

Brexit case to be heard at Court of Session on Tuesday

The Court of Session in Edinburgh will tomorrow hear that Boris Johnson's actions to shut down parliament are 'unconstitutional and unlawful'.

The Cherry case to prevent the PM's attempt to shut down Parliament will return to court on Tuesday 3 September 2019. The petitioners will say that it is unconstitutional for the Prime Minister to deny sufficient time for parliamentary consideration of Brexit. Today in court Lord Doherty said parties must return to court for the arranged hearing to address him.

Cherry v The Advocate General for Scotland will be heard in the Court of Session in with a hearing scheduled to start at 10.00am.

Joanna Cherry QC, MP for Edinburgh South West who is the lead petitioner in the case said: "I'm proud to be the lead petitioner in this action backed by Jolyon Maugham QC and the Good Law Project; once again cross party working in Scotland is leading the way in the fight against A No Deal Brexit.

"The dogs in the street know the real reason for the suspension of Parliament and it is now clear from statements made in public by Ben Wallace, the Secretary of State for Defence, Jacob Rees-Mogg, the Lord President of the Privy Council, and the Prime Minister himself, that the true intention behind the decision to prorogue Parliament is to prevent Parliament from holding the government to account for its conduct of Brexit preparations and preparations for

Brexit. We think that purpose is unconstitutional and unlawful.

“I believe we have good prospects of success. Although we are in uncharted territory, it is significant that a number of separate legal teams have reached the same view as us and that litigation is proceeding in Northern Ireland and in London.”

Petitioner Ian Murray, Labour MP for Edinburgh South, said: “This court action has been taken because we believe it is unconstitutional for any Minister to deny sufficient time for proper Parliamentary scrutiny of Brexit.

“We are seeking to prevent Boris Johnson proroguing Parliament and riding roughshod over British democracy.

“At the same time, in Parliament we will seek to prevent a catastrophic no-deal Brexit, and I urge Scottish Conservative MPs in particular to put the country before their party.”