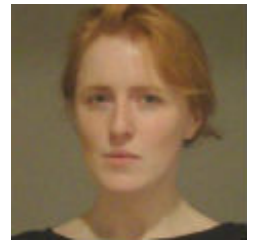


The Article 50 case explained in sticky notes

 blogs.lse.ac.uk/brexit/2017/01/20/the-article-50-case-explained-in-sticky-notes/

20/01/2017

The intricacies of the Article 50 Brexit case, on which the Supreme Court will hand down judgment on 24 January, can be difficult to grasp for non-lawyers. **Joelle Grogan** explains it in a series of sticky notes.



1



ARTICLE 50 BREXIT CASE EXPLAINED in sticky notes! 😊

HIGH COURT DECISION

TREATY ON EUROPEAN UNION

ARTICLE 50

?

The Treaty on European Union is one of the two main Treaties on which the EU is based. It sets out the values, aims and key rules of the EU.

Article 50 of the Treaty on European Union is like a button which can be pushed by any EU Member State wishing to leave the EU.

Following the Brexit Referendum, the **UK High Court** was asked: "Who can push the button - the **Government** or **Parliament**?"

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2



The Government is the Prime Minister (Theresa May) and the Ministers (Amber Rudd, Boris Johnson, Elizabeth Truss, Jeremy Hunt...).



The Government argues that it has a **Crown power**...



to make international treaties...



and to break them.



The Treaty on European Union is an international treaty.

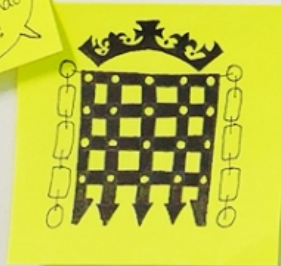
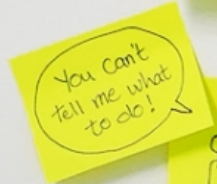


Normally, international treaties do not affect law in the UK

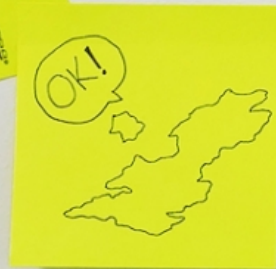




Parliament is all of the MPs, the Lords and the Sovereign.



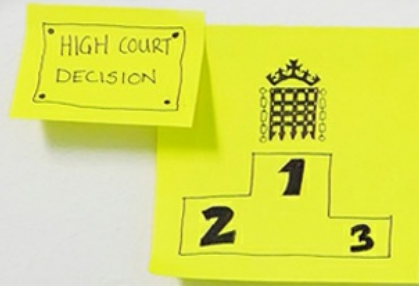
Parliament has **Parliamentary Sovereignty** which means that nothing, and no one, can tell it what to do.



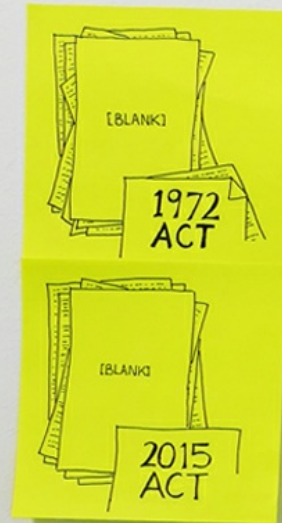
Only Parliament can change law which affects people in the UK.



A Crown power cannot change law which affects people in the UK.



The High Court said that Parliamentary Sovereignty is one of the most important parts of the UK legal system.



The High Court didn't find anything in the 1972 Act (which allows EU law to have effect in the UK) or the 2015 Referendum Act that gives Government a Crown power to trigger Article 50.



Because of this, the High Court said that Parliament must vote to push the Article 50 button.



The Government appealed to the Supreme Court to ask if this is the correct decision.



We will find out the Supreme Court's decision on Tuesday.

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This post represents the views of the author and not those of the Brexit blog, nor the LSE.

Joelle Grogan is a Lecturer in Law at Middlesex University. She completed her doctoral research on the rule of law in the European Union at Oriel College, University of Oxford. Also by this author:

Rights for the chop: how a Henry VIII clause in the Great Repeal Bill will undermine democracy

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