
MAY'S BREXIT PLANS FACE BRITISH SUPREME COURT TEST

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Prime Minister Theresa Mays government launches a challenge today (5 December) against a court ruling that it requires parliamentary approval to start the process of leaving the European Union, a decision that could upset Britains Brexit plans.

If the Supreme Court, the United Kingdoms highest judicial body, dismisses the government appeal it could derail Mays timetable for triggering Article 50 of the Lisbon Treaty and leaving the EU.

UK GOVERNMENT DEFEATED IN ARTICLE 50 COURT CASE

The UKs High Court has ruled against Theresa Mays government on whether parliamentary approval is needed to trigger Article 50, in a decision that could have devastating consequences for the prime ministers Brexit plans.

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The governments legal fight comes against a backdrop of claims by some politicians and right-wing newspapers that establishment judges want to thwart the Brexit process.

MEDIA-POLITICAL HYSTERIA OVER BREXIT HIGH COURT RULING NOT JUSTIFIED

The sensationalist press coverage of the High Court ruling on Brexit is not justified by what actually happened and is likely to happen, says Denis MacShane.

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It will be the most high-profile and complex case the court has considered since it came into being seven years ago and is due to last for four days. For the first time, all its 11 justices will sit on the panel with the verdict due later in January.

The case raises difficult and delicate issues about the constitutional relationship between government and parliament, Brenda Hale, the Supreme Courts Vice-President said in a speech last month.

What is meant by the exercise of the executive power of the state? We do not have a written constitution to tell us the answer. But I doubt whether many written constitutions would tell us the answer either.

If May wins, she can proceed with her plans to invoke Article 50 by the end of March.

But if she loses, parliament could in theory block Brexit as most lawmakers (MPs) supported staying in the EU in a referendum in June, though few observers expect such an outcome. Even so, lawmaker approval could open the process to greater scrutiny and delay.

UK COURT CHALLENGE RISKS DELAYING BREXIT

Britain's government faces a court challenge tomorrow (13 October) that could delay Brexit as lawyers argue Prime Minister Theresa May cannot take the country out of the EU without a parliamentary vote.

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Investors believe the greater parliament's involvement the less chance there is of a hard Brexit in which tight controls on immigration are prioritised over European single market access. The pound surged after November's High Court ruling.

In a sign of how thorny the process could be for May, the pro-EU Liberal Democrat party says it would vote against Article 50 unless there is a new referendum on the final Brexit deal, a concession May is highly unlikely to make.

The party won a ninth seat in parliament on Thursday in a local by-election vote.

The High Court challenge was brought by investment fund manager Gina Miller with hairdresser Deir Tozetti Dos Santos the second claimant.

Other parties will also be allowed to offer legal arguments this week, including the devolved Welsh government, a group of expatriate Britons, and the Independent Workers Union of Great Britain which represents mainly low-paid migrant workers.

So too will the Scottish government, which strongly opposes Brexit and has been seeking ways to keep Scotland in the EU.

SCOTLAND AND WALES ALLOWED TO INTERVENE IN BREXIT COURT CASE

The Scottish and Welsh governments will be allowed to intervene in the upcoming Supreme Court case to decide how Britain will begin negotiations to leave the European Union, the court said today (18 November).

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Happy to lose?

The case hinges on whether the government can use a historical power known as royal prerogative to invoke Article 50 without lawmakers' assent.

The challengers argued that Britons would inevitably lose rights granted under an act of

parliament when leaving the EU, and that under Britains unwritten constitution such rights could only be taken away with parliamentary approval.

The High Court agreed with this, rejecting the governments assertion parliament had given its approval by allowing a referendum and that it was established the executive alone could make or leave international treaties.

The governments prepared argument for the Supreme Court is little changed from before. Miller has told Reuters she suspected May might be happy to lose, with the court battle providing a useful distraction to ministerial divisions and Brexit indecision.

LEAKED MEMO: UK GOVERNMENT HAS NO BREXIT STRATEGY

The British government has no Brexit strategy, and may not have one before triggering Article 50 in March 2017, according to a leaked memo published by The Times today (15 November).

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Junes vote to leave the EU exposed deep divisions in Britain, and some pro-Brexit politicians condemned the High Court for flouting democracy. The Daily Mail newspaper called the three senior judges involved enemies of the people.

Miller herself has become a target of hate and has received abuse and death threats.

Some lawmakers in Mays Conservative Party have also called for Supreme Court President David Neuberger to stand down because his wife had posted anti-Brexit messages on Twitter.

One of the courts justices, Brian Kerr, said judges would not be swayed by personal views.

Thats not to say we dont have personal views, but we are all extremely conscious of the need to set aside our personal views and apply the law as we conceive it to be, he told the BBC last month.

Meanwhile, upsetting the media, politicians and some of the public is unlikely to faze Neuberger and the other justices.

Parliament no doubt appreciates that the unelected judges sometimes are more easily able to do what is right, but temporarily unpopular, than politicians who need to submit themselves at least every five years to the electorate, Neuberger said in a 2011 speech.

Kaynak/Source: