



Llywodraeth Cymru  
Welsh Government

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**WRITTEN STATEMENT  
BY  
THE WELSH GOVERNMENT**

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**TITLE**        *Counsel General's written submissions to the Supreme Court- the Article 50 litigation*

**DATE**        *25 November 2016*

**BY**            *Mick Antoniw AM, Counsel General for Wales*

I have today filed my printed case with the Supreme Court and am including a copy of that case. In outline and from a Welsh perspective, I have sought to argue that the process of withdrawing from the EU must, and may only, be carried out consistently with the appropriate legal and constitutional arrangements. In my case, I submit that the prerogative power cannot be used to give notification under Article 50.

As I have emphasised before, I am not seeking to reverse the referendum result. The Welsh Government's position is that that result should be respected.

However, the process of withdrawal raises issues of profound importance in relation to the constitutional arrangements of the United Kingdom and the legal framework for devolution.

First, giving notification will modify the legislative competence of the National Assembly and the powers of members of the Welsh Government under the Government of Wales Act 2006, our devolution framework.

Secondly, any modification of the Assembly's legislative competence will engage the Sewel Convention. The UK Government does not have the power to short-circuit this important mechanism for dialogue between the democratically elected National Assembly and Parliament, by using the prerogative in this way.

In my view, an Act of Parliament is required for the UK Government to give notice under Article 50.