

The Paris Peace Conference 1919 Remembered... 100 Years on 18 January to 28 June 2019

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CLOSING BULLETIN NO. 1 (OF 3) – 31 October 2019

The Queen and the Law

1. As Fount of Justice ‘...The Queen is careful to ensure that all her activities in her personal capacity are carried out in strict accordance with the law.’
2. The Queen in her public capacity was led into illegality by the advice she received on the prorogation of Parliament. It was not suggested in the appeals before the UK Supreme Court ‘...that Her Majesty was other than obliged by constitutional convention to accept that advice. In the circumstances, we [the 11 justices] express no view on that matter.’
3. The Attorney General, chief legal adviser to the Crown, stated in Parliament on 25 September 2019 (the day after the Supreme Court judgment) that ‘At all times, the Government acted in good faith and in the belief that their approach [to prorogation] was both lawful and constitutional.’ He accepted his role enforces ‘...and intersects a very difficult line between giving [legal] advice of an impartial, and politically impartial, character, and being a political minister...’
4. The Supreme Court, though, found that ‘...the Prime Minister’s action had the effect of frustrating or preventing the constitutional role of Parliament in holding the Government to account.’ It went on: ‘It is impossible for us to conclude, on the evidence which has been put before us, that there was any reason – let alone a good reason – to advise Her Majesty to prorogue Parliament for five weeks... the decision was unlawful.’
5. ‘Acting in good faith’ is not solely a matter of sincerity of viewpoint but must also involve fair dealing. Her Majesty was not dealt with fairly in this instance in ‘advice’ she could not refuse.
6. In this connection it is relevant to disclose the details of a case for a private prosecution of the current Attorney General and his predecessors in 2018 and 2003 for alleged offences under the Perjury Act 1911 in relation to my judicial review proceeding in 2018 highlighting their conflicts of interest. Details at www.directionofconflict.org/closing-bulletins
7. **Recommendation:** To avoid the Sovereign being put in the position of illegality again she should have access to independent legal advice on constitutional and charity law to ensure her personal commitment to acting within the law is also reflected in what she is asked to do publicly.

Sponsor’s Purpose:

To forewarn the public one more time that the world is heading for another Great Power war.

As in 1919, the reason is the failure of political institutions to apply ‘an irenical perspective’ even-handedly. Post-Cold War, the term was first defined in English charity law on 9 October 1998, drawing on a United States case of 1917, and affirmed by the Court of Appeal on 28 June 2000.

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