



Written by [Steve Byas](#) on January 25, 2017

## U.K. Supreme Court Rules Parliament Must Vote on Brexit

“Supreme Court has spoken. Now Parliament must deliver the will of the people — we will trigger A50 by end of March. Forward we go!” This was the reaction of Foreign Secretary Boris Johnson to the 8-3 decision by the United Kingdom’s Supreme Court that Parliament must vote to confirm the popular referendum of last year, in which the people of the U.K. voted 51.9 percent to 48.1 percent to leave the European Union (EU).



Johnson was a leader in the “Leave” forces in the June 23, 2016 Brexit vote.

In announcing the decision, Supreme Court President Lord Neuberger said, “By a majority of eight to three, the Supreme Court today rules that the government cannot trigger Article 50 without an act of Parliament authorizing it to do so.”

Despite the ruling by the British High Court that British law would require a vote by Parliament to confirm the national popular referendum, it appears, at least on the surface, that the court’s opinion is little more than a speed bump to an ultimate withdrawal of the nation from the EU. Leaders of the various political parties are in agreement that the people’s wishes will be honored — quickly.

David Davis, the government’s Brexit secretary, promised a bill in Parliament “within days.”

In fact, it is believed that a bill to trigger Article 50 of the Lisbon Treaty, providing for formal withdraw negotiations with the EU, will be taken up as early as Thursday.

However, this delay does illustrate the dangers of any surrender of national sovereignty to super states such as the EU — a lesson that should be noted on this side of the pond. Lord Neuberger noted that “withdrawal effects a fundamental change by cutting off the source of EU law, as well as changing legal rights.” He added, “The UK’s constitutional arrangements require such changes to be clearly authorized by Parliament.”

Brexit Secretary Davis said he was “determined” for Brexit to proceed. “It’s not about whether the UK should leave the European Union. That decision has already been made by people in the United Kingdom. There can be no turning back. The point of no return was passed on 23 June last year.”

The Conservative Party government of Prime Minister Theresa May fought those who took the case to court, and they have vowed to proceed with Brexit. The May government issued a statement assuring the population that its vote of last year will be respected. “That means, possibly as early as tomorrow, ministers will put forward what is expected to be an extremely short piece of legislation in the hope of getting MPs to approve it, perhaps within a fortnight.”

Even the opposing political parties are in agreement with Brexit. Labor Party leader Jeremy Corbyn stated, “Labour respects the result of the referendum and the will of the British people and will not frustrate the process for invoking Article 50.”

Paul Nuttall, leader of the pro-Brexit party UKIP, vowed, “The will of the people will be heard, and woe



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betide those politicians or parties that attempt to block, delay, or in any way subvert that will.”

Liberal Democrat party leader Tim Farron, however, warned that his members would vote against invoking Article 50 unless the legislation included the promise of another vote by the people on the final deal concluded by the U.K. with the EU.

The reasoning of the court in insisting that Parliament vote on Brexit, in addition to a national popular referendum, involves how the British entered the European Economic Community (the forerunner of the EU), back in 1972. The act that put the U.K. into the EEC created a process by which EU law becomes a source of U.K. law. In other words, unless Parliament votes otherwise, EU law will continue to exist as an “independent and overriding source” of the legal system of the United Kingdom. This is because the constitution of the U.K. requires any changes in law be made by Parliament.

Dominic Casciani, a home affairs correspondent for the BBC, explained that membership of the “EU is messy in constitutional terms.”

Following the vote of the British people to leave the EU, there was a resurgence of talk within the United States of withdrawing from the United Nations. This “messy” business of the British leaving the EU should be a warning to Americans, who opt to join such supranational organizations as the UN, or the World Trade Organization (WTO). It is much easier for countries to join such organizations than it is for them to extricate themselves from their clutches. This should give additional pause to those who want the United States to enter into multilateral trade agreements, from which it would then be “messy” to leave.

It should be noted that, ominously, some members of the U.S. Supreme Court have taken to citing *foreign law* and *UN actions* when they interpret our own law.

In the end, the lesson for Americans is not to join such “entangling alliances” in the first place — wise advice enunciated by our first president, George Washington, in his Farewell Address.

On the other hand, in some parts of the U.K., the Brexit move is not as popular. The court heard arguments from authorities in Northern Ireland that they occupied a unique place in the constitution of the U.K. because of the 1998 Belfast Agreement. It was stated that Northern Ireland’s position with the EU could not end unless it held a separate vote to do so. However, the court rejected that argument by unanimous vote, responding that while people of Northern Ireland do have a say on whether to continue as part of the U.K., they do not have any special say on whether to stay in the EU. It would appear that if the people of Northern Ireland wish to remain in the EU, they first must secede from the United Kingdom.

Similar opposition to Brexit exists in Scotland, another of the “devolved” governments of the U.K.

While it would appear that Brexit will ultimately prevail, one should never underestimate the determination — and the influence — of the global elites who strongly desire to see Great Britain remain part of the European Union.



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