

Twitter Thread by Adam Wagner



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A year ago, the idea that you could close every restaurant, café and pub in the capital without a Parliamentary vote or even a debate would have been unthinkable. Today we have allowed government by executive decree and it now seems normal. Covid lawmaking has corroded democracy

To explain: since March, the government has used the Public Health (Control of Diseases) Act 1984 to pass lockdown laws - over 60 (I have listed them here <https://t.co/5Z1p3gVjbX>).

	Regulations	Laid before Parliament	In force	Link ((1) Contents and (2) PDF)	Adam Wagner commentary
1.	The Health Protection (Coronavirus) Regulations 2020	10 Feb	10 Feb	https://www.legislation.gov.uk/uksi/2020/129/contents/made https://www.legislation.gov.uk/uksi/2020/129/pdfs/uksi_20200129_en.pdf	
2.	The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020	26 March	26 March	Contents https://www.legislation.gov.uk/uksi/2020/350/contents/made PDF https://www.legislation.gov.uk/uksi/2020/350/pdfs/uksi_20200350_en.pdf	
3.	Health Protection (Coronavirus, Restrictions) (England) (Amendment) Regulations 2020/447	21 April	22 April	http://www.legislation.gov.uk/uksi/2020/447/contents/made http://www.legislation.gov.uk/uksi/2020/447/pdfs/uksi_20200447_en.pdf	
4.	The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 2) Regulations 2020	12 May	13 May	http://www.legislation.gov.uk/uksi/2020/500/contents/made http://www.legislation.gov.uk/uksi/2020/500/pdfs/uksi_20200500_en.pdf	
5.	The Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 3) Regulations 2020	31 May	1 June	http://www.legislation.gov.uk/uksi/2020/558/made	

The lockdown laws have imposed stringent restrictions on movement, freedom of association, family life, religion etc. But each and every lockdown law passed has used the super emergency procedure which allows the government to pass them without a parliamentary vote for 28 days

The government did this for months before MPs revolted at which point it promised to put any major changes before parliament first. It has done this since the three tiers in mid-October.

BUT...

(1) The govt is still only giving parliament about 12 hours to consider laws and the vote is a simple yes or no

(2) Changes to tiered areas are not considered major changes so these don't go to a vote until 28 days later by which time it

has usually changed.

So where we are left is an almost complete democratic deficit:

- (1) Hardly any votes/debates
- (2) Debates so rushed and have no prospect of amendment that they become toothless
- (3) Government deciding whether a change is "major" so even the anaemic scrutiny available is rare.

Important to note that I am not making a 'lockdown skeptic' argument here (though I think we should have fierce debates over any major restrictions on rights), but rather one about democracy and scrutiny.

For those who ask 'where have the human rights lawyers been when we are making these arguments' - I and others have been beating this drum since March. Ultimately it is for Parliament to wrest back control and 'sovereignty', to coin a phrase as courts will not come to the rescue.

The problem is that we have become used to this 'emergency' procedure being used. It didn't need to be like this. Parliament could have developed a far more democratic approach through eg 14 day emergency procedure including amendments and committee scrutiny.