

The People v the Judges

Comment on High Court Judgment of 3 November 2016, preventing the government from giving notice to quit the European Union without consent of Parliament.

non – judicial authority cited

Professor Vernon Bogdanor: “The referendum (on Britain’s membership of the EU) gives us a form of constitutional protection – perhaps the only form of constitutional protection for a country without a written constitution – in which Parliament is sovereign and can do what it likes. The EU referendum shows how the sovereignty of the British people can now trump parliament”.

It was one of the cleverest strokes of those who took us into the EEC in 1972 to invent a sort of mutated, cancerous form of parliamentary sovereignty in order to destroy the essence and reality of that sovereignty and to make Queen, Lords, Commons and People into subjects of a foreign power, now the European Union. Ministers who, as Privy Counsellors, had assented by their most solemn oath to maintain the sovereignty of the Crown against all foreign powers whatsoever, initiated, maintained and deepened that subjection over forty years. The people have now democratically and finally rejected this process.

The judges of the High Court have shown their contempt for the verdict of the people and have accepted the arguments of those trying to delay and frustrate the deliverance of this country from its subjection, by insisting that the government cannot execute the people’s decision without first seeking parliamentary approval.

It appears that their ground is indeed based on the European

Communities Act 1972. The nub of their decision is in section 92 of the judgment “ ...we consider that it is clear that Parliament intended to legislate by this Act...in such a way that this could not be undone by Crown prerogative”.

This judgment can only confirm suspicions that ill-intentioned people in positions of power are attempting to subvert the democratic vote. We hope that the judges of the Supreme Court will recognise the will of the people and the expressed will of Parliament itself in the European Union Referendum Act 2015.