



# Ngā Kōti o Aotearoa Courts of New Zealand

## **Live streaming of Brexit Appeal**

The UK Supreme Court is live streaming the hearings over the next three days.

<https://www.supremecourt.uk/live/court-01.html>

Video from each session can also be accessed on-demand from this link:

<https://www.supremecourt.uk/cases/uksc-2016-0196.html>

The Supreme Court has provided the following background information about the Appeal:

### **R (on the application of Miller and another) (Respondents) v Secretary of State for Exiting the European Union (Appellant)**

**Case ID: UKSC 2016/0196**

#### **Case summary**

##### **Issue**

Does the Government have power to give notice pursuant to Article 50 of the Treaty on European Union of the United Kingdom's intention to withdraw from the European Union, without an Act of Parliament providing prior authorisation to do so?

##### **Facts**

On 22 January 1972, the United Kingdom signed the Treaty of Accession pursuant to which it acceded to the European Communities Treaties on 1 January 1973. Following the signing of the Treaty, and in order to ensure compliance with it, Parliament passed the European Communities Act 1972. Section 2(1) provides that 'all such rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the Treaties, and all such remedies and procedures from time to time provided for by or under the Treaties, as in accordance with the Treaties are without further enactment to be given legal effect or used in the UK shall be recognised and available in law, and be enforced, allowed and followed accordingly..'

The European Union (Amendment) Act 2008 gave effect in UK domestic law to the Lisbon Treaty, which amended the Treaty on European Union, including the insertion of Article 50. Article 50(1) states that 'Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements'. Article 50(2) provides that 'A Member State which decides to withdraw shall notify the European Council of its intention'. The effect of Article 50(3) is that, once notification is given, the notifying Member State will cease to be a member of the European Union either on the

date of entry into force of a withdrawal agreement, or two years after the notice is given unless that period is extended by agreement between the notifying Member State and the remaining members of the European Council.

Pursuant to the European Union Referendum Act 2015, a referendum took place on 23 June 2016 in which a majority voted in favour of the UK leaving the European Union. The UK Government has announced its intention of notifying the European Council under Article 50(2).

Judgment appealed

[\[2016\] EWHC 2768 \(Admin\)](#)

### **Parties**

#### **Appellant**

Secretary of State for Exiting the European Union

#### **Respondents**

1. Gina Miller
2. Deir Tozetti Dos Santos

#### **Interested Parties**

1. Graham Pigney and others
2. AB, KK, PR and children

#### **Interveners**

1. George Birnie and others
2. The Lord Advocate
3. The Counsel General for Wales
4. The Independent Workers Union of Great Britain
5. Lawyers for Britain Limited

#### **Appeal**

#### **Justices**

Lord Neuberger, Lady Hale, Lord Mance, Lord Kerr, Lord Clarke, Lord Wilson, Lord Sumption, Lord Reed, Lord Carnwath, Lord Hughes, Lord Hodge

**Hearing start date**

05 Dec 2016

**Hearing finish date**

08 Dec 2016

**Watch hearing**

05 Dec 2016 [Morning session](#) [Afternoon session](#)

06 Dec 2016 Morning session - not yet available Afternoon session - not yet available

07 Dec 2016 Morning session - not yet available Afternoon session - not yet available

08 Dec 2016 Morning session - not yet available Afternoon session - not yet available