

UK law and Brexit

September 28, 2020

The UK has entered the Brexit transition period. With the introduction of new legislation by the UK government, there is wide opposition from several quarters as the new law has been criticised for overruling the Brexit deal.

In news: The UK has proposed a new legislation called the Internal market bill.

Placing it in syllabus: European Union

Current dimensions

1. Provisions of the new UK law
2. How does it affect Good Friday Agreement 1998?
3. How does it affect the BREXIT deal

Content:

Provisions of the new UK law:

- The **bill aims** to maintain the joined-up market to **ensure all four of the UK's nations are not limited by regulations determined by each devolved government.**
- It also aims to guarantee the international community has access to the UK as a whole, knowing the standards and rules are the same throughout.
- When the UK leaves the EU, the devolved powers will have no constraints from the EU so they could set up their own rules on issues like food safety.
- The bill aims to create common rules that apply across the whole of the UK – essentially replacing the EU's role as the ultimate arbiter of most trade policies.
- The bill proposes to bring forward legislation that will enshrine **"mutual recognition and non-discrimination"**.

Mutual recognition is defined in the bill as making sure any

goods, services and qualifications which can be sold or used in one part of the UK can also be in another part of the UK, with some exceptions for Northern Ireland as laid out in the protocol .

- It promises Edinburgh, Belfast and Cardiff will be given new powers to **create their own laws in 160 policy areas** once the transition period is over.
- An **independent body to monitor how the UK's internal market is functioning is proposed** in the bill to oversee the implementation of these principles and to consult with businesses and consumers.

How does it affect Good Friday Agreement 1998?

What is Good Friday Agreement?

- When the Republic of Ireland gained independence from the U.K. in 1921, the six northern counties comprising Northern Ireland remained part of the U.K.
- Its constitutional status has remained contested between the Protestant and predominantly unionist community, and the Catholic and largely nationalist community.
- This dispute resulted in decades of political violence and turmoil, known as the **Troubles**, which cost over 3600 lives.
- In April 1998 signing of the **Good Friday Agreement or Belfast Agreement** enabled a comprehensive approach to governance and security.
- It declared that Northern Ireland will remain part of the U.K. unless there is "the consent of a majority of the people of Northern Ireland voting in a poll."
- On the security side, the U.K. government reduced its military presence and paramilitary groups decommissioned their weapons.
- The creation of a 108-member assembly with a power-sharing executive ensured both communities were represented in decision-making.

- The E.U.'s single market coupled with the peace process permitted the gradual dismantling of customs posts and checkpoints along the border.

Northern Ireland protocol:

- It is a crucial part of the Internal Market Bill, and therefore the Withdrawal Agreement, which aims to **avoid the introduction of a hard border on the island of Ireland** in the event of a no-deal Brexit.
- It states that Northern Ireland will remain part of the UK's customs territory so if the UK signs a free trade deal with another country, Northern Irish goods would be included.
- However, Northern Ireland will have to stick to some EU rules to allow goods to move freely into the Republic.
- Goods moving from the rest of the UK to Northern Ireland will not be subject to a tariff unless they are "at risk" of being moved into the EU afterwards.
- It also could lead to increased checks on the border with the Republic of Ireland, which the UK and EU previously agreed could not happen.

Northern Ireland already remains a post-conflict society and there are more "peace walls" (separation barriers between neighborhoods) now than in 1998. With the heightened tension amid Brexit debates, new law would add to the tensions especially across the border.

How does it affect the BREXIT deal?

- Under the withdrawal agreement, the UK must notify Brussels of any state-aid decisions that would affect Northern Ireland's goods market. But clauses in the **internal market bill will force the UK courts to follow the new UK law rather than the EU deal**, diluting the ability of the protocol to intrude on UK state-aid policy.

- The Bill would give British Ministers unilateral powers to regulate trade among England, Scotland, Wales and Northern Ireland, once the force of EU law expires after a post-Brexit transition period at the end of 2020.
- It says ministers can provide financial assistance to any person or company, which could mean it is **overriding state aid rules set out in the Withdrawal Agreement**.
- It adds any parts of the Brexit deal which contradict it “cease to be recognised and available in domestic law”.

The EU has demanded the U.K. drop the plan by the end of September or face legal action.

Mould your thought:

1. Why is the newly proposed UK Internal Market bill opposed? What are its implications on the Brexit deal?

Approach to the answer:

- Write about the provisions of the bill.
- Briefly write how it affects Northern Ireland.
- Explain how it affects the Brexit deal.