

11 January 2018

Dear Prime Minister,

On 6 October 2017 I wrote seeking a copy of the legal advice provided to the Prime Minister, which I understand confirms that a notification made under Article 50 of the TFEU may be revoked without the agreement of the other twenty seven members of the EU if the United Kingdom decides that it no longer intends to leave the European Union. Such revocation would have to take place before 29 March 2019 (or during an extension of time granted by all 27 other EU States), that is, whilst the UK is still a full member of the EU, and would enable the UK to retain all of its current privileges.

There has been some debate about whether, if the question of EU membership was referred back to the people, and the people decided that the UK should remain in the EU, Article 50 would allow for such revocation. Further, in the context of the debate on the Withdrawal Bill and the need for Parliament to have a meaningful vote on 'the deal', questions were raised as to what would happen if Parliament rejected the deal, including whether Her Majesty's Government could seek more time to negotiate a better deal or in order to provide the people with a chance to re-consider the matter in the light of the deal secured.

For obvious reasons this is extremely important. Crucially, if HMG is unable to secure a good deal or no deal is secured, the United Kingdom retains the option to remain within the EU at least up until 29 March 2019. It is essential not only that HMG understands this but that Parliament and the people understand this too. Only with a proper understanding of where we are legally can HMG act democratically.

My Member of Parliament, Tulip Siddiq, raised the disclosure of this advice in PMQs and followed up with a letter to you, also seeking access. This was declined on 5 December 2017. I enclose the letter which she sent me. On that basis, and at the request of many individuals who understand that this issue is extremely important and wish to understand the legal position, I have prepared a legal Opinion with two other specialist EU law QCs. All three of us were on the Attorney General's A Panel of Counsel and represent the United Kingdom.

I have sent this Opinion to the APPG on EU Relations and have suggested that it be sent to members of Parliament. It has also been published on the web-site of UK Legal Future:
<https://www.uklegalfuture.org.uk/>. This is a non-party affiliated group of lawyers working to assist Members of Parliament in understanding the legal implications of the UK leaving the EU.

Yours sincerely,

Jessica Simor QC