

The sovereignty of the people, and the battle of government and the Judges

It would be completely unacceptable if the UK's decision to stay for longer in the EU or to leave on the due date of October 31st fell to be decided by a few Judges. The people are sovereign. We exercised our sovereign right to decide between Leave and Remain. We accepted the promises of the main parties in Parliament that they would implement our decision. The ballot paper did not qualify leave, or suggest we could only leave if there was a deal the Establishment liked. Electors followed up the referendum by electing a Parliament dominated by two parties promising to implement the vote. The public put the Lib Dems in a weak third place on their proposal of a second referendum because they did not like the result of the first.

The sovereign people delegate their sovereignty to an elected government and Parliament to exercise for them between elections. The power of the people is restored at election time when we can change as many MPs as displease. Between elections the force of public opinion seeks to keep the MPs and government honest, loyal to its promises and keen to serve the public.

The relative power of Parliament and government has long been fought over in the courts and in Parliament. The law courts have usually accepted that matters of high policy and politics are matters for Parliament alone. They have also respected Parliamentary privilege which allows Parliament to talk freely about all matters, save the details of an individual's actions which are the subject of a live court case. Parliament respects the sole right of the courts to determine the guilt or innocence of people under the criminal law, and their right to determine civil cases without Ministerial interference. Ministers may of course intervene or undertake an action in a civil case by submitting a government view to the Judge for decision.

Government has been given powers to negotiate treaties, propose budgets and submit draft laws to Parliament for approval. Government controls the timetable of Parliament but by convention allows regular days for the Opposition to specify the subjects that most concern them and to debate them. It does not provide Opposition legislation time. It is based on the assumption that government commands a majority of the House. If government no longer commands such a majority then there must be a General election so the public can choose a government who can.

There are currently some MPs who are determined to break this constitutional settlement. They wish to assert Parliament above the government so that government can no longer function. They want to strip government of its powers to control the timetable, propose the budgets and the laws. They wish to irresponsibly spend money the government has not provided and pass laws the government does not accept, without themselves having the votes or ability to take the responsibilities of government on themselves. Worse still, when the government challenges them to an election so the sovereign people can decide whether they want the government's approach or do want to

change to that of the Opposition, they block any such move.

The final irony is that an anti government alliance in the Commons uses its temporary power to propose a law to put through an Act of Parliament to make the PM do what he does not want to do, placing all these huge issues under the courts. So far from making Parliament sovereign as they claim, by usurping the power of the people in the referendum and denying an election, they want to submit Parliament to the power of the law courts. How can they seriously suggest that through this Act of Parliament our departure from the EU should fall to be decided by Judges, who will be invited to slap down the Prime Minister to do so? What Judge would want to overrule the decision of the people in a referendum?