

Court of Session rejects application to stop prorogation

Lord Doherty at the Court of Session in Edinburgh has handed down his decision this morning in the petition by Joanna Cherry QC MP and 70+ other politicians.

He has decided that the action by Prime Minister Boris Johnson to prorogue Parliament from 9 September 2019 is not unlawful. The action sought a decision that the government had acted unlawfully.

The petitioners say they will appeal.

Seems we have lost [#CherryCase](#) to stop [#prorogation](#) at 1st instance. Judge rules court can't review exercise of prerogative power to [#prorogue](#). We think he's erred in law on this point & others & will seek to appeal immediately [#Brexit](#) [#StopTheCoup](#)

– Joanna Cherry QC MP (@joannaccherry) [September 4, 2019](#)

Petitioner Ian Murray, Labour MP for Edinburgh South, said: “The fight against Boris Johnson’s assault on democracy and his plan to crash the UK out of the EU goes on. “There will be an appeal on this ruling, and there is another court case taking place in England.

“But the main battle is currently in Parliament, where the Prime Minister has lost his majority and does not have the support of the House for his dangerous plan to impose a no-deal Brexit on the country.

“We have wrested control of parliamentary business and will attempt to pass a law that makes a no deal Brexit illegal. We will also fight to secure a final say for the people of the UK on Brexit and we must campaign to remain in the EU.”

Jolyon Maugham QC who is also a petitioner said : “The idea that if the PM suspends Parliament the Court can’t get involved looses some ugly demons. If he can do it for 34 days, why not 34 weeks, or 34 months? Where does this political power end?

“It’s not the law, as I understand it.

“Yesterday’s hearing was always going to be a bit of a pre season friendly. We’re now focused on the Inner House, hopefully later this week, and then the Supreme Court on 17 September.”

Scottish Greens Co-Leader Patrick Harvie MSP said: “The decision of the court leaves open the possibility that a Prime Minister could prorogue parliament indefinitely, and that there is no recourse to challenge this misuse of power.

“It’s clear that the UK’s unwritten constitution is not fit for purpose, and that’s why Greens have repeatedly said that an independent Scotland must adopt a written constitution which clearly lays out powers and responsibilities.

“In the meantime, I would urge the petitioners to explore every possible avenue for an appeal against this ruling. UK politics is currently in crisis and it is vital that parliament uses all its leverage to control Johnson’s menacing regime.”