

Protestant Truth Society – written evidence (CIC0403)

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

Q1

1. The 2020 Coronavirus Act does not strike the right balance between powers of the Executive and Parliamentary oversight and approval. The Act itself is used together with the Civil Contingencies Act 2004 and, very significantly, the Public Health (Control of Disease) Act 1984, as amended 2008.
2. The combined effect of these Acts, particularly the last mentioned, is that the Government is enacting major and unjustifiable restrictions of individual and corporate liberty by statutory instrument. This means that new laws are made by the relevant Secretary of State (in this case health) without prior Parliamentary scrutiny or debate. This is an abuse of the power of the Executive. A policy which in effect imposes self imprisonment upon the healthy and forbids Christians from gathering for corporate worship even on Remembrance Day must be subject to Parliamentary debate and scrutiny. Policy is being determined by one, much disputed, strand of medical opinion. This is profoundly wrong and troubling. It is a matter of extreme urgency that the power of examining controversial laws be returned to Parliament. And that other medical opinion beyond that favoured by the present administration be heard and assessed. We are currently subject to laws made by Executive diktat driven by one, and only one, branch of medical opinion. This is a form of tyranny by a certain section of medical 'experts'. These 'experts' are using misleading and unreliable pseudo predictions to scare people into surrendering long treasured and hard won British liberties. It is a matter of vital national and constitutional importance that our laws and the reasoning behind making new laws should be subject to rigorous Parliamentary scrutiny and debate.

Q2

3. Most of the necessary action in relation to this virus should simply have been taken by way of Government advice and not enforced by law. Certain powers could have been given to the police in relation to the dispersal of large gatherings. But it is sadly noticeable that the police have not been even handed in their dealings with large crowds. Anti lockdown protests have met with an extremely robust, often excessive, response. Whereas Black Lives Matter protests have indulged in criminal activity (criminal damage of Winston Churchill's statue) without interference. This egregious difference in the enforcement of law risks bringing the police into public contempt.
4. The Coronavirus Act was therefore not necessary to implement the Government's response.

Q3

5. The measures taken by the Government have been implemented by legislation, regulation and guidance. The bulk of the measures appear to have been implemented by regulations decreed by statutory instrument. The Government has by no means always been clear where guidance does not have the force of law. We have already pointed out the severe dangers of law made by statutory instrument. In the interests of honesty the Government should be clear where guidance does not have the force of law.

Q4

6. The use of emergency powers has been grossly disproportionate and sometimes

laughable. Emergency powers have been used to make laws by statutory instrument. Those new laws have significantly increased the power of the police to interfere with individual liberty. In some instances the police have even gone beyond the new and excessive powers conferred upon them. The cases of the police staining a pool in Derbyshire and filming and then publicly 'shaming' two dog walkers are two particularly troubling examples. A climate of fear has been created. And this has given an opportunity for some, but mercifully not all, police forces to abuse their powers.

Criminalisation and Enforcement

Q5

7. Among many new criminal offences created by the new regulations an egregious and vicious example is Health Protection (Coronavirus) Regulation No. 4. This forbids Christians from gathering for acts of public worship. It violates the principles of Magna Carta. It is wholly wrong and is a wicked interference with the freedom of the individual. If people choose freely to go to church that is a matter for them. Those who attend church will be aware of any risks and those who go freely choose to accept whatever risk there is. In a free country a free people make free choices. And assessing those risks, before God, and then making a choice to attend a place of worship is a fundamental freedom. If that freedom is revoked then this country can scarcely call herself free.
8. Criminalisation of church attendance is is disproportionate, unjustifiable, inappropriate – and wicked.

Q6

9. The rapidity and frequency with which new criminal offences have been created has left the law utterly unclear to members of the public. And no doubt also unclear to the police. In God's merciful providence we still have a tradition of restraint and consideration in British policing which means that the abuse of power has not been as great as it could have been. But it is a matter of vital importance that the the plethora of new crimes be revoked.

Q7

10. It is the contention of this submission that the new powers and criminal offences created are wrong in principle. To the extent that there have been wrongful arrests it is because entirely innocent activities have been turned into crimes by government diktat. This is monstrous and must end now.

Promulgation

Q8

11. The government has announced new measures via the media. These announcements have often used misleading information to create a climate of fear. On the back of this new laws have been made. The issue is not one of clarity of communication but of substance. The laws have been made in a way that has not been subject to the scrutiny of Parliament. And they involve a vicious and unjustifiable restriction of civil and individual liberty.

Devolved and Local Government

Q9

12. The different responses of the different local governments of the United Kingdom have led to a dangerous fracture in the governance of the country. In the interests of the preservation of the Union it would have been better if such measures had not been introduced in the first place.

Q10

13. There should be no increase in the powers of local government. And the national government has already grossly exceeded its proper limits.

Q11

14. It appears that there have been major difficulties.

Q12

15. Answering this question is beyond the remit of our submission.

Parliamentary scrutiny**Q13**

16. Parliament has had no role in the proper scrutiny of statutory instruments before enactment. It does have a take it or leave it power in some cases with respect to continuation of the laws made by statutory instrument. There should be more stringent controls on the use of statutory instruments at all. And a power not only of revocation but also of amendment. Parliament should limit strictly the circumstances in which law can be made by statutory instrument.

Q14

17. There could be provision for a committee of Parliament to have the power to review emergency powers even when Parliament is not sitting. And thus the powers would not be extended beyond three weeks simply because Parliament was not sitting.

Q15

18. Special provisions could be made to give Parliament greater control of the legislative agenda once a given emergency had diminished. This would need to be some measure which gave control of the agenda to others beyond the Speaker and the Leader of the House.

Q16

19. The Government was ill prepared. Responded too hastily. And relied on too narrow a body of medical opinion. Parliament should not have passed the Coronavirus Bill. It should have requested more medical evidence and insisted on more time. It should never have accepted and should not now accept such grave restrictions of individual and religious freedom. Next time Parliament should seek a broader range of opinion. Take more time. And refuse the restriction of fundamental British liberties.

Q17

20. Answering this question is beyond the remit of this submission

Q18

21. There is undoubtedly a case for reworking emergency power legislation. There should be a very high bar set before emergency powers are used. This should involve careful consideration of what constitutes a 'crisis'. Parliament should set some stringent preconditions for what can properly be considered a crisis before crisis legislation can be used. There has been an assumption that we are currently in a crisis when a sober assessment of the evidence confirms that we are not.

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