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The Times

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Legislative reform

Sir, Clause one of the Legislative and Regulatory Reform Bill (Comment, Feb 15) provides that: "A Minister of the Crown may by order make provision for either or both of the following purposes — a) reforming legislation; b) implementing recommendations of any one or more of the United Kingdom Law Commissions, with or without changes."

This has been presented as a simple measure "streamlining" the Regulatory Reform Act 2001, by which, to help industry, the Government can reduce red tape by amending the Acts of Parliament that wove it. But it goes much further: if passed, the Government could rewrite almost any Act and, in some cases, enact new laws that at present only Parliament can make.

The Bill subjects this drastic power to limits, but these are few and weak. If enacted as it stands, we believe the Bill would make it possible for the Government, by delegated legislation, to do (inter alia) the following:

- create a new offence of incitement to religious hatred, punishable with two years' imprisonment;
- curtail or abolish jury trial;
- permit the Home Secretary to place citizens under house arrest;
- allow the Prime Minister to sack judges;
- rewrite the law on nationality and immigration;
- "reform" Magna Carta (or what remains of it).

It would, in short, create a major shift of power within the state, which in other countries would require an amendment to the constitution; and one in which the winner would be the executive, and the loser Parliament.

David Howarth, MP for Cambridge, made this point at the Second Reading of the Bill last week. We hope that other MPs, on all sides of the House, will recognise the dangers of what is being proposed before it is too late.

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