

SUBMISSION

by the Maranatha Community to the
Members of the Standing Committee of the House of Commons on the

LEGISLATIVE AND REGULATORY REFORM BILL

1. INTRODUCTION

- 1.1 The Legislative and Regulatory Reform Bill has been put forward as a means of enabling the Government to 'clean up' pieces of legislation that are not working, enact recommendations of the Law Commission, and reduce the burden of regulations upon businesses.
- 1.2 To do this, it aims to allow Ministers to **amend, repeal or replace essentially any legislation without either parliamentary approval or parliamentary scrutiny.**
- 1.3 The intentions of the Bill may be welcome. However, the loose wording of the Bill, the inadequate level of safeguards proposed, and the minimising of Parliamentary oversight of Ministers' actions give the Bill an **unprecedented constitutional significance.** It would create a major shift of power away from those responsible for approving all legislation to the Government, **allowing the Government to enact new laws, that, at present, only Parliament can make.** If passed as proposed, it could have potential grave implications for essentially all rights and freedoms including freedom of speech and liberty in this nation.

2. CONCERNS

- 2.1 We wish to make members of the Standing Committee aware of our very deep concern about the **possible misuse of this Bill**; to call upon you to do all in your power to replace ill-defined terms within it; and to ensure that **proper safeguards** and levels of Parliamentary scrutiny apply to any action that may be taken under it if it is enacted.
- 2.2 A group of six law professors from Cambridge, including three QCs, in a recent letter to The Times newspaper, have indicated that the Bill, as proposed, would enable the present or a subsequent government, *inter alia*, to:
 - ! Create a new offence of incitement to religious hatred, punishable with two year's imprisonment.
 - ! Curtail or abolish jury trial.
 - ! Permit the Home Secretary to put citizens under house arrest.
 - ! Rewrite the law on nationality and immigration.
 - ! Allow the Prime Minister to sack judges.
 - ! 'Reform' Magna Carta (or what remains of it).
- 2.3 It is entirely intolerable that any British government should have such powers untrammelled by a requirement for proper accountability to Parliament.

3. QUESTIONS

- 3.1 The Bill lists a number of preconditions (Section 3) to be satisfied before a Minister may amend, repeal or replace legislation. However, it appears that it is the Minister himself who forms a judgment that these preconditions have been met. **Are there sufficient safeguards in the Bill so that Parliament (or even other nominated institutions), can assess whether the relevant preconditions have been satisfied?**
- 3.2 The preconditions require that a Minister must be satisfied that an order strikes a fair balance between the public interest and the interests of any persons adversely affected

by it [Section 3(2)(c)]. **What constitutes a “fair balance”? What safeguards are in place in this Bill to ensure that this balance has been achieved and which body could enforce a differing view?**

- 3.3 The preconditions require that a Minister must be of the opinion that an order does not remove any necessary protection nor removes ‘any right of freedom’ [Section 3(2)(d),(e)]. Experience points to Government being more likely to remove rights and protections of individuals in order to achieve its goals than to preserve rights. **What mechanism in this Bill will ensure that there is proper regard for the preservation of existing rights and freedoms? What considerations have been given to the rights of appeal procedures?**
- 3.4 The Bill requires a Minister to consult such organisations “as appear to him” to represent interests substantially affected, and such other persons “as he considers appropriate” [Section 11(1)]. **What protection is there for individuals, ethnic or religious groups, or any organisation that would be affected by new legislation, if a Minister chooses not to consult or to ignore them? Who will enforce this protection and what recourse will affected individuals or organisations have if they have not been consulted?**
- 3.5 A Minister can make an order reforming local, regional as well as public general Acts. **What protection is there to allow a local community or region, acting through its elected representatives, including their Assemblies, to challenge the powers given to central government through this Bill?**
- 3.6 One of the safeguards of this Bill states that ministers may not create a new offence or increase the penalty for an existing offence that is punishable with imprisonment for a term exceeding two years [Section 6(1)]. However, a Minister can implement recommendations of the Law Commission with higher penalties [Explanatory notes, paragraph 39]. **Is there potentially no limit to the criminal penalty for the purpose of implementing Law Commission recommendations?**
- 3.7 Finally, if the Bill is enacted as proposed, **what is there to prevent a Minister amending or replacing any part of this Act, in order, for example, to diminish or completely remove its safeguards, and further concentrate essentially unrestricted power in the hands of central Government?**

4. CONCLUSIONS

- 4.1 **The Legislative and Regulatory Reform Bill has been presented as a low-key tidying-up measure. In any other European country, a proposal having such far-reaching effects, allowing Ministers to appropriate such wide-ranging powers without proper scrutiny or accountability, would require an amendment to the constitution.**
- 4.2 **The Bill as proposed is a potentially very dangerous measure with few safeguards against abuse. It fundamentally threatens to undermine what remains of Parliamentary democracy in this Nation. It could be used to endanger liberty or freedom of speech of any individual, group or organisation. We submit that it must not be allowed to proceed in its present form.**

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The Maranatha Community is a Christian movement of many thousands of members throughout the United Kingdom and abroad, in all the main churches. The Community is directly involved both locally and nationally in politics, peace and reconciliation work, and aid to communities in need both in this country and overseas. The Leader of the Community is Mr. Dennis Wrigley.
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