Joe Tomlinson
Public Law Project
Witness Statement: no.1
Exhibits: JT1
Dated: 4 September 2019

IN THE HIGH COURT OF JUSTICE **Case No. CO/3385/2019**

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

B E T W E E N

R (on the application of GINA MILLER)

Claimant

- v -

THE PRIME MINISTER

Defendant

SIR JOHN MAJOR
THE COUNSEL GENERAL FOR WALES
THE LORD ADVOCATE, ON BEHALF OF THE SCOTTISH GOVERNMENT
BARONESS SHAMI CHAKRABARTI

Interveners

THE PUBLIC LAW PROJECT

Proposed Intervener

WITNESS STATEMENT OF JOE TOMLINSON

I, Dr Joe Tomlinson, of the Public Law Project, 150 Caledonian Road, London N1 9RD, do say as follows:

1. I make this statement in support of the Public Law Project's ('**PLP'**s') application to intervene in this application for judicial review, and as PLP's evidence if permission is granted. I am a public law academic and have been PLP's Research Director since 2017. I also concurrently hold a senior lecturing post at the University of York. I am duly authorised to make this statement on PLP's behalf.

2. This statement is made on the basis of my own knowledge, and on information provided to me by my colleagues and from information gathered by PLP in the course of our work.

Where the information is not within my own knowledge I have made clear the source of that information and any limitations on my knowledge or understanding of it.

PLP's application to intervene

3. PLP understands that the Claimant challenges the Defendant's decision to advise the Queen to prorogue Parliament for a period extending from a date between 9 and 12 September 2019 until 14 October 2019.

4. PLP is a responsible intervener and the decision to intervene is not taken lightly. We seek to intervene only where we believe that we can genuinely assist the Court with material which draws on our work and our expertise. More information about PLP and its work in this area is provided in the next section of this witness statement.

5. PLP seeks by way of its intervention to highlight the impact of prorogation on Parliament's ability to carry out its function of scrutinising secondary legislation. Given the role which such legislation plays in the Government's preparations for leaving the EU, it is particularly important that Parliament is able to continue to scrutinise secondary legislation throughout the run up to a potential exit on 31 October 2019. There is likely to be an even greater reliance on secondary legislation if Parliament is prorogued, since the remaining five Brexit bills may not be carried over into the new Parliamentary session. In addition, if Parliament is prorogued, the Government will have to resort to the 'urgency procedure', which effectively removes altogether the opportunities for Parliamentary scrutiny of delegated legislation before it comes into force. PLP is well placed to assist the Court on these issues due to the work it has been doing over the last 2 years contributing to the Rule of Law debates around the EU withdrawal process and in particular through its work scrutinising statutory instruments laid as part of that process.

6. PLP is a small charity and must use its resources assiduously to ensure maximum impact. The decision to intervene in proceedings requires detailed consideration with input from our Director and also Chair of Board of Trustees. At the time that these proceedings were issued both were on leave, in very different time zones, which made decision-making difficult. We discussed internally on 29 and 30 August 2019 whether we should apply to intervene to make the submissions now being made. As a result of the complexity of the issues and the absence on leave (and in different time zones) of those whose input into the decision was critical, and our understanding that a hearing was being sought on 3 or 4 September, we decided at that stage that we were not in a position in the time available to make a properly considered recommendation to our Board or to prepare an intervention for the Divisional Court hearing. Subsequently, our Director having returned to the UK, and

after learning that the hearing would not be until 5 September, we decided on 3 September that we would be in a position, although it would be extremely tight, to put together material which we believed would be of assistance to the Court. We were then able to obtain the approval of our Board for this application and then to instruct counsel to draft the application on 3 September 2019.

7. PLP wrote to the parties and interveners on the evening of 3 September 2019 to inform them of PLP's intention to make this application and to seek their consent to PLP's application and their agreement not to seek costs from PLP if it is granted permission to intervene. Copies of those letters and associated email exchanges and responses are exhibited as exhibit JT/1. At the time of writing we have received a response only from the Prime Minister via the Government Legal Department, confirming at midday on 4 September that he opposes the application to intervene on timing grounds.

8. PLP has prepared this application, its submissions and evidence as quickly as possible in the circumstances. PLP seeks permission to intervene by way of the attached brief written submissions and this evidence. Our Leading Counsel is able to attend the hearing on 5 September 2019 to answer any questions the Court may have but we do not otherwise ask for permission to make oral submissions.

9. PLP are acting for ourselves in this intervention and external counsel have agreed to represent us *pro bono*. PLP will not seek its costs from any party.

PLP

10. PLP is a national legal charity founded in 1990 with the aim of improving access to public law remedies for disadvantaged individuals. Our work is for the benefit of our identified beneficiaries who are those marginalised through poverty, discrimination or disadvantage. PLP employs specialist lawyers who assist individuals experiencing personal disadvantage, or charities or organisations representing the interests of marginalised or disadvantaged groups. PLP also employs expert academics and researchers.

11. PLP has a identified three strategic priorities for 2017 - 2022:

    - Promoting and safeguarding the Rule of Law during a period of significant constitutional change.

    - Working to ensure fair and proper systems for the exercise of public powers and duties, whether by state or private actors.

- Improving practical access to public law remedies, including by seeking to ensure that justice reform is evidence led and by increasing knowledge of public law.

12. Within these broad objectives, in 2018, PLP adopted five focus areas for our work, one of which is Brexit.

PLP's work on Brexit

13. PLP takes no position on the decision to leave the European Union or as to the form which Brexit takes. Our work on Brexit has the following objectives:

    - To strengthen our democratic settlement: To see Parliament appropriately sovereign, the executive held to account, and the interests of disadvantaged groups properly and effectively represented.

    - To ensure procedural fairness to those likely to be most affected by the Brexit process.

14. Through our work in support of the first of these objectives, we have sought to inform the Rule of Law debates around the legislative process for withdrawal, and to establish mechanisms for monitoring executive decision-making pursuant to the European Union (Withdrawal) Act 2018 ('**EUWA**').

15. During the passage of the Withdrawal Bill through Parliament, between Autumn 2017 and July 2018, PLP produced a number of briefings for Parliamentarians highlighting key Rule of Law concerns with the Bill, and provided written evidence to enquiries by the House of Lords Constitution Committee and the Procedure Committee. Central to these were our concerns about the breadth of the delegated powers contained in the Bill. The Government's White Paper to the Bill had recognised the need to balance the importance of Parliamentary scrutiny with giving Ministers the flexibility needed to act swiftly to ensure a smooth Brexit. However, PLP was concerned that the Bill struck the wrong balance and transferred too much power to Ministers and away from Parliament. Those concerns were shared by other civil society actors and were raised during debates in Parliament. As a result, a number of changes were made to the Bill to introduce specific limitations on Ministerial powers to amend retained EU law by secondary legislation, and to provide for an additional scrutiny mechanism to facilitate greater opportunity for Parliament to effectively scrutinize important statutory instruments made under the powers in the Act.

PLP's SIFT project

16. As part of our work in this area, and as a result of concerns about the potential for executive overreach and the ability of Parliament to provide effective scrutiny given the volume of

secondary legislation that was anticipated, we established the Statutory Instrument Filtering and Tracking (**SIFT**) project. The goal of the SIFT project is to scrutinise the Statutory Instruments created to facilitate Brexit, to check they conform to public law standards and do not undermine fundamental rights.

Methodology

17. SIFT seeks to scrutinise as many statutory instruments as possible, including by using a triaging questionnaire to check for public law problems within statutory instruments laid as part of the Brexit process, as well as identifying their impact on fundamental rights. Due to the volume of SIs which have been laid, it has been necessary to prioritise those SIs which are most likely to impact on PLP's charitable beneficiaries. The project has prioritised SIs in the following areas of law: immigration, social security and social welfare law, environmental law, equality law and human rights, labour rights, consumer protection, data protection and privacy and health and human services.

18. SIFT has also established a network of approximately 20 non-governmental organisations working across different subject matters who are able to help to identify additional problems with SIs, or who are independently scrutinising SIs. The network has held two meetings, and has also been an important source of information and data sharing.

19. Our work on the SIFT project has benefited from engagement with leading UK legal academics including Dr Jeff King, Dr Adam Tucker, Dr Tamara Hervey and Dr Charlotte O'Brien. Academics have been sent preliminary findings for comment and we have also sought input as to their understanding of how the statutory instruments alter particular parts of UK law such as healthcare or social security law.

20. As part of the scrutiny process we have been reviewing explanatory memoranda accompanying the statutory instruments, in particular to see whether they do record all the significant changes made by the instruments. The SIFT project has also looked at the reports of the scrutiny committees to take account of any trends in the types of errors being noted by the committees and the nature of the instruments being upgraded.

The impact of prorogation on legislative preparation for exit

Statutory Instruments for Withdrawal

21. On 3 November 2017, the Procedure Committee of the House of Commons published a report, "Scrutiny of delegated legislation under the European Union (Withdrawal) Bill:

interim report"[1], concluding that the Government's initial proposals for scrutiny of SIs would be inadequate. The Committee was particularly concerned by the Government's decision to propose no changes to existing arrangements for scrutiny of delegated legislation in the Commons, and to allow Ministers to determine which instruments would be scrutinised and debated.

22. On 7 December 2017, Chair of the Procedure Committee, Charles Walker OBE MP, tabled amendments to the Withdrawal Bill setting out a sifting procedure.

23. The amendments were agreed during Commons Committee Stage, with Government support. The amendments are contained within Schedule 7 to the Withdrawal Act.

Progress in preparing the statute book for exit

24. The following data is drawn from the Hansard Society's Statutory Instrument Tracker (the **'SI Tracker**'), which is an online tool which seeks to track the progress of Statutory Instruments laid in Parliament since the beginning of the current Parliamentary session. The SI Tracker identifies SIs as 'Brexit' SIs if they were made under EUWA, another of the 'Brexit' Acts, or if the subject matter relates to the UK leaving the European Union. The data below relates to SIs which have been flagged in the SI Tracker as Brexit SIs using this definition.

25. According to the SI Tracker there have been 568 Brexit SIs since EUWA was passed in July 2018. Of these:

    a) 245 SIs were laid as proposed negatives under provisions of EUWA, which meant that they were subject to the sifting procedure. Of those, 70 proposed negatives were recommended to be upgraded to affirmative by either (or both), of the European Statutory Instruments Committee (the sifting committee established by the House of Commons for this purpose), or the House of Lords' Secondary Legislation Scrutiny Committee (which carries out the sifting function in the House of Lords). The Government accepted all of the committee's recommendations for SIs to be upgraded.

    b) 221 SIs have been subject to the draft affirmative procedure under EUWA.

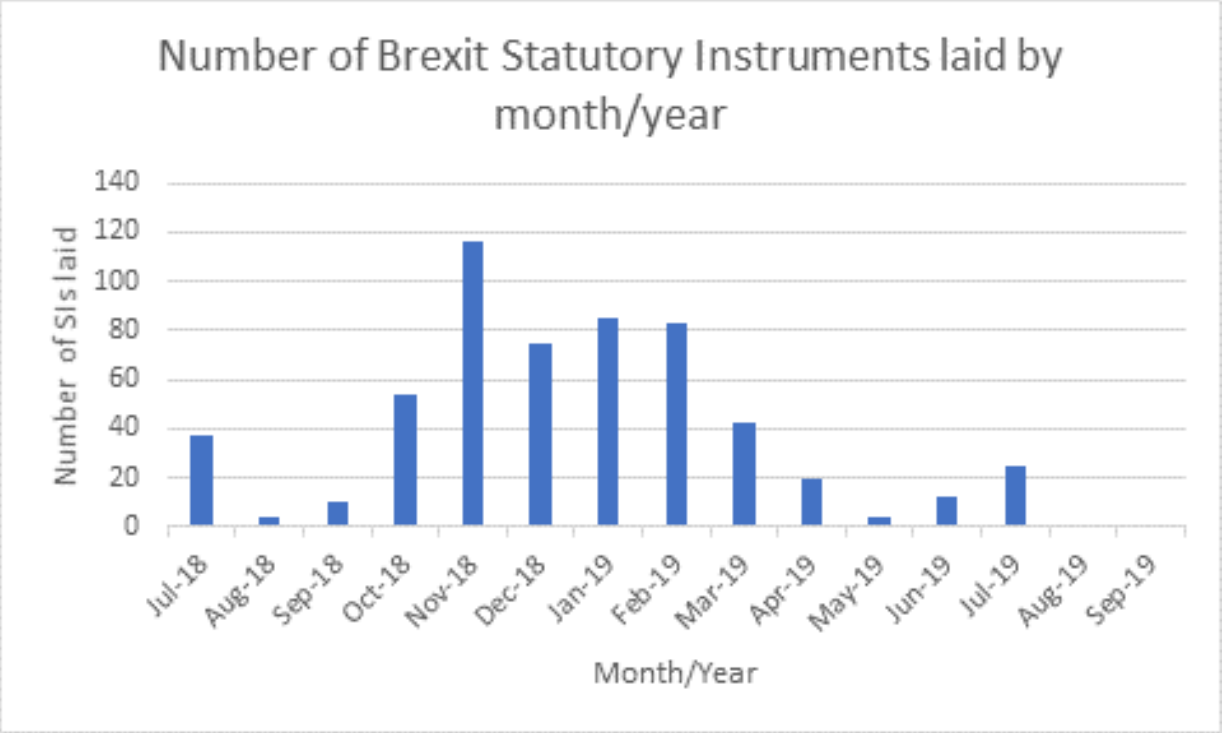
    c) There have been five SIs that have been laid as made rather than draft and subject to "urgent case" procedure under EUWA. These were laid between the "first exit day" (29 March 2019) and the "second exit day" (12 April 2019).

[1] https://www.parliament.uk/business/committees/committees-a-z/commons-select/procedure-committee/inquiries/parliament-2017/exiting-eu-scrutiny-delegated-legislation-17-19/

d) 66 (c.11%) of SIs have amended other SIs (so called 'wash-up' SIs).

e) 59 (c. 10%) SIs have been withdrawn and subsequently re-laid.

26. The chart below shows how many Brexit SIs were laid in each month since July 2018:



27. There was a sustained high number of SIs laid between November 2018 and February 2019, but this dropped off in March 2019 and dwindled to just four in May 2019. The numbers rose again with 13 laid in June and 26 in July but only one in August.

28. The SI tracker identifies 65 SIs where there has been some form of consultation (11% of all SIs). However, only nine were full consultations. These consultations were generally open for about a month, although in the case of the Nutrition (Amendment) (EU Exit) Regulations 2018 was open for 11 days.

29. In the remaining cases, the Government published a draft of the proposed SI but did not formally consult or invite comments on the draft from stakeholders. Most of these SIs were financial services SIs, and the Government's purpose seems to have been to provide information about its intentions.

30. The Environment (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2019 were the first regulations to use the term 'wash-up' in the explanatory note to describe the purpose of the SI as to correct earlier SIs. Those regulations corrected a host of errors including a "tick box" that was "omitted in error" that was crucial to enable endangered

species to be moved within the UK and an amendment which "inadvertently altered the operation of an Article" relating to pesticide products. The explanatory memorandum states at para 2.19: "the amendments to correct errors in other EU exit SIs will ensure that deficiencies in the legislation amended by those SIs are addressed *as intended*".[2] There are another 65 wash-up SIs of a similar vein, illustrating the scale of mistakes made when vast amounts of law need to be made in a short space of time.

How many more statutory instruments are needed?

31. The previous government gave a number of different estimates for the number of SIs that would be required in order to prepare the statute book for exit day. During the passage of EUWA, ministers stated that they expected to lay between 800 and 1,000 SIs. This number was subsequently confirmed in a letter to the SI sifting committees on 25 October 2018 from the then DExEU Minister Chris Heaton-Harris MP[3], although he noted that it was expected to be towards the lower end of that range. He provided a prediction of the number of SIs which remained to be laid as at that date, which indicated that there were up to 700 SIs still to be laid between then and 29 March 2019 (which was then anticipated to be exit day). According to the SI tracker, 406 Brexit SIs were laid between November 2018 and March 2019.

32. As a consequence of the extension of the Article 50 period and postponement of exit day, further SIs will be required. For example, the Insolvency (Amendment) (EU Exit) (No. 2) Regulations 2019, laid on 22 July 2019 and subject to the affirmative procedure (but not yet debated), are said to be required as a result of domestic and EU-level legal developments since 29 March 2019.

33. Another example is that, because elections to the European Parliament were held on 23 May 2019, an SI is required to postpone the date on which retained EU law relating to such elections is revoked until 31 December 2020 to enable necessary functions and processes that are required following the European Parliamentary elections held on 23rd May 2019 to be carried out and completed: see the European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) (Amendment) Regulations 2019. These Regulations, which are draft affirmative, are due to be considered by the SLSC on 10 September 2019 and have not yet been debated by either House.

[2] http://www.legislation.gov.uk/uksi/2019/559/memorandum/contents
[3] https://publications.parliament.uk/pa/ld201719/ldselect/ldsecleg/214/214.pdf

34. On 27 June 2019, Joanna Cherry MP asked the following Parliamentary question to Stephen Barclay, Secretary of State for Exiting the European Union:

> *"The Secretary of State referred earlier to the number of statutory instruments that have been laid to date; can he tell the House how many SIs remain to be enacted in order for us to exit the EU in an orderly fashion on 31 October?"*

35. Stephen Barclay gave the following response (HC Deb, 27 June 2019, c795):

> *"The answer to that question is that one cannot give a precise figure, because as we saw—[Interruption.] I am coming to the precise issue; the number will be around 100, but one cannot give a precise figure because issues may arise such as we saw in the run-up to the March and April exit date; a correction of a previous SI might be required, or as part of the planning for exit certain issues might come to light through the Commission that necessitate an SI. So it is not possible to give a definitive number, but it will be in the region of 100."*

36. Since his answer, according to the SI Tracker, only 27 Brexit SIs have been laid before Parliament, which means that there are still approximately 75 Brexit SIs to be laid in order to prepare the statute book for Brexit.

37. It is important to note that Mr Barclay's statement was made during the previous administration, which held the view that significant policy changes needed to be made by primary legislation. The current government has suggested that the five remaining Brexit Bills which have yet to complete their passage through Parliament are not essential in order for the UK to leave without a deal on 31 October[4]. However, if that is the case then it is likely that more SIs will be required than Mr Barclay estimated in June.

Scrutiny process ongoing

38. Of the SIs which have already been laid there are a number which have not yet completed the scrutiny process. These include:

- SIs which are subject to the sifting procedure but may not have been considered by the sifting committees before prorogation (e.g. the Import of and Trade in Animals and Animal Products (Amendment etc.) (EU Exit) (No. 2) Regulations 2019, laid on 5 August 2019, which is scheduled to be considered by both committees on 10 September 2019), or where the Government has not yet responded to an upgrade

[4] https://www.standard.co.uk/news/politics/rebel-tories-wont-be-able-to-stop-b-brexit-cabinet-minister-warns-a4205536.html

recommendation (e.g. The European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals) (EU Exit) Regulations 2019, recommended for upgrade by ESIC on 16 July 2019);

- 17 SIs laid in July 2019 which are subject to the draft affirmative procedure none of which have yet been debated in both Houses, and most of which have not yet been debated in either House (e.g. the Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019, laid on 25 July 2019);

- SIs which have been laid to correct drafting defects and omissions in other SIs which have already been made and will come into force on exit day (e.g. Human Medicines and Medical Devices (Amendment etc.) (EU Exit) Regulations 2019, which is a draft affirmative SI which has not yet been debated by either House).

39. The scrutiny processes of those SIs already laid would not be completed during prorogation.

Key findings of the SIFT project

40. To highlight the importance of Parliamentary scrutiny of SIs, I draw on the following examples from PLP's SIFT project:

(1) SIs are being used to implement policy changes.

41. A particularly striking and very recent example is the Freedom of Establishment and Free Movement of Services (EU Exit) Regulations 2019, laid in draft on 11 July 2019 and subject to the draft affirmative procedure. These were considered by the Secondary Legislation Scrutiny Committee ('**SLSC**') on 23 July 2019 and drawn to the special attention of the House. In its report, the SLSC observed that:

> This instrument proposes to remove treaty rights which are derived from several bilateral and multilateral EU agreements and which currently guarantee preferential treatment for EU, EEA, Swiss and Turkish nationals with regard to self-employment, owning and managing a company and providing services in the UK, as compared to nationals of other countries. This policy change is proposed as part of the Government's planning for a possible 'no deal' exit from the EU and seeks to ensure the UK is compliant with the WTO's 'most favoured nation' principle. The Committee notes that removing the treaty rights will mean that the people and businesses affected will not be able to use the rights to challenge possible new

policies or regulations in the UK which place restrictions on their access to the UK Internal Market after exit. The Committee also notes the link between this instrument and the Immigration and Social Security Coordination (EU Withdrawal) Bill which is currently on hold at Report Stage in the House of Commons, and that the instrument would also make it an offence to use legitimate satellite decoder cards from the EU to avoid a charge for receiving a programme made in the UK. We draw the draft Regulations to the special attention of the House on the ground that they give rise to issues of public policy likely to be of interest to the House.

42. The House of Lords Delegated Legislation Committee is scheduled to debate these Regulations on 10 September 2019; no date has yet been set for the House of Commons to do so.

(2) Supporting material for SIs has been inadequate

43. *Inadequate explanatory notes.* The Secondary Legislation Scrutiny Committee has commented on a number of occasions on the inadequate explanatory memoranda accompanying the Brexit SIs. Regarding the REACH etc. (Amendment etc.) (EU Exit) Regulations 2019, which implement a new chemicals regime in the UK after exit day, the SLSC said:

> " We therefore draw the draft Regulations to the special attention of the House, on the ground that the explanatory material laid in support of them provides insufficient information on their expected impact".

44. There has been a spike in the number of explanatory memoranda needing replacement. Furthermore, the explanatory memoranda have not always recorded major policy changes being implemented by the instruments. This was noted by the European Scrutiny Committee when discussing the Social Security Coordination (Regulation (EC) No 883/2004, EEA Agreement and Swiss Agreement) (Amendment) (EU Exit) Regulations 2018, which omitted the principle of equal treatment for EU nationals accessing social security entitlements from retained EU law.

> "The Department's Explanatory Memorandum on these draft regulations does not refer to the intended consequences or practical effect of the repeal of the equal treatment principle".

45. *Absence of impact assessments.* Impact assessments have frequently not been laid with statutory instruments, making the jobs of the scrutiny committees and Parliamentarians

difficult. In February of this year the SLSC wrote to the Treasury to register its concern at the Treasury's failure to lay Impact Assessments with its statutory instruments. It said:

> " If instruments are to be scrutinised effectively, all relevant information including the IA must be submitted at the time that the instrument is laid. It is therefore unacceptable that, at this critical time when Parliament is being asked to consider an exceptionally large volume of instruments concerning highly complex areas of law, your Department has failed to provide IAs in a timely manner".

46. The SLSC has levelled similar criticism at Defra and said in regards to the REACH SI that:

> "The Committee deeply regrets that, despite the economic importance of the UK chemical industry, neither the EM nor the IA provide any financial analysis of the potential costs of the proposed regulatory regime and a 'no deal' scenario for the industry."

(3) Changes are being made which appear to weaken standards

47. For example, the Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2018 removed a statutory duty to ensure staff had appropriate education and training in relation to mad cow disease checks.

48. The SLSC in the Lords stated:

> "While the Explanatory Memorandum states that the instrument only proposes minor amendments and no policy changes, one of the proposed amendments would have the effect of removing a statutory duty to ensure staff of competent authorities have appropriate education and training in relation to TSE checks… The control and eradication of TSEs is an important and sensitive policy area. The Committee is of the view that the proposed amendment risks giving the impression that control measures in this area are being weakened, and that this could potentially undermine UK meat exports after exit."[5]

49. After this report and recommendation for upgrade to affirmative by the SLSC, the Regulations were re-laid with the statutory duty re-inserted. This would not have happened without Lords scrutiny particularly as they noticed a change that was not flagged in the explanatory note.

[5] https://publications.parliament.uk/pa/ld201719/ldselect/ldseclegb/244/244.pdf

50. The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019 removed a provision in retained EU law containing a blanket ban on endocrine disrupting chemicals.

51. After ChemTrust sent a Pre-Action Protocol letter on 4 June 2019, Defra laid another SI on 18 June 2019, the Pesticides (Amendment) (EU Exit) Regulations 2019, which reinstated the prohibition on endocrine disrupting chemicals. The Explanatory Note to this new SI noted that it would "*reverse the erroneous omission of provisions of Annex 2 to Regulation (EC) No 1107/2009 which prohibit the approval of active substances, safeners or synergists which have endocrine disrupting properties*".

(4) Some SIs have been straightforwardly ill-conceived and withdrawn due to the response to them.

52. One example is the SI drafted to withdraw the UK from the European University Institute,[6] which was an unnecessary SI, and would not be checked during an extended prorogation.

(5) Some SIs have been poorly drafted

53. For example, multiple wash-up SIs have been required due to concerns (as discussed above). More straightforwardly, there are examples of mistakes such as referring to recitals in EU law which will form no part of the UK law. With prorogation, and even less time for scrutiny, there is a significant chance that basic mistakes get missed and actual consequences will result.

The impact of prorogation

54. Despite time and resource constraints, Parliament's scrutiny committees have monitored the changes being implemented by Brexit statutory instruments and where there are concerns have drawn them to the attention of the House in advance of debate in delegated legislation committees. Some of the 59 Brexit SIs that were withdrawn and relaid were done so after reports of the Joint Committee Statutory Instruments ("**JCSI**") or the SLSC.

55. The impact of prorogation is that the check and balance provided by these committees will be lost.

[6] https://europeanlawblog.eu/2019/02/15/henry-viii-arrives-in-florence-the-uks-withdrawal-from-the-convention-establishing-a-european-university-institute/

56. Many of the Brexit SIs have not been made publicly available in draft in advance, even for informal consultation, which has placed added emphasis on Parliamentary scrutiny processes. During prorogation there will no opportunity for consultation on SIs in advance.

57. If the Government wishes to lay Brexit SIs during prorogation it can do so by triggering the urgent case procedure under the EU (Withdrawal) Act 2018 and turning proposed draft negative and affirmative statutory instruments into made affirmative and negative statutory instruments.

58. The urgent case procedure allows the Government to bypass the sifting process for negative statutory instruments, intended as a safeguard. (See, for example, the effectiveness of this process in relation to the Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2018, discussed above). This safeguard will not operate if Parliament is prorogued.

59. Prorogation also means that MPs are unable to lay motions praying against a negative statutory instrument laid during prorogation, which is another check on executive power.

60. Made affirmative statutory instruments laid during using the urgent case procedure will have legal effect immediately but will only remain in effect if approved by both Houses within 28 sitting days. The Government could decide to use the urgent case procedure to lay made affirmatives in October to ensure they are all in force by exit day. This means that SIs containing errors will come into immediate legal effect.

61. Furthermore, the Government could choose to withdraw the draft statutory instruments currently progressing through the House, some of which have been subject to criticism by the SLSC, and lay them again as made instruments while Parliament is prorogued.

I believe that the facts stated in this witness statement are true.

Joe Tomlinson

4 September 2019