

“Glory to God in the highest, and on earth peace, good will toward men.”

So said the angels when they announced the birth of our Lord to the shepherds on the hills outside Bethlehem over 2,000 years ago. And in that spirit at this festive time of year I thought I should break off from the more angst-ridden feelings I might have and instead offer some well-meant advice, whether the recipients want it or not.

The truth is that over the past few days, I've come to the conclusion that I am mightily glad that I am not a Supreme Court Judge. Having watched some of the proceedings earlier this month and read some of the submissions (not all I will admit), it is clear to me that the issues with which they are asked to grapple are complex indeed. Complex enough to give anyone indigestion over their Xmas pud.

Now to me the overall issues are quite straightforward. Governments have routinely agreed to European Union (and before that EEC) treaties using the royal prerogative, so I can see no good reason why they cannot repeal those same treaties in the same way.

No doubt the devil is in the detail. Which is how all those highly paid lawyers make such a fat living, and good luck to them.

No, the advice I wish to give is more about presentation than about content. We all know that the law needs to be applied impartially, without fear or favour and that justice needs to be seen to be done. On such a highly fraught issues as triggering Article 50 this is going to be difficult.

There is undoubtedly a worry, perhaps even a fear, abroad that

the wealthy, well connected elites who want us to stay in the European Union are going to use their wealth and connections to try to achieve those ends. If the judges are going to have their ruling accepted they need to lay that ghost to rest.

It was for this reason that I thought it a shame that all the judges are sitting on this case. It is usual for only some of the judges to sit on a case. That would have been quite in order and would have raised little or no comment. But instead we have all of them sitting – including two about whom questions have been raised. That alone smacks of sticking two fingers up to the concerned members of the public and is not a good start.

When the judgment comes I would suggest that it should be written in clear and precise English. If there are any precedents, they need to be explained. If there is any legal jargon, that needs to be explained. This document is going to be pored over by far more people than normally read legal judgments, Many of those folks, like me, are not lawyers and may struggle to understand fully complex legal jargon. If justice is to be seen to be done, this judgment will need to be delivered in plain English.

Having looked at some other cases relating to the EU, that in itself is going to be a difficult and demanding job. But if it is not done that way then whichever side loses may well feel that they have somehow been hoodwinked by clever lawyers, and that is not going to help anyone.

Merry Christmas!