year on year changes. Energy Prices covers prices to domestic and industrial consumers, prices of oil products and comparisons of international fuel prices.

News story: Promoting economic growth alongside public protection

The growth duty, which came into statutory effect on 29 March 2017 under the [Deregulation Act 2015](#), requires regulators to have regard to the desirability of promoting economic growth, alongside protecting the public.

It applies to most national regulators but not local authorities or fire and rescue authorities. The [growth duty statutory guidance](#) clarifies how regulators can work in accordance with the growth duty.

The guidance will help regulators fulfil their new responsibilities, including the proper consideration before allocating resources, setting enforcement policies and making sanctioning decisions.

Minister for Small Business, Consumers and Corporate Responsibility Margot James said:

I believe that the growth duty will encourage regulators to develop more mature and productive relationships with those sectors and businesses that they regulate, driving up the accountability of regulators to the business community.

And we are asking regulators to consider how legislation and enforcement frameworks could adapt to emerging technologies and innovative business models. Our expectation is that this will help to deliver our aspirations for greater productivity and growth in our economy.

The regulators and regulatory functions to which the growth duty applies are

specified in the [Economic Growth \(Regulatory Functions\) Order 2017](#).

The Deregulation Act 2015 was extended by the Enterprise Act 2016, requiring regulators to formally report on the effect that the growth duty has on the way they exercise their regulatory functions and the impacts of this on business. However, this additional obligation is not yet in force, and BEIS will engage with regulators before it is introduced.

[Newslinks for Thursday 30th March 2017](#)

Article 50 has been triggered



‘Nine months after Britain voted to leave the EU, the countdown on a two-year negotiating period began when Donald Tusk, the president of the European Council, was handed a letter by Sir Tim Barrow, Britain’s permanent representative at the EU, invoking Article 50 at lunchtime. Boris Johnson, the Foreign Secretary, described it as “a magnificent moment”, while in the House of Commons, there was jubilation from MPs as Mrs May announced: “The Article 50 process is now under way.”’ – [Daily Telegraph](#)

Editorials

Davis: We will build a great, global trading nation





'I genuinely believe our future outside will be better and brighter. Leaving will allow us to get out into the world and show how great this country really is, standing on its own two feet. For the first time in over 40 years, we'll be free to make all of our own laws, forge trade deals of our own with the fastest-growing economies of the world, and be in complete control of our own borders. Put simply, Britain will be a truly sovereign nation once again. We can build a great, global trading nation that's respected around the world and stronger, fairer and more united at home.' – [David Davis, The Sun](#)

Verhofstadt suggests May is trying to 'blackmail' the EU over security co-operation



'Theresa May was accused last night of trying to blackmail the EU over a Brexit trade deal. In a show of steel that angered Brussels, the Prime Minister suggested she could withdraw co-operation on security unless a fair agreement was struck. She used her Article 50 letter, which launches a two-year divorce process, to warn the EU against trying to damage Britain at such a dangerous time. The 28-state bloc leans heavily on UK intelligence and policing expertise. Mrs May's warning was described as tantamount to

blackmail by Guy Verhofstadt, the European Parliament's Brexit negotiator.' – [Daily Mail](#)

Merkel says trade talks must wait until after Brexit disentanglement



'Angela Merkel has pushed back against Theresa May's attempt to speed through a new trade deal with Europe, as the British premier set in motion two years of difficult talks on Brexit. Even as European diplomats welcomed the conciliatory tone in Mrs May's formal notification of Britain's withdrawal from the EU, the German chancellor struck a hard line on the sequencing of the talks, insisting the terms of the UK's future relationship could be discussed only after exit terms are agreed. Ms Merkel said she wants the Britain and the EU to remain close partners but added that the negotiation must focus first on disentangling the close links developed in 44 years of EU membership. The UK's rights and obligations had to be addressed first, she said.' – [FT](#)

- The Government wants both issues discussed in parallel – [FT](#)
- Hammond contradicts Boris on 'have our cake and eat it' – [The Sun](#)
- The main points for the negotiation – [The Sun](#)
- May faces a battle with her own backbenchers – [The Sun](#)
- Is Nicky Morgan the biggest hypocrite in politics? – [Leo Mckinstry, Daily Mail](#)
- Cameron says he has always been a Eurosceptic – [The Times](#) (£)

Sturgeon: I haven't been listened to





‘The triggering of article 50 is also politically and constitutionally reckless. The full effects on Northern Ireland, which currently faces the possible reintroduction of direct rule, remain to be seen. Similarly, there has been no serious attempt to engage with compromise proposals that would keep Scotland – which voted decisively to remain in Europe – inside the single market. The result is that we must now ensure that people in Scotland are given a choice between the hard Brexit deal now being negotiated, and independence.’ – [Nicola Sturgeon, The Guardian](#)

Truss pledges to ‘leave no stone unturned’ in fighting stalking and domestic abuse

‘Plans to order courts to get tough on stalking, revenge porn and domestic violence were unveiled yesterday. Justice Secretary Liz Truss vowed to “leave no stone unturned” as new guidelines on harassment, stalking, controlling and coercive behaviour and domestic abuse were published. Offenders who send explicit pictures to victims’ families or set up websites to cause maximum humiliation will face the harshest penalties. It’s the first time guidelines have been drafted for courts dealing with malicious exes who post intimate sexual pictures of former partners without their consent. The offence, which currently carries a maximum prison term of two years, was introduced in April 2015.’ – [The Sun](#)

- Neuberger joins chorus of judicial criticism – [FT](#)
- He’s also pressing for the retirement age to be raised – [The Times](#) (£)

NHS Federation: patients must choose between swift operations and A&E



‘Patients must be told they cannot have routine operations quickly if they also want short waits for A&E, cancer care and other treatments, an NHS

leader has said. Simon Stevens, head of NHS England, is being urged to relax targets for waiting times as he prepares to lay out his reforms to the service today. Niall Dickson, chief executive of the NHS Confederation, which represents all health service organisations, said that it was unrealistic to pretend that patients could have everything they had come to expect when money was so tight. "It's not reasonable to say that all the current targets have to be met," Mr Dickson told The Times.' – [The Times](#) (£)

- The NHS forces nursing assistants to become sole traders – [The Sun](#)
- Pay more or accept reduced services – [The Times Leader](#) (£)

Glover: Why doesn't the Government sell off Channel 4?

'It should not be the Government's first consideration to safeguard programme makers. No, its foremost responsibility is to reduce the national debt by selling off what it does not need to own. And there could be no more obvious candidate than Channel 4. When launched, it faced commercial uncertainties and, despite a zeal for privatisation, the Thatcher government felt it needed the protection that public ownership would confer. Moreover, it was then a serious TV channel committed to making programmes of a quality...Channel 4 no longer offers a distinct voice. It is no better, and often worse, than the BBC...As for its news coverage, the famously Left-leaning Channel 4 News even outdoes the politically correct BBC in its embrace of fashionable causes.' – [Stephen Glover, Daily Mail](#)

- Netflix pushes the average age of BBC viewers over 60 – [The Times](#) (£)

Livingstone speaks out about...guess who?



'Ken Livingstone has defended himself against accusations of anti-Semitism by claiming a Nazi policy "had the effect of supporting" Zionism. Jeremy Corbyn suspended the former Labour MP last year after he invoked Hitler to defend a colleague over anti-Semitic remarks and claimed that there was a "well-orchestrated campaign" against the party by the "Israel lobby". He said there is "no real evidence" against him, adding that "only a biased and rigged jury could find against me."' – [Daily Telegraph](#)

MPs want newspapers fined for misleading science coverage

'Newspapers should answer to a press regulator when they are judged to have misreported science stories, a committee of MPs has said. The politicians called for a "robust redress mechanism", possibly including fines, for

outlets that write about research in an “inaccurate or outlandish way” or fail to state its limitations. It was unclear who would adjudicate on claims of distorted science reporting or what the assessment criteria would be. The cross-party science and technology committee said journalists had lost the trust of the public through faults such as “false balance”, in which two views are presented as equally valid when the weight of the evidence lies on one side. They also said that the media “often have an agenda which allows inadequate place for opposing evidence”.’ – [The Times](#) (£)

Two new reviews into Parliamentary security



‘John Bercow has announced two reviews into security at Parliament after a knife wielding terrorist ran into New Palace Yard and murdered hero cop PC Keith Palmer last week. He told MPs he was setting up an “external independent review” of how the Palace of Westminster is “secured and protected”. In the moments before reaching Parliament evil attacker Khalid Masood had ploughed through crowds on Westminster Bridge killing three more. A further probe will be an “externally-led” review of what lessons can be learnt in the future. The first will report by April, and the further investigation asked to wrap up by June. Parliamentary authorities and the police have faced questions over last Wednesday’s attack after it emerged the first armed line of defence were bodyguards for the Defence Secretary rather than machine gun-wielding policemen.’ – [The Sun](#)

News in Brief

- Type 2 diabetes is ‘not a real disease’, says leading doctor – [Daily Mail](#)
- May criticises uSwitch – [The Sun](#)
- Helicopter missing over the Irish Sea – [Daily Mail](#)
- Allies drop 500 bombs a week in Mosul – [The Times](#) (£)
- The Government is failing in its duty to Hong Kong – [Catherine West, The Times](#) (£)
- Health targets threaten the size of chocolate bars – [FT](#)
- Some rural areas may never get broadband – [The Times](#) (£)

Money for the EU. A pause before migration falls. An interim role for the ECJ. Fine – but May must remember that Brexit means Brexit.

The section of Theresa May's Article 50 letter which made the most waves was the part on security. "In security terms a failure to reach agreement would mean our cooperation in the fight against crime and terrorism would be weakened," it said. "It is for these reasons that we want to be able to agree a deep and special partnership, taking in both economic and security cooperation."

The Government's critics have accused her of attempting blackmail – of a thinly-veiled threat to withdraw information held by our security services and police, or perhaps military co-operation delivered through NATO and other means, if she doesn't get what she wants in the negotiations. Bang on cue, for example, here's Guy Verhofstadt: "I tried to be a gentleman towards a lady, so I didn't even use or think about the use of the word blackmail."

Ministers protest that this is a misreading. They say that the letter clearly refers to arrangements that are part of EU-wide agreements – the European Arrest Warrant, the European Investment Order, the Schengen Information System, and the Prüm Agreement which covers fingerprints, DNA details and vehicle records. If Britain leaves the EU without a deal, they say, there will be no legal basis for Britain and the EU 27 to act in ways covered by these arrangements. The Prime Minister meant no more or less than that.

Two MPs that ConservativeHome spoke to yesterday evening said that this section of the the letter wasn't clear enough, and the Government had moved slowly to correct these misapprehensions. Some may argue that any threat May was making was implicit rather than explicit: our security services are the best in Europe, they claim she was suggesting – so you, the EU27, will be especially badly affected if there is no basis for co-operation.

It is true that our security services are effective: their hard work prevented an Islamist terror attack in Britain between 7/7 and last week, a gap of some 12 years. And it is also the case that, since we are a member of the "five eyes" arrangements, they have access to American intelligence information that other members of the EU27 do not. This will sometimes be shared with them if agreement can be obtained from the United States.

But such intelligence-sharing is not dependent on EU-wide arrangements. It will continue regardless of whether an agreement is obtained. And one well-briefed MP poured scorn on any hint that our security services and police are

more or less efficient than those of some of our counterparts. The French help to ensure that guns don't reach British terrorists as they help to police the Channel Tunnel: please note that Khalid Masood, last week's killer, had a knife and not an automatic weapon. The Germans have tip-top information from Mossad.

At any rate, the row draws attention to what each side of the negotiation believes are its most powerful points. This is very much a Home Office-flavoured Government, so it is unsurprising that the need for security co-operation was stressed in May's letter. Ministers also say that most of the EU27 see the importance of preserving the wealth and health of the City, since they need the sweep and scope of its capital markets to raise funds.

Above all, they continue, Britain has a very strong card to play: the EU needs our money. Britain made a net contribution of some £8.6 billion last year. That's an £8.6 billion that the EU27 must now find between them. Little wonder that Michel Barnier has tried an audacious £60 billion opening shot, a bill drawn up largely on the basis of pension liabilities, other costs (such as nuclear site clean-up costs) and money yet to be paid for future projects.

The Government will vigorously dispute the latter, arguing that our obligations end when we depart, and that in any event the EU's calculations are drawn up under what one backbencher describes as "a bizarre French bookkeeping technique that died out in the rest of the world years ago". But the EU27 and the institution also have bull points to push. Henry Newman cited an important one on [this site yesterday](#): timing. We want discussions about the divorce settlement and a full deal to run simultaneously. The EU27's position is: divorce talks first.

Furthermore, we also want access to the Single Market on terms as near to those we presently have as possible, minus the role of the European Court of Justice. Some say that since the EU27 have a trade deficit with the UK, they are in no position to resist us. But our market as a share of their exports is smaller than theirs as a share of ours. Some of the EU27 are big exporters to the UK in certain sectors, others rather less so.

And it isn't clear whether, in the short-term at least, economic self-interest will win out over the ideological requirements of the EU project. We Brexiteers like to argue that the EU27 and the institutions will act rationally. But if the EU was acting rationally it would never have constructed the Euro as it is in the first place. The pleas of German car-makers and French wine-sellers may fall on deaf ears, at least for the time being.

At any rate, the scope of the negotiation is yet to take shape. The Government's position on some key issues, however, is forming – revealed, very often, as much by what Ministers don't say as what they do. A very rough sketch of the outline on three of these might look like this. First, we will pay for Single Market access, but a lot less than £60 billion, and the arrangement will be dressed up as forking out for participation in one EU-based project or another, such as the Europol or the European Space Agency

or the European Patrols Network.

Second, will be free of the jurisdiction of the ECJ – but not until any interim deal lapses and even then, perhaps, not if no alternative oversight can be found for some joint arrangements. Finally, immigration from the EU27 will come down, but it will continue to be treated differently from other migration, probably through a special work permit system, along the lines of [that floated on ConservativeHome](#) by Andrew Green of MigrationWatch.

And the reduction will be slow, at least if Ministers have their way. Andrea Leadsom has farmers on her back over seasonal labour; Sajid Javid builders on his over homebuilding. We have got used to relying on Polish housebuilders or Latvian crop-pickers. It will take a while to train up our own long-term unemployed and NEETs, or recruit a bigger slice of retired people back to the labour market, or to switch resources from higher education to vocational training, especially if the economy continues at full employment, or something like it.

This site has no objection to most of this – or to interim arrangements, at least in principle. Nor, as far as we can see to date, can Brexiteering backbenchers. But it is none the less necessary to fire a warning shot across Ministers' bows. Just as the Government must satisfy Remain voters and others over Single Market access, so it must satisfy Leave ones over what the referendum plumped for: taking back control.

UKIP may be seem to be holed below the waterline, with Douglas Carswell and Arron Banks departing it (in separate lifeboats). None the less, time and experience are showing that western governments are vulnerable to populist backlashes. Theresa May must tread very carefully, particularly over the ECJ. After all – as a phrase that she will recognise puts it – Brexit means Brexit.

[Profile: Elizabeth Truss, who does not quite know how to talk to the judges, and vice-versa](#)

It would be hard to exaggerate how angry the judges are with Elizabeth Truss. A few days ago, the Lord Chief Justice, Lord Thomas of Cwmgiedd, [condemned the Lord Chancellor](#) for failing to stand up for them in November, when the [Daily Mail](#) denounced them as “Enemies of the People”:

“I regret to have to criticise her as severely as I have, but to my mind she is completely and absolutely wrong about this, as I have said, and I am very disappointed. I understand what the pressures

were in November, but she has taken a position that is constitutionally absolutely wrong."

The Lord Chief Justice, who will soon retire, also complained that Truss's officials had allowed her to make a serious error about the new arrangements to ease the ordeal of giving evidence in rape trials:

"Yesterday, I had to write to all the judges to explain that unfortunately what the ministry had said was wrong."

Lord Thomas's evidence on rape trials, delivered to the Lords Constitution Committee [and watchable here](#) (one of the most damning outbursts, quoted above, occurs at 10:57:38), reveals a history of acute dissatisfaction with the department which long predates Truss:

"To make clear what I am saying, we fought – there can be no other word for it – the ministry from 1999 right through to about 2015 to get the pre-recording of children's evidence brought into effect. It had been recommended by Judge Pigot in 1989, but we were told, 'No money, no this, no that'. Through the very hard work of three judges, Judge Collier at Leeds, Judge Goldstone at Liverpool and Judge Ader at Kingston, we have made the pilot work, and we want to roll it out carefully. It is quite difficult to change the culture. Instead of what we said was sensible, which was to move it to the adult victims of sexual crime and to start piloting that at the same courts, it was announced that this would be rolled out across the country. It was a complete failure to understand the impracticalities of any of this. That is the kind of thing that is very troubling."

Truss and her civil servants between them managed first to misinform the press about this, and then to take quite a long time to clear up the misinformation. Were it not for the wider Brexit story, the deterioration in relations between her and the judiciary would be attracting far more attention.

But Jacob Rees-Mogg MP this week told ConservativeHome that it is quite wrong of Lord Thomas to use "his authority as Lord Chief Justice to undermine and belittle the Lord Chancellor", and continued:

"He can't expect politicians to defend the independence of the judiciary if he behaves like a Labour Party activist."

In Rees-Mogg's view, "an independent judiciary is an apolitical judiciary", and "it is unwise of judges to make statements other than from the bench". The public trust them "because they don't seem to have any preconceptions".

It follows that “what the Lord Chief Justice did was deeply disgraceful and improper”, for it meant “getting involved in politics in a very sensitive way”, and this in a case in which “he was personally involved”, as one of the three judges who heard the Brexit case in the High Court and were attacked by the press.

In Lord Thomas’s defence, it should be repeated that he accurately reflects opinion among his colleagues. They feel Truss deserted them in their hour of need, when they could not defend themselves because the Brexit case had not yet ended.

Lord Judge, who preceded Lord Thomas as Lord Chief Justice, brushed aside the statement in support of judicial independence which the Lord Chancellor did at length issue as “too little, too late”, and told [*The Times*](#):

“The words she used were almost exactly the same as the Prime Minister used a couple of hours later. That’s my explanation why it took her so long.”

The judges see a Lord Chancellor who takes orders from Theresa May, who in turn is more anxious to keep on the right side of Paul Dacre, the editor of the *Daily Mail*, than to defend judicial independence.

A Lord Chancellor with a proper understanding of the grandeur and antiquity of the office, far more ancient than that of Prime Minister, would not have waited for clearance from Downing Street before upholding the rule of law. One need not be a judge to wonder whether Truss will ever have the intellectual self-confidence to speak her own mind.

But as Charles Moore [this week pointed out](#), it is Tony Blair’s fault, not hers, that the lord chancellorship is no longer held by a lawyer steeped in legal tradition, and presiding from the Woolsack over the House of Lords. Blair failed to abolish but

“succeeded in downgrading the post. He created a Justice Ministry (another continental idea) and tacked the Lord Chancellor’s residual roles on to that. So being Justice Secretary and Lord Chancellor became just another political job rather than one requiring legal learning. There was no more reason for a lawyer to have to occupy the post than for a doctor to be Health Secretary.

“So the governmental system has lost its umbilical connection with the judiciary. The judges are right to regret this, but it is partly their fault. Most of them were in favour of the changes I have described above.”

Truss is the third non-lawyer, after Chris Grayling and Michael Gove, to be Lord Chancellor, and the first woman. Grayling became immensely unpopular with the judges, and amazed me, when I [interviewed him for ConHome](#), by saying

it was an advantage for him not to be a lawyer, because this meant he was not biased in favour of the legal profession.

Gove profited from not being Grayling, and from a natural eloquence which made him a ready defender of ancient liberties as well as modern prison reforms. But he spent only just over a year in office.

To Truss now falls the tricky task of trying to settle relations with a judiciary suffering from low morale and potentially very severe recruitment problems, and brought into unaccustomed prominence by the Brexit case. It cannot be said she has made a very promising start.

Her defenders say the judiciary condescend towards her because of her youth (she is only 41), her lack of legal experience, and because she is a woman. They add that although she consults with Number Ten, she does not take orders.

Her detractors say she rubs people up the wrong way, supposes she is more charming than is actually the case, and is an embarrassingly bad public speaker, who has inflicted some “toe-curling” performances on the Conservative Party Conference. They admit, however, that she is very bright.

Truss herself insists that she takes “very seriously” her duty under her oath of office to defend the independence of the judiciary. But in [a letter to The Times](#) she went on:

“However there is another principle at stake here: the freedom of the press. I believe in a free press, where newspapers are free to publish, within the law, their views. It is not the job of the government or lord chancellor to police headlines, and it would be a dark day for democracy if that changed.”

It ought to be feasible to defend both the judiciary and the press. The two are not mutually exclusive. Nor does one need to get hung up on “headlines”: general remarks about the indispensability of the rule of law, and how fortunate we are to live under it, would be quite sufficient.

A Lord Chancellor who possessed a greater affinity with the Establishment would have no difficulty in producing that sort of thing on demand. But Truss is not that kind of person, which is one reason why she so disconcerts the judges.

They do not quite know how to talk to each other.

In the old days, by which I mean the era before 23 June 2016, if the Lord Chief Justice was worried about something, someone in his office would ring one of the private secretaries in Number Ten or the Treasury, with both of which they had direct lines of communication, and very likely the trouble would be sorted out.

The Lord Chancellor did not necessarily have to be involved. But the people

at both ends who oiled the wheels have now moved on, or been moved on, and a different atmosphere prevails in Downing Street.

The Prime Minister and her joint chiefs of staff, Nick Timothy and Fiona Hill, want quite naturally to be in control. The avoidance of friction is not one of their instinctive preferences. For them, friction can be good.

An essential element in their style of government consists of showing that they will not be pushed around, and in particular that they will not yield a point just because a lot of high-minded liberals say how much easier and more pleasant life would be if a concession could just this once be made.

An obvious example is the proposal to remove students from the immigration figures. Almost all the friendly, civilised, liberal people say that doing so would make life easier and more pleasant, and May has refused to do it.

The judges are, for the most part, as friendly, civilised and liberal a group of people as you could hope to meet. They are delightful. Some years ago, when I used often to have lunch in the Terrace Cafeteria at the Palace of Westminster, I would usually see four or five of the Law Lords eating together in that long, modest, unassuming room, surrounded by researchers, police officers, cooks on their break and other Commons staff. How ready they were to be amused, and how completely without side.

A friend of mine who was a barrister used to lament that the abolition of the death penalty had removed much of the drama from criminal trials. It has certainly been accompanied by a change in the character of the judiciary. The majesty of the law, emphasised by occasional outbursts of eccentric savagery, is no more. Hangers and floggers are no longer required on the bench.

This may be a very good thing, but it makes the judiciary less frightening. Why should Truss, educated at a comprehensive school in Leeds, after which she read PPE at Oxford, defer to its opinions? Why should she not think instead that the judges need to loosen up a bit, become less worried about describing what their work entails?

In a profile of her [published three years ago on ConHome](#), I recorded the toughness she showed in hanging on to the Conservative candidacy in South-West Norfolk in the face of opposition from “the TurnipTaliban”, as the press dubbed a group of local Tories displeased by the discovery of a scandal some years before in her private life.

A few days ago, [The Times](#) sided firmly with Lord Thomas, and with the rest of the legal Establishment, in a leading article. But its suggested remedy was a bit feeble:

“Ms Truss has not impressed so far in the job. She needs to take a good look at herself and ask whether she is up to it.”

Surely the person who will decide “whether she is up to it” is May. If anything, the attacks on Truss by the judiciary must make it less likely that

in the near future she will be moved. The Prime Minister's determination not to be pushed around will override other considerations, and will, one imagines, be shared by the *Daily Mail*.