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## Brexit: Safety engaged on Art.50 trigger

Julius Stobbs (Stobbs IP) · Tuesday, January 24th, 2017

This morning at roughly 09:30 am the UK's Supreme Court handed down their decision relating to whether Theresa May, the British Prime Minister, is constitutionally authorised to trigger art. 50. At roughly 09:35, a plethora of speculative dissections of the decision hit the media, to varying degrees of accuracy.

As was covered in the [previous post](#), the British exit from the European Union is raising considerable constitutional hurdles. These include, but are not limited to, the use of prerogative powers by the Prime Minister to trigger the exit, which would mean the alteration of domestic law with no reference to Parliament. An issue, debatably, for a parliamentary democracy.

This morning, the Supreme Court confirmed that the use of prerogative powers in this instance would be unconstitutional. Instead, a law would need to be passed through the Houses of Parliament, meaning that art. 50 shall not be triggered until such a time. In the 8 to 3 majority judgement, Lord Neuberger confirmed that "Withdrawal effects a fundamental change by cutting off the source of EU law, as well as changing legal rights".

The upshot of this decision is that a bill will be put before the Houses of Parliament, confirming that art. 50 is to be triggered. The content of this bill is uncertain, with various UK political parties currently posturing about their intended amendments, which vary from the plausible to the absurd. Certain media outlets ([for example](#)) suggest that the bill is likely to follow within the week, to maintain the integrity of the Prime Minister's timeframe for triggering art. 50.

This commentator would suggest that this development, whilst a welcome victory for the constitution of our small island nation, will not affect the Brexit landscape in any meaningful manner. The timeframes and implications for EU rights holders in the UK remain shrouded. If we were previously plodding in the dark, we may now have progressed to a brisk walk.

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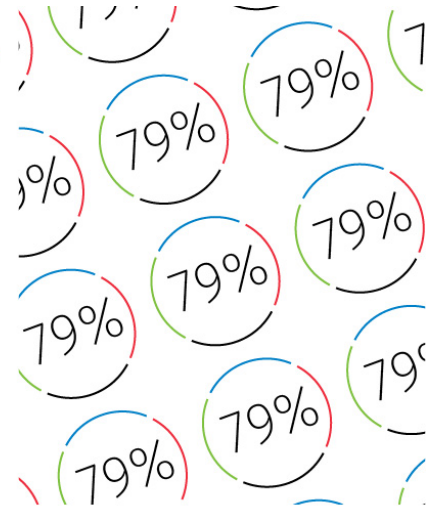
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