



BRIEFING PAPER

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Brexit reading list: legal and constitutional issues

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Summary

In the referendum on 23 June 2016, a majority of the UK electorate voted to leave the EU. UK withdrawal from the EU – usually described as ‘Brexit’ – has been the subject of a great deal of comment in books, journal articles, press reports and blogs.

This paper provides information on and/or links to a selection of analysis and comment on:

- the EU referendum (for a pre-referendum reading list, see Commons Briefing Paper 7220, [Reading list on UK-EU relations 2013-16: reform, renegotiation, withdrawal](#), 24 June 2016)
- constitutional and legal issues surrounding UK withdrawal
- the triggering of Article 50 of the *Treaty on European Union* (TEU), which will start the withdrawal process
- the role of the UK Parliament in triggering the process and in the negotiations
- the possibility of a second referendum on a withdrawal agreement
- how the UK Government and Parliament deal with EU legislation
- the impact of Brexit on the rest of the EU
- the UK’s future relations with the EU
- issues for Scotland, Wales and Northern Ireland.

There is also a list of Library briefing papers and parliamentary committee reports.

This paper will be updated periodically.

1. The EU referendum

Rafael Behr, [How remain failed: the inside story of a doomed campaign](#), Guardian, 5 July 2016

Matthew Goodwin, [Why Britain backed Brexit](#), Economic & Social Research Council, 4 July 2016

Aftab Ali, [Remain and Leave students say universities failed to provide adequate information on impact of Brexit result](#), Independent, 29 June 2016

Vernon Bogdanor, [The EU referendum shows how the sovereignty of Britain's people can now trump its Parliament](#), Telegraph, 26 June 2016

Charles Grant, [How Leave outgunned Remain: The battle of the 'five Ms](#), Centre for European Reform, 25 June 2016

Paul Gallagher, [Remain camp failed to argue how they could control immigration](#), iNews, 24 June 2016

[Eight reasons Leave won the UK's referendum on the EU](#), BBC News, 24 June 2016

Matthew Harries, [Brexit and political malpractice](#), IISS Survival Vol 58 No. 3, June-July 2016

2. Article 50 TEU: role of UK Parliament

Paul Craig, [Brexit: Foundational Constitutional and Interpretive Principles: II](#), Oxford Human Rights Hub, 28 October 2016

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[Five members of Brick Court instructed in landmark Article 50 case](#), Brick Court Chambers, 14 October 2016

Global Practice Guides, [Legal Brexit](#), Chambers and Partners, September 2016

House of Commons Debate, [Exiting the European Union](#), 5 September 2016, Volume 614

Jean-Claude Piris, [Article 50 is not for ever and the UK could change its mind](#), Financial Times, 1 September 2016 (Subscription required)

[Brexit: Owen Smith opposes Article 50 move without vote](#), BBC News, 24 August 2016

Christophe Hillion, [Leaving the European Union, the Union way. A legal analysis of Article 50 TEU](#), Swedish Institute for European Policy Studies, August 2016

Hannah White, [A 'supersize committee' could hamper Parliament's scrutiny of Brexit](#), Institute for Government, 9 August 2016

Jake Rylatt, [The Irrevocability of an Article 50 Notification: Lex Specialis and the Irrelevance of the Purported Customary Right to Unilaterally Revoke](#), UK Constitutional Law Association, 27 July 2016

Stephen Laws, [Article 50 and the political constitution](#), UK Constitutional Law Association, 18 July 2016

Guillaume Van der Loo and Steven Blockmans, [The Impact of Brexit on the EU's International Agreements](#), Centre for European Policy Studies, 15 July 2016

Pavlos Eleftheriadis, John Armour, Luca Enriques, Rebecca Mooney, Rebecca Williams, Alison Young, [Legal Aspects of Withdrawal from the EU: A Briefing Note](#), Oxford University Legal Research Paper series, 14 July 2016

Sarah Abram, [Effect of EU referendum on cases involving EU courts](#), Brexit.law, 7 July 2016

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Gareth Davies, [Union Citizenship – still Europeans’ destiny after Brexit?](#) European Law blog, 7 July 2016

Donal Coffey, [Brexit and Art. 50: the Key lies in Luxembourg.](#) Verfassungsblog, 6 July 2016

Patrick Wintour, [Brexit can be started without parliament vote, government lawyers say](#), Guardian, 5 July 2016

Pavlos Eleftheriadis, [A new referendum is a constitutional requirement](#), Oxford Law, 4 July 2016

Owen Bowcott, [UK government faces pre-emptive legal action over Brexit decision](#), Guardian, 4 July 2016

[Leaving the EU: Parliament’s Role in the Process](#), Lords Library note, 4 July 2016

Andrew Duff, [Everything you need to know about Article 50 \(but were afraid to ask\)](#), Verfassungsblog, 4 Jul 2016

[Article 50 process on Brexit faces legal challenge to ensure parliamentary involvement](#), Mishcon de Reya, 3 July 2016, and [Q&A: Article 50 Legal Challenge](#)

Jo Murkens, [Westminster must choose between leaving the EU and retaining the UK](#), London School of Economics, 2 July 2016

Alison Young, [Brexit, Article 50 and the ‘joys’ of a flexible, evolving, un-codified constitution](#), UK Constitutional Law Association, 1 July 2016

Mark Elliott, [On why, as a matter of law, triggering Article 50 does not require Parliament to legislate.](#) Public Law for Everyone, 30 June 2016 + comment from Paul Evans, 4 July 2016

Clive Coleman, [Can the law stop Brexit?](#), BBC News, 30 June 2016

[Brexit: how does the Article 50 process work?](#) Commons Briefing Paper 7551, 30 June 2016

[Brexit: what happens next?](#) Commons Briefing Paper 7632, 30 June 2016

Sionaidh Douglas-Scott, [Brexit, the referendum and the UK Parliament: some questions about sovereignty](#), UK Constitutional Law Association, 28 June 2016

Jolyon Maugham, [The big green button Bill](#), Musings on Tax blog, 28 June 2016

Geoffrey Robertson, [How to stop Brexit: get your MP to vote it down](#), Guardian, 27 June 2016

Nick Barber, Tom Hickman and Jeff King: [Pulling the Article 50 'Trigger': Parliament's Indispensable Role](#), UK Constitutional Law Association, 27 June 2016

Jo Murkens, [Brexit against the wishes of Scotland and Northern Ireland would violate the UK's constitutional settlement](#), London School of Economics, 27 June 2016

Michael Keating, [Brexit reflections – out means out](#), Centre on Constitutional Change, 27 June 2016

Stephen Tierney, [Brexit: What happens next?](#), Centre on Constitutional Change, 24 June 2015

Sarah Gordon, [Untangling Britain from Europe would cause constitutional 'havoc](#), Financial Times, 20 June 2016 (Subscription required)

Lawrence Freedman, [Brexit and the law of unintended consequences](#), IJSS Survival, Vol 40 No. 3, June-July 2016

Erik Jones, [Brexit's lessons for democracy](#), IJSS Survival Vol 58 No. 3, June-July 2016

Richard Gordon & Rowena Moffatt, [Brexit: the immediate legal consequences](#), The Constitution Society, May 2016

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Sionaidh Douglas-Scott, [What Happens to 'Acquired Rights' in the Event of a Brexit?](#) UK Constitutional Law Association, 16 May 2016

3. High Court Judgement on Miller v. Secretary of State for Exiting the European Union

[Permission to appeal – R \(Miller & Dos Santos\) v Secretary of State for Exiting the European Union](#), UK Supreme Court Blog, 9 November 2016

David Feldman, [Brexit, the Royal Prerogative, and Parliamentary Sovereignty](#), UK Constitutional Law Association, 8 November 2016

Nick Barber and Jeff King, [Responding to Miller](#), UK Constitutional Law Association, 7 November 2016

Mark Elliott and Hayley J. Hooper, [Critical reflections on the High Court's judgment in R \(Miller\) v Secretary of State for Exiting the European Union](#), UK Constitutional Law Association, 7 November 2016

Francesca Strumia, [In-Between the Lines of the High Court Brexit Judgment: EU Transnational Rights and their Safeguards](#), EU Law Analysis

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Adam Tomkins, [Brexit, Democracy and the Rule of Law](#), Verfassungsblog, 6 November 2016

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Jack Simson Caird, [Brexit, Parliament and the prerogative](#), House of Commons Library blog, 3 November 2016

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4. Second referendum?

Oscar Williams-Grut, [Legal experts: There should be a second Brexit referendum — but there probably won't be](#), Business Insider, 10 July 2016

[Brexit: Case for a Second Referendum](#), Lords debate, 7 July 2016

Oscar Williams-Grut, [DEUTSCHE BANK: There will be a 2nd referendum — just not the one you expect](#), Business Insider, 6 July 2016

Pavlos Eleftheriadis, [Second referendum probably legally required](#), InFacts, 6 July 2016

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[The referendum result is binding](#), Lawyers for Britain (Undated)

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Richard Gordon QC, [The UK courts after Brexit](#), Spotlight, Butterworths Journal of International Banking and Financial Law, October 2016

Daniel Jowell QC, [Competition law damages actions in England for violation of Articles 101 and 102 after Brexit: Part 1](#), Brexit Law, Brick Court Chambers, 23 September 2016

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Jill Rutter and Hannah White, [Planning Brexit: Silence is not a strategy](#), Institute for Government Briefing paper, September 2016

BBC News, [Brexit: A tough to-do list for Whitehall](#), 26 August 2016

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[Legal Brexit](#), Slaughter and May, 1 November 2016

[Brexit and Beyond: how the United Kingdom might leave the European Union](#), The UK in a Changing Europe, November 2016

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Andrew Tyrie, [Giving meaning to Brexit](#), Open Europe, September 2016

[A Brexit Act in 19¾ pages](#), Allen & Overy LLP, 30 August 2016

Hugo Flavier and Sébastien Platon, [Brexit: a tale of two agreements?](#) European Law blog, 30 August 2016

Robin Niblett, [Preparing for the UK's Brexit Negotiation](#), RIIA, 5 August 2016

Raoul Ruparel, [What will actually be negotiated once Article 50 is triggered?](#) Open Europe, 13 July 2016

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Alex Barker, [What a British divorce from the EU would look like](#), Financial Times, 28 June 2016

[Brexit: Germany rules out informal negotiations](#), BBC News, 27 June 2016

Akash Paun, [Brexit consequential: why the UK must involve the devolved governments in the process of leaving the EU](#), Institute for Government, 24 June 2016

[The UK has voted to leave the EU: What now?](#) Latham & Watkins, 24 June 2016

Jonathan Eyal, [Negotiating Britain's EU departure: from tears to hard-headed calculations](#), RUSI, 24 June 2016

Matt Ross, [Brexit will be 'largest legal, legislative and bureaucratic project in British history', says former UK Treasury Solicitor](#), Global Government Forum, 24 June 2016

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Raoul Ruparel, [Leaving the EU: what comes next for the UK?](#) Open Europe, June 2016

HM Government, [The process for withdrawing from the European Union](#), HM Government, February 2016

European Parliament, [Article 50 TEU: Withdrawal of a Member State from the EU](#), European Parliament, February 2016

Jean-Claude Pirijs, [If the UK voted to leave: The seven alternatives to EU membership](#), Centre for European Reform, January 2016

7. Impact of Brexit on the EU

[Facing the unknown: building a progressive response to Brexit](#), Fabian Society, 16 September 2016

[Brian Hayes MEP, Ireland's contribution to EU budget will increase post Brexit by an extra €138million](#), 2 October 2016

[Merkel and Hollande urge "clear vision" for Europe's future, as Tusk calls for "realistic diagnosis" of the causes of Brexit](#), Open Europe, 16 September 2016

[EU Strives for Unity Minus U.K. With Leaders Focused on Security](#), Bloomberg, 16 September 2016

[European Commission sets up Task Force led by Michel Barnier as Chief Negotiator for the Preparation and Conduct of the Negotiations with the United Kingdom](#), European Commission, 14 September 2016

[Allan Matthews, Impact of Brexit on the EU budget, CAP reform](#).EU, 10 September 2016

[Barbara Böttcher & Laura Rosenberger, EU budget: Who's to pay for Brexit?](#) Deutsche Bank research, 26 August 2016

[EU leaders pledge Brexit will not weaken bloc. France, Germany and Italy declare their common commitment to European integration](#), Financial Times, 22 August 2016 (Subscription required)

[Pénélope Debreu, Brexit: les opportunités d'une Europe sans Royaume-Uni](#), Terra Nova, 12 July 2016

[Darren Harvey, What Role for the European Parliament under Article 50 TEU?](#) EU Law Analysis, 14 July 2016

[Charles Grant, The impact of Brexit on the EU](#), Centre for European Reform, 24 June 2016

[Global Counsel, Brexit: the impact on the UK and the EU](#), Global Counsel, June 2015

[Oliver Patel & Christine Reh, Brexit: the consequences for the EU's political system](#), UCL Constitution Unit, 2016

[Reuters, From budget to banks: how Brexit could impact the EU economy](#), Reuters, 14 April 2016

8. UK's future relations with the EU

EU Council, [Letter from President Donald Tusk before the Bratislava summit](#), 13 September 2016

[Brexit Brief: 10 things to know about the World Trade Organization \(WTO\)](#), Institute for Government, 5 September 2016

Quentin Peel, [Britain's new global role after Brexit](#), The World Today, RIIA, August/September 2016

Ian Bremmer, [Surviving Brexit](#), The World Today, RIIA, Aug/Sept 2016

Robyn Munro, Dr Hannah White, [Brexit Brief: Options for the UK's future trade relationship with the EU](#), Institute for Government, 4 August 2016

Thierry Chopin, Jean-François Jamet, [After the UK's EU referendum: redefining relations between the two Europes](#), Fondation Robert Schuman, European Issue No 399, 5 July 2016

Guillaume Van der Loo and Steven Blockmans, [The Impact of Brexit on the EU's International Agreements](#), Centre for European Policy Studies, 15 July 2016

[The World Trade Organization: a safety net for a post-Brexit trade policy?](#) UK Trade Policy Observatory Briefing Paper 1, July 2016

Peter Ungphakorn, [Nothing simple about UK regaining WTO status post-Brexit](#), International Centre for Trade and Sustainable Development, 27 June 2016

9. Scotland

Alan Page, [The implications of EU withdrawal for the devolution settlement](#), Scottish Parliament European and External Relations Committee, 4 October 2016

Iain Mclver, [The United Kingdom's Departure from the EU: the latest developments](#), Scottish Parliamentary Information Centre, 22 September 2016; [update](#), 15 September

James Mitchell, [What does Brexit mean for Scottish politics?](#) London School of Economics, 16 July 2016

Michael Keating, [Brexit Reflections – how could Scotland remain in the EU?](#) Economic and Social Research Council, 8 July 2016

Eve Hepburn, [Brexit Reflections – “We won’t let you down!” Scotland’s approach to EU nationals](#), Economic and Social Research Council, 6 July 2016

David Eiser, [Fiscal implications for the Scottish Government](#), Fraser of Allander Institute, 6 July 2016

Eve Hepburn, [We want to stay in the EU – how can we do it?](#) The National, 29 June 2016

Tobias Lock, [Brexit Reflections – a European future for Scotland?](#) Economic and Social Research Council, 28 June 2016

Craig McAngus, [What does Brexit mean for those campaigning for Scottish independence?](#) Centre on Constitutional Change, 28 June 2016

Mark Elliott, [Can Scotland block Brexit?](#) Public Law for Everyone, 26 June 2016

Paul Cairney, [Brexit Reflections – Brexit and the inevitability of Scottish Independence](#), Economic and Social Research Council, 27 June 2016

Richard Parry, [Brexit Reflections – The wider context of the Scottish debate](#), Economic and Social Research Council, 27 June 2016

Craig McAngus, [Scottish independence back in play after Brexit shock – with a note of caution](#), Centre on Constitutional Change, 24 June 2016

10. Wales

Daniel Evans, [Wales and the Brexit vote: a case of turkeys voting for Christmas?](#) LSE Blog, 4 August 2016

Ian Jones, [What will Brexit mean for Wales?](#) Public Policy Institute for Wales, 28 July 2016

Jo Hunt, [Brexit and Wales: what happens now?](#) The UK in a Changing Europe, 6 July 2016

Richard Wyn Jones, [Why did Wales shoot itself in the foot in this referendum?](#) Guardian, 27 June 2016

Gareth Evans, [Brexit in Wales: highlighting the failures of Welsh devolution?](#) Economic and Social Research Council, 27 June 2016

Victoria Winckler, [What's next after the vote to leave the European Union?](#), Bevan Foundation, 27 June 2016

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National Assembly for Wales Research Service, June 2016

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Professor David Phinnemore & Dr. Lee McGowan, [After the EU Referendum: Establishing the Best Outcome for Northern Ireland](#), August 2016

Brian Walker, [Brexit and Northern Ireland: early indications are that post-Good Friday Agreement relationships will survive quite well](#), UCL Constitution Unit, 9 August 2016

Martin Craigs, [A post Brexit Northern Ireland could follow the Hong Kong model](#), News Letter, 29 July 2016

Dick Roche, [Brexit: The Northern Ireland conundrum](#), EurActiv.com, 28 July 2016

Kevin Meagher, [Brexit is the beginning of the end for Northern Ireland](#), New Statesman, 27 July 2016

Christine Bell, [England's opportunity is \(Northern\) Ireland's difficulty](#), Economic and Social Research Council, 24 June 2016

12. Library papers and parliamentary reports (various subjects)

12.1 Library papers

Constitutional issues

CBP 7761, [Brexit: some legal, constitutional and financial unknowns](#), 9 November 2016

CBP 7214, [Brexit: some legal and constitutional issues and alternatives to EU membership](#), 28 July 2016

Lords Library note (LLN) 2016-0034, [Leaving the EU: Parliament's Role in the Process](#), 4 July 2016

CBP 7632, [Brexit: what happens next?](#) 30 June 2016

CBP 7551, [Brexit: how does the Article 50 process work?](#) 30 June 2016

Policy

CBP 6455, [EU budget and the UK's contribution](#), 22 September 2016

CBP 7694, [Brexit: trade aspects](#) 8 September 2016

CBP 7213, [Brexit: impact across policy areas](#), 26 August 2016

CBP 7629, [Brexit - implications for pensions](#), 10 August 2016

LLN 2016-0043, [UK-Commonwealth Trade](#), 5 August 2016

CBP 7675, [Brexit and UK immigration and asylum policy: a reading list](#), 2 August 2016

CBP 7628, [Brexit and financial services](#), 1 August 2016

CBP 7669, [What next for UK fisheries?](#) 28 July 2016

CBP 7633, [Brexit: how will it affect transport?](#) 25 July 2016

CBP 7659, [Impacts of immigration on population and the economy](#), 25 July 2016

CBP 7664, [Brexit and local government](#), 20 July 2016

CBP 7662, [The UK's points-based system for immigration](#), 18 July 2016

CBP 7661, [The Common Travel Area and the special status of Irish nationals in UK law](#) 15 July 2016

Lords Library Note 2016-0039, [NHS and Social Care Workforce: Implications of Leaving the European Union](#), 15 July 2016

CBP 7393, [Climate change: Ratifying the Paris Agreement](#), 15 July 2016

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CBP 7630, [UK tax after the EU referendum](#), 14 July 2016

CBP 7435, [Financial Services: European aspects](#), 30 June 2016

CBP 7638, [UK economy: information for debate on 29 June 2016](#), 29 June 2016

CBP 7525, [Leaving the EU: How might people currently exercising free movement rights be affected?](#) 27 June 2016

Referendum

CBP 7678, [Referendum campaign literature](#), 31 August 2016

CBP 7249, [European Union Referendum Bill 2015-16: Progress of the Bill](#), 7 July 2015.

CBP 5923, [Overseas voters](#), 4 July 2016

CBP 7639, [Analysis of the EU Referendum results 2016](#), 29 June 2016

CBP 7212, [European Union Referendum Bill 2015-16](#), 3 June 2015

CBP 7486, [The EU referendum campaign](#), 27 January 2016

CBP 7220, [Reading list on UK-EU relations 2013-16: reform, renegotiation, withdrawal](#), 24 June 2016

Commons & Lords Committee reports

Committees in the House of Commons	Brexit inquiry
Business, Innovation and Skills	Brexit: Committee responds and invites Minister to give evidence Note SoS oral ev postponed till Oct Steel: Preserving sustainable jobs and growth in Europe inquiry Oral evidence 6 July
Committees on Arms Export Controls (CAEC)	Arms Trade Treaty: Implementation, enforcement and effect examined Oral evidence 20 July
Energy and Climate Change	Leaving the EU: implications for UK climate policy inquiry Evidence deadline 22 Aug Leaving the EU: implications for UK energy policy inquiry Evidence deadline 14 Sept
Environmental Audit	Future of the natural environment in the light of the EU referendum Evidence deadline 9 Sept Minister Oral ev on environmental policy after EU exit 7 Sept
Foreign Affairs	Implications of leaving the EU for the UK's role in the world inquiry Oral evidence 28 June and 5 July SoS Davis oral evidence 13 Sept
Home Affairs	Immigration Minister oral evidence 12 July Implications of the UK's exit from the EU Permanent Secretary (+ Romanian Ambo) 20 July
International Development	SoS Patel on priorities 14 Sept
Northern Ireland	SoS Brokenshire on priorities 14 Sept
Public Administration & Constitutional Affairs	Lessons Learned from the EU Referendum Call for evidence deadline 5 Sept Jeremy Heywood oral ev on Chilcot & EU Ref 14 Sept
Science and Technology	Leaving the EU: implications and opportunities for science and research inquiry Oral evidence 5 July & 13 July . Further call for evidence deadline 22 Aug Note the S&T inquiry has received 280 submissions
Scottish Affairs	Scotland's place in Europe inquiry preference for evidence by 31 Aug. Oral evidence 7 Sept
Treasury	UK's future economic relationship with the EU inquiry Oral evidence 28 June 5 July and 13 July
Welsh Affairs	Implications for Wales of the EU referendum result Sos Cairns on responsibilities 19 July
	Brexit inquiry
Business, Innovation and Skills	Brexit: Committee responds and invites Minister to give evidence Note SoS oral ev postponed till Oct

	Steel: Preserving sustainable jobs and growth in Europe inquiry Oral evidence 6 July
Committees on Arms Export Controls (CAEC)	Arms Trade Treaty: Implementation, enforcement and effect examined Oral evidence 20 July
Energy and Climate Change	Leaving the EU: implications for UK climate policy inquiry Evidence deadline 22 Aug Leaving the EU: implications for UK energy policy inquiry Evidence deadline 14 Sept
Environmental Audit	Future of the natural environment in the light of the EU referendum Evidence deadline 9 Sept Minister Oral ev on environmental policy after EU exit 7 Sept
Foreign Affairs	Implications of leaving the EU for the UK's role in the world inquiry Oral evidence 28 June and 5 July SoS Davis oral evidence 13 Sept
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Scottish Affairs	Scotland's place in Europe inquiry preference for evidence by 31 Aug. Oral evidence 7 Sept
Treasury	UK's future economic relationship with the EU inquiry Oral evidence 28 June 5 July and 13 July
Welsh Affairs	Implications for Wales of the EU referendum result Sos Cairns on responsibilities 19 July

Committees in the House of Lords	
EU Select Committee: schedule of evidence sessions gives witness names.	Scrutinising Brexit: the role of Parliament Report The process of leaving the EU Report Scrutinising Brexit: the role of Parliament' follow-up Oral ev 6 Sept Brexit: parliamentary scrutiny oral ev SoS Davis 12 Sept Brexit: UK-Irish relations Oral ev 6 Sept
EU Energy and Environment	Brexit: implications for environment policy Oral ev 20 July Brexit: implications for fisheries policy Oral ev 14 Sept
EU External Affairs and	Brexit: future trade between the UK and the EU Oral ev 15 Sept

EU Internal Market	
EU Financial Affairs	Brexit: financial services Oral ev 14 Sept
EU Home Affairs Sub-Committee	Brexit: future EU-UK security and police co-operation Oral ev 14 Sept
EU Justice Sub-Committee	Brexit: acquired rights Oral ev 13 Sept
Lords Science and Technology	EU membership and UK science follow-up evidence session Oral ev 19 July and 19 July and 13 Sept

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