

UK parliament approves sweeping executive powers under Brexit bill

Julie Hyland**13 September 2017**

The so-called Great Repeal Bill, incorporating European Union (EU) legislation into British law, passed its second reading in parliament early Tuesday morning, with a government majority of 36.

Now known as the EU Withdrawal Bill, it is the first step in legally removing the UK from the EU—scheduled for March 2019—following the Leave vote in last year's referendum. It provides for sweeping “Henry VIII clauses,” massively extending executive powers, which the government claims are necessary to “provide for a smooth and orderly” Brexit.

No Tories voted against the bill, but seven Labour MPs defied the party whip to vote with the government, including Frank Field, Ronnie Campbell, Kate Hoey and Dennis Skinner. Caroline Flint abstained.

Labour's amendment, criticising “handing sweeping powers to Government Ministers allowing them to bypass Parliament on key decisions,” was defeated by 318 votes to 296. A vote on the timetable for parliamentary scrutiny of the bill at committee stage also passed by 318 votes to 301.

The debate was steamrollered through parliament, with only Thursday and Monday set aside for MPs to speak. Just eight days have been allocated for “line by line” scrutiny at committee stage, for a bill described as the largest legislative venture undertaken in British history, concerning some 12,000 EU regulations.

Labour is seeking to join forces with Tory MP's critical of the measures, together with the Scottish National Party, Liberal Democrats and Plaid Cymru, to submit “sensible amendments.” On Tuesday, MPs tabled 136 amendments, mainly aimed at prolonging British membership of the EU customs union and single market, and for MPs to vote on a final Brexit deal.

No credibility can be given to such parliamentary

manoeuvres. Henry VIII powers date back to the 1539 Statute of Proclamations, which enabled the King to rule by decree. Under the bill, hundreds of items of legislation—including concerning workers' rights—can be amended by ministerial order.

The report by the House of Lords Select Committee on the Constitution described the executive powers conferred by the Bill as “unprecedented and extraordinary,” raising “fundamental constitutional questions about the separation of powers between Parliament and Government.”

The bill contains multiple powers investing the executive with the ability to make “any provision that could be made by an Act of Parliament.” In this way, it “weaves a tapestry of delegated powers that are breathtaking in terms of both their scope and potency,” and that “raise fundamental concerns from a rule of law perspective. The capacity of the Bill to undermine legal certainty is considerable,” the committee stated.

In 2008, David Davies resigned from the Tory shadow cabinet in protest at the Labour government's assault on democratic rights, and subsequently joined forces with then leading Labour “left,” Tony Benn, to support the civil liberties organisation, Big Brother Watch. As the government's Brexit Secretary, in charge of negotiating exit terms with the EU, he now denounces opposition to the bill as an “attempt to thwart the democratic process.”

The support for executive powers was made explicit in the debate by Tory MP Edward Leigh, who joked that Henry VIII was a bastard, “but he was my kind of bastard.” The government hopes to secure a majority on all standing committees concerning the bill, despite leading a minority government that was only secured through a £1 billion deal with Northern Ireland's Democratic Unionist Party.

This power-grab must be seen in the context of the authoritarian turn underway across Europe. In France, President Emmanuel Macron is seeking to buttress emergency laws as he attempts to push through labour reforms overturning workers' legal protections.

In Germany, all the main parties are advocating a massive expansion of the police and intelligence agencies. The German bourgeoisie was central to Google's decision to change its search algorithm's so as to censor the *World Socialist Web Site* and silence opposition to the revival of German militarism. Last month, Interior Minister Thomas de Maizière ordered the shutdown of the left-wing website linksunten.indymedia.org, one of the two German subsidiaries of the global media site Indymedia.

In Britain, ministers had made no secret of their desire to use Brexit to carry out a "bonfire" of workers' rights. In addition, the government is trying to use the UK's extensive military-intelligence apparatus as a bargaining chip with the EU to extract favourable terms for Brexit. Foreign Secretary Boris Johnson said that the UK's "commitment to European security is undiminished" after Brexit, citing Britain's role in NATO-led provocations against Russia.

This agenda of austerity, militarism and war, which is deeply unpopular and cannot be carried through democratically, is the real impulse for the resort to executive powers.

Labour has made no effort to mobilise popular opposition to these plans, despite the influx of new members under Jeremy Corbyn. This is because its own amendments to the bill are motivated less by concern for civil liberties than its attempts to limit executive powers in determining the terms of Brexit and any transitional arrangements put in place.

While officially accepting that Britain will leave the EU, Labour is committed to maintaining access to the single market and customs union for an undefined "transitional" period. But leading Labourites have made clear they want to overturn the leave vote.

Former Prime Minister Tony Blair heads this campaign, arguing that Brexit will do irreparable damage to the interests of British imperialism and the City of London. He has called for a second referendum and is proposing draconian anti-immigration policies are adopted to facilitate this. Blair's former policy adviser Lord Adonis, said Labour would end up

backing another referendum, which he described as a "first referendum on the exit terms."

This has the support of the Trades Union Congress (TUC), whose annual conference began this week. Speaking on Monday, TUC General Secretary Frances O'Grady claimed that continued membership of the EU single market was the best way to protect workers' interests. Her speech came after the TUC General Council issued a statement in favour of remaining in the single market.

Labour's own amendment to the bill included the commitment to "full tariff-free access to the European single market." It was signed by Corbyn, along with deputy leader Tom Watson, Labour's Brexit spokesman Keir Starmer and Stephen Kinnock. The latter were instrumental in the attempts to remove Corbyn as leader, citing his lack of "enthusiasm" for the Remain campaign in last year's referendum he was meant to be leading as a primary factor.

Corbyn had dropped his long-standing opposition to the EU on becoming Labour leader, but he voted with Prime Minister Theresa May after the leave vote to begin negotiations on Britain's withdrawal from the single market and customs union. He now states that the UK should keep EU membership for as "short as possible but as long as necessary."

Quizzed by the BBC on his response to Blair's anti-immigration proposals, Corbyn refused to take a position, saying only that he had listened to Blair's interview "with interest." Corbyn has already committed Labour to limiting freedom of movement within the EU, arguing that this is needed to ensure "proper regulation of the labour market."



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