

## **T Eccles – written evidence (CIC0311)**

### **House of Lords Constitution Committee Inquiry into the Constitutional Implications of COVID-19**

1. The Coronavirus Act 2020 does not strike the right balance between powers for the Executive and parliamentary oversight and approval.
2. The Act was forced through in a single day without sufficient time for parliamentary scrutiny.
3. The Act provided no powers to control the lives of healthy citizens.
4. The government resorted to vague powers to enable magistrates to enforce the suspension of personal liberty entailed by 'lockdown' through the existing Public Health Act 1984. This Act does not explicitly permit the drastic measure of controlling the movements of healthy people.
5. The scrutiny afforded Parliament under the Public Health Act is very limited and there are no opportunities for amendment or revocation of its regulations beyond those that ministers choose.
6. The government took advantage of this inflexibility to announce lockdown on 23<sup>rd</sup> March and to tell the public this was "not advice; they are rules" (M. Hancock, Health Secretary), rules enforceable by the police yet without being made statutory regulations or only belatedly so.
7. The government continued to mislead the public with guidance which extended beyond the regulations and which had no legal basis e.g. the 2m distancing rule, and which even so were enforced by police forces.
8. Parliamentary scrutiny of these regulations was then prevented by the device of adjournment for the Easter recess.
9. Further, parliament was not consulted as it should have been in the increase of the Contingencies Fund Act to £266billion. It is now suggested by the National Audit Office that £18billion of that fund has been abused and allocated without proper oversight.
10. The government guidance, with no statutory basis and without scrutiny, has been disproportionate and has had a severely detrimental effect on the normal operation of the NHS and therefore on the health of the public worse, possibly, than the virus itself. Similarly, it has damaged children's education and future prospects and harmed the economy and, in all likelihood, social provision for the needy, possibly for years to come.
11. The discretionary powers afforded to police forces are excessive, harmful and against the traditions of the UK. The £10,000 fixed penalty notices for gatherings of more than thirty people are extreme and have been applied inconsistently. Police forces have often exceeded the wide powers they have been given, for example, censoring grocery shopping and intervening in citizen's healthy outdoor exercise.
12. The legality of requirements imposed on people during lockdown has not been clear. The government has responded to but also magnified public fear of the

Coronavirus to ensure conformity with its regulations and to subdue parliamentary scrutiny of them. Parliamentarians have accepted too readily the government's fiat whether it be over the order of business in the House of Commons or physical attendance in the chamber itself.

13. Submitting to government by decree weakens our constitution and without oversight and amendment by colleagues and committees allows the government to compound its errors and its complacency whether on spending on PPE, ventilators, test and tracing or public relations.
14. The constitution of the SAGE group has suffered from certain deficiencies and over-emphases. The absence of economists and the government's failure to conduct a cost-benefit analysis into its COVID response has been irresponsible. The reliance on questionable modelling and the constructive confusion of statistical predictions with possible scenarios has contributed to public misunderstanding and panic.
15. The government has overreacted to this virus which is mainly serious to discernible groups of people, the elderly and the infirm, who should have been shielded properly at the outset without the indefensible imposition on the health, liberty and prospects of rest of the public.

*18/11/2020*