

Public Endorsements of Criminal Charges Against Senior Government Ministers Delivered to the MET

18 October 2017

Theresa May, David Davis and other senior ministers deliberately misconstrued the advisory nature of the Referendum and disregarded the constitutional requirements for Article 50. As such they are liable to prosecution for the offence of Misconduct in Public Office. The misconduct comprises the mistruths and misdeeds they have undertaken in trying to create the illusion of a legal mandate for taking the UK out of the European Union.

As these are criminal charges, a number of concerned citizens have lodged formal complaints with their local police and directly with the MET, whose Specialist Crime Unit is considering the complaints collectively for possible investigation. A social media group called the Wolchover Action Group had formed to support letter writers and subsequently launched a weeklong campaign to gauge public support and accept endorsements. During the week of 11 to 18 October, 4,291 individuals asked to endorse the complaints, and their letter was delivered today to MET Commissioner Cressida Dick. Engagement was impressive, particularly as the charges require a level of study well beyond the single-question polls and petitions that are largely answered by gut feeling.

The Notice of Withdrawal (NoW) Bill was presented in response to the Supreme Court's ruling that the advisory EU Referendum could not make the decision to leave the European Union. However it failed to include the one thing the Supreme Court said it needed – a withdrawal decision. In presenting the Bill to the Commons, Mr Davis defied the Supreme Court's ruling and falsely claimed that the Referendum had made the withdrawal decision, a lie that precluded Parliamentary debate about the Referendum result. Neither the Referendum result nor the NoW Act provided the constitutionally required decision to leave. Nevertheless, Mrs May used the Act as cover and purported to trigger Article 50, in defiance of the Supreme Court's ruling that a decision to leave requires an Act of Parliament.

Through a variety of submissions and statements it's clear that Theresa May, David Davis and others in Government have been in no doubt about the advisory nature of the referendum, the meaning and implication of the Supreme Court ruling, and the fact that the Notice of Withdrawal Act did not make the withdrawal decision.

David Wolchover is a London barrister who has written extensively and authoritatively on the subject of this Misconduct in Public Office. He has published articles about it in the Criminal Law and Justice Weekly, Counsel Magazine and New Law Journal. Note that whilst we have borrowed the Wolchover moniker for our Group's name, David Wolchover himself remains independent of our actions. He is aware of the group but is neither a patron nor involved in the organisation of this initiative. For more information, readers can visit the group's website at <https://www.stopbrexitmisconduct.org.uk/>