

Legal Issues concerning the UK's Withdrawal from the EU: from Decision about to Notice of its Withdrawal

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This paper analyses some major British and European legal issues concerning the UK's withdrawal from the EU after the referendum held on 23 June 2016. The issues discussed include whether the national referendum on the EU withdrawal is binding upon the UK Parliament, and whether the UK government, based on its prerogative power, may lawfully decide and notify the UK's withdrawal from the EU without first having parliamentary approval. It is argued for example that the European law (EU law and the European Convention on Human Rights) dimension of the constitutional issues would constrain the UK government's exercise of its prerogative power so that it needs prior approval by Parliament to give its withdrawal notice to the EU.