September 2026 LIGC Proposed Motions

Motion 1

Labour International Motion

Constitutional Reform: Parliamentary Sovereignty, the Royal Prerogative and the Relationship between the State and the Monarchy

Labour International notes that:

1. The United Kingdom remains unusual among modern parliamentary democracies in that significant elements of executive and constitutional authority continue to derive from the Royal Prerogative, rather than from powers expressly defined by statute.

2. The Royal Prerogative comprises residual powers historically exercised by the Crown. Many prerogative powers are now exercised by ministers on behalf of the Crown, while others remain formally vested in the Monarch. Their exercise is subject to constitutional conventions, statute and judicial review where applicable.

3. Remaining prerogative powers include functions relating to the appointment of the Prime Minister and ministers, the summoning, prorogation and dissolution of Parliament, foreign affairs and treaty-making, the granting of honours and mercy, and other areas of executive authority. The scope and exercise of these powers vary, and many are regulated or limited by statute.

4. The principle of parliamentary sovereignty means that Parliament may alter or abolish prerogative powers by legislation, and that prerogative powers cannot be used to override an Act of Parliament. Nevertheless, some significant executive powers continue to operate without a comprehensive statutory framework defining their scope and limits.

5. Royal Assent is the formal approval given by the Monarch to a Bill that has been passed by both Houses of Parliament. It is required under the present constitutional arrangements before a Bill becomes an Act of Parliament. In modern practice, Royal Assent is treated as a constitutional formality and has not been refused since 1708.

6. King's Consent is a parliamentary procedure under which the Monarch's consent may be required before Parliament debates a Bill, or certain provisions of a Bill, that would affect the prerogative, hereditary revenues, personal property or other interests of the Crown. It is distinct from Royal Assent: it concerns whether Parliament may debate or proceed with particular legislation, whereas Royal Assent occurs after a Bill has completed its passage through Parliament.

7. Prince's Consent is a corresponding procedure under which the consent of the Prince of Wales may be required in relation to legislation affecting his interests or those of the Duchy of Cornwall. The procedure does not give the Prince a general veto over legislation, but it may enable the withholding of consent to prevent a Bill or provision from proceeding where the relevant interests are engaged.

8. The operation of King's Consent and Prince's Consent is governed principally by parliamentary practice and convention rather than by a single comprehensive statute. Their use raises questions about whether hereditary interests should have any role in determining whether Parliament may debate or consider legislation.

9. The Crown Estate is a statutory corporation established under the Crown Estate Act 1961. Its assets are held by the Crown Estate Commissioners on behalf of the Crown, are not the private property of the Monarch, and cannot ordinarily be sold or used for the Monarch's personal benefit. Its net revenues are paid into the Consolidated Fund, while the Sovereign Grant is determined under the Sovereign Grant Act 2011.

10. The Duchy of Lancaster and the Duchy of Cornwall are distinct landed estates with separate legal and constitutional arrangements. The Duchy of Lancaster is held by the Sovereign in right of the Crown, while the Duchy of Cornwall is held by the heir to the throne. They are not ordinary private estates, but neither is identical in legal form to the Crown Estate. Their revenues and assets are subject to specific statutory, constitutional and tax arrangements.

11. The British public may be largely unaware of the extent to which historic prerogative powers, parliamentary consent procedures and special arrangements relating to Crown property continue to form part of the United Kingdom's modern constitutional arrangements.

12. While the Monarchy continues to be held in high regard by many people, a modern democratic state should ensure that constitutional authority is transparent, accountable and ultimately derived from the people through Parliament.

Labour International believes that:

1. Constitutional authority in a modern democracy should derive from the democratic will of the people and be exercised through institutions accountable to them.

2. Executive powers should be clearly defined and limited by statute rather than relying upon inherited or residual prerogative powers.

3. No hereditary institution or individual should possess constitutional privileges capable of influencing, delaying or restricting the legislative process.

4. The United Kingdom should adopt a written Constitution clearly defining the powers and responsibilities of Parliament, Government, the Head of State and the Courts.

5. The constitutional arrangements of the United Kingdom should be modernised so that the relationship between the State and the Monarchy reflects contemporary democratic principles.

6. An independent constitutional guardian should be politically impartial, independent of Government and Parliament, and exercise only those functions expressly assigned to it by the Constitution and by statute.

Labour International therefore calls upon a Labour Government to:

1. Replace the remaining Royal Prerogative powers exercised by ministers with clearly defined statutory powers, subject to parliamentary authorisation, accountability and judicial review where appropriate. Any prerogative functions retained by the Head of State should likewise be defined and regulated by the written Constitution and by statute.

2. Reform the legislative role of the Crown by providing that a Bill duly passed by both Houses of Parliament becomes law without requiring Royal Assent, subject to any constitutionally defined procedures for certification, promulgation or judicial review.

3. Abolish King's Consent and Prince's Consent, ensuring that no member of the Royal Family has a constitutional right to determine whether Parliament may debate or consider legislation. Any protection for legitimate property or financial interests should be provided through ordinary law and parliamentary procedures applicable on an equal basis.

4.**Establish a Council of State as the independent constitutional guardian of the United Kingdom**, with its composition, appointment, tenure and functions determined by the written Constitution and statute.

The precise composition and institutional location of the Council of State shall be subject to detailed constitutional consideration. **Any proposal to involve the Supreme Court, its President or its Justices in the Council of State must first address and resolve any potential conflict with the principle of separation of powers.** This question should be subject to full parliamentary and constitutional debate before any final decision is taken.

The review should consider whether constitutional guardianship should be exercised by the Supreme Court, by a body incorporating members of the judiciary but institutionally separate from the courts, or by an entirely separate constitutional institution. **No arrangement should compromise the independence of the judiciary or the impartial exercise of judicial functions.**

The Council of State would assume those constitutional functions currently exercised by the Monarch as Head of State, including:

- certifying the appointment of the Prime Minister in accordance with the Constitution following a General Election or a change of Government;
- ensuring the lawful summoning, prorogation and dissolution of Parliament;
- safeguarding the continuity of constitutional government;
- referring constitutional questions to the appropriate court or constitutional tribunal; and
- exercising any other constitutional functions expressly assigned to it by the Constitution or by Parliament.

The Council of State would exercise these responsibilities solely in accordance with the Constitution and statute. It would possess **no executive or political authority** and would act collectively rather than through any individual member.

5. Redefine the role of the Monarchy as a national institution undertaking ceremonial, representative, charitable and cultural functions, with its public funding determined transparently by Parliament and subject to appropriate public accountability.

6. Review the constitutional and legal status of the Crown Estate, with the aim of placing its assets under an irrevocable public trust or equivalent public ownership structure held for the long-term benefit of the people. Any such reform should preserve the distinction between the Crown Estate and the private property of the Monarch, protect legitimate contractual and employment rights, and provide for transparent, professionally independent management. The review should consider whether the assets could contribute to a national public investment or sovereign wealth fund.

7. Review the constitutional and legal status of the Duchy of Lancaster and the Duchy of Cornwall, recognising that they are distinct from the Crown Estate and have different legal arrangements. The review should consider transferring their assets, or the beneficial value of their revenues, into public ownership or an equivalent public trust, while preserving legitimate third-party rights and providing

for transparent public management. Any future use of the titles of the Duchies should be determined by the written Constitution and statute rather than by hereditary property rights.

8. Review and reform the transparency and Freedom of Information arrangements applicable to communications between Government and members of the Royal Family, ensuring that exemptions are no broader than necessary to protect legitimate constitutional, personal or security interests. The same principles of transparency and accountability should apply wherever public functions or public resources are involved.

Labour International resolves:

To campaign for the replacement of the United Kingdom's remaining hereditary and prerogative constitutional powers with a modern, written and democratic Constitution in which:

● sovereignty is exercised through Parliament on behalf of the people;

● executive authority is derived from and limited by statute;

● legislation is determined by Parliament without hereditary constitutional intervention;

● the constitutional role of the Head of State is defined by law;

● constitutional safeguards are exercised by an independent and politically impartial Council of State;

● the Crown Estate and the Duchies are governed transparently for the public benefit, subject to their distinct legal statuses and legitimate existing rights; and

● the relationship between the State and the Monarchy is placed on a modern, transparent and democratic footing.

Labour International

Motion 2

Irregular Migration and European Cooperation

Labour International notes that:

● The number of people crossing the English Channel in small boats remains a serious humanitarian, political and practical challenge.

● The European Union's new Pact on Migration and Asylum entered into application on 12 June 2026, establishing a common framework for screening arrivals, processing asylum applications, managing returns and sharing responsibility between Member States. (Migration and Home Affairs)

● The United Kingdom is already increasing practical cooperation with European countries on migration and asylum, including through its new status as an Observer Country in the European Migration Network. (Migration and Home Affairs)

● Liberal Democrat leader Sir Ed Davey has proposed that Britain should seek to participate in the EU's new migration and asylum arrangements as a means of tackling small-boat crossings.

Labour International believes that:

● Irregular migration is a European challenge which requires European cooperation.

● Britain should seek the closest possible practical relationship with the EU on migration, asylum, border management and returns.

● Cooperation with European countries can help disrupt the criminal gangs who profit from people-smuggling and reduce dangerous Channel crossings.

● Effective migration policy should combine firm and efficient enforcement with respect for international obligations and the rights of people seeking asylum.

● Cross-party cooperation on issues of national importance can produce more constructive and less confrontational politics, reflecting the Prime Minister's stated desire for greater cooperation across political divides.

Labour International therefore calls on the Labour Government to:

1. Open negotiations with the European Union with the objective of securing UK participation in, or equivalent cooperation with, relevant mechanisms of the EU Pact on Migration and Asylum.

2. Seek arrangements enabling the effective determination of responsibility for asylum claims and the safe and lawful transfer or return of people where appropriate.

3. Strengthen cooperation with European governments and EU agencies to combat people-smuggling and organised criminal gangs operating across the Channel.

4. Improve the sharing of migration, asylum and biometric information with European partners, subject to appropriate legal safeguards and protection of individual rights.

5. Develop a long-term UK-EU migration and asylum strategy based on shared responsibility, effective returns, safe and legal routes and action against people-smuggling.

6. Encourage cross-party cooperation on migration policy where there is a practical basis for achieving common objectives.

Labour International further believes that rebuilding practical cooperation with our European neighbours is not a matter of party politics, but of national interest.

Motion 3

National Energy Security through Local Energy Development

WE NOTE

Recent Energy Security crises, attendant household, industrial and economic hardships, demand urgent resolution: extensive local heat and power resource development and distribution.

Resumed Iran War highlights import dependancy dangers.

The Grid approached unsafe overload on June 23rd,, on the brink of precipitating a prolonged blackout, like Spain's, despite preventative renewable shutdowns.

Limiting extreme heat and heat-related deaths – 2,700 in just two brief June-July heatwaves - thousands more annually from fossil fuel pollution; require urgent clean energy expansion.

Debt repayments, welfare deficits and fiscal probity limit investment.

WE BELIEVE

Local Power Grids and Heat Networks can circumnavigate unaffordably lengthy and costly National Grid reconfiguration.

Affordable thermal storage can end paid renewable shutdowns, increasing productivity thereby contributions to national energy demand. Investment returns will improve.

Extensive speedily developed, proven clean heat and power systems can affordably achieve energy security.

This strategy will revitalise de-industrialised local economies as reduced household and industrial bills raise disposable incomes, increasing demand; promoting place-based 'good' growth.

Costs may be offset against savings on grid reconfiguration, heatwave and pollution-related health care, welfare and less expensive heat harvesting to satisfy the 40% demand for heat.

WE PROPOSE

Urgent public sector investment in local publically controlled energy resource developments :-

Ground source shared-array installer-owned heat pumps

Waste, Latent Water, Sewer, Mine Water and Geothermal Heat

Tidal Stream, Hydro and Geothermal power

Local heat networks and power grids

Thermal Energy Storage

Devolved Public Sector Energy Board control of public supply and retail.

Motion 4

LI CENE MOTION

The CENE branch resolves that the LI GC be asked to resolve that

1. Mindful of the persistent erroneous claims of the Department for Work and Pensions that withdrawal agreement exportability of Winter Fuel Payment expired because it was no longer specified in winter fuel payment regulation
    A. most recently asserted by the DWP Minister for Pensions in their letter of 7 September 2026 to Nick Timothy MP on behalf of an LI member resident in the Netherlands
2. and aware that the Withdrawal Agreement takes precedence by virtue of the Withdrawal Agreement Act
3. and mindful of the need to uphold the rule of law
4. and noting that the steps contained in article 36 of the Withdrawal Agreement have not yet been completed and that the European Commission has confirmed are a prerequisite before non exportability can have legal effect
5. and aware that the IMA has asked the DWP for an Explanation in the light of this
6. the LI CLP calls upon the IMA to declare that the winter 2025 and winter 2026 payments should be made under the existing Withdrawal Agreement provisions and until such times as the article 36 steps have been completed
7. and calls upon the IMA if necessary to launch an Inquiry into what had occurred under its Withdrawal Agreement Act Schedule 2 para 25
8. and that the Secretary is instructed to communicate this resolution to the IMA Secretariat at secretariat@ima-citizensrights.org.uk

Links for information:

https://www.legislation.gov.uk/eut/withdrawal-agreement/article/36/data.html

https://www.legislation.gov.uk/ukpga/2020/1/schedule/2/paragraph/25

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Nick Timothy MP
House of Commons

Your ref: NT13399

Our ref: MC2026/83441

7 September 2026

Dear Nick,

Thank you for your letter of 18 August to the Minister of State for Social Security and Disability on behalf of one of your constituents about the Winter Fuel Payment and people living overseas. I am replying as the Minister for Pensions.

The UK's social security system is designed first and foremost to provide support to people living in the UK. The Social Fund Winter Fuel Payment Regulations 2025 updated the rules so that entitlement depends on being resident in England or Wales during the qualifying week. Earlier provisions that allowed limited exportability were temporary and expired on 1 April 2025; once they ended, there was no longer any legal basis to continue making Winter Fuel Payments overseas.

The Withdrawal Agreement continues to ensure that EU social security coordination rules apply to people within scope. However, those rules do not prevent the UK, or any State, from changing domestic eligibility conditions for benefits. The European Commission's own social security coordination website confirms that each State remains free to decide who is insured under its legislation and the conditions for entitlement.

Your constituent asked specifically about the classification of the Winter Fuel Payment and its relationship to EU law. Great care is taken to ensure that UK reforms are compatible with international agreements. The UK formally designated the Winter Fuel Payment as a Special Non-Contributory Cash Benefit, and the EU, as the competent authority for classifying benefits under Regulation 883/2004, noted and accepted this designation last year.

This classification means the Winter Fuel Payment does not fall within the Regulation’s exportable categories. Article 7, which concerns exportability of certain cash benefits, therefore does not apply.

In summary, the decision to limit entitlement to people living in England and Wales reflects a lawful policy change. The UK has followed the correct legal processes, and the EU has confirmed the classification of the Winter Fuel Payment within its own framework.

I recognise this may not be the outcome your constituent was hoping for, but I trust it helps to explain how these complex arrangements operate and how such decisions are made. If your constituent is struggling financially, support may be available through her local authority or community services.

Thank you for taking the time to write on behalf of your constituent.

Yours sincerely,

Torsten Bell MP

Minister for Pensions

ANALYSIS OF TORSTEN BELL LETTER OF 7 SEPTEMBER 2026 TO NICK TIMOTHY MP

MINISTERIAL ASSERTION “Earlier provisions that allowed limited exportability were temporary and expired on 1 April 2025; once they ended, there was no longer any legal basis to continue making Winter Fuel Payments overseas.”

THE TRUE POSITION

The right to winter fuel payment for a withdrawal agreement beneficiary in a cold EU country derived from the Withdrawal Agreement not from periodic secondary legislation. To suggest the arrangements were temporary is inaccurate.

The policy proposal to ministers in June 2025 stated, “WFPs have been payable to some pensioners in the EEA and Switzerland due to our EU membership obligations; and latterly under the EU Withdrawal Agreement. Since 2015/16 they have only been payable in countries with a temperature similar to that of the UK. We have considered the question of exportability and full legal advice is attached at annex C.”
The legal advice has been redacted by DWP.

By virtue of Section 7A of the European Union (Withdrawal) Act 2018, the Withdrawal Agreement has direct effect and supremacy over the Social Fund Winter Fuel Payment Regulations 2025

MINISTERIAL ASSERTION

"However, those rules do not prevent the UK, or any State, from changing domestic eligibility conditions for benefits. The European Commission's own social security coordination website confirms that each State remains free to decide who is insured under its legislation and the conditions for entitlement."

TRUE POSITION

This misrepresents how article 36 of the withdrawal agreement works. That article recognises that the EU social security coordination rules and national benefits can develop, but requires an approval and agreement process to be completed before any change takes effect.

The European Union have confirmed in writing, "the WFP was included in the revised version of the Annexes that form part of the latest provisional agreement reached to revise Regulations (EC) No 883/2004 and No 987/2009. However, these changes will only take effect after the revision of Regulations (EC) No 883/2004 and No 987 /2009 is formally adopted and the changes to the Withdrawal Agreement enter into force. Until then, the previous rules continue to apply. The changes to the Withdrawal Agreement will be discussed between the Commission services and the UK authorities, following the final adoption of the revision of Regulations (EC) No 883/2004 and No 987/2009 by the EU co-legislators"

This is consistent with the DWP's own guidance

"…making a benefit exportable when it previously was not– and vice versa), or changing which benefits are in scope of the EU Coordination Regulations. In such cases the Joint Committee will assess the impact of the amendment and unless the Joint Committee makes a decision within six months not to apply the amendment, the changes will be added to the Withdrawal Agreement and the UK will reflect such changes in domestic law."

MINISTERIAL ASSERTION

"The UK formally designated the Winter Fuel Payment as a Special Non-Contributory Cash Benefit, and the EU, as the competent authority for classifying benefits under Regulation 883/2004, noted and accepted this designation last year."

TRUE POSITION

Whilst it is true the UK submitted a 7 October 2025 request stating "The United Kingdom seeks to classify WFP as an SNCB under Article 70 of Regulation (EC) No 883/2004 and requests its inclusion in Annex X…"

this was <u>after</u> the qualifying week

(alongside a similar proposal on the Scottish equivalent payment)

and EU internal records of the December 2025 meeting of the EU Social Security Coordination Administrative Committee state "The Secretariat did not have any objections against the two legislative proposals by the UK as to be defined under Article 70 and listed in Annex X" and

“The Chair concluded that the Administrative Commission took note of the request by the UK delegation.”

Not quite as the minister asserts.

MINISTERIAL ASSERTION
“This classification means the Winter Fuel Payment does not fall within the Regulation’s exportable categories. Article 7, which concerns exportability of certain cash benefits, therefore does not apply.”

TRUE POSITION
Only true after the EU consents and joint committee agreement occurs.
Article 7 of the social security coordination rules (883/2004) did apply to the England & Wales WFP as at September 2025 when eligibility for winter 2025 payments was determined.

MINISTERIAL POSITION
“In summary, the decision to limit entitlement to people living in England and Wales reflects a lawful policy change. The UK has followed the correct legal processes, and the EU has confirmed the classification of the Winter Fuel Payment within its own framework.”

As indicated above not lawful as the process to make it lawful has two stages not yet completed - EU Council agreement and the agreement of the joint committee to amend the withdrawal agreement.

A fundamental principle of English law is that secondary legislation (statutory regulations) cannot alter primary legislation (acts of parliament) and the Withdrawal Act was incorporated in an Act of Parliament the Withdrawal Agreement Act.

There is also the principle that Parliament should be fully informed when it passes legislation.

In any event the change only takes effect <u>after</u> the completion of those steps.