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Supremacy of Parliament is the whole point of Brexit

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3 NOVEMBER 2016 • 8:00PM

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Brexiters seek to restore the legal authority of our courts, so they can hardly complain when judges rule

Let us toast the High Court with Kentish sparkling wines. Its ruling on [Article 50](#) today is a service to the nation.

The elemental [purpose of Brexit](#) is and has always been to restore the supremacy of Parliament - and to return legal authority to British courts - not to introduce a lawless dictatorship of plebiscites.

It is up to the [Members of Parliament](#) - acting under the Burkean principles of Bristol - to discern the will of the nation and to discern the broader collective interest, imposing its constitutional authority as it sees fit.

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Assuming that this ruling is upheld by the UK Supreme Court in January or soon after - and there is every reason to suppose it will be - the Government has effectively lost its power to impose its own Brexit predilections.

This is a triumph for those who want a liberal withdrawal from the EU on cordial terms, and place the highest value on the cohesion of the UK's four constituent nations.

FAQ | High court ruling on Article 50

What does the ruling mean?

MPs will have to be given a vote on whether the UK can start the process of leaving the EU. This means the Government cannot trigger Article 50 of the Lisbon Treaty - beginning formal discussions with the EU - on its own.

What happens next?

Prime Minister Theresa May has ordered Government lawyers to appeal the decision to the Supreme Court. That decision by the Supreme Court - which will have to be in the coming weeks - will be the most momentous in its 10 year existence.

What if the Supreme Court upholds the decision?

It is unclear whether the Government can appeal the case to the European Court of Justice. If the Government accepts the decision, MPs will get a vote on the timing of triggering Article 50, most likely before March.

Theresa May will now have to reckon with a Scottish political veto through the arithmetic of the House of Commons, and she will have to listen even more attentively to the benches from Northern Ireland. Or put another way, Mrs May can now use this pressure to rein in the hotheads in her own party.

This is exactly what I hoped would happen. A Brexit conducted so recklessly that it led to the break-up of the UK, destroyed the Good Friday Agreement, and caused havoc to our friends in Ireland would not be worth having.

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No party or grouping has ownership of this process, or a monopoly on how to interpret the vote. The British signalled many different things on June 23. There was not a single word on the ballot sheet about immigration, despite a reductionist attempt by some in the Leave camp to make it seem so.

Remainers and moderate Brexiteers together form a large majority of citizens. They are in implicit alliance over the nature of Brexit, if they could only stop arguing like maniacal factions, like those of the 1690s eternally relitigating the Bloodless Revolution.



Britons fought incessantly through the 1690s over the Bloodless Revolution, with some Tories forever plotting to restore Stuart absolutism

The EU treaties are like no ordinary treaty, and the referendum was not an election where the winner takes all. To see the events of this year in narrow tactical terms is to misunderstand the historical enormity of what has happened.

The Government certainly has no electoral mandate to impose a particular form of Brexit - be it hard, clean, diamantine, or whatever you care to call it - against the collective will of Parliament, if that is what it intends to do.

The window is now open for a more equal debate about the appropriate access to the EU single market and passporting for the City, and this new possibility has been instantly reflected in the value of sterling, back up to a one-month high of \$1.2445 against the dollar.

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My own loose preference is for some variant of the European Economic Area as a transition arrangement for the next decade, a phased withdrawal that allows Britain to negotiate trade deals gradually with the rest of the world.

To argue that this would reduce Britain to the status of Norway - or a sort of Puerto Rico - as a feeble outsider forced to accept rules imposed upon it, is to vastly misstate the correlation of power and strategic realities.

That reality is staring us in the face as Russia's Vladimir Putin amasses an estimated 330,000 troops on the EU's eastern border, and British reinforcements are sent to Romania, Poland, and the Baltics.



Gina Miller speaks outside the High Court CREDIT: REUTERS/TOBY MELVILLE

The EEA allows an emergency brake on migrants and even in theory a quota system - as a strict matter of precedent it has already happened - but the issue of free movement is in any case a shifting debate since France and Germany themselves face populist dissent. Europe will look very different within a year.

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Where there is a will there is a way. As the German Council of Economic Experts said this week, it is imperative to “come to an agreement that minimizes the damage for both sides”. That is likely to reflect the political consensus in Berlin, so as long as the British government acts with the moderation required to give our German friends political cover.

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