



British Institute of
International and
Comparative Law

BINGHAM
CENTRE FOR
THE
RULE
OF
LAW



PRESS RELEASE

Embargoed until 00:01 Sunday 8 October 2017

New group of experts to consider rule of law implications of Brexit Bill

Rt Hon Dominic Grieve QC MP, the former Attorney General, is to chair a new group of experts brought together to consider the implications of the EU (Withdrawal) Bill for the rule of law.

The **Expert Working Group on the EU (Withdrawal) Bill and the Rule of Law**, set up by the [Bingham Centre for the Rule of Law](#) in partnership with [University College London's Constitution Unit](#), will meet for the first time at Westminster today, Monday 9 October. It brings together 26 senior experts with a wide range of relevant experience to consider the implications of the Bill for the rule of law. The Group's purpose is to generate informed discussion about the most significant rule of law issues raised by the Bill in order to inform debates about it, and how it could be improved, in parliament and among the wider public. A full list of the members of the Group can be found below.

The EU (Withdrawal) Bill seeks to tread a difficult path between providing the legal continuity which individuals and businesses require on the day after Brexit, while giving effect to the most radical change to the UK's constitutional architecture since the passage of the European Communities Act 1972, which the Bill repeals.

Constitutional change on this scale poses a number of serious challenges to many of the values which make up the rule of law:¹ legal certainty and predictability; the comprehensibility and accessibility of the law; access to effective legal remedies; requiring executive discretion to be subject to effective limits and controls; and ensuring that legislation affecting fundamental interests is subject to adequate parliamentary scrutiny. The settled division of powers between the UK

¹ See e.g., Dominic Grieve, *Only a watertight withdrawal bill can put Brexit into effect*, Evening Standard Wednesday 6 September 2017 <https://www.standard.co.uk/comment/comment/dominic-grieve-only-a-watertight-withdrawal-bill-can-put-brex-it-into-effect-a3628376.html>

Government and the Governments of the UK's constituent nations is also thrown into question by the exercise of legal disentanglement required by Brexit.

The Expert Working Group convened by the Bingham Centre and the Constitution Unit will seek to ensure that these rule of law issues are properly explored and ventilated during the passage of the Bill and that the legislation is improved where necessary. Resources generated by the Group's discussions will be published on the [Bingham Centre's website](#).

Dominic Grieve QC MP, Chair of the Expert Working Group, said:

"I welcome this new initiative by the Bingham Centre and the Constitution Unit, two of this country's most respected non-partisan bodies which work to promote wider understanding of constitutional and legal issues. A lot is at stake for the rule of law as Parliament considers the Bill which aims both to give effect to the result of the Brexit referendum and to provide the legal continuity which individuals and businesses so badly need. The Bill must not create uncertainty about what EU law applies and how it is to be interpreted, nor should it hand sweeping powers to the Government to change the law in future without adequate parliamentary scrutiny. I look forward to chairing the discussions of this formidable group of experts and to deploying their insights to improve the Bill where the rule of law requires it. A collaborative approach is essential to ensure that this major constitutional change is made in a way which respects the principles of the rule of law which are so fundamental to our constitution."

Murray Hunt, Director of the Bingham Centre for the Rule of Law, said:

"The EU (Withdrawal) Bill is the most constitutionally significant piece of legislation to be brought before Parliament for decades, as Parliament tries to get to grips with the unprecedented challenge of disentangling the UK legal system from the EU as a result of the vote for Brexit in last year's referendum. The enormous legal uncertainty Brexit is causing for both people and businesses is a serious test of our institutions' commitment to the rule of law. The Bingham Centre is pleased to be able to work with the Constitution Unit to convene a group of highly qualified experts to facilitate informed parliamentary consideration of exactly what, in practical terms, the rule of law requires as the UK prepares to withdraw from the EU."

Professor Meg Russell, Director of the Constitution Unit, said:

"This Bill is hugely constitutionally significant, both in terms of its ends – facilitating Britain's withdrawal from the EU – and the means by which it seeks to do so. Many concerns have been raised about the degree of power delegated to ministers in the bill, and the risks of sidelining Parliament on key areas of policy running up to Brexit, and in the years ahead. I am delighted that the Constitution Unit will be working with the Bingham Centre, and such an impressive group of

expert members, in order to examine these issues carefully and help to support parliamentarians in exploring ways in which the Bill might be improved.”

-ENDS-

For more information please contact:

Justine Stefanelli, Bingham Centre for the Rule of Law

Tel +44 (0) 207 862 5151

j.stefanelli@binghamcentre.biicl.org

Notes to editors:

1. The [Bingham Centre for the Rule of Law](#) is an independent research institute which exists to promote and enhance the rule of law as a practical concept in the UK and worldwide. It provides the secretariat to the All Party Parliamentary Group on the Rule of Law and is committed to increasing parliamentary engagement with the rule of law. The Bingham Centre is part of The British Institute of International & Comparative Law (BIICL).
2. The term ‘Rule of Law’ is understood to mean ‘Certain, accessible and prospective laws; equally enforced; with access to justice (i.e., the right to challenge decisions in courts or other equivalent bodies); where rights may be asserted (human rights and rights such as property, contracts, etc.); through fair trials before an independent judiciary’.
3. The [Constitution Unit](#) conducts timely, rigorous independent research into constitutional change and its effects and the reform of political institutions. It is a particular centre of expertise on [Parliament](#), and also recently organised the [Citizen’s Assembly on Brexit](#), composed of a politically and demographically representative group of 50 members of the public who were brought together to deliberate over two weekends about the options for Brexit. The Constitution Unit is based within the Department of Political Science at University College London.
4. The members of the Expert Working Group are:
 - [David Anderson QC](#) (Visiting Professor in EU Law at King’s College, London and former Independent Reviewer of Terrorism Legislation)
 - [Professor Catherine Barnard](#) (Professor of EU Law, University of Cambridge)
 - Joel Blackwell ([Hansard Society](#))
 - [Andrea Coomber](#) (Director of [JUSTICE](#))
 - [Professor Paul Craig](#) (Professor in English Law, University of Oxford)
 - Ruth Fox (Director, [Hansard Society](#))
 - [Professor Graham Gee](#) (Professor of Public Law, Sheffield University)
 - [Rt Hon Dominic Grieve QC MP](#) (Chair) (former Conservative Attorney General)
 - [Paul Hardy](#) (DLA Piper, former Legal Adviser to the House of Commons European Scrutiny Committee and the House of Lords EU Committee)
 - [Swee Leng Harris](#) (Co-Ordinator, [APPG on the Rule of Law](#))
 - Jo Hickman (Director, [Public Law Project](#))

- [Murray Hunt](#) (Director, [Bingham Centre for the Rule of Law](#))
- [Sir Paul Jenkins KCB QC](#) (Hon) (former Head of the Government Legal Service)
- The [Rt Hon Lord Judge](#) (former Lord Chief Justice)
- [Sir Stephen Laws KCB QC](#) (former First Parliamentary Counsel)
- [Lord Lisvane KCB DL](#) (former Clerk of the House of Commons)
- [Amy Mount](#) (Head of [Greener UK Unit at Green Alliance](#))
- [Professor John McEldowney](#) (Professor of Law, University of Warwick)
- [Lord Norton of Louth](#) (Professor of Government at Hull University and former Chair of House of Lords Constitution Committee)
- [Professor Dawn Oliver](#) (Professor of Constitutional Law, UCL)
- [Professor Rick Rawlings](#) (Professor of Public Law at UCL and former Legal Adviser to the House of Lords Constitution Committee)
- [Alexandra Runswick](#) (Director of [Unlock Democracy](#))
- [Professor Meg Russell](#) (Professor of British and Comparative Politics at UCL and Director of the [Constitution Unit](#))
- [Sir Paul Silk KCB](#) (Former Clerk to the National Assembly for Wales)
- [Martha Spurrier](#) (Director of [Liberty](#))
- [Hannah White](#) ([Institute for Government](#))