

Constitution... Matters!

The UK has long been recognised for having a constitution which is flexible and capable of evolution, unlike many other countries where their constitutions are rigid and fixed because they are enshrined in statute.

This can be seen in the recent Supreme Court case over the question of whether the Government can trigger Article 50 without a further vote of the Westminster Parliament to create a further Act of legislation permitting the same. It has taken over 20 hours of legal argument and over 4 days in Central London last week to weigh up the merits of the case put forward on both sides.

It is not a question of who is right or wrong or whether ministers, through executive powers, have the right to use prerogative powers which are reserved to the crown in order to trigger Article 50, instead using the words of the President of the of Supreme Court, Lord Neuberger *"we are not being asked to overturn the results of the EU Referendum... the ultimate question in this case concerns the process by which the result can lawfully be brought into effect... that question raises many constitutional issues and we will now take the time to ensure the arguments presented to us are given proper consideration."*

In the end, we will know the outcome of the case in January next year, but that aside this constitutional debate has reinforced me as a lawyer that the British constitution is alive and kicking. The British Constitution has allowed impartial judges to consider a case brought by individuals challenging a decision made by ministers in Government to determine whether or not that decision was lawful. This case demonstrates that regardless of who is right or wrong in this matter but that democracy and individual rights can be freely and openly expressed in Britain without concern, retribution or undue pressure being exercised upon them. In many other countries this would not be the case, so the real winner here is individual freedoms which are enshrined in our constitution.