
Introduction

The much awaited High Court judgment of 11 November 2016 (R Miller v Secretary of State for Exiting the European Union [2016] EWHC 2768 (Admin)) was a historic decision which struck down the Government’s use of prerogative powers to trigger Article 50 of the Treaty of European Union, without parliamentary approval. The postellow by Maria Kendrick explains that the judgment could broadly be that Parliament is supreme in all constitutional law and therefore any parliament can change the law, as well as the facts surrounding the case, the wider era and the way in which/owl the Government was being attacked by those in the case and the very concept of Article 50 which sought to challenge the outcome of the referendum.

The judgment was not merely about the outcome of the Brexit referendum but also the process of parliamentary sovereignty. As one would expect from a constitutional lawyer, the judgment was not a single paragraph, or even a single page, but rather it was a comprehensive and well-structured exposition of the law.

The judgment, however, was not without its critics. Some politicians and members of the public were critical of the Court’s decision, arguing that it was a political decision, rather than a legal one. They argued that the Court had no business interfering with the Government’s decision on such a sensitive matter.

In terms of the substance, there are two significant legal and constitutional points to come from the judgment: sovereignty and direct effect. The judgment was a victory for the former and a defeat for the latter.

In terms of the former, the Court held that the UK has sovereignty over its own laws and can therefore decide whether or not to leave the EU. This is a significant victory for those who believe in the principle of parliamentary sovereignty.

In terms of the latter, the Court held that the UK cannot simply leave the EU without the consent of its citizens. This is a significant defeat for those who believe in the principle of direct effect.

The judgment is a reminder that the Constitution is not static and that it is subject to interpretation. It is also a reminder that the Court is not a political institution and that it has the power to interpret the Constitution in a way that is consistent with the principles of justice and fairness.

The judgment is a significant step towards a more democratic and accountable Government. It is a reminder that the UK is a constitutional democracy and that the Constitution is not a mere piece of paper, but a living document that is subject to interpretation in the light of changing circumstances.

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