A Guide to Brexit Terminology

This glossary has been designed to explain some of the key terms used in relation to Brexit. At the end of the glossary are links to additional resources and originals of key documents. The Glossary is not designed to be an exhaustive list and the authors hope that you find the explanations of key terms helpful.

The UK which voted to join the EU had a different constitution to the UK that voted to leave the EU. This is reflected by some of the terminology used in the glossary and the inclusion of reference to the legislatures in Scotland, Wales and Northern Ireland.

A | B | C | D | E | F | G | H | I | J | K | L | M |

N | O | P | Q | R | S | T | U | V | W | X | Y | Z |
Advisory

The Brexit referendum is often described as ‘only advisory’. The referendum was authorised and conducted under the European Union Referendum Act 2015. It is advisory because Parliament is sovereign and because the Act contained no enabling legislation. Enabling provisions are ones which explicitly state that Parliament is legally bound to implement the outcome of the referendum. Hence, Parliament was not legally obliged to enact the outcome of the Brexit referendum.

In contrast, for countries with codified constitutions, the outcome of a referendum ‘may’, in some instances bind both parliament and the government to implement its result. In Britain, however, with an uncodified constitution, it is possible for the government to promise in advance that it would respect the result, but that promise would be only political and not legally binding as parliament cannot be bound by a previous parliament; it can change its mind. An example of such a promise was the Scottish 2014 Scottish Independence Referendum during which David Cameron, the then Prime Minister, said that he believed that the referendum would be “irreversible and binding”.

Dictionary definitions of advisory note that ‘advisory’ in effect means that advice can be given or a recommendation made. The advice giver has no power to implement their advice/recommendation. A report may give advice, for example, on the route for a new bypass, or a public enquiry, for example, the Leveson enquiry into press ethics, cultures and practices which recommended a new approach to regulation. Other examples of advisory notices include flood and severe weather warnings.

In the context of Brexit the word advisory is relevant to the European Referendum Act 2015 (See entry below).

Article 50

Article 50 forms part of one of the two ‘Lisbon Treaties’. Article 50 resides in the Treaty on European Union. By invoking or triggering Article 50 an EU member state formally and legally signals its intention to leave the European Union. Article 50 regulates the negotiation procedure, timetables and spells out the disapplication of the Treaties on the leaving member state.

The wording of Article 50 can be found at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012M050
Backstop (in the withdrawal agreement between the UK and EU)
The term backstop has been used in two Brexit contexts. First in relation to a protocol in the draft Withdrawal Agreement negotiated between the EU and the UK in 2018. Secondly, in relation to the default date for Brexit contained in Article 50 (3) of the Treaty on the European Union (see entries below).

Backstop in the withdrawal agreement between the UK and EU.
Currently, there are no border posts, physical barriers or checks on people or goods crossing the border between Northern Ireland and the Republic of Ireland.

The backstop is a measure in a protocol to the Withdrawal Agreement, introduced largely by the UK negotiating team in order to resolve issues arising in the negotiation surrounding closing the border on the island of Ireland between the Republic of Ireland (which is remaining within the EU) and Northen Ireland (which is part of the UK). The backstop plan is outlined and contained in a protocol to the draft Withdrawal Agreement. Its aim is to avoid a “hard border” between Northern Ireland and the Republic of Ireland, should no agreement be reached post-Brexit on the future relationship between the EU and the UK that resolves the border issue.

The border is the only land border the UK has with another sovereign EU member state. The Plan comes into effect only if the deal deciding the future relationship between the UK and EU is not agreed by the end of the transition period (31 December 2020), which contains measures to keep the border open.

According to that draft Withdrawal Agreement a “hard border” is any physical infrastructure or related checks and controls on the border. The draft Withdrawal Agreement states that this was necessary in order to ensure compliance with and to protect rights contained in the agreements and Treaty between made in 1998 to reflect the Northern Ireland peace process – known as the Good Friday or Belfast Agreement and the British-Irish Agreement. Those agreements can only be changed with the consent of a majority of the people in Northern Island.

Until the deal on the future relationship is done, the backstop would keep the UK effectively inside the EU's customs union but with Northern Ireland also conforming to some rules of the single market. Critics say a different status for Northern Ireland could threaten the existence of the United Kingdom and fear that the backstop could become permanent.

If appropriate customs arrangements cannot be agreed by the EU and UK by the end of a transition period in December 2020, as envisaged by the draft Withdrawal Agreement, then the backstop would come into force (operation). However, if the Withdrawal Agreement is superseded by another and subsequent agreement addressing and solving the border issue the back stop, as set out in the Withdrawal Agreement ends. The UK has indicated an intention to replace the backstop solution on Northern Ireland by entering into a subsequent agreement that establishes alternative arrangements for ensuring the absence of a hard border on the island of Ireland on a permanent footing.
For the EU the backstop means that the EU rights of natural person (including the free movement for Union citizens and their family members, irrespective of their nationality, to, from and within Ireland will remain). It also means that Northern Ireland will stay in the EU single market for goods and the UK will remain a customs union with the EU until the UK comes up with solution to the border issue.

The need of a backstop is acknowledged and bolstered by UK legislation. In the European Union (Withdrawal) Act 2018, section 10 (1) requires the UK Government to act in a way that is compatible with Good Friday agreement and Northern Ireland Act 1988. In particular, section 10 (3) indicates that nothing in the Act authorises the creation of:

.... arrangements between Northern Ireland and the Republic of Ireland after exit day which feature physical infrastructure, including border posts, or checks and controls, that did not exist before exit day and are not in accordance with an agreement between the United Kingdom and the EU.

**Backstop in Article 50 (3) of Treaty on the European Union**

The effect of Article 50 (3) TEU is that when the EU and the state leaving conclude a withdrawal agreement the leaving state leaves the EU on the date on which the agreement comes into force. However Article 50 (3) TEU also contains a backstop clause (or default position clause) which kicks in the event of no agreement being reached. That backstop is that if no agreement is reached the leaving state will leave the EU two years after the date it notified the EU of its intention to leave. Currently, in the absence of it ratifying the Withdrawal Agreement or both parties agreeing an extension to the two year backstop, the UK will leave (Brexit date) on 29 March 2019.

That Brexit date has also been enshrined in section 20 (2) of the EU (Withdrawal) Act 2018 as 11 p.m. on 29 March 2019.

**Borders**

Borders are used to define the boundaries of sovereign states or international organisations such as the EU.

The UK has only one land border with the EU, the 310 mile long border between Northern Ireland and the Republic of Ireland. Brexit has raised concerns that a hard border with controls and checks (and possibly barriers) would reappear. The backstop agreement is designed to prevent this (see Backstop).
**Brexit**
The term which has been coined as a colloquialism with no legal meaning. It is shorthand to mean the UK leaving the EU. Drawn from the UK exiting from the EU: i.e. BR (British) exit.

**Brexit Negotiations**
Following the UK Prime Minister’s notification to the EU (by a letter dated 29 March 2017 from the UK Prime Minister to the President of the EU as required under Article 50 (2) TEU), notifying the EU that the UK intended to leave the EU the EU and the UK put together a team of negotiators. The EU was represented by a team established by the Council and the UK by civil servants from the Department for Exiting the EU, under the instructions of the Secretary of State for Exiting the EU.

The detailed negotiations took place over 18 months and were concluded early November 2018 with a fully agreed draft Withdrawal Agreement. Key aspects of the negotiations were:

- Citizens’ rights,
- The financial settlement,
- A transition period,
- Governance, Protocols on Ireland, Gibraltar and Cyprus, as well as a range of other separation issues.

On 29 April 2017, the European Council adopted guidelines which defined the framework for the negotiations and set out the EU's overall positions and principles.

In the negotiations the EU was represented by Michel Barnier, whose role was Chief Negotiator for the 27 remaining EU states. A Task Force was set up at the European Commission. This task force coordinated the work on the strategic, operational, legal and financial issues on the negotiations.

The UK’s terms of reference were not published but were based on broad and very general aspirations and a few specific ‘red lines’ set out in the Prime Minister’s Lancaster House speech of 17 January 2017 (see entry - Lancaster House Speech).

In the absence of any detailed UK terms the negotiations proceeded on the EU terms. They can be found at: [https://ec.europa.eu/commission/brexit-negotiations/negotiation-mandate-and-transparency_en](https://ec.europa.eu/commission/brexit-negotiations/negotiation-mandate-and-transparency_en)

![Figure 2 Source: https://www.parliament.uk/](https://www.parliament.uk/)

Negotiations on the terms of the UK’s withdrawal formally began on 19 June 2017, following the UK’s general election. On 8 December 2017, the EU and the UK published a Joint Report, setting out the areas of agreement between both sides on withdrawal issues.

In March 2018, the European Commission and the United Kingdom published a detailed draft Withdrawal Agreement. This document highlighted areas of agreement and disagreement using a green (for those terms settled), yellow and white (for terms to be settled) colour-coding. The future relationship between the EU and the UK is to be outlined...
in a political declaration and will only be negotiated once the UK becomes a third country, i.e. outside of the EU, after 29 March 2019.

During the course of the negotiation the concluding agreements on the draft reached by the negotiators from both sides were regularly updated with changes to the colour-coding. For the timeline of documents see - https://ec.europa.eu/commission/brexit-negotiations/negotiation-mandate-and-transparency_en

The negotiators on both sides reached a draft agreement on 14 November 2018, the draft Withdrawal Agreement. The Withdrawal Agreement covers all elements of the UK’s withdrawal from the EU: citizens’ rights, the financial settlement, a transition period, governance, Protocols on Ireland, Gibraltar and Cyprus, as well as a range of other separation issues.

The EU and the UK negotiators agreed on how to avoid a hard border between Ireland and Northern Ireland. Both are to use their best endeavours to have - by 1 July 2020 - a future agreement concluded before the end of the transition period. Should this not be the case, the EU and the UK can jointly extend the transition period. Alternatively, as of January 2021, the backstop solution for Ireland and Northern Ireland would apply, subject to a joint review mechanism.

That backstop solution contained in protocol to the Withdrawal Agreement means that a single EU-UK customs territory will be established, which will apply from the end of the transition period until such a time as a subsequent agreement becomes applicable. Northern Ireland will therefore remain part of the same customs territory as the rest of the UK. The single customs territory covers all goods with the exception of fishery and aquaculture products.

The creation of the single customs territory includes the corresponding level playing field commitments and appropriate enforcement mechanisms to ensure fair competition between the EU 27 Member States and the UK.

Under EU law (Article 218 TFEU) with the consent of the European Parliament (by simple majority voting of MEPs including those from the UK) the draft agreement is adopted (ratified) by the Council (in this instance (which is made up of the heads of government of the 27 remaining member states) by qualified majority voting.

The Council adopted the final draft Withdrawal Agreement on 11 January 2019. The UK Parliament has not yet ratified it.

**Brexiters**
Sometimes spelt Brexiters. Those in favour of leaving the EU. They include individuals and organisations who campaigned to leave the EU.

**Brexodus**
A term conflating ‘Brexit’ and ‘exodus’ used to mean the departure of people or companies from the UK because of Brexit.

**Britain stronger in Europe**
The slogan used by the official remain campaign. More information can be found at: https://www.strongerin.co.uk/get_the_facts#YrHz8Ls8YAL9FzHh.97
**Cake**

You can't have your cake and eat it is a popular phrase and proverb in the UK. It is a literal proverb and means "you cannot simultaneously retain your cake and eat it". Once the cake is eaten, it is gone.

Early written evidence of use of the proverb / phrase is in a letter from 1538 from Thomas, Duke of Norfolk, to Thomas Cromwell, as "a man can not have his cake and eat his cake". The idea then, is that once you have eaten your cake you can no longer continue to possess it; that is, sometimes you are forced to choose between two irreconcilable options.

In October 2016, at a European Policy Centre Conference, European Council President, Donald Tusk, called upon proponents of the ‘cake philosophy’ to carry out a scientific experiment: 'Buy a cake, eat it, and see if it is still there on the plate'. In terms of Brexit it has been used to mean that you cannot or should not have or want more than you deserve or is reasonable. In other words that the UK cannot leave the EU and expect to retain all the benefits of belonging to the EU.

So the phrase is used to mean that the UK is trying to retain all the benefits of European Union membership without the obligations, including payments to the EU budget, accepting jurisdiction of the Court of Justice of the European Union and accepting the free movement of people. European negotiators have frequently used "cake and eat it" to characterise the UK's approach.

**Canada**

Canada is a sovereign state in the continent of America.

It is often referred to in commentaries on Brexit as it recently successfully negotiated a free trade deal with the EU known as the Comprehensive Economic and Trade Agreement (CETA). The negotiations took over 7 years.

Under the deal, most imported goods are not taxed, although there are some additional customs checks. There are some limits, or quotas, on the amount of certain food products like meat and cereals that can be imported. Services, like banking, are much more restricted. Canada does not contribute to the EU budget and the principle of free movement does not apply, so Canadians are not free to live and work in the EU.

**Chequers**

Chequers is the name of one of a sixteenth century country house based at the foot of the Chilterns in Buckinghamshire and used by incumbent UK Prime Ministers.

In relation to Brexit it is the name given to a plan for Brexit which was agreed by the Cabinet at Chequers in July 2018. The plan proposes tax or tariff-free trade with the EU, while leaving the UK free to pursue trade deals outside the EU. Under the plan, the UK would collect tariffs on the EU's behalf for any goods entering the country but destined to be sent on to EU countries. Because EU tariffs had been collected, there would not need to be a separate border between Northern Ireland and the Republic.
The UK would have to follow EU rules, “the common rule book”, on things like food standards to avoid unnecessary border hold-ups. The plan also proposes ending the free movement of people, giving back the UK control over immigration rules.

The plan has not been welcomed by all. Following the Cabinet agreement at Chequers the former Brexit secretary David Davis and former foreign secretary Boris Johnson resigned their posts. Each stated they believe the plan meant that the UK would still be too closely tied to the EU.

**Citizenship**
A person is recognized under the custom or law as being a legal member, or national, of a sovereign state or belonging to a nation and having rights as a consequence.

The original concept of citizenship derives from the towns and cities of ancient Greece. There, citizenship generally applied to property owners (but did not include women, slaves, or the poorer members of society). Citizenship provided voting rights, created a liability to pay tax and an obligation for military service. In EU law the terms citizenship and nationality are virtually used synonymously.

**Common Market**
A common market is a free trade area with relatively free movement of capital and services. The European Economic Community was sometimes referred to as the "Common Market" (EEC from 1958 to 1993).

The European Single Market, Internal Market or Common Market is a single market which seeks to guarantee the free movement of goods, capital, services, and workers (the “four freedoms” of the EU) within the European Union (EU). The common market encompasses the EU's 28 member states, and has been extended, with exceptions, to Iceland, Liechtenstein and Norway through the Agreement on the European Economic Area and to Switzerland through bilateral treaties.

**Control**
The word ‘control’ has become a common one in speeches, reports and debates over the past few years.

A number of politicians have made reference that Brexit will mean that the UK will be ‘taking back control’. It was used by the UK’s Prime Minister Teresa May to say that the UK will ‘take back control of its borders, laws and courts’. It is also used in relation to the UK’s four legal systems. An example can be found in the Lancaster House speech outlining the UK Government's negotiating objectives for exiting the EU given by the then UK Prime Minister Teresa May on 17 January 2017:

> ‘That means taking control of our own affairs, as those who voted in their millions to leave the European Union demanded we must. So we will take back control of our laws and bring an end to the jurisdiction of the European Court of Justice in Britain. Leaving the European Union will mean that our laws will be made in Westminster, Edinburgh, Cardiff and Belfast. And those laws will be interpreted by judges not in Luxembourg but in courts across this country. Because we will not have truly left the European Union if we are not in control of our own laws. Britain’

In the then UK Prime Minister, Theresa May’s, speech to the Confederation of British Industry reference was made to:

Control over our borders, by bringing an end to free movement, once and for all.
Control of our money, so we can decide for ourselves how to spend it, and can do so on priorities like the NHS.
Control of our laws, by ending the jurisdiction of the European Court of Justice in the United Kingdom and ensuring that our laws are made and enforced here in this country.


The word ‘control’ has also formed part of the title for a number of publications, for example, the Vote Leave campaign ‘Taking back control from Brussels’ at [http://www.voteleavetakecontrol.org/briefing_control.html](http://www.voteleavetakecontrol.org/briefing_control.html), the Hansard Society ‘Taking Back Control for Brexit and Beyond: Delegated Legislation, Parliamentary Scrutiny and the EU (Withdrawal) Bill’ at [https://www.hansardsociety.org.uk/publications/taking-back-control-for-brexit-and-beyond-delegated-legislation](https://www.hansardsociety.org.uk/publications/taking-back-control-for-brexit-and-beyond-delegated-legislation)

In the UK Parliament House of Commons emergency Brexit debate held on 11 December 2018 the then Labour Leader Jeremy Corbyn noted

‘Mr Speaker, if she comes back with nothing more than warm words then she must immediately put her deal before this House, no more delays, no more tricks, let Parliament take back control. If not, then she must go. We cannot tolerate delay any longer.’


**Court of Justice of the European Union**

The Court of Justice of the European Union (CJEU) constitutes the judicial authority of the European Union and, in cooperation with the courts and tribunals of EU member states, it ensures the uniform application and interpretation of EU law.

The European Court of Justice actually comprises of two courts: the Court of Justice and General Court. It sees its mission as ensuring that ‘the law is observed’ in ‘the interpretation and application’ of the Treaties. As part of that mission, the CJEU:

- reviews the legality of the acts of the institutions of the EU
- ensures that member states comply with obligations under the Treaties and
- interprets EU law at the request of national courts and tribunals

The Court of Justice deals with requests for preliminary rulings from national courts, certain actions for annulment and appeals from the General Court. The General Court hears and rules on actions for annulment brought by individuals, companies and, in some cases, EU member states. In practice, this means that this court deals mainly with competition law, state aid, trade, agriculture, trademarks and intellectual property disputes.

The General Court can also, in certain circumstances, be used by individuals, companies or organisations to take action against the actions or rulings of an EU institution, if they feel it has somehow acted in a way that concerns their individual rights.

**Court opinion**

This term is generally used in relation to a ruling of the Court of Justice on a question about how to interpret a provision of EU law addressed to it by a national court of an EU member state.

Strictly speaking, rulings given as answers to questions of interpretation of EU law should be titled judgments and not opinions. There are, however, limited occasions when the Court’s ruling can properly be titled an opinion. That is when the Court is asked by an EU institution to give a ruling on whether it considers an envisaged agreement would be compatible with the Treaties. The Court’s rulings are then called opinions. Another accurate use of the term Court opinion is when referring to advice given to the Court to assist it in its decisions by its appointed legal expert (the Advocate General). Advice of the Advocate General is called an opinion.

The courts and tribunals of EU member states can refer a question of EU law to the Court of Justice for a ‘preliminary ruling’ on how EU laws (including treaty provisions) should be interpreted. UK courts have the right to do this if they are unsure of how to interpret EU law in a given context, and require clarification before making a judgment. The UK Supreme Court and, where no leave to request an appeal has been granted, lower courts, are duty-bound by the EU treaties to refer any questions of EU law to the Court of Justice.

One example is provided by the referral on Article 50 from a Scottish Court in the case of *Wrightman et al v Secretary of State for Exiting the European Union* where a request for a preliminary ruling from the Court of Session, Inner House, First Division (Scotland, UK) had been made in the case of Andy Wightman, Ross Greer, Alyn Smith, David Martin, Catherine Stihler, Jolyon Maugham, Joanna Cherry v Secretary of State for Exiting the European Union, interveners: Chris Leslie, Tom Brake. The reference was made:

A Scottish court has requested a preliminary ruling from the Court of Justice so that the latter may, as the supreme interpreter of EU law, dispel the uncertainty regarding an issue which Article 50 TEU has not resolved. The Court must indeed determine whether a Member State, after notifying its intention to withdraw from the European Union, may revoke that notification (possibly unilaterally).

The Advocate General’s opinion for the Court of Justice was:

When a Member State has notified the European Council of its intention to withdraw from the European Union, Article 50 of the Treaty on European Union allows the
unilateral revocation of that notification, until such time as the withdrawal agreement is formally concluded, provided that the revocation has been decided upon in accordance with the Member State’s constitutional requirements, is formally notified to the European Council and does not involve an abusive practice.


**Customs Union**

A trade agreement under which two or more member states decide not to put taxes (or tariffs) on imports of goods from each. The states that are part of the agreement also agree to set a uniform tariff on goods entering from states outside the customs union (an external barrier).

The EU has such a customs union between the member states of the EU and some other small countries. EU member states also decide to set a common tariff on goods entering from outside the EU i.e. from non-EU states. The EU customs union includes EU member states and some small non-EU members and forbids members from negotiating trade agreements separately from the EU.

The European Commission website defines the customs union as follows.

‘The EU Customs Union is a unique example of an area where a number of countries apply a uniform system for handling the import, export and transit of goods and implement a common set of rules called the Union Customs Code (UCC). A uniform system of customs duties is being used on imports from outside the EU and there are no customs duties at the borders between the EU countries. Duty on goods from the outside of the EU is generally paid when they first enter, but after that, there is nothing more to pay, no more checks and all goods move freely within the EU Customs Union.

In practice, the EU Customs Union is managed by 28 national customs services acting as one. The European Commission proposes the EU customs legislation and monitors its implementation.’


**Delegated Legislation**

Delegated (also known as secondary or subordinate legislation) is law created by ministers (or other bodies) under powers given to them by an Act of Parliament (primary legislation). It often takes the form of a statutory instrument.

Most legislation is created in this way. Each of the national legislatures within the UK (UK Parliament, Scottish Parliament, National Assembly for Wales, Northern Ireland Assembly) has its own method for scrutinising delegated legislation.
The term ‘Henry VIII clauses’ is used in relation to UK Parliament delegated legislation. Henry VIII clauses are clauses that enable UK Government Ministers to amend or repeal provisions in a primary Act of the UK Parliament using secondary legislation. Secondary legislation is subject to varying degrees of parliamentary scrutiny within the UK Parliament. The expression ‘Henry VII clause’ is a reference to King Henry VIII’s supposed preference for legislating directly by proclamation rather than through Parliament.

**Department for Exiting the European Union**
This is the title of the new UK government department responsible for managing the UK’s departure from the EU. Further information can be found at: https://www.gov.uk/government/organisations/department-for-exiting-the-european-union

**Devolution**
The process by which law making powers has been devolved the Nations within the UK.

**Democracy**
Democracy is a vague word with many differing interpretations. It is high in high esteem and is seen as a beacon for states to achieve.

In its original form democracy means rule by the people and the word derives from early Greek δημοκρατία (dēmos ("people") and kratos ("rule")) which as used to describe the political systems of Athens and other Greek city-states. There is no one form of democracy and it its widest sense it can be seen to mean the ability to choose leaders and hold them to account.

The UK is a democracy where the people elect representatives to make decisions. It is known as a representative democracy (as opposed to a direct democracy where citizens have a direct say in the making of laws). It is also a parliamentary democracy within the framework of a constitutional monarchy. The Monarch (Queen Elizabeth II at the time of writing) is head of state and the UK Prime Minister (at the time of writing Teresa May) is head of the UK Government.

In the UK executive power is exercised by the UK Government (on reserved matters) and the Scottish, Welsh and Northern Ireland Governments (on devolved matters).

Legislative power is held by the UK Parliament (on reserved matters) and the Scottish Parliament, National Assembly for Wales (from 2021 the Senedd Cymru or Welsh Parliament) and Northern Ireland Assembly (on devolved matters). The judiciary is independent and the UK Supreme Court is the final arbiter of civil matters and matters related to devolution.

**Divorce Bill**
This is the amount the government will pay when the UK leaves the EU, if a withdrawal agreement is concluded. It includes the UK’s share of the EU’s unpaid bills. EU budgets are agreed seven years in advance so the UK signed up to the current cycle, which ends in 2020. The independent Office for Budget Responsibility has estimated that, under the terms of the draft Withdrawal Agreement, the cost of the financial settlement will be £39 billion, with about half of the amount being paid during the transition period (to 2020).
**Dublin Regulations**

This is a generic term used for a series of EU regulations called the Dublin regulations. The latest, generally known as the revised Dublin Regulations or Dublin III (The Dublin Regulations (EU) No.604/2013), represents the EU's work aimed at ensuring a common EU asylum system. Asylum is granted to people fleeing persecution or serious harm in their own country and therefore in need of international protection. Asylum is a fundamental right; granting it is an international obligation which was first formally recognised in the 1951 Geneva Convention on the protection of refugees.

The EU is an area of open borders and freedom of movement, an area in which EU member states share the same fundamental values. The Dublin Regulations ensure all EU member states have a joint approach to guarantee high standards of protection for refugees. Procedures must at the same time be fair and effective throughout the EU and impervious to abuse. With this in mind, the EU States established a Common European Asylum System.

The revised Dublin Regulation (Dublin III), was passed to enhance the protection of asylum seekers during the process of establishing the state responsible for examining the application, and clarifies the rules governing the relations between states. It creates a system to detect early problems in national asylum or reception systems, and address their root causes before they develop into fully fledged refugee crises. It aims to prevent both ‘asylum shopping’, where an individual moves between States to seek the most attractive regime of protection, and the phenomenon of ‘refugees in orbit’ where no single State permits access to an asylum procedure. It reflects the principle that those seeking international protection should seek asylum in the first safe country they reach.

The revised Dublin Regulation establishes the EU member state responsible for the examination of the asylum application. The criteria for establishing responsibility run, in hierarchical order, from family considerations, to recent possession of visa or residence permit in a member state, to whether the applicant has entered EU irregularly, or regularly.

Dublin III entered into force in July 2013 and it contains sound procedures for the protection of asylum applicants and improves the system’s efficiency through:

- An early warning mechanism, geared to addressing the root dysfunctional causes of national asylum systems or problems stemming from particular pressures.
- A series of provisions on protection of applicants, such as compulsory personal interview, guarantees for minors (including a detailed description of the factors that should lay at the basis of assessing a child's best interests) and extended possibilities of reunifying them with relatives.
- The possibility for appeals to suspend the execution of the transfer for the period when the appeal is judged, together with the guarantee of the right for a person to remain on the territory pending the decision of a court on the suspension of the transfer pending the appeal.
- An obligation to ensure legal assistance free of charge upon request.
- A single ground for detention in case of risk of absconding; strict limitation of the duration of detention.
- The possibility for asylum seekers that could in some cases be considered irregular migrants and returned under the Return Directive, to be treated under the Dublin procedure - thus giving these persons more protection than the Return Directive.
- An obligation to guarantee right to appeal against transfer decision.
- More legal clarity of procedures between member states - e.g. exhaustive and clearer deadlines. The entire Dublin procedure cannot last longer than 11 months to
take charge of a person, or 9 months to take him/her back (except for absconding or where the person is imprisoned).

In May 2016, as part of its proposed reform of the Common European Asylum System the European Commission presented a draft proposal to make the Dublin System more transparent and enhance its effectiveness, while providing a mechanisms to deal with situations of disproportionate pressure on the asylum systems of member states, the Dublin IV Regulation.

Electoral Commission
The Electoral Commission is an independent body which oversees elections and regulates political finance in the UK. They work to promote public confidence in the democratic process and ensure its integrity.

More information can be found at: https://www.electoralcommission.org.uk/our-work/who-we-are

The Electoral Commission were responsible for designating the official campaigns for the referendum on leaving the EU. The In Campaign Ltd was designated the lead campaigner for the Remain outcome and Vote Leave Ltd as the lead campaigner for the Leave outcome. This decision meant that the two official campaigns had access to specific benefits set out by law during the regulated 'referendum period' (which began on 15 April 2016). These included a higher spending limit of £7 million, one free distribution of information to voters, the use of certain public rooms, referendum campaign broadcasts and a grant of up to £600,000. The decision was taken at an Electoral Commission Board meeting on 13 April 2016. For more information see: https://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/past-elections-and-referendums/eu-referendum/designation-of-lead-campaigners-for-the-eu-referendum

Following the EU referendum on 17 July 2018 the Electoral Commission published the conclusions of an investigation it carried out into the campaign spending of Vote Leave and a number of other campaigners. That investigation found Vote Leave and Darren Grimes broke electoral law. For more information see: https://www.electoralcommission.org.uk/i-am-a-journalist/electoral-commission-media-centre/party-and-election-finance-to-keep/vote-leave-fined-and-referred-to-the-police-for-breaking-electoral-law

European Commission
The European Commission has a key role in initiating EU legislation. The European Commission (EC) is an institution of the European Union, responsible for proposing legislation, implementing decisions, upholding the EU treaties and managing the day-to-day business of the EU.

The European Commission is the EU’s executive arm and is politically independent from the member states. It is alone responsible for drawing up proposals for new European legislation, and it implements the decisions of the European Parliament and the Council of the EU.
The Commission:
- Proposes new laws
- Manages EU policies & allocates EU funding
- Represents the EU internationally

More information can be found at: https://ec.europa.eu/commission/index_en

European Communities Act
The European Communities Act 1972 was passed by the UK Parliament in Westminster. The preamble to the Act states:
‘An Act to make provision in connection with the enlargement of the European Communities to include the United Kingdom, together with (for certain purposes) the Channel Islands, the Isle of Man and Gibraltar.’

This is the Act (sometimes referred to as the ECA) which made provision for the UK to join the three European Communities, the EEC (European Economic Community), Euratom and the Coal and Steel Community (which is now defunct).

The then UK Prime Minister, Edward Heath, signed the Treaty of Ascension in a ceremony in Brussels on 22 January 1972 (it was also signed by the President of the European Commission, Franco Maria Malfatti). The ECA subsequently ratified this.

The ECA is regarded as one of the most important constitutional statutes ever passed by a UK Parliament. Community Law (now European Union law) became binding on all legislation passed by the UK legislatures (the UK Parliament and subsequently Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly).

The ECA has been significantly amended to reflect changes effected by the Single European Act, the Maastricht Treaty, the Amsterdam Treaty, the Nice Treaty, and the Treaty of Lisbon.

European Council
An institution of the European Union that makes its most important strategic decisions. Its members are heads of state or government, from time to time, of the 28 EU countries, the European Council president and the president of the European Commission. The European Council brings together EU leaders to set the EU's political agenda. It represents the highest level of political cooperation between EU countries. The Council takes the form of (usually quarterly) summit meetings between EU leaders, chaired by a permanent president. The Council
- Decides on the EU's overall direction and political priorities – but does not pass laws.
- Deals with complex or sensitive issues that cannot be resolved at lower levels of intergovernmental cooperation
- Sets the EU's common foreign & security policy, taking into account EU strategic interests and defence implications
- Nominates and appoints candidates to certain high profile EU level roles, such as the ECB and the Commission

More information can be found at: https://www.consilium.europa.eu/en/european-council/

**European Court of Justice (ECJ)**

See Court of Justice of the European Union (CJEU) above.

The ECJ is the EU's highest legal authority and rules on disputes over European Union treaties and other EU laws. Its decisions are binding on EU institutions and member states.

More information can be found at: https://curia.europa.eu/jcms/jcms/j_6/en/

**European Economic Area (EEA)**

An area covering the 28 European Union countries plus Norway, Iceland and Liechtenstein, which enables those three non-EU countries to be part of the EU's single market. They abide by the rules of the EU single market and its freedom of movement of people, goods, services and money. But Norway, Liechtenstein and Iceland are not part of the EU's customs unions, Common Agricultural or Fisheries policies and they do not have a common foreign and security policy.

More information can be found at: http://www.efta.int/eea

---

![Figure 5 Source: www.efta.in](source)

**European Free Trade Association (EFTA)**

The European Free Trade Association (EFTA) is the intergovernmental organisation of Iceland, Liechtenstein, Norway and Switzerland. It was set up in 1960 by its then seven member states for the promotion of free trade and economic integration between its members.

The four EFTA countries trade freely with the single market in return for accepting its rules. They are not in the customs union which means that they are free to negotiate deals with third party countries such as China. The EFTA equivalent to the EU Commission is the EFTA Surveillance Authority. As EFTA countries are also EEA countries and part of the single market many EU laws specifically refer to being applicable to EFTA.

More information can be found at: http://www.efta.int/about-efta
**European Parliament**
The directly elected parliamentary institution of the European Union. It has 751 members and is elected by citizens in all 28 European Union member states. See EU Parliament above.

**European Referendum Act 2015**
During the Queen's Speech at the UK Parliament 2015 on 27 May 2015 it was announced that the UK Government would introduce a Bill into the UK Parliament to hold a referendum on whether the United Kingdom should remain a member of the European Union.

The European Referendum Act 2015 (ERA) implemented that commitment and provided that the question of whether the United Kingdom should remain a member of the EU or leave the EU to be put to a referendum held in the United Kingdom and Gibraltar.

Section 1(4) (4) ERA set out the question that appeared on the ballot papers “Should the United Kingdom remain a member of the European Union or leave the European Union?” Section 1(5) ERA provided for the answers which were: “Remain a member of the European Union” and “Leave the European Union”. (Welsh alternatives were provided as Wales has two official languages).

The referendum took place on 23 June 2016.

The European Referendum Act 2015 did not contain a section which specified what happen if the outcome of the vote in the referendum was leave. However it is generally held (as a constitutional principle) that because of the sovereignty of Parliament a referendum cannot be legally binding in the UK on the UK Parliament or the UK Government. The referendum held on 23 June 2016 was therefore advisory.


In Chapter 7 the report’s conclusions were noted:

223. We recognise that because of the sovereignty of Parliament, referendums cannot be legally binding in the UK, and are therefore advisory. However, it would be difficult for Parliament to ignore a decisive expression of public opinion. (Para 197)

They also noted:

210. Notwithstanding our view that there are significant drawbacks to the use of referendums, we acknowledge arguments that, if referendums are to be used, they are most appropriately used in relation to fundamental constitutional issues. We do not believe that it is possible to provide a precise definition of what constitutes a “fundamental constitutional issue”. Nonetheless, we would consider to fall within this definition any proposals:

- to abolish the Monarchy;
- to leave the European Union;
- for any of the Nations of the UK to secede from the Union.

**European Union**
The European Union is the name given to the political and economic union of 28 member states, which the UK is planning to leave.

In 1951 Belgium, Germany, France, Italy, Luxembourg and the Netherlands started to cooperate economically. In 1959 they formed the European Economic Community. Over the subsequent decades more countries decided to join and the scope of cooperation increased. In 1993 the Single Market established the free-flow of trade across borders within the EU.
The 1990s was also the decade of two treaties, the ‘Maastricht’ Treaty on European Union in 1993 and the Treaty of Amsterdam in 1999.

The Maastricht Treaty was ratified in 1993, and created the European Union. Article 2 Treaty on European Union (TEU) provides:

‘The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.’

Becoming a member of the EU is a complex procedure and when an applicant country meets the conditions for membership, it must implement EU rules and regulations in all areas. The conditions are known as the ‘Copenhagen criteria’ and include a free-market economy, a stable democracy and the rule of law, and the acceptance of all EU legislation, including of the euro.

The motto of the EU is "United in diversity". This was chosen to illustrate how the EU has brought Europeans together to work for peace and prosperity, while at the same time respecting and being enriched by the continent’s many different cultures, traditions and languages. In 2012 the Nobel Peace Prize was awarded to the EU for its work and advancement of ‘peace and reconciliation, democracy and human rights in Europe’.

More on the history of the EU can be found at: https://europa.eu/european-union/about-eu/history_en

European Union (Notification of Withdrawal) Act 2017

The UK Supreme Court ruled in the Miller case (R. (on the application of Miller and de Santos) v Secretary of State for Exiting the European Union [2017] UKSC 5) that the UK Government Constitutionally nor under the European Communities Act 1972 had no power to trigger the Article 50 TEU process by notifying the EU of its intention to leave, unless the UK Parliament gave its prior legislative approval authorising the government to do that. The result was the European Union (Notification of Withdrawal) Act 2017.

The Act is probably one of the shortest Act of the UK Parliament passed in the last 100 years. It has two sections.

**Section 1 Power to notify withdrawal from the EU**

(1) The Prime Minister may notify, under Article 50(2) of the Treaty on European Union, the United Kingdom’s intention to withdraw from the EU.

(2) This section has effect despite any provision made by or under the European Communities Act 1972 or any other enactment.

**Section 2 Short title**

This Act may be cited as the European Union (Notification of Withdrawal) Act 2017.

European Union (Withdrawal) Act 2018
European Union (Withdrawal) Act 2018
This act of the UK Parliament should not to be confused with the draft Withdrawal Agreement (see entries for Withdrawal Agreement and Backstop) negotiated between the EU and the UK. However, the Act refers to the negotiated Withdrawal Agreement in several of its sections.

In practice sections 2 to 7 of the Act retain and converts into UK law all EU law (for more detail on the provisions of the Act see glossary Retained EU law).

EU Negotiating team
See also Brexit negotiations above.
In the negotiations the EU was represented by Michel Barnier, whose role was Chief Negotiator for the 27 remaining EU countries. A Task Force at the European Commission coordinated the work on all strategic, operational, legal and financial issues related to the negotiations.

Under the combined effect of Article 50 in Treaty on European Union (TEU) and Article 281 in the Treaty of the Functioning of the EU (TFEU) the EU negotiating team is ultimately responsible to the European Council (not the European Commission) who decides whether to adopt the proposals of the EU negotiator and takes any decisions concluding any withdrawal agreement. In some areas the consent of the EU Parliament to the adoption of a withdrawal agreement may be required. The European Council decision to adopt any agreement is made by qualified majority voting.

The terms of reference were published and can be found at: https://ec.europa.eu/commission/brexit-negotiations/negotiation-mandate-and-transparency_en

EU Parliament
The European Parliament is an important forum for political debate and decision-making at the EU level. The Parliament has been steadily gaining powers through successive amendments of the European treaties which have given more and more clout to EU’s only directly elected body. It acts as a co-legislator, sharing with the Council the power to adopt and amend legislative proposals and to decide on the EU budget. It supervises the work of the Commission and other EU bodies and cooperates with national parliaments of EU countries to get their input.

The Members of the European Parliament are directly elected by voters in all Member States to represent people’s interests with regard to EU law-making and to make sure other EU institutions are working democratically.
More information can be found at: http://www.europarl.europa.eu/portal/en
EU referendum
A UK wide vote held on 23 June 2016 to decide whether the UK should leave or remain in the European Union. It was decided on a simple majority vote. The result was 52% leave to 48% remain.
The vote was made possible by the European Referendum Act 2015 (see above).

Eurosceptic
Someone who is opposed to the European Union having too much control, because they think it compromises the sovereignty and, therefore, independent power of individual countries to make rules and decide their own destiny. Eurosceptics include those who want to return powers from the EU to member states and those who want their country to leave the EU altogether.
**Euroscepticism**
The belief that the European Union has too much control and threatens the power of individual countries to determine their own destiny. Eurosceptics include those who want to return powers from the EU to member states and those who want their country to leave the EU altogether.

**Extending the Brexit date**
Under Article 50 (3) TEU the two year period (the 29 March 2019 date) can be extended only with the unanimous agreement of the Council and the leaving state (the UK). It is important to note the ‘unanimous’ requirement imposed on the Council means one member State on the Council could veto the extensions. This is unlike adopting the draft Withdrawal Agreement which was only be qualified majority voting.

In terms of the UK agreeing to an extension of the two period, as it is enshrined in an Act that has constitutional status (the European Union (Withdrawal Act 2018) the UK Government could not agree to extending the date without the prior legislative approval of the UK Parliament through an amendment to the European Union (Withdrawal) Act 2018.

**Facilitated customs arrangement**
A plan for a post Brexit customs agreement in which goods destined for the EU would be charged an EU tariff and goods headed to the UK would be charged the UK's own potentially lower tariff. The plan would keep the UK aligned to EU regulations and is designed to resolve the Irish border question while allowing Britain to pursue partially independent trade policy.

**Free Movement**
One of the four founding principles of the EU. EU citizens can travel, work, study and live in any member state. The provisions prohibit the host member state from discriminating against migrant EU workers in access to public services, benefits and work.

Freedom of movement and residence for persons in the EU is the cornerstone of Union citizenship, established by the Treaty of Maastricht in 1992. The gradual phasing-out of internal borders under the Schengen agreements was followed by the adoption of Directive 2004/38/EC on the right of EU citizens and their family members to move and reside freely within the EU.

The Treaty of Maastricht introduced the notion of EU citizenship to be enjoyed automatically by every national of a Member State. It is this EU citizenship that underpins the right of persons to move and reside freely within the territory of the Member States. The Lisbon Treaty confirmed this right, which is also included in the general provisions on the Area of Freedom, Security and Justice.

**Four freedoms**
The four freedoms of the EU are free movement of goods, capital, services and workers in the EU’s single market. They were completed in the establishment of the single market (also
called the internal market) under a Treaty in 1986 called the Single European Act. They are now set out in Title IV in the Treaty on the Functioning of the EU (TFEU).

Figure 7 Source: https://publications.europa.eu/en/publication-detail/-/publication/715fcc8-fa70-11e7-b8f5-01a75ed71a1/language-en/format-PDF

**Free-trade agreement (FTA)**
An agreement between countries to reduce trade barriers, including import or export taxes (tariffs) and import quotas, in order to increase trade in goods and services.

**Free Trade Area**
A free-trade area is an area (often referred to as a trade bloc) is an area whose nation states have signed a free-trade agreement (FTA). These free trade agreements involve cooperation between at least two countries to reduce (but not necessarily eliminate all) trade barriers (generally import quotas and tariffs) to increase trade with each other. This trade is generally in goods and services.

**Freedom of movement (free movement)**
One of the four founding principles of the EU. It means that citizens of EU member states and their families can move to work in any other part of the EU. The rights of EU citizens to move freely and reside has been decoupled from the economic provisions in the Treaty on the Functioning of the EU (TFEU Articles 20 & 21).

Freedom of movement has been one of the central arguments around the Brexit debate. Some people are worried that rising levels of immigration from the EU are putting extra pressure on services, like the NHS and schools and taking away local jobs, others have argued that sectors like the care service and parts of agriculture are dependent on people coming from the EU to fill jobs.

**Frictionless trade**
Where businesses from one nation state trade with businesses in different nation states with the minimum of tariffs, quotas, customs checks and other obstructions, other than those necessary to protect the environment, health, national culture and national security.
General Election (UK)
A UK general election is an opportunity for people in every part of the UK to choose a Member of Parliament (MP). The MP will represent their local area (constituency) in the House of Commons for up to five years.

There is normally a choice of several candidates in each constituency, some of which are the local candidates for national political parties. People can only vote for one of the candidates and the candidate that receives most votes becomes their MP.

When Parliament is dissolved every seat in the House of Commons becomes vacant and a general election is held. Each constituency in the UK elects one Member of Parliament (MP) to a seat in the House of Commons. Usually the political party that wins the most seats in the House of Commons forms the Government.

The Fixed-term Parliaments Act 2011 sets the interval between general elections at five years. At the end of this time a new House of Commons must be elected. However, there are two provisions that trigger an election other than at five year intervals:

- a motion of no confidence is passed in Her Majesty’s Government by a simple majority and 14 days elapses without the House passing a confidence motion in any new Government formed
- a motion for a general election is agreed by two thirds of the total number of seats in the Commons including vacant seats (currently 434 out of 650)

The Fixed-term Parliaments Act 2011 provides for general elections to be held on the first Thursday in May every five years.

Gibraltar
See also Gibraltarians below.

Gibraltar is an overseas territory of the UK which is self-governing in all matters but defence. Spain formally ceded Gibraltar to Britain under the terms of the Treaty of Utrecht in 1713. The British had captured Gibraltar in 1704 during the War of the Spanish Succession. In 1830 Gibraltar became a British crown colony.

Gibraltar has its own government and parliament. The Gibraltar Constitution Order 2006 states:

"And whereas the people of Gibraltar have in a referendum held on 30th November 2006 freely approved and accepted the Constitution annexed to this Order which gives the people of Gibraltar that degree of self-government which is compatible with British sovereignty of Gibraltar and with the fact that the United Kingdom remains fully responsible for Gibraltar’s external relations".

The governor, appointed by the British Monarch, is the head of the executive Gibraltar Council and appoints the Council of Ministers, composed of the chief minister and other ministers, from the party or coalition of parties that gains a majority of seats in the Gibraltar Parliament. Instead of a city council, one minister is responsible for municipal affairs.
The Government website notes that:

The Gibraltar Parliament is the heart of democracy in Gibraltar and the rock foundation of the sovereignty of ‘Gibraltarians’ in the widest sense, not only the indigenous, but British inhabitants are also enfranchised.

See: https://www.gibraltar.gov.gi/new/

More information can be found here: http://www.parliament.gi/

Gibraltarians
Since 1981 Gibraltarians have had full British citizenship and Gibraltarians were eligible to vote in the EU Referendum held on 26 June 2016. They voted overwhelmingly to remain in the EU.

Globalisation
The process by which the world is becoming increasingly interconnected as a result of international trade and improved means of travel and communication. The biggest companies in the world are now global firms with subsidiaries in many countries.

Good Friday Agreement (The Belfast Agreement, the British Irish Agreement)
The Belfast Agreement is often referred to as the Good Friday Agreement because it was reached on Good Friday, 10 April 1998. It is officially called the British-Irish Agreement and...
consists of an international treaty between the UK and Irish Governments and a multi-party agreement between political parties in Northern Ireland.

The agreement was reached between the UK and Irish governments (and most of the political parties in Northern Ireland). Agreement was reached in relation to the Northern Ireland and its system of government which included the aim of setting up a nationalist and unionist power-sharing government.

On the constitutional question of whether Northern Ireland should remain in the UK or become part of a United Ireland a ‘principle of consent’ was established. It was agreed that there would be no change without the consent of the majority in Northern Ireland.

Reflecting the history of conflict the agreement also covered issues relating to sovereignty, civil and cultural rights, decommissioning of weapons, demilitarisation, justice, and policing. Full details can be found at: https://www.gov.uk/government/publications/the-belfast-agreement and http://www.irishstatutebook.ie/eli/1999/act/1/enacted/en/html

The Good Friday Agreement was subsequently ratified by the populations of Northern Ireland and the Republic of Ireland in a referendum held in May 1998. In Northern Ireland the result was a majority (71.1%) in favour. The simultaneous referendum in the Republic of Ireland also produced a majority (94.4%) in favour.

The agreement confirmed framework provisions on rights, safeguards and equality of opportunity for all the peoples on the island of Ireland and enabled the people of Northern Ireland to choose to assert their right to Irish citizenship.
HM Advocate
The Advocate General for Scotland is one of the Law Officers of the Crown, who advise the UK Government on Scots law.

Hard border
A border of a state or region controlled and protected by customs officials, police, or military personnel and at which the free flow of persons, capital, goods, property (both personal and intellectual) can be restricted or halted.

Hard Brexit
A hard Brexit would be one where the UK would leave the EU cutting ties immediately, with no agreement in place. Without an agreement the UK would follow World Trade Organisation rules to trade with the EU and other countries, while trying to negotiate free trade deals with the EU and other countries. It might mean that few of the existing ties between the UK and the EU were retained, so it would mean Britain giving up membership of the EU's single market, and the benefits of being part of a free trade area with the EU, and setting up its own trade deals and rules. It is a phrase often used by critics of Brexit who think it will harm the UK economy.

Henry VIII powers also known as Henry VIII clauses
These are provisions within the EU (Withdrawal) Act 2017 which empower UK Ministers to decide on changes to existing law without the normal process of scrutiny in UK Parliament. The term is named after King Henry VIII's preference for creating laws by royal proclamation rather than through his Parliament.

The Lords Delegated Powers and Regulatory Reform Committee paid particular attention to these provisions and criticised the proposed use of Henry VIII clauses because of the way it shifts power away from the legislature to the executive.

See delegated legislation above.

Immigration / Migration
Immigration is the international movement of people from their home country to another country where they are not natives or where they do not possess citizenship. Those migrating are seeking to settle or reside in a different country for economic, political or other reasons such as employment, for example, as a migrant worker or temporary foreign worker.

Migration (human as opposed to animal migration) has a similar meaning to immigration. The movement by people from one place to another undertaken with the intention of settling, permanently or temporarily in a new location. The movement may be over a long distance, for example between different continents, or internal within a country, for example, from countryside to city.

2018 was The Open University's Year of Migration. For more information see http://www.open.ac.uk/research/themes/citizenship-governance/justice-borders-rights/mygration
Irish border
See entry for border above. The border between Northern Ireland and the Republic of Ireland. After Brexit, it will become the only land border between the UK and the European Union.

Justice (Court of Justice of the European Union)
See entry Court of Justice of the European Union.

Judicial review
Judicial review is a type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body. Judicial reviews are a challenge to the way in which a decision has been made, rather than the rights and wrongs of the conclusion reached. Judicial Review is not concerned with the conclusions of that process and whether those were ‘right’, as long as the right procedures have been followed. The court will not substitute what it thinks is the ‘correct’ decision. This may mean that the public body will be able to make the same decision again, so long as it does so in a lawful way. Judicial Review applications have been made over several aspects of Brexit, for example, see the Miller case.

Judgment
The legal glossary on the courts and tribunals website at https://webarchive.nationalarchives.gov.uk/20130206054010/https://www.justice.gov.uk/courts/glossary-of-terms/glossary-of-terms-legal# states ‘The decision or sentence issued by a court in legal proceedings.’ Many judgments are written and can be found online through one of the legal databases of from official court sites. See Supreme Court below.

Judgement
Judgement when spelt with an ‘e’ after ‘g’ generally refers to how individuals have formed an opinion, for example, they judged it was time to go home or in their judgement the activity was too dangerous as the ground was icy. For example, the Bank of England makes a decision about interest rates based on the judgement it makes on the economy and markets.

Jurisdiction
A jurisdiction is a geographical area that has a set of laws which is under the control of a system of courts or other government entity. Within the UK there are, in effect, four legal jurisdictions, England and Wales, Scotland, Northern Ireland and Wales.

Each member state of the EU has a separate legal jurisdiction. The EU also forms a single coherent jurisdiction in areas in which it has competence as EU laws are uniform across member states and enforced by the Court of Justice of the European Union. The EU then forms a single jurisdiction for that purpose.

Juncker (Jean-Claude Juncker)
He is a Luxembourgish politician. From 1995 to 2013 he was Prime Minister of Luxembourg from 1989 to 2009 he was also Minister for Finances.

On the 15 July 2014 the European Parliament elected him as President of the European Commission (with a majority of 422 votes out of 729). He has held this position since 2014. He was appointed under the new provisions established with the Treaty of Lisbon.
Keeping European Law
See also retained EU law.
This has been used in a number of contexts.

As part of the devolution settlements the legislatures in Scotland, Wales and Northern Ireland have to comply with EU law. If their laws fail to then they are void and have no legal effect. A different procedure applies in the UK Parliament where a law incompatible with EU law must be challenged through an appropriate mechanism.

There are a number of areas of law and protections which the citizens of the UK have as a result of EU laws. These laws cover a wide range of areas from those relevant to business, for example, protected designation of origin, employment rights, for example, working time, consumers, for example, consumer protection legislation, environmental, for example, efficient energy schemes. These are just a few examples as EU law has become inextricably linked with laws in the UK.

During any transition period all EU laws will continue to apply. What is unclear is what will happen subsequently post Brexit and who will have the authority to choose which EU laws continue to apply and, if the EU and UK agree to regulatory alignment (convergence) after Brexit how and to what extent future EU regulatory and procedural provisions should be applied and enforced in national courts within the UK.

In relation to devolved matters the legislatures in Scotland, Wales and Northern Ireland should have authority. In relation to reserved matters the UK Parliament will have authority.

Plans to enable Ministers to have powers in deciding on retained EU law through secondary legislation and the use of Henry VII clauses (see separate entry) have been criticised for the lack of transparency expertise and in conflict with the rule of law, that the UK Parliament is sovereign and only the UK Parliament can make and undo laws, not the UK Government.

Leave Voters
Individuals who voted to leave the EU in the referendum held on 23 June 2016.

Lancaster House Speech
The speech made at Lancaster House in London on 17 January 2017 in which the then, UK Prime Minister Theresa May set out the Plan for Britain. This included the 12 priorities that the UK Government will use to negotiate Brexit and create a new relationship with the EU. During the speech Theresa May argued that “no deal is better than a bad deal”. It also set out objectives for negotiations and ‘red lines’ which any Brexit deal and legislation on
withdrawal from the EU should not cross. These included, ending the jurisdiction of the Court of Justice of the European Union. It was welcomed by Donald Tusk as “realistic”. In the speech Theresa May stated that Brexit meant:

- Taking back control of our own laws by ending the jurisdiction of the CJEU in the UK.
- Taking back control of our borders. Brexit must mean control of the number of people who come to Britain from Europe.
- Free trade with European Markets in a “bold and ambitious Free Trade Agreement” with the EU.
- The UK would no longer be member of the Single Market and no longer be subject to EU rules and regulations on goods and services.
- Signing new trade deals across the world, to become a leader in free and fair trade and that to achieve that objective we could not remain members of the Customs Union.

The full text of the speech can be found here: https://www.gov.uk/government/speeches/the-governments-negotiating-objectives-for-exiting-the-eu-pm-speech

**Lisbon Treaty (Treaty of Lisbon)**
The Treaty of Lisbon consolidated and amended the two treaties forming the constitutional basis of the EU. Signed by the EU member states on 13 December 2007 it came into force on 1 December 2009. A number of fundamental changes resulted, including increased powers for the European Parliament.

The two consolidated and amended treaties were the Maastricht Treaty 1993, which itself was subsequently updated in 2007 and known as the Treaty on European Union (TEU), and the Treaty of Rome 1957 also updated in 2007 and subsequently known as the Treaty on the Functioning of the European Union (TFEU).

**Managed no deal**
Also sometimes called a negotiated no deal. A view being promoted by some Brexiteers who want to allay fears about what would happen if the UK left the EU without a deal. They are proposing a transition period during which time the UK would negotiate a free-trade deal as a third country. The UK could also strike a number of mini deals to avert chaos in sectors of the economy.

**Mandate**
The authority to carry out policy. In relation to Brexit it often refers to the referendum result giving a mandate to the UK Government to take the UK out of the European Union.

**Max-fac**
'Maximum facilitation' - an option favoured by Brexiteers who want a complete break with the EU customs regime and would rely instead on technology to minimise border checks. Declaration and clearance procedures would take place in advance, away from the border, and surveillance would be intelligence-led, rather than old-fashioned random searches. Critics say it would not solve the Irish border question as there would still need to be tariff checks.
**Meaningful vote**
The UK Government says that the UK Parliament will be given a ‘meaningful vote’ to accept the withdrawal deal or leave the EU without one. Its critics argue that for the vote to be truly meaningful other options, including renegotiation should remain open; and that it should be up to UK Parliament, rather than the UK Government to decide what happens if the withdrawal deal is rejected in a parliamentary vote. The meaningful vote took place on 15 January 2019 and Members of the UK Parliament voted by 432 to 02 to reject the withdrawal deal. The UK Parliament needs to approve any withdrawal deal before it can be ratified and implemented into UK law.

**Member State**
A member state of the EU is a state belonging to the EU having entered into an ascension treaty.

![Map of European Union](https://europa.eu/european-union/documents-publications/slide-presentations_en)

**MEP**
Member of the European Parliament. There are currently 73 UK MEPs, representing 12 electoral regions made up of the nations and regions of the UK. Elections take place every five years, the next vote is due to be held in 2019. Elections will not take place in the UK if Brexit has happened.

**Miller Case**
After the general election in June 2017, the UK Government indicated that it believe that it had power notify the EU of the UK’s intention to leave and, as a result, no longer be a Member State of the EU. By Article 50 (1) TEU a member state can decide to withdraw from the Union in accordance with its own constitutional requirements. The main issue in this case was whether having joined the then European Community through the passing of the European Communities Act 1972 (considered be a constitutional provision) under UK constitution the government had (prerogative) power to do so without prior approval of the UK Parliament?

The case ended up in the UK Supreme Court, which held that withdrawal from the EU was a significant constitutional change. If notice was given to leave, that change would occur...
irrespective of whether Parliament repealed the European Communities Act 1972. Accordingly, it would be inconsistent with fundamental principle for such far-reaching constitutional change to be brought about by ministerial action alone, particularly when the relevant source of law had been created by Parliament and given supremacy in the hierarchy of law sources. The prerogative to make and unmake treaties, which operated wholly on the international plane, could not be exercised in relation to the EU treaties in the absence of statutory sanction (i.e. by the passing of prior legislation by both Houses of Parliament authorising the government to send notice to the EU, under article 50 TEU of its intention to withdraw.)

That meant that if the UK Government had sent a notice withdrawal intention to leave the EU without prior Parliamentary approval, through an Act of Parliament, under EU law it would have been ineffective. As, by virtue of the fact that Article 50 TEU requires that withdrawal must be in accord with the constitutional requirements of the leaving member state. To ensure the notice was effective the UK Parliament passed the European Union (Notification of Withdrawal) Act 2017 (see glossary European Union (Notification of Withdrawal) Act 2017).

The Court’s reasoning was along the lines that The 1972 Act was the conduit by which EU law was introduced into domestic law. EU law had, therefore, become an independent and overriding source of domestic law. The rights incorporated into domestic law through section 2 of the European Communities Act 1972 varied with the UK's obligations from time to time under the EU treaties, but provisions of a new treaty were only brought into domestic law once it was statutorily added to the definition of "Treaties". Parliament could not have intended that section 2 continued to import EU law after the UK ceased to be bound by the treaties, but it did not follow that the Act accommodated the abrogation of EU law upon withdrawal from the treaties by prerogative act of the UK government. It then reasoned that the Act ensured that EU law as it stood from time to time was given effect in domestic law; it did not follow from that that the prerogative powers of the government could be extended and used to cut off the source of EU law.

**Nation**

In general terms a nation is a group of people generally united by common descent, history, culture, or language and who inhabiting a particular geographical territory. The term nation can be used interchangeable with state or country and so its meaning has to be taken from the context in which it is referred to. Within the UK there are four Nations each of which has its own laws. Those Nations are England, Scotland, Wales and Northern Ireland. **National Assembly for Wales (Cynulliad Cenedlaethol Cymru).**

The National Assembly for Wales (Cynulliad Cenedlaethol Cymru) is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account. It has a unicameral chamber.
There are 60 elected Assembly Members as each person in Wales is represented by five Assembly Members (one represents the constituency and four represent the region).

The relationship between the Welsh Assembly and UK Parliament is complex but in general terms the Welsh Assembly passes laws on devolved matters (those affecting most aspects of day-to-day life in Wales). The UK Parliament can pass laws on reserved matters (those with a UK-wide or international impact).

Wales has two official languages, Welsh and English. The National Assembly for Wales if also referred to as the Welsh Assembly or Senedd and is due to change its name in 2012 to the Welsh Parliament/ Senedd Cymru.

More information can be found at: http://www.assembly.wales/en/Pages/Home.aspx

Figure 12 Source: Creator: Chris Warren Copyright: © Chris warren 2017

**Negotiating Documents on Article 50**

Documents published by the UK Government and information about the Article 50 process and UK negotiations for a new partnership with the European Union can be found at: https://www.gov.uk/government/collections/article-50-and-negotiations-with-the-eu

Documents published by the European Commission as part of their commitment to transparency on the negotiations over Article 50 with the UK Government. The 104 publications can be found at: https://ec.europa.eu/commission/brexit-negotiations/negotiating-documents-article-50-negotiations-united-kingdom_en
No deal

No-deal is a label given to a situation in which the UK leaves the European Union with no formal agreement on the terms of the UK's withdrawal or new trade relations and immediately cuts any formal ties with the EU. If Parliament does not approve of any finally negotiated withdrawal agreement under Article 50 TEU, and there is no alternative deal or move to delay or stop Brexit, the UK will leave with no deal on 29 March. In which event the UK would follow World Trade Organization rules to trade with the EU and other countries, while trying to negotiate free-trade deals.

UK Government publications on a no-deal scenario can be found at: https://www.gov.uk/government/publications/uk-governments-preparations-for-a-no-deal-scenario/uk-governments-preparations-for-a-no-deal-scenario


Northern Ireland Assembly

The Northern Ireland Assembly is the devolved legislature for Northern Ireland. It is responsible for making laws on transferred / devolved matters in Northern Ireland and for scrutinising the work of Ministers and Government Departments. It is a unicameral chamber. There are 90 Members of the Legislative Assembly (MLAs) who are directly elected by the public in Northern Ireland. Five MLAs elected to each of the 18 constituencies.

More information can be found at: http://www.niassembly.gov.uk/

Norway model

The UK would remain in the EU single market, able to trade freely, but in return it would have to allow free movement of people - which has been a key sticking point for many in the Brexit debate who want to be able to control immigration from the EU. The UK would also have to make a contribution to the EU budget - smaller than it currently makes - and abide by many of the EU's rules.

Norway Plus

Under this proposal the UK would adopt the Norway model, but in addition remain within the EU customs union.
Passport
An official document issued by a government, certifying the holder’s identity and citizenship and entitling them to travel under its protection to and from foreign countries.

Passporting
An arrangement post-Brexit under which British companies and foreign companies with bases in the UK are allowed to sell financial services across the European Union on the same basis as before Brexit; namely with no regulatory barriers.

Political declaration
Document which sets out proposals for how the UK’s long term future relationship with the EU will work after Brexit. The political declaration is not legally binding but will be worked up into a full agreement during the transition period.

Post-Brexit
The period following after the UK’s exit from the EU.

During this time a number of practical matters will need to be undertaken, for example Financial Times research identified 759 Treaties with 168 countries that will need to be redone (covering trade, agriculture, fisheries, regulatory cooperation, transport, customs and nuclear) see Financial Times May 30 2017 The Big Read UK Trade at https://www.ft.com/content/f1435a8e-372b-11e7-bce4-9023f8c0fd2e.

Prime Minister (UK)
The leader of the party that wins the most seats in a UK general election is appointed the UK Prime Minister by the Monarch. The UK Prime Minister is officially responsible for choosing the other members of the government and is the leader of Her Majesty’s Government. The UK Prime Minister is ultimately responsible for the policy and decisions of the UK Government. As leader of the UK Government the UK Prime Minister also:

- oversees the operation of the Civil Service and government agencies
- appoints members of the government
- is the principal government figure in the House of Commons

The first person to hold the post of Prime Minister was Robert Walpole. During Brexit negotiations the UK Prime Minister was Teresa May.
Queue Jumpers
In a speech to the CBI (Confederation of British Industry) made on 19 November 2018 The then UK Prime Minister, Teresa May, said
It will no longer be the case that EU nationals, regardless of the skills or experience they have to offer, can jump the queue ahead of engineers from Sydney or software developers from Delhi.
See https://www.gov.uk/government/speeches/pm-speech-to-cbi-19-november-2018
Teresa May subsequently apologised for the comment in a parliamentary debate acknowledging that the comment should not have been made.
Full text of the speech can be found here: https://www.gov.uk/government/speeches/pm-speech-to-cbi-19-november-2018

Referendum
The European Referendum Act 2015 (see above) made provision for a referendum to be held on the question of whether the United Kingdom should remain a member of the EU or leave the EU.
Section 1(4) set out the question that appeared on the ballot papers "Should the United Kingdom remain a member of the European Union or leave the European Union?" Section 1(5) provided for the answers which were: "Remain a member of the European Union" and "Leave the European Union". (Welsh alternatives were provided as Wales has two official languages).
The referendum took place on 23 June 2016. The result was a majority to leave. Remain in the EU 16,141,241 (48.1%). Leave the EU 17,410,742 (51.9%). Overall turnout was 72.2%.
For further information on the result see: https://www.electoralcommission.org.uk/find-information-by-subject/elections-and-referendums/past-elections-and-referendums/eu-referendum/electorate-and-count-information

Remainers
Individuals who voted to remain in the EU in the referendum held on 23 June 2016.

Remoaners
A term meaning an individual who complains about the UK leaving European Union or the outcome of the referendum held on 23 June 2016.

Reste à liquider
A French accounting term meaning outstanding bills. In the context of Brexit it refers to projects the EU has agreed to support financially, but has yet to pay for.

Retained EU law
The UK Government has outlined plans to retain and convert most of EU law into a new type of domestic law. These plans came to fruition through the retention and conversion of most EU law into UK law through the provisions of the EU (Withdrawal) Act 2018 (see earlier entry) which come into force on Brexit.
In practice the UK Government has plans to retain:

- all EU regulations, decisions and tertiary legislation and elements of the EEA agreement (as they existed on exit day);
- all domestic legislation passed to implement EU directives (and other EU law);
- most general principles of EU law (as they existed on exit day);
- most rights and obligations that currently exist in domestic law because of s. 2(1) ECA (as they exist on exit day);
- the binding or present status of all relevant case law of the Court of Justice of the European Union issued before exit day (though the UK Supreme Court and High Court of Justiciary need no longer follow it).

The Act specifically ends and repeals the force and applicability within the UK of:

- the Charter of Fundamental Rights of the European Union (not to be confused with the European Convention on Human Rights and Fundamental Freedoms which the UK helped draft and signed on 4 November 1950. This was ratified by the UK Parliament on 1951 and entered into force in 1953);
- the legislative instruments known as EU directives themselves (as opposed to the legislation implementing them or rights and obligations under them, which will be retained);
- the principle of supremacy of EU law (for prospective legislation);
- the Francovich principle of state liability under which the UK is liable in damages for not properly implementing EU laws (but only in relation to post exit facts).


**Revocation**

In the context of Brexit language revocation relates to the possibility of revoking the UK’s notice of intention to leave the EU sent to satisfy the requirement of Article 50(2) of the Treaty on the European Union. Under Article 50(2) TEU a member state intending to leave the EU must notify the Council of its intention to do so. Article 50 TEU is silent on whether the notice of intention to leave the EU could be revoked, either unilaterally by the leaving member or state or only with the agreement of the Council or at all. By ‘all at all’ is meant once the notice is given the process is irreversible. The irreversible assumption was:

- A point conceded by: both parties in the lower court in the Miller case. So, the case proceeded on the basis that once notice of intention to leave was sent the article 50 TEU process was irreversible.
- On the part of the EU negotiators was also an assumption made.

The issue of whether a notice of intention to withdraw could be revoked was litigated in a referral on Article 50 from a Scottish Court in the case of Wightman et al v Secretary of State for Exiting the European Union (Case C-621/18). In that case the Court of Session in Edinburgh requested a preliminary ruling from the CJEU on the interpretation of the EU law in Article 50 EU.

The applicants were Andy Wightman, Ross Greer, Alyn Smith, David Martin, Catherine Stihler, Jolyon Maugham, Joanna Cherry and the respondent the Secretary of State for Exiting the European Union, interveners: Chris Leslie, Tom Brake.

The Scottish court requested the CJEU to determine whether a Member State, after notifying its intention to withdraw from the European Union, may revoke that notification (possibly unilaterally).
The European Council and the European Commission were heard in the case. Their position was that whilst agreeing that a member state is entitled to revoke the notification of its intention to withdraw before the Treaties have ceased to apply to that Member State, the revocation could not be unilaterally. It required an agreement to revoke by both the EU and the notify member state (the UK).

The European Council and the European Commission argued that the Member State concerned could thus use its right of revocation shortly before the end of the period laid down in Article 50(3) TEU and notify a new intention to withdraw immediately after that period expired, thereby triggering a new two-year negotiation period. By doing so, the Member State would enjoy, de facto, a right to negotiate its withdrawal without any time limit, rendering the period laid down in Article 50(3) TEU ineffective. They also argued that a Member State could at any time use its right of revocation as leverage in negotiations. If the terms of the withdrawal agreement did not suit that Member State, it could threaten to revoke its notification and thus put pressure on the EU institutions in order to alter the terms of the agreement to its own advantage.

In order to guard against such risks, the European Council and the European Commission proposed that Article 50 TEU should be interpreted as allowing revocation, but only with the unanimous consent of the European Council.

In the hearing the UK took no position on the right, for a member state that has notified its intention to withdraw from the European Union under Article 50 TEU, to revoke that notification. In making its decision the CJEU largely followed the Advocate General’s opinion for the Court of Justice and held that:

- Article 50 TEU must be interpreted as meaning that, where a Member State has notified the European Council, in accordance with that article, of its intention to withdraw from the European Union, that article allows that Member State — for as long as a withdrawal agreement concluded between that Member State and the European Union has not entered into force or, if no such agreement has been concluded, for as long as the two-year period laid down in Article 50(3) TEU, possibly extended in accordance with that paragraph, has not expired — to revoke that notification unilaterally, in an unequivocal and unconditional manner, by a notice addressed to the European Council in writing, after the Member State concerned has taken the revocation decision in accordance with its constitutional requirements. The purpose of that revocation is to confirm the EU membership of the Member State concerned under terms that are unchanged as regards its status as a Member State, and that revocation brings the withdrawal procedure to an end.

Scottish Parliament
The current Scottish Parliament has legislative powers that derive from 1998 Scotland Act. It is regarded as the most powerful devolved legislature in the world.

Based at Holyrood in Edinburgh it is unicameral. The Scottish Parliament debate issues, holds the Scottish Government to account and makes laws for Scotland. It is made up of 129 elected representatives, who are known as Members of the Scottish Parliament (MSPs).

The relationship between the Scottish and UK Parliaments is complex but in general terms Scottish Parliament passes laws on devolved matters (those affecting most aspects of day-to-day life in Scotland). The UK Parliament can pass laws on reserved matters (those with a UK-wide or international impact).

More information can be found at: https://www.parliament.scot/index.aspx

Schengen area
This is reputed to be the largest free travel area in the world. It is made up of 26 European states that have abolished all controls including passport controls at their mutual borders so people can travel freely (without stopping). Some European Union member states, including the UK, are not in the Schengen area. Some countries that are not members of the European Union, like Norway and Iceland, are in the Schengen area.

Single market
The single market is an area covering the EU member states, along with four other countries that involves the free movement of goods, services, people and capital (or money). Countries in the single market share common rules and regulations to make it easy for companies to trade across national borders.

Settled Status
This is a new UK scheme due to open to all on 30 March 2019. EU citizens and their families who have been living in the UK for five years can apply for "settled status", which will allow them to stay in the UK for as long as they wish. Any child born in the UK to a mother with settled status will automatically become a British citizen. Settled status means you can work in the UK, use the NHS, have access to pensions and benefits and travel in and out of the UK. It is expected that applications will only be rejected from people with serious criminal convictions, or where there are other security concerns.

Settlement Scheme
The EU Settlement Scheme enables EU citizens and their families to apply to continue to live in the UK after 30 June 2021 (the end of the envisaged transition period following an agreed Brexit). Successful applicants will be given settled or pre-settled status.

EU citizens who are also Irish citizen or anyone who has indefinite leave to remain does not have to make an application. Similar agreements have been reached with EFTA states (Norway, Iceland, Liechtenstein and Switzerland).

More information can be found at: https://www.gov.uk/settled-status-eu-citizens-families/if-you-have-permanent-residence-or-indefinite-leave-to-remain
**Single Market (The European single market)**
The Single Market (also referred to as the internal market) is a term used to refer to the EU as one territory. As a geographical area without major obstacles to the free movement of workers, capital, goods and services. The European Single Market is seen as one of the EU's greatest achievements. The member states within the single market apply common standards and rules to goods, services and capital.

The theory behind the Single Market is that it stimulates competition and trade, improves efficiency, raises quality, and helps cut prices. This makes the work and life of Europeans, European businesses and consumers easier. It allows companies and persons in one member state to sell products, provide services and move employees and capital back and forth between other states forming part of the single market without any hindrance.

**Solicitor General**
The Solicitor General for England and Wales. Her Majesty's Solicitor General for England and Wales, known informally as the Solicitor General, is one of the Law Officers of the Crown, and the deputy of the Attorney General, whose duty is to advise the Crown and Cabinet on the law.

The Solicitor General supports the Attorney across the range of his responsibilities. This includes:
- deputising for the Attorney General and being responsible for such matters as the Attorney General delegates to them
- providing support to the Attorney General in superintendence of the Government Legal Department, the Crown Prosecution Service, the Service Prosecuting Authority, HM Crown Prosecution Service Inspectorate and the Serious Fraud Office
- providing support to the Attorney General on civil litigation and advice on civil law matters and on the public interest function

**Sovereign State**
In international law, a sovereign state is a nonphysical entity which has sovereignty over a geographic area. A sovereign state administers its own government, and is not dependent upon, or subject to, another power. There are 195 states recognised as sovereign with a number of other states whose sovereignty is disputed, non-sovereign states and associated entities. Characteristics of a sovereign state include:
- defined territory on which the state exercises internal and external sovereignty;
- a permanent population;
- a government, not under the control of a foreign power;
- independence from other states and powers; and
- the capacity to enter into relations with other sovereign states.

At the time of writing (January 2019) 193 sovereign states are members of the United Nations.
See also sovereignty above.

**Soft Brexit**
Leaving the European Union but staying as closely aligned to the EU as possible. It could keep the UK in the single market or the customs union or both. It could involve British compromises on free movement of people, allowing European Union citizens’ rights to settle in the UK with access to public services and benefits.
The objective is to minimise the disruption, for example, to trade and business. In practice this would mean staying within the EU’s single market (like Norway) and its customs union (like Turkey). A soft Brexit would mean the UK continuing to be bound by EU rules and tariffs but without having a voice in their creation.

**Sovereignty**

The UK Parliament website defines this as:

Parliamentary sovereignty is a principle of the UK constitution. It makes Parliament the supreme legal authority in the UK, which can create or end any law. Generally, the courts cannot overrule its legislation and no Parliament can pass laws that future Parliaments cannot change. Parliamentary sovereignty is the most important part of the UK constitution.

At [https://www.parliament.uk/about/how/role/sovereignty/](https://www.parliament.uk/about/how/role/sovereignty/)

The possession of sovereign power is tied to the international independence of a nation state. The nation state is independent, recognised as a nation state in international law and has the right and power to regulate its internal affairs without foreign intervention.

**Supreme Court (the UK Supreme Court)**

The UK Supreme Court is the final court of appeal in the UK for civil cases, and for criminal cases from England, Wales and Northern Ireland. It hears cases of the greatest public or constitutional importance affecting the whole population.

More information can be found at: [https://www.supremecourt.uk/](https://www.supremecourt.uk/)

**Switzerland**

Switzerland (officially the Swiss Confederation consists of 26 cantons and also known as Confoederatio Helvetica) is a neutral state which has been a member of the United Nations since 2002. It is not an EU member state but forms part of the single market and is an EFTA member. The EU is Switzerland’s biggest trading partner and all but one of Switzerland’s neighbouring countries are now EU member states (Lichtenstein is not). A number of bilateral treaties (over 100) regulate relations between Switzerland and the EU.

**Transition**

The general meaning is of a process or a period of change from one state or condition to another. In terms of Brexit this is used to describe the period of any transition arrangements following an agree Brexit with the EU.

**Taking Back Control**

A phrase used consistently by the official leave the EU campaign.

More information can be found at [http://www.voteleavetakecontrol.org/briefing_control.html](http://www.voteleavetakecontrol.org/briefing_control.html)

**Tariff**

A tax or duty to be paid on goods being imported or, very occasionally, exported.

**Tariff-free trade**

Trade without any taxes or duties to pay when goods are imported or exported.
**Transition period**
The proposed period between the UK leaving the European Union, on 29 March 2019, and the start of new arrangements for future trade, 1 January 2021. The UK calls this an "implementation phase". The transition phase can only come into effect as part of a withdrawal agreement with the EU.

During the transition period all existing EU laws, including the European Charter of Fundamental Rights, and EU laws passed post-Brexit would apply and have to be followed in the UK. This also includes being subject to EU regulatory bodies, such as the EU Medicines Agency. However, the UK would have no say in the making of those new EU laws or representation on EU bodies. During the transition period the UK would also remain subject to the jurisdiction of the Court of Justice of the European Union.

**Treaty**
An agreement made under international law between countries or international organisations. A treaty is a bit like a contract, both sides agree to abide by certain terms and conditions and if either side breaks the deal they can be held liable. The Lisbon Treaty (see separate entry) is the international agreement that forms the constitutional basis, or the main principles, for the EU.

**TTIP**
Transatlantic Trade and Investment Partnership: a proposed trade agreement between the European Union and the United States. The deal was put on hold by the US shortly after the election of Donald Trump as US President.

---

**UK Parliament**
See entry for Westminster Parliament below.

**United Kingdom’s Union**
This refers to the union between Scotland, England, Wales and Northern Ireland. The four Nations which make up the UK. Each has its own legal system. In areas of sport the Nations compete as separate entities.

**Unity Post-Brexit**
This phrase is used in a number of contexts by EU leaders in relation to the EU. The remaining 27 member states have taken a constant and consistent approach to negotiations with the UK. They published guidance on their position regularly and were transparent about how they proposed to negotiate.

This phrase has also been used by UK politicians seeking to unite the population of the UK following the fractious campaigning and debates surrounding the negotiations and proposals to leave the EU.
In her letter to the Nation explaining her Brexit deal then then Prime Minister Teresa May said:

On 29 March next year, the United Kingdom will leave the European Union. We will then begin a new chapter in our national life. I want that to be a moment of renewal and reconciliation for our whole country. It must mark the point when we put aside the labels of ‘Leave’ and ‘Remain’ for good and we come together again as one people. To do that we need to get on with Brexit now by getting behind this deal.

The full text of the letter can be found at: https://www.gov.uk/government/publications/pm-letter-to-the-nation-24-november-2018

W

Winston Churchill
Winston Churchill, a former army officer, war reporter and British Prime Minister (1940-45 and 1951-55), was one of the first to call for the creation of a ‘United States of Europe’. Following the Second World War, he was convinced that only a united Europe could guarantee peace. His aim was to eliminate the European ills of nationalism and war-mongering once and for all.

Withdrawal
A term used in relation to the UK’s withdrawal from the EU. This may be by negotiation or as a soft Brexit (see above) or a hard Brexit (see above).

Withdrawal Agreement
This represents the agreement reached between UK Government and EU Negotiators on 14 November 2018. This relates to the entirety of the Withdrawal Agreement and also includes a political declaration on the future EU-UK relationship. It was adopted (ratified) by the European Council on 11 January 2019 but remains to be ratified by the UK Parliament.
The Withdrawal Agreement establishes the terms of the UK's withdrawal from the EU. It ensures that the withdrawal will happen in an orderly manner, and offers legal certainty once the Treaties and EU law will cease to apply to the UK.


**Westminster Parliament (also referred to as the UK Parliament)**

The UK Parliament is based in London at the Palace of Westminster but which is commonly known as the Houses of Parliament or Westminster Parliament.

The UK (Westminster) Parliament is bi-cameral but is in fact made up of three parts - the Crown, the House of Commons and the House of Lords. The main functions of the UK Parliament are:

- Scrutiny (checking and challenging the work of the UK Government)
- Legislation (making, amending and changing the law)
- Debating (the important issues of the day such as Brexit)
- Finance (checking and approving UK Government spending)

This work takes place in both Houses of Parliament.

Members of Parliament (MPs) sit in the House of Commons. They are directly and democratically elected. The UK public elects MPs to represent their interests and concerns in the House of Commons. The political parity with the majority of MPs forms the UK Government.

The House of Lords is the second chamber of the UK Parliament. Members of the House of Lords share the task of scrutiny, legislation, debating and finance with the House of Commons. It is however independent from the elected House of Commons. Members of the House of Lords are known as Life Peers (92 sit by virtue of hereditary title). Life Peers are appointed by the monarch on the advice of the UK Prime Minister to serve for their life; the title is not transferable.

A Parliament is also the period of parliamentary time between one general election and the next. More information can be found at: [https://www.parliament.uk/](https://www.parliament.uk/)

See also sovereignty above.

**White paper: UK Parliament**

A white paper is a report produced by the UK Government outlining how it is going to approach a particular issue. The UK Government published a white paper on the UK's future relationship with the EU in July 2018 in which it spelled out its proposals for free trade with Europe, new arrangements for financial services, like banking, as well as plans to allow trade to continue to flow between Ireland and Northern Ireland.

**World Trade Organisation**

The World Trade Organization (WTO) is a global international organization dealing with the rules of trade between nation states. As a trading organisations at its core are the WTO agreements (sometimes called WTO rules). These are negotiated and signed by the bulk of the world’s trading nations and ratified in their parliaments. The goal of the WTO is to ensure that trade flows as smoothly, predictably and freely as possible.

If states do not have free-trade agreements between each other, they usually trade with each other under rules set by the WTO under which each country sets tariffs - or taxes - on goods entering. For example, cars passing from non-EU countries to the EU are charged 10% of their value. But tariffs on some agricultural products are much higher - dairy
averages more than 35%. If after leaving the EU the UK chooses to put no tariffs on goods from the EU, it must also have no tariffs on goods from every WTO member and vice versa.

More information can be found at: https://www.wto.org/

**X**

**Xenophobia**
A term sometimes used in Brexit debates. It has a general meaning of dislike of or prejudice against people from other places. For example, other nation states.

**Y**

**Youth (Vote to Remain, Backlash)**
Remain support was high among 18-35 year but the turnout of that group in the referendum was low (see EU referendum analysis at http://www.referendumanalysis.eu/). This is the group most likely to be impacted upon by Brexit in the longer term

**Z**

**Zero Hour (11pm, 29th March 2019)**
This is the date at which the UK will leave the EU either with an agreed deal or with no deal unless the period of notice under Article 50 is extended. 
The full text of the letter sent by the then UK Prime Minister Teresa May triggering Article 50 on 29 March 2018 can be found at: https://www.gov.uk/government/publications/prime-ministers-letter-to-donald-tusk-triggering-article-50
Additional Resources

Brexit Pages

- The UK Parliament information can be found at: https://www.parliament.uk/brexit
- The Scottish Parliament information can be found at: https://www.parliament.scot/parliamentarybusiness/CurrentCommittees/101103.aspx
- The National Assembly for Wales information can be found at: http://www.assembly.wales/en/newhome/Pages/Brexit-and-Wales.aspx
- The Northern Ireland Assembly information can be found at: http://www.niassembly.gov.uk/assembly-business/brexit-brief/
- EU Commission information can be found at: https://ec.europa.eu/info/brexit_en
  And https://ec.europa.eu/commission/brexit-negotiations_en

Glossaries of terms

- UK (Westminster) parliamentary terms can be found at: https://www.parliament.uk/site-information/glossary/?letter=A
- Scottish Parliament terms can be found at: https://www.parliament.scot/help/769.aspx
- National Assembly for Wales (Welsh Parliament from 2021) can be found at: https://www.assembly.wales/en/help/Pages/glossary.aspx (and in Welsh at: http://education.niassembly.gov.uk/post_16/glossary
- Northern Ireland Assembly can be found at: http://education.niassembly.gov.uk/post_16/glossary
- An EU glossary can be found at: https://europa.eu/european-union/documents-publications/language-and-terminology_en

Other

- Withdrawal Agreement texts with relation to Gibraltar can be found at: https://www.gibraltar.gov.gi/

- Documents published by the European Commission as part of their commitment to transparency on the negotiations over Article 50 with the UK Government can be found at: https://ec.europa.eu/commission/brexit-negotiations/negotiating-documents-article-50-negotiations-united-kingdom_en

- Notices issued in planning for the UK’s exit without a deal. The UK Notices can be found at: https://www.gov.uk/government/collections/how-to-prepare-if-the-uk-leaves-the-eu-with-no-deal
  The EU notices can be found at: https://ec.europa.eu/info/brexit/brexit-preparedness_en

- European Parliament Briefing Article 50 TEU: Withdrawal of a Member State from the EU

For more information please contact citizenship-governance@open.ac.uk