

Determining the Matter: Statutory Interpretation and Devolved Legislation



Speaker: Denis Edwards

Date: Wednesday, 11 May 2022 - 6 - 7pm

Venue: Online or in person at UCL Faculty of Law, Bentham House, 4-8 Endsleigh Gardens, London WC1H 0EG

Cost: This event is free to attend

It took some time after the UK's devolution legislation was enacted at the end of the 1990s for the courts to become involved in construing what it meant for the limits on devolved legislative competence. Before Brexit, there were only a handful of decisions concerning the limits on devolved legislative competence and even fewer on problems raised by the interaction of legislation enacted by a devolved legislature and Westminster. Since Brexit, the courts have had to grapple with these constitutional questions more often, with several cases considering competing competence in EU and international matters.

The Supreme Court's recent decision in the Rights of the Child Reference [2021] UKSC 42, on the lawfulness of the Scottish Parliament's bill to incorporate the UN Convention on the Rights of the Child into Scots law, raises important questions about the construction of both devolved legislation and Westminster legislation. While the Scottish Parliament may be coordinate with Westminster in most areas, it is certainly not equal.

There is now a need for constitutional balance between the devolved legislatures and Westminster which the existing constitutional design means that only rules of statutory interpretation can provide.

Denis Edwards is vice chairman of the Statute Law Society. He is a Barrister (Middle Temple) and Advocate, co-author of Clyde & Edwards on Judicial Review and practises in public law, tax law and retained EU law.

Denis Edwards is vice chairman of the Statute Law Society. He is a Barrister (Middle Temple) and Advocate, co-author of Clyde & Edwards on Judicial Review and practises in public law, tax law and retained EU law.