



## BAR COUNCIL NEWS UPDATE – FRIDAY 21 JULY 2017

### Tribunal

[Law Society Gazette](#) – The Bar Council has called for a ‘shared tribunal’ to hear grievances of EU citizens living in the UK after Brexit, and has warned people risk losing out if the government insists on breaking away from the Court of Justice of the European Union. The bar’s representative body said the government ‘must articulate’ a plan for an alternative enforcement mechanism.

As it stands the government has said domestic courts could be used to enforce EU citizens’ rights, but the council said this would ‘remove’ their right to have the CJEU as the ‘final arbiter’ while UK citizens living in the EU would still continue to have access to the CJEU.

**Chair of the Bar Council’s Brexit Working Group, Hugh Mercer** said: ‘If the government is rejecting any role for the CJEU, it should articulate a plan for an alternative enforcement mechanism such as a shared tribunal to which issues of interpretation could be referred by the UK courts. This mechanism would need to meet the standards of a court of law. Arbitration would not be suitable because the process is not transparent and, for historical reasons, not generally acceptable in EU states.’

However, Hugh Mercer warned that creating an alternative body will be difficult because the rights of EU citizens already in the UK are based on EU law and the EU is likely to insist that the CJEU has exclusivity in interpreting the terms of an agreement on the rights of citizens.

### Repeal Bill

[Lawyer Monthly](#) - Ministers Should Not Abuse Brexit Law Changing Powers

Transposing EU legislation to UK law is complicated by the fact that some EU laws and directives relate to the powers of EU agencies which will no longer have authority in the UK, so they will need to be amended accordingly. Where such laws need amending rather than simply transposing, the European Union (Withdrawal) Bill gives Government Ministers the power to do so using secondary legislation, which does not require full parliamentary scrutiny.

Chair of the Bar, Andrew Langdon QC was quoted saying: "This repeal bill is the start of the mammoth task of transposing EU law on to the UK statute books."

Read the full article [here](#).

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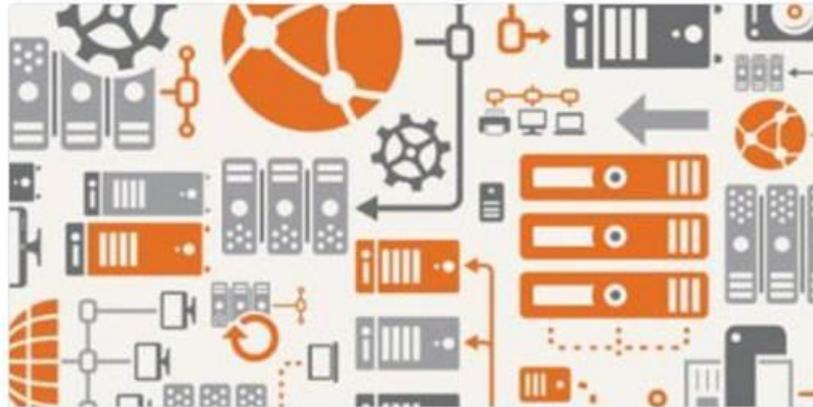
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