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Exiting the EU: Publication of Legal Advice:Written statement - HCWS1142

WS

Department for Exiting the European Union

Made on: 05 December 2018

Made by: **Mr Geoffrey Cox** (Attorney General)

Commons

HCWS1142

Exiting the EU: Publication of Legal Advice

Following the motion passed yesterday in the House of Commons, I am today placing in the Libraries of both Houses a copy, in full, of the final advice that I provided to Cabinet on 14 November on the legal effect of the Withdrawal Agreement.

The action responds to the Humble Address motion of the House of Commons passed on 13 November.

The release of this advice does not set a precedent for any future release of Law Officers' advice. It remains a fundamental Constitutional Convention that neither the fact, nor the content, of Law Officers' advice is disclosed outside Government without the Law Officers' consent. That Convention provides the fullest guarantee that the business of Governments is conducted at all times in the light of thorough and candid legal advice, which may also enter into matters of acute sensitivity to the public interest. The Leader of the House of Commons has asked the Committee of Privileges to inquire into the serious constitutional implications of Humble Address motions in such circumstances and I very much hope that it move to do so as swiftly as possible.

The constitutional tensions created between the expression of the will of the House of Commons by these means on the one hand, and the public interest in the Law Officers' Convention on the other, are not themselves conducive to the proper conduct of public affairs. It is necessary that the public has confidence in the ability of Government and Parliament to work together at a time of national decision-making of the most profound significance. The standing of the House of Commons is also of prime importance. For these reasons, having tested the will of the House twice, the Government will respect its decision and, in these exceptional circumstances and to resolve for the present those constitutional tensions, it has decided, with my consent, to publish this advice.

It is the Government's purpose and intention that the House will be enabled to address clearly the policy and political decisions now before it, bearing the national interest in mind.

This statement has also been made in the House of Lords: **HLWS1113**