

A Lack of Parliamentary Oversight in a Time of Coronavirus

by Dr Rob Faure Walker (20th May 2020)

The Coronavirus Pandemic has required that Parliament pass some of the most draconian legislation that the United Kingdom has ever seen. The unprecedented loss of liberty for citizens of the UK covers every part of life in the UK, ranging from next of kin rights over funeral arrangements to the safeguards previously in place to guard against government interference in the interception of communications data. In the case of both the Health Protection (Coronavirus, Restrictions) Regulations 2020 and the Coronavirus Act 2020, Parliament demonstrated its sovereignty by insisting on amendments to ensure that the legislation will be submitted to appropriate review in the future. However, **the Government's current approach to reviewing the Regulations is showing a blatant disregard for the sovereignty of Parliament.**

The Coronavirus Restrictions which relate to "the lockdown" state that "The Secretary of State must review the need for restrictions and requirements imposed by these Regulations at least once every 21 days, with the first review being carried out by 16th April 2020". Yet the Government has failed to engage Parliament in the first two of these statutory reviews, impelling Conservative MP Peter Bone to remind his own party that "Parliament makes good government". The Government's television announcement that they had carried out these statutory reviews, rather than raising them in Parliament, is also **a clear breach of the ministerial code** which states that "When Parliament is in session, the most important announcements of Government policy should be made in the first instance, in Parliament".

As Peter Bone MP also pointed out, **"Too many of the Prime Minister's special advisers and aides think they are running a presidential government, that the PM goes on television and announces all sorts of executive orders without any reference to Parliament"**. Furthermore, **the Government is also disobeying the Speaker** who has instructed them of their duty to announce new policy in the Chamber. The Crown Prosecution Service have suggested that the rushed nature of the new laws has resulted in confusion, finding that **24% of charges under the Regulations and 100% of those under the Coronavirus Act have been made unlawfully, highlighting the need for Parliamentary scrutiny of legislation that the Government is not allowing to happen.**

As a safeguard against the excessive use of its powers, the Coronavirus Act passed on 25th March 2020 stated that Parliament must ensure that the provisions cease beyond 25th Sept 2020, unless they pass the motion written into the act "That the temporary provisions of the Coronavirus Act 2020 should not yet expire". This motion must be passed every six months thereafter for the provisions to continue.

Given the current Government's apparent disdain for the sovereignty of Parliament, there should be genuine concern that they will deny Parliament the right to a meaningful debate over these statutory reviews in the future. **The Coronavirus Restrictions should be reviewed before 28th May 2020 and MPs must demand that the Government allow this to be debated in Parliament.**

The Government's failure to properly review the Restrictions should be an alarm call to the risk that they may use their majority to bully Parliament out of a meaningful debate on the Coronavirus Act before 25th September. **It is incumbent on all MPs, and particularly brave MPs from the Government's own party, to stand up to the Government and demand that the sovereignty of their constituents is represented by a meaningful debate in Parliament over both the Coronavirus Restrictions and over the Coronavirus Act.**

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