

Wither our constitution?

I was surprised to learn reading the Supreme Court text of Lady Hale's statement about the judgement that "Mr Mark Harper, chief whip" attended a meeting of the Privy Council at Balmoral on 28th August 2019.

I seem to recall Mark Harper ceased to be Chief Whip well before recent events.

I was also interested to read that "During a recess (as opposed to a Prorogation break) written Parliamentary Questions can be asked and must be answered." When we broke for the last summer recess the Order Paper told us written questions submitted after the last day of session would be tabled and answered when Parliament returned in September.

The Supreme Court argued that Prorogation was different from recess though there are many similarities.

Lady Hale argued that the memorandum from Nikki da Costa which recommended prorogation left out important matters Lady Hale wished to see in it. She stated that the "effect upon the fundamentals of our democracy was extreme".

Most of us believe in the separation of powers. We need independent judges to judge individual cases and sometimes to interpret Statute and Common Law, and all the time we are in the EU overarching EU law as well. Where Judges use their powers to interpret Statutes in ways Parliament does not like, then Parliament can of course amend the Statute to clarify the intent.

Parliament has more power to decide the law by passing Acts of Parliament and Statutory Instruments, but usually has no power to judge individual cases under the law. Parliaments develop their own relations with the Executive or government which is part of Parliament but also has independent powers to decide and spend beneath a general Parliamentary approval. By convention government proposes new laws to Parliament for Parliament's approval, amendment or rejection.

The danger of the present situation is no-one is in charge because the government no longer has a Parliamentary majority. We see daily jousting for temporary power or control of the agenda where no-one has the authority that comes from commanding a majority of MPs. The right answer is a General election so the public can decide who they want to govern the country. Instead we have a PM being held hostage by Parliament and Courts who are seeking to force him to do the opposite of what he has promised and believes to be right.

It cannot be the right answer to the big question of whether we remain or leave the EU to have that finally determined in a court of law based on an Act of Parliament rushed through against the wishes of the PM, the government and the majority who voted Leave in the referendum. Acts of Parliament were designed to provide sound and fair law for us all, not to be political traps

and political statements against a Prime Minister who has insufficient MPs to endorse his view.