Britain votes OUT!

On Thursday 23rd of June, in a momentous declaration of independence, a majority of British voters decided in the referendum that the UK should leave the European Union. What was a simple choice between “In” or “Out” on one single question will now lead to a multitude of further “In/Out” decisions on individual laws.

A huge raft of laws, regulations, directives and case decisions which have emanated from the EU make up a large part of current UK law. They reach across industry sectors, they affect how central and local government behave and interact with the British population, they cover how employers treat their workers, and what rights employees have, they set out the standards with which businesses must comply and extend to many other significant areas of life.

The question now is – which of all that existing EU-inspired law will be thrown on the bonfire and which will be kept? And when new laws are made in the EU in the future, will UK automatically reject them? Or do we only adopt those we approve? And who makes these choices for us?

There are dangers in UK law becoming divergent from EU law. The UK has spent 40 years harmonising law in a vast number of areas in order to benefit from the single market. Some of this, no doubt, has been the very reason that voters wished to leave the EU. Nonetheless, divergent law creates barriers to trade on its own. The argument for Brexit was not so much an argument against being part of the “single market”, but more an argument over the tendency of the EU to over-regulate. But the more our law diverges from the EU the more difficult trading with Europe will become.
And are much cherished rights to be thrown away too? Take some obvious examples from employment law: employment rights concerning maximum hours of the working week, parental leave, minimum annual leave etc. all emanated from the EU. If your elected politicians decide that these rights are tainted by their EU origin and should be withdrawn or diluted, is this really what Brexiteers voted for?

Inevitably, we will see some political show of strength after the Brexit vote – a demonstration that the UK can "take back control" and justification for doing so will be claimed on the basis that this is what a majority of voters in the referendum wanted. The risk is that this onslaught of legislative reform will extend far beyond what Brexit voters really intended.

Throughout this phase, our aim as a law firm will be to keep our clients informed of the key legislative changes that affect their businesses as the UK seeks in the years ahead to redefine its commercial, economic and political standing in the world.

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