

15th November, 2016

## "Guardians of the Constitution?"

Lady Hale (one of the Supreme Court Justices) had claimed that the job of the Supreme Court was to be "guardians of the Constitution", but she must know, or should know, that the British Constitution is in the process of being superseded by the previously rejected Constitution for Europe (2004) through Case Law; under the direction of the ECJ. This is taking place by virtue of the fact that the most important Articles, Declarations and Protocols (the Terms and Conditions) of that Treaty were hidden within the texts of the Lisbon Treaty (2007) - a Treaty which we were not allowed a Referendum upon, because of an intervention by Merkel and the collusion of New Labour

The Lisbon Treaty (2007) created a new legal status for the EU in International Law, elevating and making it separate, and superior, to its member states and endowing with the legal basis for the creation a Totalitarian (Declaration 17) Police State (EU Corpus Juris - a system based upon Martial Law - under which the State and its agents are officially above the Law).

There are no mechanisms to reform the Treaty in any meaningful way, it exists in perpetuity (let's say, for argument's sake, at least 1000 years) - and Article 50 was an afterthought; added for consistency with other International Treaties, in order to acquire greater credibility - no such clause had been included in any previous EEC or EU treaty.

The Constitution of which Justice Hale speaks had already, effectively, been taken from us by our nefarious politicians in 1972 when they handed our sovereignty (the power to make laws by our elected Politicians, that could not be overturned by a Foreign power) over to the EU and since that time we have been under EU Law. The High Court used the illegal (under our true Constitution) European Communities Act (1972) in order to make their judgement about, essentially, how our Government and Parliament are allowed to act regarding the EU - how very convenient for the EU - our Parliament is a de facto EU "Puppet Parliament."

The pretence that we have a Constitution that she and the rest of the "appointed" Judges are protecting is entirely disingenuous since - again either she knows or at least should know - that our Constitution, as well as all our laws are subject to the European Court of Justice (ECJ) - for as long as our Politicians and Judiciary refuse to take back our sovereignty fully (by expressly repealing the ECA(1972)), and place it back into the hands of the British people - we have no protection from the EU. The reality is that our country has been infected with a "parasite" which cannot be removed unless Parliament itself is disinfected - and the pathogen, along with its vectors, are flushed away.

## High Court Justice Hale's Lecture in Kuala Lumpur Nov., 2016 - Reference to the Ruling

Comments extracted from her recent Kuala Lumpur lecture (Nov., 2015) referring to the EU Referendum, are shown below - judge for yourself how this would be translated into a Supreme Court ruling and whether or not Justice Hale has already decided on the outcome:

*... "Talk of European Union law brings me at long last to a case of such fundamental constitutional importance that, when it does come to the Supreme Court, we plan that all eleven of the current serving Justices shall sit on it.*

*As is well known, the referendum on whether the United Kingdom should leave or remain in the European Union produced a majority of 51.9% in favour of leaving. **But that referendum was not legally binding on Parliament.***

***There is, of course, no doubt that, just as Parliament made the law which brought European Union law into the UK legal order after the UK Government had entered into the accession***

*treaty, Parliament can unmake that law. The question is the process whereby we arrive at that result. This entails the constitutional division of responsibility and power between the Government and Parliament*

**"On Article 50"**

*Article 50 of the Treaty of the European Union provides that 'any Member State may decide to withdraw from the Union in accordance with its own constitutional arrangements' (article 50(1)). A Member State which decides to withdraw shall notify the European Council of its intention. The Council is then expected to negotiate and agree upon the arrangements for withdrawal with the Member State. These have to be agreed by the Council, acting by a qualified majority, and by the European Parliament (article 50(2)). However, the Treaties shall cease to apply to the State in question from the date of the entry into force of that agreement or, failing that, two years after the notification, unless the Council unanimously agrees to extend the period (article 50(3)).*

**"On the Royal Prerogative"**

*The issue is whether giving that notification falls within the prerogative powers of the Crown in the conduct of foreign relations or whether it falls foul of the rule that the prerogative cannot be used in such a way as to frustrate or substantially undermine an Act of the United Kingdom Parliament.*

*The argument is that the European Communities Act 1972 grants rights to individuals and others which will automatically be lost if the Treaties cease to apply. Such a result, it is said, can only be achieved by an Act of Parliament.*

*Another question is whether it would be enough for a simple Act of Parliament to authorise the government to give notice, or whether it would have to be a comprehensive replacement for the 1972 Act. The contrary argument is that the conduct of foreign affairs, including the making and unmaking of treaties with foreign powers, lies within the prerogative powers of the Crown (what you would call the executive power of the Federation).*

*The EU Referendum Act 2015 neither expressly nor by implication required that further Parliamentary authority be given to begin the process of withdrawal. The basis on which the referendum was undertaken was that the Government would give effect to the result. Beginning the process would not change the law.*

**"On the the High Court Ruling"**

*Just before I left to come here, a unanimous Divisional Court held that the Secretary of State does not have power under the royal prerogative to give notice to withdraw from the European Union.*

*The court held that just as making a treaty does not change the law of the land, unmaking it cannot do so, but triggering article 50 will automatically have that effect. What has to be done instead is perhaps not so clear. But the case is destined for our Court, so I must say no more."*

**Comments**

The first highlighted comment above was repeated in the Guardian today, but with more detail:

*"Following the referendum result, a Government promise made six years prior resurfaced that any referendum "cannot be legally binding", but rather is advisory."*

This is an astonishing state of affairs, since there is little doubt that our Government, Politicians and Peers (at least) misled the British people about the most important Constitutional matter in the life of any Nation - effectively, a Referendum on whether or not

**our Sovereignty would be returned to the People, to whom it belongs, or to continue to be held hostage by its Parliament - on behalf of their masters in Brussels.**

**From the behaviour of our Politicians, subsequent to the EU Referendum result, It is just about impossible to believe that Parliament would have voted so decisively (6 to 1) in favour of a Referendum, unless they were already fully aware (in 2015) that the Referendum was not binding.**

**The "story" about an "earlier promise to Parliament that any Referendum would only be advisory" - and the notion that "it only resurfaced after the result of the Referendum was known" appears to be a convenient excuse for dishonourable behaviour by the British Establishment; now officially supported by the British Judiciary? - following the High Court ruling - such behaviour though is more usually associated with "Rogue Traders" and other unsavoury characters.**

**Even in the most primitive of societies and cultures - when one party makes a promise to and another, and subsequently the terms of the arrangement are executed, then they have entered into a legally binding contract; by any other name, which would be recognised, and enforceable, locally and Internationally - and that is exactly what Parliament and the British People participated in during the June, 2016 EU Referendum.**

**The Referendum result must therefore be binding on Parliament - and Parliament had its say in 2015, fully cognisant of its ramifications, but without any intention of acting on the will of the people - since by virtue of the ECA (1972) they are controlled by the EU - and happy to comply with the wishes of that organisation above the wishes of the British population - from whom they fear no adverse consequences. After all, there will always be more than enough room for those who would betray their own people to the greater EU pseudo "Empire", with its Cornucopia of benefits in return for loyalty to the Totalitarian EU Police State.**

**My personal opinion is that the Supreme Court Judges are no different from the High Court Judges, and that it is likely that the decision from the Supreme Court will be decisively, or at least a majority, in favour of ensuring that Article 50 is delayed as much as possible, on behalf of the EU. In fact, bringing the Referendum result into adjudication within the, EU controlled UK Supreme Court system, set up by Blair and New Labour, has simply allowed the EU to further consolidate its power over Britain - and a different form of action is needed to break free from the EU's increasingly totalitarian grip.**

**If the Judges were true to the People, their Sovereignty and the English Constitution they would declare the European Communities Act (1972) illegal and release the Government to repeal that Act at the earliest opportunity, and in the shortest time - that is the only real way for the Government to negotiate with the EU and gain the best terms for the British People - from a position of strength.**