

[UK Parliamentary Sovereignty: Bluster Without Substance](#) [1]

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Brussels and Luxemburg assert that EU law, and the European Court of Justice (ECJ), take precedence over the UK constitution, including Parliament, our laws, our lawmaking and our courts. In their view, the new UK Supreme Court is only supreme to the extent the ECJ does not rule against it. Yes, UK legislation is needed to implement EU Directives but the UK has no choice in the matter.

Others contend that Parliament has always retained the option to affirm or reject EU law. In other words it retains sovereignty. Specifically the UK 1972 Act which governs the legal EU/UK interaction could, at any time, be amended by Parliament.

In early 2010, the Conservatives promised to clarify the matter with a Sovereignty Act specifically to affirm the supremacy of Parliament. In October, William Hague claimed that a clause (18, in the event) inserted into this session's EU Bill would meet that obligation. The House of Commons European Scrutiny Committee have now reported on clause 18 in the new Bill after taking evidence from academic and other experts. Their report¹ is not an easy read but the bottom line is that the Coalition's rhetoric is not matched by reality. Clause 18 is a straw man which would achieve nothing and may even weaken Parliament's authority. The Explanatory Notes seeking to justify the new Bill are, deliberately or accidentally, misleading. William Hague refused to join the discussion and his deputy would only do so after the Scrutiny Committee's report went to the printer.

One concern is that clause 18 would enable the UK Supreme Court to have, in effect, supremacy over Parliament. Some judges wish to take it in the direction of the US Supreme Court, i.e. law makers, not merely interpreters of the law. This would suit the ECJ too. Whilst the Coalition presumably would not wish to hand the reins of power to the judges, EU or UK, they have certainly gone cold on reinforcing the supremacy of Parliament. It is not unusual for Shadow Ministers to call for Parliamentary supremacy only to become all presidential when in power and weaken Parliament to the extent they can.

Stranger still, the media are silent. Surely who governs Britain is a newsworthy topic? Cameron talks tough but actually goes along with whatever Merkel and Sarkozy agree, e.g. the EU budget and the transfer of Financial Services lawmaking to Brussels. He definitely does not want the gap between his EU bluster and his achievements exposed in the media. The Lib Dems, naturally, favour closer integration within the EU legal system with no questions asked.

Andy Coulson is doing for Cameron what Alastair Campbell did for Blair. Mark Thomson has admitted that the BBC is soft on the EU and this can be interpreted as deliberately keeping the sovereignty issue out of the headlights. If someone does not wake up the media, this will not be our country any more.

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1 ?The EU Bill and Parliamentary sovereignty?, 6 December 2010.

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