

“Repatriation” of EU law into UK law – what does it mean?

Although the proposal to “Repatriate” EU law into UK law has been made both by the hardest of Brexiteers and by the Prime Minister, many independence campaigners are still distinctly uneasy at the idea that large parts of the “*Acquis Communautaire*” being incorporated onto our statute books as British legislation, for later amendment, replacement or repeal if thought desirable.

Perhaps this note will help to explain the reason why this is necessary and dispel unfounded fears.

We are in a similar position to the newly-independent Parliament of the Irish Free State in 1922 when it enacted its constitution. Although the situation of the United Kingdom government and Parliament vis a vis the institutions of the EU is by no means identical to that of the Irish Parliament of 1922 to the British government of the day, there is sufficient similarity in the situation, as a Great Repeal Bill is promised and its wording will be scrutinised.

With regard to the “nationalisation” of EU laws to the British statute book, Act No.2 of 1922 in the newly independent Irish parliament adopted all the laws from the Westminster Parliament to be effective in the Irish Free State and enforced by its institutions. To have done anything less would have left an impossible legal vacuum.

A similar thing would happen here on a lesser but significant scale, if (as some suggest) we simply repeal the European Communities Act 1972 and abrogate the treaties.

Amongst other things, there would be no laws at all to protect food safety and no legal basis for the Customs and Excise. These both presently stem from regulations made in Brussels,

not Act of Parliament and would instantly cease to exist if the U.K. simply “walked away” from its treaty obligations and repealed the European Communities Act 1972.

We do have time during the two-year negotiating period of Article 50 to highlight some legislation to exclude from the “nationalisation” of EU law, in particular fisheries, where there is no need to pursue a shadow version of the disastrous Common Fisheries Policy. Unlike, for example, food safety or bathing water standards, where we would have no laws at all if we did not incorporate the *acquis* into UK law, we are in a different position with fisheries. Making an exception gives us complete control over our national waters and than chance to bring in a much better fisheries management system. Similar considerations apply with agriculture.

See also the attachment A Time Like Never Before from our last CIB members’ newsletter. The Prime Minister has decisively rejected any harebrained scheme to renege on treaty agreements and also promised a Bill to repeal the European Communities Act 1972 when the agreed settlement is in place. We will then finally be out of the EU which, after all, is our main objective. The tidying up can come later!