

# Government tells Peer that the ECJ has no jurisdiction over triggering of Article 50

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The Lord Stoddart of Swindon (Independent Labour)

## News Release

16th December 2016

### Government tells Peer that the ECJ has no jurisdiction over triggering of Article 50

In response to a written question from the independent Labour Peer, Lord Stoddart of Swindon, the Government has confirmed that it does not believe the European Court of Justice (ECJ) has any jurisdiction over the triggering of Article 50, in the preparations for Brexit.

Lord Stoddart asked Her Majesty's Government: *'what advice they have received on whether the European Court of Justice has any jurisdiction over the manner and timing of the triggering of the use of Article 50 of the Lisbon Treaty.'* (HL3720)

Responding for the Government, Lord Bridges of Headley from the Department for Exiting the European Union wrote: *'Article 50 of the Treaty of the European Union states that 'any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements' and 'shall notify the European Council of its intention'. It is for the Member State concerned to determine what its constitutional requirements*

*are. The manner in which the notice is given – to the European Council – is clearly set out in Article 50 itself.'*

Commenting on the Government's response, Lord Stoddart said: "It appears that despite the self-important posturing of some members of the ECJ, the Government does not believe it is a potential obstacle to Brexit because the Court has no jurisdiction over the matter, which is excellent news. It is absolutely wrong for the legal system to come between the people and their Government. The people have spoken on Brexit, at the specific request of the Government and the lawyers should not be involved in attempting to obstruct or derail their decision."

***The full text of Lord Stoddart's question and the Government's answer is as follows:***

Lord Bridges of Headley, Department for Exiting the European Union , provided the following answer to your written parliamentary question (HL3720):

**Question:**

To ask Her Majesty's Government what advice they have received on whether the European Court of Justice has any jurisdiction over the manner and timing of the triggering of the use of Article 50 of the Lisbon Treaty. (HL3720)

Tabled on: 30th November 2016

**Answer:**

**Lord Bridges of Headley:**

Article 50 of the Treaty of the European Union states that 'any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements' and 'shall notify the European Council of its intention'. It is for the Member State concerned to determine what its constitutional requirements are. The manner in which the notice is given – to the European Council – is clearly set out

in Article 50 itself. On the timing, the Prime Minister has been clear that we will notify by the end of March 2017.

Date and time of answer: 14 Dec 2016 at 16:49.