

## client alert

EU | BREXIT |

24 JANUARY 2017

### UK GOVERNMENT DOES REQUIRE A VOTE TO TRIGGER ARTICLE 50, BUT IS CONFIDENT IT CAN STICK TO THE END MARCH TIMING

The United Kingdom's Supreme Court has, by a majority of 8 to 3, dismissed the appeal by the Government on the Brexit litigation and ruled that an Act of Parliament is required to authorise the Government to give notice to trigger Article 50. At the same time it rejected, unanimously, the contention that consultation with, or the agreement of, the devolved legislatures of Scotland and Northern Ireland is required. No further appeal to either decision is possible.

#### WHY IS A VOTE IN PARLIAMENT REQUIRED?

The Supreme Court considered that the terms of the European Communities Act 1972 (ECA), which gave effect to the UK's membership of the EU, are inconsistent with the exercise by ministers of any power to withdraw from the EU treaties without authorisation by a prior Act of Parliament.

It was common ground in the litigation that UK domestic law will change as a result of the UK ceasing to be party to the EU treaties and the rights enjoyed by UK residents granted through EU law will be affected. The Supreme Court concluded that the fact that withdrawal from the EU would remove some existing domestic rights of UK residents also renders it impermissible for the Government to withdraw from the EU Treaties without prior Parliamentary authority in the form of an Act of Parliament.

The Court did not make any comment as to the form that such approval must take and indeed noted that an Act of Parliament approving the exercise of Article 50 may be very brief.

#### HOW DID THE GOVERNMENT REACT?

In a statement to the House of Commons a few hours after the judgement was handed down, David Davis, the Secretary of State for Exiting the European Union, indicated that the Government intends "shortly" to introduce "the most straightforward Bill possible" to grant authority to the Government to exercise Article 50, and that it intends to keep to the previously announced timetable, namely to trigger Article 50 by the end of March.

A draft Bill is expected to be tabled by the Government in the coming days (possibly even by tomorrow).

## THE TIMETABLE FOR BREXIT

The judgement and the Government's reaction have removed some of the uncertainty around the timing of Brexit; a projected timeline is set out below.

<b>24 January 2017</b>	Supreme Court upholds the decision of the High Court in the Miller Case; an Act of Parliament is required to authorise the triggering of Article 50 (the Article 50 Bill)	
<b>By 30 March 2017</b>	Article 50 Bill tabled, discussed, amended, approved by both Houses of Parliament	
<b>By 31 March 2017</b>	HM Government triggers Article 50	
<b>1 April 2017</b>	Formal negotiations with the EU commence	
<b>7 May 2017</b>	French Presidential Elections	
<b>24 September 2017</b>	German Federal Elections	
<b>October 2017</b>	Great Repeal Bill tabled, discussed, amended, approved by both Houses of Parliament (after the Queen's speech at the State Opening of Parliament)	
•	Draft deal put to 27 leaders in the European Council	
•	Deal agreed with European Council submitted for approval to 20 EU member countries	
•	Ratification by European Parliament	
<b>By 30 March 2019</b>	Vote of both Houses of Parliament to approve the negotiated exit deal	
<b>31 March 2019 (midnight)</b> (unless an extension of the negotiation period is agreed)	UK ceases to be a member of the EU	
<b>1 April 2019</b>	The whole of EU law in force on 31 March 2019 (the <i>acquis</i> ) is imported into UK law pursuant to Great Repeal Act. Possible commencement of transitional provisions	
<b>7 May 2020</b>	UK General Election (unless Fixed Term Parliaments Act 2011 is repealed/amended)	

Two year  
negotiation  
period



Check out our dedicated **Gide / Brexit** LinkedIn page to learn more about the consequences and legal implications of Brexit.

---

## CONTACT PARTNERS

### MARGARET BOSWELL

tel. +44 (0)20 7382 5560  
boswell@gide.com

### DAVID KCLASS

tel. +44 (0)20 7382 5754  
david.klass@gide.com

### RUPERT REECE

tel. +44 (0)20 7382 5768  
reece@gide.com

You can also find this legal update on our website in the News & Insights section: [gide.com](https://www.gide.com)

This newsletter is a free, periodical electronic publication edited by the law firm Gide Loyrette Nouel (the "Law Firm"), and published for Gide's clients and business associates. The newsletter is strictly limited to personal use by its addressees and is intended to provide non-exhaustive, general legal information. The newsletter is not intended to be and should not be construed as providing legal advice. The addressee is solely liable for any use of the information contained herein and the Law Firm shall not be held responsible for any damages, direct, indirect or otherwise, arising from the use of the information by the addressee. In accordance with the French Data Protection Act, you may request access to, rectification of, or deletion of your personal data processed by our Communications department ([privacy@gide.com](mailto:privacy@gide.com)).