

Brexit Bumps

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This post has been adapted from the post "More Uncertainty for the Unitary Patent System after Court Ruling in UK" by Kluwer UPC News Blogger which appears on the Kluwer Patent Blog.

The decision today of the UK High Court, that the government cannot trigger Article 50 of the Lisbon Treaty and begin formal exit negotiations with the EU without approval of Parliament, is a setback for the UK prime minister Theresa May. Given the further entrenchment of opposing positions in light of this judgment, Michael Leathes' recent suggestion of the [involvement of impartial facilitators in Brexit negotiations](#) seems particularly prescient.



May had argued the government could give the Article 50 notice on its own. She wanted to start the exit negotiations before the end of March next year. But the [Court said](#) Article 50 will fundamentally change UK people's rights, and therefore the government can only invoke it if Parliament gives it authority to do so.

In a reaction to the judgment, the government announced it had no intention of letting it 'derail Article 50 or the timetable we have set out', a political analyst of the BBC said the decision has 'huge implications, not just on the timing of Brexit but on the terms of Brexit. That's because it's given the initiative to those on the Remain side in the House of Commons who, it's now likely, will argue Article 50 can only be triggered when Parliament is ready and that could mean when they're happy with the terms of any future deal.'

The Supreme Court will hear the appeal next month. Its judgment is expected by the end of January 2017.