



***PROTECTING THE RIGHTS OF INDIVIDUALS  
IN A POST-REFERENDUM UNITED KINGDOM***

***BREXIT: LEGAL SERVICES TO HELP YOU PREPARE***

**doughty street chambers**





The United Kingdom is to leave the European Union, and Brexit, we are told, means Brexit.

Prime Minister Theresa May's Government may or may not invoke Article 50 by March 2017, either with or without consulting Parliament, commencing a two-year period of negotiation. We may or may not see a Great Repeal Bill making it on to the statute book, ending the supremacy of EU law in the UK. The UK may or may not retain access to the single market. We may or may not retain freedom of movement, and immigration to the UK may or may not be drastically reduced. Further devolution, or indeed independence, may again be on the agenda by constituent parts of the UK - or, of course, it may not.

It seems the only certainty arising from the result of last June's referendum is uncertainty.

Conversations across the UK and Europe, and indeed the world, are focusing on the financial and economic ramifications of Brexit. But what does Brexit mean for our constitutional settlement, for human rights, equality, and social justice?

Political and policy uncertainty does not mean that plans should not be made for a post-Brexit future. And as those in Brussels, Whitehall, and beyond unpick the legal implications of Brexit for them, its likely raft of unintended consequences will need resolution. The impact will stretch beyond politics to businesses, but - most importantly - also to families, individuals, public service providers and many others.

The barristers of Doughty Street Chambers are anticipating those consequences and, as always, are devising creative solutions for our clients. Our firmly held view is that **BREXIT IS ABOUT PEOPLE, NOT JUST POLICY AND POLITICS**. We are on hand to provide you with advice on the law, as well as creative litigation strategies and advocacy in the UK and European courts and tribunals for those wishing to assert their rights, and also by engaging with legislators and those who set regulations and policy. We can help you understand and act on what Brexit means for you or your organisation.

## About Us

Founded in 1990, Doughty Street Chambers comprises over 130 barristers – independent lawyers and specialist courtroom advocates – who have a truly national and international profile across our wide range of practice in criminal law, civil law, administrative and public law, international law, and human rights. Many of our cases engage issues of equality, rights and freedoms, and civil liberties. All our barristers are qualified in England and Wales, with many of them also called to the Northern Irish, Scottish and Irish Bars, as well as Bars of the Commonwealth and elsewhere.

In addition, our panel of Associate Tenants has experience of overseas jurisdictions, and our panel of legal academics are amongst the world's leading authorities and experts on international law.

Our key strength lies in a multi-disciplinary approach to consultancy and casework. With diverse specialists working alongside each other, our barristers work together to offer our clients a view on every angle of their case.

## Where our experience meets Brexit

The protection and development of **HUMAN RIGHTS AND CIVIL LIBERTIES** is at the heart of the work we do at Doughty Street Chambers, and crosses all our areas of practice. Commitment to this has always been our guiding principle, and we are proud that the cases we have devised and appeared in have regularly changed the law for the benefit of individuals.

Our experts recently supplied evidence to the UK Parliament's Joint Committee on Human Rights inquiry into Brexit, highlighting key areas of concern including the risks to protections afforded by the EU Charter such as **DATA PROTECTION AND PRIVACY, EQUALITY, CHILDREN'S RIGHTS** and **ENVIRONMENTAL RIGHTS**. The Parliamentary JCHR has subsequently urged the Government not to use fundamental rights as bargaining chips in Brexit negotiations.

Our evidence to the JCHR highlighted the implications of the loss of EU citizenship with a particular focus on the circumstances of the devolved nations and British Overseas Territories and Crown Dependencies; our team has been working extensively on the impact of Brexit on **SMALL STATES**, and on **CONSTITUTIONAL LAW** issues and **DEVOLUTION**. Our experts have also advised not for profit organisations on the implications of Brexit for individuals, and MEPs within the European Parliament on the potential implications of Brexit for human rights protection in Northern Ireland, and the inter-relationship between Brexit and proposals to repeal the Human Rights Act 1998.

The potential implications of Brexit for **EMPLOYMENT LAW** are also huge. Many rights presently enjoyed by workers in the UK are EU derived, including annual holiday entitlements, limits on working hours, preservation of rights on transfer of undertakings, rights of part-time workers and those on fixed-term contracts. It is far from clear that workers will not lose out on these rights in Brexit negotiations, and if they do, workers may wish to ask the UK's domestic courts to try and fill the gaps. Our team also houses experts in **DISCRIMINATION LAW** who are live to the potential significant effects of Brexit in both employment and non-employment discrimination cases. Those who suffer discrimination in the UK have hitherto benefitted from definitions derived from EU law and EU judicial interpretation. Post-Brexit it remains to be seen whether current protections from discrimination will survive domestically.

Our **IMMIGRATION** barristers have already spoken publically and published on likely immigration models post-Brexit, considering how a points-based system might work for EU migrants, as well as considering acquired rights issues, and wider implications for global mobility. We are also advising on Brexit's potential threats to the progress made in combating **MODERN SLAVERY AND HUMAN TRAFFICKING**, as well as how Brexit may impact on the Reception Directive and the rights of asylum seekers needing support.

Allied to this, our Public Law teams are working on issues concerning the **RIGHTS OF VICTIMS**, which are recognised and protected in EU law, including under the Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime. Our well-known **ANTI-TRAFFICKING** team also helps victims of trafficking who are covered by Directive 2011/36/EU, and we have undertaken extensive work in this area; our experts are considering carefully how far non-EU treaty obligations can step in when the Directive falls away.

EU law is also integral to the provision of public services and the welfare state. Our Public Law team includes **SOCIAL WELFARE, HOUSING AND COMMUNITY CARE** experts whose clients are concerned about how Brexit will change how UK public authorities are run, and the services we receive. Residence rights are currently linked to the receipt of many public services, and we regularly challenge restrictions on accessing public services arising from eligibility decisions made by public authorities.

We also have experience in our **EDUCATION** team of advising higher education establishments who are concerned about access to funding and other EU benefits post-Brexit. We also advise students, who instruct us to bring challenges in cases involving fees and access to higher education, both of which will become acute issues during forthcoming negotiations.

We represent those in cases involving **PROCUREMENT AND PUBLIC CONTRACTS**, who are concerned about whether domestic regulations will continue to be based on EU Directives, and what Invitation to Tender and other requirements may or may not continue regarding the Official Journal.

We have experience of both domestic and international **DATA PROTECTION** laws, and are poised to advise on changes which may be proposed, as well as advise on the potentially extensive changes to freedoms to access information.

The position of European-wide regulation in the **HEALTH SECTOR** is potentially going to change post-Brexit, and our barristers are advising on issues surrounding bioethics and clinical trials. In addition, access to healthcare services may be adversely affected, both for EU citizens in the UK, but also for UK citizens accessing services in the EEA under the terms of Reg 883/2004 and related Directives. We are on hand to bring challenges to any restrictions in accessing healthcare.

The role of London as an arbitration seat post-Brexit is being considered by our **INTERNATIONAL ARBITRATION** team.

Our **CRIMINAL, BUSINESS CRIME AND EXTRADITION** teams are advising clients on how the European Arrest Warrant and mutual legal assistance regimes may operate and how they might be challenged post-Brexit, as well as undertaking research on the effect of Brexit on the Crime (International Co-operation) Act 2003. In addition, we are advising on the impact of Brexit on issues of National Security.

Our **MEDIA** team is considering the potential ramifications of Brexit for journalists and media organisations, including changes to legal protection for reader comments on news websites and whether the EU's General Data Protection Regulation scheme is likely to apply from May 2018, or if not, what is likely to take its place. We also have expertise on surveillance, particularly as to how the Investigatory Powers Act 2016 impacts on journalists.



*“One of the best sets... They have an extremely extensive range of very astute and experienced counsel in crime, civil, human rights, international and administrative and public law.”*

**- Chambers & Partners Guide to the Legal Profession**

## **Contact Us**

Brexit will potentially impact on many aspects of our lives, work and businesses. To learn more about our experience, or discuss how we may be able to help, please get in touch:

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