



Joint Committee on Human Rights

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From Rt Hon Harriet Harman MP, Chair

Rt Hon Alok Sharma MP
Secretary of State for Business, Energy and Industrial Strategy

By email.

29 September 2020

Dear Alok,

The Joint Committee on Human Rights has noted a number of amendments to the United Kingdom Internal Market Bill recently tabled by you for consideration at Report Stage in the House of Commons. Amendment 14 provides that the Convention rights guaranteed by the Human Rights Act will not fall within the definition of “relevant international or domestic law”, and will therefore not be excluded from having effect as concerns Regulations made under clauses 42 or 43. We welcome the clarification provided by amendment 15, which now makes clear that clause 45 does not amount to an ouster of judicial review.

However, the Committee is concerned about amendments 12 and 13, particularly in light of the s19(1)(a) statement of compatibility made when the Bill was introduced on 9 September.

It is difficult to reconcile the making of a s19(1)(a) statement with:

- (i) a clause that seeks to disapply section 6 of the Human Rights Act in respect of the making of Regulations under clauses 42 or 43 (amendment 12) (i.e. a clause that appears to explicitly permit a Minister to make regulations that violate human rights); and
- (ii) a clause that seeks to prevent the courts exercising their usual powers in respect of secondary legislation that is incompatible with Convention rights (amendment 13).

The need for these amendments indicates an acceptance on your part that human rights may be violated. Bearing that in mind, were you confident in making the s19(1)(a) statement that the provisions of the Bill were compatible with Convention rights; and do you continue to consider that s19(1)(a) statement of compatibility to be accurate?

Yours sincerely

Rt Hon Harriet Harman MP

Chair of the Joint Committee on Human Rights