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3HR Legal Weekly

Commercial

Government loses Article 50 case

The supreme court has today handed down its judgment in the latest Brexit case. Theresa May was appealing against the decision that she must consult parliament before activating Article 50. However, today's decision confirms that a bill must be passed through parliament before the government can start the process of taking the UK out of the EU.

The government's case was that the referendum result meant it was entitled to inform the EU that the UK was activating the process to end its membership. The claimants said that taking the country out of Europe involved taking rights away from UK citizens, which could not occur without the assent of parliament. The supreme court voted eight to three in favour of the claimants' argument.

As a result of the decision the government will have to propose a bill in parliament. MPs will then debate the bill, and have a chance to amend the proposed legislation. The bill must then pass votes in both the House of Commons and the Lords.

The leader of the opposition, Jeremy Corbyn, has indicated that Labour will not frustrate the process for invoking Article 50, however they will want to secure workers' rights. Despite Corbyn's instruction, 40 MPs have signed a letter indicating that they intend to rebel and vote against the government. The Liberal Democrats also oppose the government's plan for a hard Brexit, as do the Scottish National Party.

The Conservatives do not enjoy a majority in the House of Lords. However, if the bill passes in the Commons and the Lords do not pass it at the first attempt, the government can rely on the Parliament Acts to force the bill through.

It normally takes three to nine months for a bill to make its way through the Parliamentary system, but emergency legislation can be passed in a day. It is likely that this bill will be pushed through with as much speed as possible, as the government has today confirmed that it still aims to activate Article 50 before the end of March.

We will cover the government's Brexit bill in future newsletters as the matter develops.

Should you require any assistance in this or any other indeed any other commercial area, please refer to our 3HR Commercial Law team.

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