

A letter from our Chairman:- the High Court Brexit case

Sir, HIGH COURT BREXIT CASE

People who have spent all their political lives undermining the sovereignty of this country and its Parliament are now appealing to the doctrine of parliamentary sovereignty to delay and frustrate the exit of this country from the European Union. These are people who would echo the sentiments of Ken Clarke "I look forward to the day when the Westminster Parliament is just a council chamber in Europe"

They have now been joined by senior judges, including Baron Thomas of Cwmgiedd, Lord Chief Justice of England and Wales. His Lordship is a founder member of the European Law Institute, an organisation set up for the "enhancement of European legal integration" – that is, the ever increasing subjection of our law to the laws of the European Union.

Surely he must be aware of the principle that no man should be judge in his own cause – *"nemo iudex in causa sua debet esse"*. Yet he ignored it when he decided to sit on this case. The maxim was firmly established in the case *"Frome United Breweries Co v Bath"*, in which the then Lord Chancellor made a decision favourable to a canal company whilst, unknown to the parties involved, he was a shareholder of the company. His decision was set aside. *"This will be a lesson to all...tribunals to take care, not only that in their decrees they are not influenced by their personal interests, but to avoid the appearance of labouring under such an influence."* Perhaps this partiality in London is the reason for the High Court's decision being opposite to that in Northern Ireland..

Even local authorities are more careful. I recall that a lady, who campaigned to preserve the old Derby bus station, became a

councillor and was disqualified from voting on the matter because her campaign was ruled to be “an interest”.

Over decades, independence campaigners have approached the courts to oppose increased subjection to the EU. On each occasion, they were summarily rebuffed on the grounds that the EU treaties were matters of Royal Prerogative – beyond reach of the courts .

There are even Europhiles who fantasise about this case going to the European Court of Justice.

It is an activist organisation, dedicated to promoting “ever closer union”. In case c-274/99 the Advocate General stated *“Criticism of the EU is akin to blasphemy and can be restricted without affecting freedom of speech”*.

It is unlikely that the case will go there because the relevant EU treaty specifies that countries invoking Article 50 to leave the EU do so “in accordance with their own constitutional requirements” – certainly not something which the judges just made up!

Yours faithfully

Edward Spalton

This letter was sent to a number of local papers in the East Midlands area