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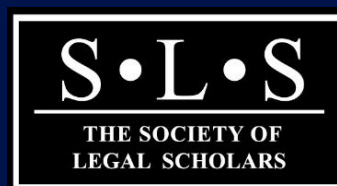
CONSTITUTIONS RIGHTS AND JUSTICE

RESEARCH GROUP

The Legacy of Brexit and the Changing Political
Landscape: The Impact on Public Law and
Constitutional Challenges

25 - 26th June 2026

An Event Funded by



About the University of Worcester School of Law

At the School of Law we aim to produce high calibre Law graduates, equipped with a good grasp of substantive legal subjects and current legal issues, a questioning mind and the ability to engage in high level problem solving, combined with a strong sense of community engagement and client care. Students have many opportunities throughout their studies to participate in mentoring, work placements and mini pupillages.

About the Constitutions, Rights and Justice Research Group

Constitutions, Rights and Justice is an interdisciplinary research group seeks to foster a collaborative approach regarding how to talk about and conduct research on the nature of constitutions, different categories of rights (i.e., social, political, legal and employment) and the importance of justice in its many forms. This innovative group is based within the Institute of Arts and Humanities at the University of Worcester. It brings together academics at the University and other institutions, legal practitioners and active and retired judges to work together on a myriad of issues and seek scope for collaboration within the wider academy and legal practice.

The group's activity comprises publications, conferences, and research workshops, and public and community engagement. The group also hosts an annual public lecture, delivered by a prominent figure from the rights and justice community.

About the Society of Legal Scholars

The Society of Legal Scholars (SLS) is the learned society for those who teach law in a university or similar institution or who are otherwise engaged in legal scholarship. The SLS has over 2700 members consisting primarily of academic lawyers in the UK and Ireland. The SLS (formerly called The Society of Public Teachers of Law) was founded in 1908 and has charitable status. It is the oldest as well as the largest learned society in the field of law. The Society is the principal representative body for legal academics in the UK as well as one of the larger learned societies in arts, humanities and social science.

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Conference Outline

Thursday 25th June

Time	Location	Detail
10:00	JL Reception & JLG010	Registration & Welcome Refreshments
10:30	JL1005	Welcome & Opening Address
11:00	JL1005 and Courtroom	Panels 1 and 2 (Concurrent)
12:15	JL1005	Keynote 1: The Rt Hon. Baroness Stuart of Edgbaston, Crossbench Peer, former co-chair, 'Vote Leave' Campaign Committee, current Civil Service Commissioner.
13:00	JLG010	Lunch
14:00	JL1005 and Courtroom	Panels 3 and 4 (Concurrent)
15:15	JL1005	Keynote 2: Dr Sylvia de Mars, Reader in Transnational Public Law, Newcastle University
16:00	JLG010	Refreshments
16:30	JL1005	Keynote 3: Prof. Katja Ziegler, Sir Robert Jennings Professor of International Law, Co-Director of the Centre for European Law and Internationalisation, University of Leicester
17:15	Day End	

Friday 26th June

Time	Location	Detail
9:00	JL Reception & JLG010	Registration & Welcome Refreshments
9:30	JL1005	Book Discussion: Gavin Phillipson & Tom Hickman, <i>Constitutional Fracture: How Brexit Revealed Deep Fault-Lines in the British Constitution</i> (BUP, 2027)
11:15	JL1005	Keynote 4: Prof. The Rt Hon. Lord Blunkett of Brightside, Chair in Politics in Practice, University of Sheffield, Labour Peer.
12:00	JLG010	Lunch
13:00	JL1005	Panel 5
14:15	JL1005	Panel 6
15:30	JLG010	Refreshments
16:00	JL1005	Keynote 5: Prof. Aziz Z. Huq, Frank and Bernice J Greenberg Professor of Law, University of Chicago.
16:45	JL1005	Closing Remarks
17:00	Conference End	

Visiting the University

Location

The conference is held at the [University's School of Law, Jenny Lind Building, Farrier St, Worcester, WR1 3BZ](#). This is an in-person conference, so hybrid/online participation is not possible.

Registration

All attendees (with the exception of speakers) *must* sign up to attend the conference via the online booking. Upon arrival, everyone should register at the reception of Jenny Lind Building.

Travel

By train: The nearest station is [Worcester Foregate Street](#), a five-minute walk from the Jenny Lind Building.

By Car: Worcester may be reached from junctions 6 or 7 of the M5. Follow signs to the University's City Centre campus, and thereafter to '[The Hive](#)' (the University's library). The Jenny Lind Building is a very short walk from The Hive, and there is ample public parking in the area.

Accommodation

There are a number of hotels close to the Jenny Lind Building offering a range of rooms including single, twin, double and king size standard or premier options.

Below is a suggested list of hotels in Worcester. Hotels are expected to cost between £70 and £140 per night. Conference attendees are encouraged to check hotel reviews before booking.

Hotel	Approximate distance from Conference	Approximate price per night (based on standard double room)
Premier Inn (Worcester City Centre)	0.4 miles	£90 to £120
Travelodge Worcester	0.5 miles	£70 to £96
Worcester Whitehouse Hotel	0.1 miles	£100 to £120
Upstairs at 33	0.3 miles	£95 to £125
Premier Inn (Worcester M5, Jct6)	3.4 miles	£90 to £140

Please note: The information is current at time of creation of this document. Please do access the listings own webpage for current information.

Refreshments and Cloakroom

Refreshments can be found in JLG010. There is a locked cloakroom to store suitcases and coats during the daytime (JLG002). Please be aware we cannot guarantee full security of your bags left in this cloakroom so please keep all personal belonging with you at all times.

Photography and Social Media

Photography will be taking place throughout the Conference. All speakers will be asked to sign a photo consent form during registration. Photos from the Conference may be shared on social media platforms and website belonging to the University of Worcester and the Society of Legal Scholars.

Accessibility

The conference will take place at the University of Worcester's Jenny Lind Building. Details regarding accessibility in this building can be found on AccessAble [here](#).

About the Conference

Sessions and papers

All conference sessions take place in the School of Law on the first floor in Jenny Lind Building either in JL1005 or in the courtroom.

Paper panels with three speakers will last 1hr15m. Speakers will have 15-20 minutes to present with the remaining time for questions and discussion at the end of the panel.

Keynote speaker sessions will last 45m. Speakers will have 25-30 minutes and there will be at least 15-20 minutes for questions and discussion at the end of the session.

To ensure panels can commence and run smoothly, those that will be presenting using slides or other media should send these to the conference organisers, Chris and Michael, no later than the 24th June 2026. Alternatively, presenters can bring along their media on a USB stick.

Conference Organisers

Dr Chris Monaghan is a Principal Lecturer in Law and the Director of Constitutions, Rights and Justice Research Group. He has published on impeachment, the UK constitution and is a Fellow of the Royal Historical Society. He is currently editing a volume: *Constitutional Actors in the UK Constitution* for Hart Publishing which will be published in June 2026.

e: c.monaghan@worc.ac.uk



Dr Michael Lane is a Lecturer in Law at the University of Worcester. His research is concerned with the relationship between international human rights law and institutions, and domestic legal systems. He is particularly interested in the United Nations bodies, notably the Universal Periodic Review (UPR). His monograph on UPR was released in May 2026 open-access with Bristol University Press.

e: m.lane@worc.ac.uk



Chris and Michael are the co-convenors of the Society of Legal Scholars public law section.

Conference Chairs and Support Staff

Chris and Michael are entirely grateful to their colleagues from the University of Worcester that have assisted in the organisation of the event and will be supporting the event across the two days.



Dr Clare Rhoden is the course administrator for the School of Law.

Clare has played an invaluable part in organising the conference and will continue to assist in its smooth running.



Amy Johnson is a Senior Lecturer in Psychology and Criminology and Programme Leader for Criminology Related Courses.

Amy will be chairing conference panel 1.



Jenny Watkins is a Lecturer in Law in the School of Law.

Jenny will be chairing conference panel 2.



Mwai Daka is a PhD researcher based in the School of Law.

Mwai will be chairing conference panel 3.



Dr Isabel Gilbert is a Lecturer in Criminology and Course Leader of the Undergraduate Criminology programme.

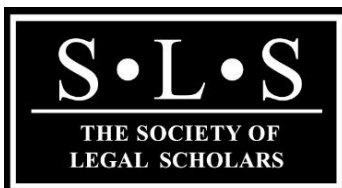
Isabel will be chairing conference panel 4.



Dr Mikahil Azad is a Lecturer in Criminology in the Department of Community, Social Justice, and Health.

Mikahil will be chairing conference panel 5.

The chair for conference panel 6 will be confirmed in due course. Please find the most up to date version of the programme on the conference website for updates.



Acknowledgments

This conference is made possible with funding from the Society of Legal Scholars subject section fund.

The Society of Legal Scholars (SLS) is the learned society for those who teach law in a university or similar institution or who are otherwise engaged in legal scholarship. The SLS has over 2700 members consisting primarily of academic lawyers in the UK and Ireland. The SLS (formerly called The Society of Public Teachers of Law) was founded in 1908 and has charitable status. It is the oldest as well as the largest learned society in the field of law. The Society is the principal representative body for legal academics in the UK as well as one of the larger learned societies in arts, humanities and social science.

For more information about the SLS and details for joining the society, please visit the website: <https://www.legalscholars.ac.uk/>.

Questions

Any questions about the presentations, conference sessions and research, please contact either Dr Chris Monaghan (c.monaghan@worc.ac.uk), or Dr Michael Lane (m.lane@worc.ac.uk).

Any questions about the conference organisation, travel and accommodation please contact the conference administrator, Dr Clare Rhoden, c.rhoden@worc.ac.uk.

Conference Schedule

Day 1: Thursday 25th June

Time	Location	Detail
10:00	JL Reception & JLG010	Registration & Welcome Refreshments
10:30	JL1005	Welcome & Opening Address
11:00	JL1005 and Courtroom	<p>Panel 1 (JL1005):</p> <ol style="list-style-type: none"> 1. Dr Darryn Nyatanga, University of Liverpool, 'Brexit and the Constitutional Absence of England: Revisiting the English Question' 2. Dr Gareth Evans, Swansea University, 'Still Uncooperative Devolution? The Impact of Political Congruence on Constitutional Dialogue after Brexit' 3. Simal Efsane Erdogan, PhD Candidate, King's College London, 'Divergence by Asymmetry: Post-Brexit Public Procurement Law and the Scottish Devolution Settlement' <p><i>Chaired by Amy Johnson, University of Worcester.</i></p> <p>Panel 2 (Courtroom).</p> <ol style="list-style-type: none"> 1. Marco Sciarra, PhD Candidate, Law Department of "Roma Tre" University, 'All unhappy unions are alike: a modest attempt to reframe the debate about Scottish independence in the post-Brexit world' 2. Dr Catriona Mullan, Glasgow Caledonian University, 'The Sheltered Parliament: Brexit, the Scotland Act and the New Legal Constitutionalism' 3. Laura Panades-Estruch, Cayman Islands Law School and University of Liverpool 'Brexit from an offshore perspective: the British Overseas Territories' <p><i>Chaired by Jenny Watkins, University of Worcester.</i></p>
12:15	JL1005	<p>Keynote Speaker: Rt Hon. Baroness Stuart of Edgbaston, Crossbench Peer, former co-chair, 'Vote Leave' Campaign Committee, current Civil Service Commissioner.</p> <p><i>Chaired by Dr Chris Monaghan, University of Worcester.</i></p>

13:00	JLG010	Lunch
14:00	JL1005 and Courtroom	<p>Panel 3 (JL1005)</p> <ol style="list-style-type: none"> 1. Salinla Chiranunthakij, Thammasat University, 'Equality Protection in the Changing UK Constitutional Order: Disability Rights in Comparative Perspective' 2. Dr Eglė Dagilytė & Sohini Preet Alg, Anglia Ruskin University, 'Does 'Eastern European' qualify as a protected 'race' category under section 9(1) of the Equality Act 2010 in the UK?' 3. Emma Rengers, Postdoctoral Researcher, Radboud University Nijmegen, 'Biometric Surveillance in Post-Brexit Artificial Intelligence Regulation: Diverging Interpretations of What a Private Life Requires' <p><i>Chaired by Mwai Daka, University of Worcester.</i></p> <p>Panel 4 (Courtroom):</p> <ol style="list-style-type: none"> 1. Dr Avnish Bhatt, Indian Institute of Technology, 'Brexit and the Limits of Sovereignty: A Comparative Constitutional Inquiry into India–UK Legal Relations' 2. Dr Shalini Bahuguna Bachheti, The ICFAI University Dehradun, 'Brexit as a Stress Test for EU Constitutionalism: The CJEU and National Constitutional Courts' 3. Prof Eric Heinze, QMUL, 'Challenges to the universalist aspirations of constitutional democracy: The example of Brexit' <p><i>Chaired by Dr Isabel Gilbert, University of Worcester.</i></p>
15:15	JL1005	<p>Keynote Speaker: Dr Sylvia de Mars, Reader in Transnational Public Law, Newcastle University.</p> <p><i>Chaired by Dr Michael Lane, University of Worcester</i></p>
16:00	JLG010	Refreshments
16:30	JL1005	<p>Keynote Speaker: Prof. Katja Ziegler, Sir Robert Jennings Professor of International Law, Co-Director of the Centre for European Law and Internationalisation, University of Leicester.</p> <p><i>Chaired by Dr Michael Lane, University of Worcester.</i></p>
17:15	Day End	

Day 2: Friday 26th June 2026

Time	Location	Detail
9:00	JL Reception & JLG010	Registration & Welcome Refreshments
9:30	JL1005	<p>Book Discussion</p> <p>Prof Tom Hickman KC, University College London and Blackstone Chambers, and Prof Gavin Phillipson, University of Bristol.</p> <p><i>Constitutional Fracture: How Brexit Revealed Deep Fault-Lines in the British Constitution</i> (forthcoming BUP, 2027)</p> <p>Discussants:</p> <ul style="list-style-type: none"> • <i>Prof David Howarth, Professor of Law and Public Policy, University of Cambridge</i> • <i>Prof Roger Masterman, Professor of Constitutional Law, Durham Law School</i> • <i>Dr Josie Welsh, Senior Lecturer in Law, Oxford Brookes University</i> <p><i>Chaired by Dr Michael Lane, University of Worcester.</i></p>
11:15	JL1005	<p>Keynote Speaker: Prof. Rt Hon. Lord Blunkett of Brightside, Chair in Politics in Practice, University of Sheffield, Labour Peer.</p> <p><i>Chaired by Dr Chris Monaghan, University of Worcester.</i></p>
12:00	JLG010	Lunch
13:00	JL1005	<p>Panel 5:</p> <ol style="list-style-type: none"> 1. Dr Noel McGuirk, Ulster University, 'Brexit's Legacy on the Island of Ireland: Re-Opening the Irish Question and Planning for Reunification' 2. Emma Vincent Miller, Independent Monitoring Authority for the Citizens' Rights Agreements, 'The role the Court of Justice of the European Union plays in interpreting EU citizens' rights issues in the UK after Brexit' 3. Prof Richard Mullender, Newcastle University, 'Brexit and the European Union: From Broken Dreams to Political Jurisprudence' <p><i>Chaired by Dr Mikahil Azad, University of Worcester.</i></p>

14:15	JL1005	<p>Panel 6:</p> <ol style="list-style-type: none"> 1. Dr Jake Hinks, Wolverhampton University, 'Beyond Elective Dictatorship: Excessive Executive Dominance in the Retained EU Law (Revocation and Reform) Act 2023' 2. Yifan Jia, PhD Candidate, King's College London, 'Post-Brexit Sanctions in the UK: Separation of Powers and Accountability' 3. Weizhi (Arnold) Lai, PhD Candidate, Liverpool Law School, University of Liverpool, 'The Function of the Opposition in Constitutional Change in the Westminster System: Brexit and Beyond' <p><i>Chair TBC.</i></p>
15:30	JLG010	Refreshments
16:00	JL1005	<p>Keynote Speaker: Prof. Aziz Z. Huq, Frank and Bernice J Greenberg Professor of Law, University of Chicago.</p> <p><i>Chaired by Dr Chris Monaghan, University of Worcester.</i></p>
16:45	JL1005	Closing Remarks
17:00	Conference End	

Speakers & Abstracts

Keynote Speakers:

Prof. Rt Hon. Lord Blunkett of Brightside, Chair in Politics in Practice, University of Sheffield, Labour Peer.

Title: Is the Erosion of Regional and Global Institutions, and the Architecture of International Cooperation Inevitable or Can We Restore the Post-War Settlement?

Bio: Lord Blunkett is a Labour Party politician who served as a under the Labour Government of Tony Blair. He has served as the Secretary of State for Education and Employment (1997 – 2001), Home Secretary (2001 – 2004) and the Secretary of State for Work and Pensions (2005). Since being appointed to the House of Lords in 2015, Lord Blunkett has been a member of two select committees: the Citizenship and Civic Engagement Committee (2017 – 2018) and the Justice and Home Affairs Committee (2021 – 2024). Since 2015, Lord Blunkett is also Emeritus Professor of Politics in Practice at the University of Sheffield.

Rt Hon. Baroness Stuart of Edgbaston, Crossbench Peer, former co-chair, 'Vote Leave' Campaign Committee, current Civil Service Commissioner.

Title: In Politics and Public Life - Laws, Rules and Codes Matter

Bio: Baroness Stuart served as a Member of Parliament for Birmingham Edgbaston from 1997 to 2017. During her term, she served as a minister for the Department of Health (1999 – 2001) and was a member of various parliamentary committees, notably the Foreign Affairs Committee (2001 – 2010) and the Defence Committee (2010 – 2015). Baroness Stuart has sat as a Crossbench peer of the House of Lords since 2017 and was chair of the 'Vote Leave' Campaign Committee (2015 – 2016). Since 2022, Baroness Stuart is the First Civil Service Commissioner, the head of the Civil Service Commission.

Dr Sylvia de Mars, Reader in Transnational Public Law, Newcastle University.

Title: Northern Ireland: The Awkward Constitutional Afterthought

Abstract: Northern Ireland being constitutionally distinct from the remainder of the United Kingdom is not a new development – but an exit from the EU, and particularly the version of it pursued in the UK, drove new cleavages into the bespoke constitutional settlement that the 1998 Belfast/Good Friday Agreement painstakingly achieved. This paper will discuss how Westminster's failure to foresee or properly address those cleavages, both politically and legally, has left us with 10 years of bargaining with the EU for the sake of patch-job compromises in order to keep Northern Ireland's political parties 'on board' with Brexit. It will highlight that the current compromise settlement, the Windsor Framework, has wrought lasting consequences that at the end of the day

leave nobody in Northern Ireland completely satisfied, and neither completely in nor out of the EU.

Prof. Aziz Z. Huq, Frank and Bernice J Greenberg Professor of Law, University of Chicago.

Title: Legality and What Follows It

Abstract: The United States is going through an avulsive change of legal ordering. This lecture offers first a theorized account of that change as an intentional move away from legality as such. This draws on Ernst Fraenkel's model of the dual state and Max Weber's concept of patrimonialism. The lecture then endeavours to characterize the challenges that would be confronted were there to be a subsequent regime installed that endeavoured to restore a liberal and uniform kind of legality. Such a transition, it contends, would confront a range of dispositional, trust, and institutional deficits, as well as 'holdover nodes' of concentrated economic and political authority intent on thwarting such a transition. Without hubristically offering a simple template for resolving these weighty challenges, the lecture starts to sketch some possible approaches to these dilemmas.

Prof. Katja Ziegler, Sir Robert Jennings Professor of International Law, Co-Director of the Centre for European Law and Internationalisation, University of Leicester.

Title: Human Rights Protection in the UK post-Brexit: Resilience or Fragility?

Abstract: This paper examines the changing landscape of human rights protection in the United Kingdom after Brexit through the lens of post-Brexit constitutionalism. It explores the implications of the UK Supreme Court's decision in *Dillon* alongside contemporary debates concerning the future of the European Convention on Human Rights (ECHR), particularly in the context of migration and the Chişinău Declaration of May 2026. The paper asks whether the post-Brexit constitutional order demonstrates resilience through the continued operation of judicial oversight and international legal constraints, or whether it instead exposes the growing fragility and fragmentation of human rights protection in the UK.

Book Discussion

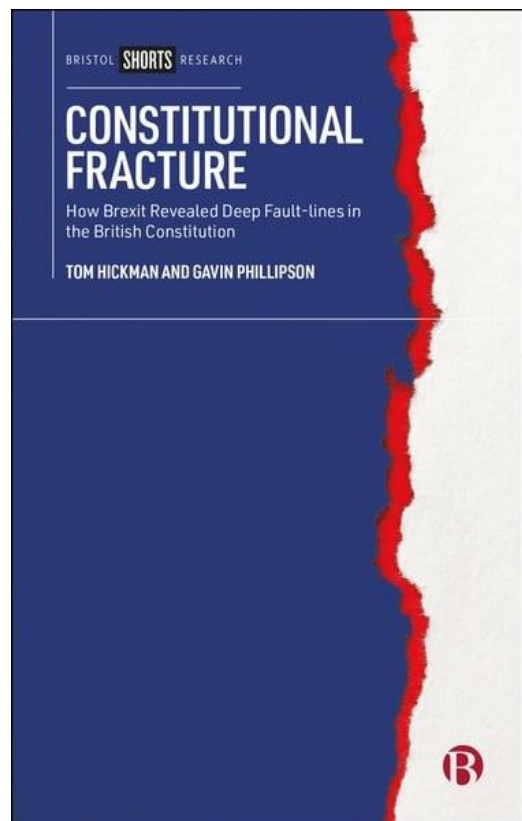
With Prof. Tom Hickman KC, University College London, and Prof. Gavin Phillipson, University of Bristol, to discuss their forthcoming book, *Constitutional Fracture: How Brexit Revealed Deep Fault-Lines in the British Constitution* (Bristol University Press, 2027).

Abstract:

This book presents cutting-edge analysis of one of the most significant constitutional crises in recent British history: the prolonged and intense struggle between government and parliament for control over Brexit. It argues the crisis was very largely caused by the emergence of an Executive-centric approach to governance it dubs 'Whitehall Plus', and the strong parliamentary-push back it both provoked and responded to. The book shows how the crisis exposed and widened deep fault-lines running through core doctrines and practices of the British constitution – profound disagreements long held unresolved and in abeyance, but which exploded into high-octane conflict during the period.

Discussants:

- Prof David Howarth, Professor of Law and Public Policy, University of Cambridge.
- Prof Roger Masterman, Professor of Constitutional Law, Durham Law School.
- Dr Josie Welsh, Senior Lecturer in Law, Oxford Brookes University.



Paper Presenters

Dr Darryn Nyatanga, University of Liverpool

Brexit and the Constitutional Absence of England: Revisiting the English Question

This article re-examines the English Question in light of Brexit and the English Devolution and Community Empowerment Bill (DCEB). It argues that Brexit transformed England's long-standing constitutional absence from a manageable anomaly into a source of acute constitutional strain. With the external disciplines associated with EU membership removed, the United Kingdom's internal asymmetries have been exposed with greater force, revealing how England's lack of distinct institutional representation weakens domestic accountability and complicates the operation of territorial governance.

Through an analysis of the DCEB - the most ambitious attempt yet to rationalise England's subnational governance - the article assesses whether recent reforms move England from administrative delegation toward constitutional accommodation. Applying four constitutional tests identity, entrenchment, fiscal autonomy, and voice - it concludes that while the Bill enhances coherence and makes England's subnational architecture more visible within the Union, it stops short of devolution in any meaningful constitutional sense. England's governance remains derivative of Westminster authority, its institutions empowered yet fiscally dependent, politically included yet constitutionally insecure. The result is a more orderly form of constitutional absence: a settlement that manages England's diversity without providing a collective locus of representation, and that leaves unresolved the deeper question of how the largest nation in the Union can be governed without being constitutionally acknowledged. More fundamentally, it leaves unresolved how the Union can remain stable when its largest constituent nation is governed through undifferentiated state institutions rather than recognised channels of self-government.

Dr Gareth Evans, Swansea University

Still Uncooperative Devolution? The Impact of Political Congruence on Constitutional Dialogue after Brexit

The events of the Brexit process delivered a series of shocks to the territorial constitution and had a direct impact on the devolution settlement. Through political discourse and substantive interventions, such as the UK Internal Market Act 2020, a culture of growing distrust emerged between the devolved governments and Westminster. Scholars have since defined the dynamics of this period as 'uncooperative devolution', characterised by routine disagreement and distrust between the two levels of government. While complex, a contributing factor to this uncooperative dynamic was the existence of political incongruity between the four governments, and the weaknesses of intergovernmental channels to effectively manage disputes.

With this in mind, the return of a new UK Government in 2024 was heralded as an opportunity to reset this relationship and to restore a cooperative dynamic into the territorial constitution. In Wales, the reintroduction of political congruity, with two Labour governments working together, was initially promoted as a way to strengthen the devolution settlement, while also increasing the Welsh Government's influence at the centre. The intervening years have delivered mixed results, with initial evidence suggesting a decrease in the fractiousness of political disagreements, balanced against limited change in constitutional dialogue regarding the devolution settlement.

This paper will investigate the extent to which the introduction of political congruity between the governments in Wales and Westminster has remedied the practice of uncooperative devolution.

Simal Efsane Erdogan, King's College London

Divergence by Asymmetry: Post-Brexit Public Procurement Law and the Scottish Devolution Settlement

One of the central constitutional questions raised by Brexit concerns the internal redistribution of repatriated regulatory competence within the United Kingdom. While Brexit was framed in part as a recovery of parliamentary sovereignty, the extent to which that sovereignty has been shared with devolved institutions remains contested in some aspects. This paper examines post-Brexit legal divergence in public procurement as a case study through which to analyse the practical operation of the devolution settlement and its relationship with parliamentary sovereignty in the post-Brexit constitutional order.

Prior to Brexit, EU procurement directives provided a uniform regulatory framework across the United Kingdom, within which devolved variation had limited practical significance. Their removal has produced a more fragmented picture. England, Wales and Northern Ireland are now governed by the Procurement Act 2023, while Scotland retains a distinct regime grounded in the Procurement Reform (Scotland) Act 2014 and the Public Contracts (Scotland) Regulations 2015. The introduction of the Cross-Border Public Procurement (Miscellaneous Amendment) (Scotland) Regulations 2025 — which clarify the applicable rules where Scottish devolved authorities engage with UK-wide procurement arrangements — illustrates the complexity of managing two coexisting regulatory regimes. The outstanding question of how UK bodies may access Scottish procurement frameworks remains dependent on further Westminster legislation, offering a concrete illustration of the boundaries within which devolved competence operates.

The paper further considers the implications of anticipated EU procurement reform in 2026, given that Scottish procurement legislation remains substantively anchored in the EU directives that this reform is expected to replace. This raises broader questions about Scotland's longer-term regulatory trajectory and the degree to which devolved legislative autonomy can be exercised independently of both Westminster and European

developments. Through this comparative analysis of Scottish, English and EU procurement frameworks, the paper contributes to conference debates concerning the legacy of Brexit for devolution, parliamentary sovereignty, and the evolving mechanics of the UK's constitutional arrangements.

Dr Salinla Chiranunthakij, Thammasat University

Equality Protection in the Changing UK Constitutional Order: Disability Rights in Comparative Perspective

The United Kingdom's withdrawal from the European Union represents a significant constitutional shift in the framework of rights protection, particularly in the field of equality law. Prior to Brexit, the UK legal system was strongly influenced by EU law, including the interpretive authority of the EU Charter of Fundamental Rights and the broader EU equality regime. Following Brexit, however, the Charter was not retained in domestic law, raising questions about the future trajectory of equality protection within the UK constitutional order.

This article examines how equality protection continues to develop in the post-Brexit landscape through domestic legislation, particularly the Equality Act 2010. The Act reflects a commitment to substantive equality by imposing a duty to make reasonable adjustments for disabled persons, requiring institutions to modify existing structures and practices to ensure effective participation. UK case law demonstrates this structural approach. In *Archibald v Fife Council*, the House of Lords recognised that achieving equality for disabled persons may require significant organisational adjustments in employment. Similarly, in *Government Legal Service v Brookes*, the tribunal held that refusing to adapt a situational judgement test for an applicant with Asperger's syndrome constituted disability discrimination.

Thailand's 2017 Constitution guarantees equality and non-discrimination. However, judicial practice has often adopted a formal equality model, highlighting the need for a more transformative approach to address structural barriers within legal institutions.

Dr Eglė Dagilytė & Sohini Preet Alg, Anglia Ruskin University

Does 'Eastern European' qualify as a protected 'race' category under section 9(1) of the Equality Act 2010 in the UK?

In recent research commissioned by the Independent Monitoring Authority (2025), significant proportion of EU citizens surveyed (total sample of 2,268) have reported concerns about equal treatment and non-discrimination, as well as limited ability to exercise their rights to live, travel, work, or access healthcare, state benefits, old-age pensions and education in the UK. Given that post-Brexit rights of EU/EEA nationals are legally guaranteed by the UK-EU Withdrawal Agreement 2020 and the EU Settlement Scheme (EUSS), one would expect that section 9(1) of the UK Equality Act 2010 would protect all EU-nationals who have a settled or pre-settled status, irrespective of their country of origin or ethnicity.

However, recent research illustrates that not all 'Eastern European' nationals with settled or pre-settled status are treated equally in reality, resulting in de facto indirect discrimination, for example, when seeking private rented accommodation (Tomlinson et al, 2022). This is even more problematic in cases of intersectionality (e.g. gender-race) which the Equality Act does not protect (Shahin, 2020).

Building on the Supreme Court's ruling in *Onu v Akwivu* [2016] IRLR 719, and its application by lower courts in later cases involving EU-nationals, this article questions the reach and effectiveness of section 9(1). We make an argument that, despite the formal protection awarded by the law to 'Eastern European' EU-nationals registered under the EUSS, the operation of the broader Hostile Environment – at social, digital, political, media discourse levels – enables de facto racial discrimination for EU-nationals in everyday situations, based on the 'national origin' grounds.

Dr Emma Rengers, Radboud University Nijmegen

Biometric Surveillance in Post-Brexit Artificial Intelligence Regulation: Diverging Interpretations of What a Private Life Requires

Artificial intelligence (AI) regulation is primarily a post-Brexit phenomenon. The European Union (EU) passed the world's first comprehensive AI regulation in 2024, meaning that the United Kingdom (UK) is not bound by it. In its 2023 AI White Paper, the UK Government framed Brexit as an opportunity to create 'a regulatory approach that enables us to establish the UK as an AI superpower.' This regulatory approach consists of non-binding principles for UK regulators, without introducing new statutory powers or duties, differing starkly from the EU AI Act, which introduced prohibitions, detailed legal rules for high-risk AI systems, legal rights for affected persons, new enforcement mechanisms, and sanctions. One of the AI practices prohibited under the EU AI Act is real-time remote biometric identification (such as facial recognition) in public spaces for law enforcement purposes (Art. 5(2)). Recitals 32 and 33 state that such AI systems are 'particularly intrusive' to rights and freedoms, particularly the right to a private life, and must therefore be prohibited, except under exceptional, 'narrowly defined situations.' UK law does not contain such a prohibition, and the UK Court of Appeal held in *Bridges* (2020) that police use of facial recognition technology falls under the common law duty to prevent and detect crime. Since the 2020 judgment, police forces in an ever-expanding list of UK cities have rolled out facial recognition systems in ways which are prohibited in the EU. Post-Brexit, UK public authorities are still bound by Article 8 of the European Convention of Human Rights, yet they seem to interpret the requirements of the right to a private life differently from EU legislators. The result is a discrepancy in rights protection between the UK and the EU.

Marco Sciarra, Law Department of "Roma Tre" University,

All unhappy unions are alike: a modest attempt to reframe the debate about Scottish independence in the post-Brexit world

This paper starts from the assumption that Brexit has completely changed the terms of the political and constitutional debate concerning Scottish independence. In fact, in the current post-Brexit scenario, both the Scottish Government and the SNP continue to support the idea of Scotland leaving the UK and rejoining the EU. This position is based on the view that the two Unions would be “fundamentally different”, and that the EU would be somehow “more respectful” of Scottish sovereignty than the UK. Firstly, this paper argues that – because of this position – the debate about “Scottish independence” should be properly reframed as a stark choice between two political unions: that of the UK or of the EU. Secondly, the paper will also argue that the difference between the two unions is “quantitative” rather than “qualitative”. While it is true that Scotland would enjoy “more sovereignty” inside the EU, it is also true that the EU would be able to bypass Scottish sovereignty in many crucial fields, and many of the arguments put forward by Scottish independentists against the UK could also be made against the EU. Finally, the paper will argue that the Scottish government seems to neglect the real nature of the EU, as a supranational political project.

Dr Catriona Mullan, Glasgow Caledonian University

The Sheltered Parliament: Brexit, the Scotland Act and the New Legal Constitutionalism

Since 2016, the political and legal landscape of devolution to Scotland has been fundamentally altered. Among more headline issues, Brexit brought forth a striking interpretation of parliamentary sovereignty within the devolved context. In the Continuity Bill reference, the UKSC extended parliamentary sovereignty to mean an unqualified ability to legislate. Later case law has crystallised this interpretation: even political qualifications of the British Parliament’s legislative powers are forbidden, as Parliament could be subject to ‘opprobrium’. A broader backdrop to this is the judiciary’s willingness to actively defend parliamentary sovereignty in *Miller II*.

This paper argues that this interpretation represents a new legal constitutionalism. Paradoxically, what is protected in these parchment barriers is the British Parliament. In the negative interpretation of its sovereignty, Parliament is treated like a Ming vase, and Brexit has led to the space for democratic devolved institutions being circumscribed by the judiciary. Upholding Parliament’s ability to legislate when facing material challenges from the executive is one thing; interpreting the Scotland Act to hold that that Parliament cannot be subject to pressure from devolved parliaments is quite another.

Ultimately, what is needed is a new conceptualisation of the territorial constitution, in which the active sovereignty of the British Parliament serves as the backstop – even if using its sovereignty would lead to opprobrium. This is the accountability that the political constitution demands in a multinational context. Brexit’s legacy must not be an over-legalised settlement that unduly narrows the political aspects of the territorial British constitution.

Laura Panades-Estruch, Cayman Islands Law School and University of Liverpool

Brexit from an offshore perspective: the British Overseas Territories

The British Overseas Territories (BOTs) have become an overlooked but key piece of the United Kingdom's constitutional landscape after Brexit. The BOTs are fourteen territories around the world, with a total population of about 250,000. They showcase great diversity, including offshore financial centers, key military bases and sparsely populated areas. Their constitutional ties to the UK have never been clearly defined. However, this has become a more serious issue due to the disruptions caused by Brexit. The urgency to redefine this framework has heightened in recent weeks, especially given the competitive advantages several OTs hold amid growing instability in the Middle East.

This conference communication looks closely at the impact of Brexit on the UK-BOT constitutional relationship over the past decade. It focuses on four main areas: asymmetric frameworks for sovereignty through the Diego Garcia base, human rights in Chagos Archipelago, EU environment funding, and public finance and trade. Using unique access to local stakeholders and sources, thanks to the author's base in the Caribbean, the paper offers a perspective that is mostly missing from current research.

The main findings highlight the urgency to clarify the constitutional arrangements that shape the UK-BOT relationship. The UK needs to offer clear and strong support to BOTs in three areas: sovereign protection, international reputation-building and strategic value recognition. Importantly, this new approach should move away from the remnants of empire, creating a relationship built on true equality and shared vision: not as a continuation of colonialism, but as a genuine partnership among equals."

Dr Avnish Bhatt, Indian Institute of Technology

Brexit and the Limits of Sovereignty: A Comparative Constitutional Inquiry into India–UK Legal Relations

Brexit constitutes a transformative constitutional event that has redefined the United Kingdom's constitutional order, particularly in relation to parliamentary sovereignty, executive power, judicial review, and the status of constitutional conventions. This paper adopts a comparative constitutional perspective to examine the legacy of Brexit and its implications for the evolving constitutional relationship between India and the United Kingdom. By contrasting the UK's uncodified constitutional framework with India's written and supreme Constitution, the study highlights how Brexit has exposed structural tensions within the UK's constitutional system while simultaneously prompting a reassertion of national sovereignty.

The paper analyses key constitutional developments arising from Brexit, including the role of Parliament in treaty withdrawal, the limits of executive authority, and the judiciary's function in safeguarding constitutional principles, with particular reference to the Miller decisions. These developments are comparatively examined alongside India's constitutional jurisprudence on sovereignty, separation of powers, federalism, and judicial review of executive action in matters of international relations. The comparative

analysis reveals both convergence and divergence in how the two constitutional systems negotiate democratic accountability and constitutional restraint in the context of globalization.

Employing a doctrinal and comparative constitutional methodology, the paper argues that Brexit has reshaped the United Kingdom's constitutional identity in ways that carry significant implications for bilateral engagements with India, especially in trade, migration, and regulatory cooperation. It concludes that comparative constitutional insights are essential for understanding how post-Brexit constitutional recalibration in the UK intersects with India's constitutional framework, offering a nuanced foundation for legally sound and democratically accountable India-UK cooperation in an increasingly interconnected constitutional landscape.

Shalini Bahuguna Bachheti, The ICFAI University Dehradun

Brexit as a Stress Test for EU Constitutionalism: The CJEU and National Constitutional Courts

Brexit constitutes a constitutional watershed whose implications extend beyond the United Kingdom, significantly influencing the jurisprudence of the European Union and the evolving relationship between the Court of Justice of the European Union (CJEU) and national constitutional courts. This paper examines Brexit as a catalyst for intensified constitutional identity conflicts within the EU legal order and as a reference point for comparative constitutional discourse in third countries. Rather than treating Brexit solely as a political withdrawal, the study situates it within the broader debate on constitutional pluralism, supremacy of EU law, and judicial authority.

The paper focuses on key technical constitutional issues, including the limits of EU legal supremacy, the scope of constitutional identity under Article 4(2) TEU, and the role of national constitutional courts in reviewing EU acts. It analyses post-Brexit constitutional responses and judicial reasoning in EU Member States, with particular reference to the German Federal Constitutional Court's PSPP judgment, the Polish Constitutional Tribunal's challenges to EU supremacy, and the French Constitutional Council's approach to constitutional identity review. The paper further assesses how Brexit has altered the CJEU's jurisprudential posture regarding integration, autonomy of EU law, and enforcement mechanisms, especially in the context of rule-of-law disputes.

Adopting a doctrinal and comparative methodology, the study evaluates whether Brexit has weakened the authority of the CJEU or has, paradoxically, reinforced its role as the central constitutional arbiter of the EU legal order. It argues that Brexit has accelerated constitutional fragmentation while simultaneously exposing the structural tensions inherent in EU constitutionalism. The paper concludes that Brexit's legacy lies not only in the UK's departure but in its enduring impact on constitutional identity conflicts, judicial dialogue, and the future trajectory of European constitutional governance.

Prof. Eric Heinze, QMUL

Challenges to the universalist aspirations of constitutional democracy: The example of Brexit

Brexit must be understood within a broader account of clashes of rival universalist claims. Rather than interpreting populism as a simple rejection of constitutional norms, Brexit discourses advanced alternative universalisms grounded in national sovereignty, collective identity, and democratic self-rule, directly challenging the universalist commitments of constitutional pluralism and supranational legal order. As the underlying framework suggests, modern political conflict is less about abandoning universal claims than about asserting competing visions of justice and legitimacy.

Brexit rhetoric framed EU integration as an illegitimate constraint on “the people’s will,” casting judicial oversight, minority protections, and transnational governance as obstacles to authentic democracy. In this sense, populist mobilisation did not merely oppose institutions; it redefined democracy itself as majoritarian and territorially bounded. Meanwhile, defenders of constitutional democracy invoked universalist principles of rights, legal continuity, and institutional restraint, thereby intensifying normative polarisation rather than resolving it.

The Brexit process illustrates how populist movements can operate within formal democratic procedures while destabilising constitutional norms such as judicial independence, parliamentary sovereignty in its deliberative sense, and respect for pluralism. The resulting tensions reveal a structural paradox: liberal constitutionalism promises openness and inclusion, yet must exercise exclusionary authority when confronted with movements that claim a rival democratic mandate. By analysing Brexit as a paradigmatic case of populist universalism confronting constitutional universalism, the paper contributes to debates on whether contemporary populism represents democratic decay or a reconfiguration of democratic legitimacy under conditions of competing normative orders.

Dr Noel McGuirk, Ulster University

Brexit’s Legacy on the Island of Ireland: Re-Opening the Irish Question and Planning for Reunification

"This paper argues that Brexit’s most significant constitutional legacy on the island of Ireland has been to re-open the Irish question. While post-Brexit agreements have mitigated some practical trade frictions, Brexit has nonetheless altered the constitutional assumptions that previously sustained the Good Friday Agreement by politicising questions of territory, sovereignty, identity, and external alignment. This reopening renews the need to plan seriously for the possibility of Irish reunification, raising substantial constitutional questions for both the UK and Ireland.

The paper contends that reunification planning cannot be approached as a narrow problem of referendum mechanics or rights catalogues alone. It instead develops a

public-law account of reunification as a constitutional transition that must hold together two imperatives.

First, the constitutional and symbolic: any future settlement must credibly embrace the diversity of identities and cultures on the island, including those who do not locate themselves comfortably within established nationalist/unionist frames. Planning must therefore confront recognition, parity of esteem, institutional accommodation, and the meanings of state symbols and belonging.

Second, the practical and distributive: for many citizens, legitimacy will turn on everyday governance, whether constitutional change improves or disrupts healthcare, welfare, taxation, wages, and local infrastructure, and how the costs of transition are allocated. The paper shows how these 'everyday' concerns become public-law questions of design, accountability, sequencing, and credible commitment. It concludes that meaningful and durable consent depends on integrating constitutional pluralism with a transition architecture that reassures citizens about services, costs, and risk.

Emma Vincent Miller, Independent Monitoring Authority for the Citizens' Rights Agreements

The role the Court of Justice of the European Union plays in interpreting EU citizens' rights issues in the UK after Brexit

Five years on from the end of the Brexit transition period, the author has identified five cases in which a reference for a preliminary ruling to the CJEU under Article 158 WA has been refused by the appellate courts, and one case in which a reference has been made, but is yet to be considered. UK courts have generally felt able to decide matters of interpretation of the Part Two of the WA themselves, resulting in a development within the UK of jurisprudence on EU citizens' rights post Brexit.

With the window for consideration of Part Two of the WA by the CJEU closing, we will have to see whether greater use of the Article 158 power is made by UK courts before it finally shuts. This is of particular relevance to the future application of Article 4(1) WA, which requires that the provisions of the WA and the provisions of Union law made applicable by it produce the "same legal effects" in the UK as within the Union and its Member States. In the absence of guidance from the CJEU on questions of interpretation of Part Two of the WA, is there a risk of divergence between the effects of those provisions as they apply in the UK on the one hand and Member States on the other?

Prof. Richard Mullender, Newcastle University

Brexit and the European Union: From Broken Dreams to Political Jurisprudence

The impulse to idealize was apparent in Brexit (e.g., 'Global Britain'). The same impulse is also apparent in the project of European integration (e.g., 'ever closer union'). In the years since Brexit, ideals (both in the UK and the EU) have come under strain in a European and global context that is less stable and less economically secure. The purpose

of this paper is to examine how the UK and the EU can respond constructively to the circumstances in which they are now situated. To this end, this paper draws on the distinction that Luuk van Middelaar draws between ‘rules-politics’ and ‘events-politics’. It also makes use of the distinction between ideal and non-ideal political theory that has a place in the writings of John Rawls. The respective contributions of van Middelaar and Rawls yield a basis on which to work up an account of political jurisprudence (to take a term from Martin Loughlin) that has relevance to the UK, the EU, and the wider liberal-democratic world. This account of political jurisprudence forges links between events-politics, non-ideal political theory, and prudence. Its prudential orientation means that it holds clues as to how the UK and the EU can seek to sustain liberal democracy in non-ideal circumstances. As well as being prudential in orientation, the account of political jurisprudence this paper offers is pluralist. This means that it affords a basis on which to make constructive responses to an array of social contexts in which talk of broken dreams has gained currency.

Dr Jake Hinks, Wolverhampton University

Beyond Elective Dictatorship: Excessive Executive Dominance in the Retained EU Law (Revocation and Reform) Act 2023

Brexit has not only reshaped the United Kingdom’s constitutional landscape but has also accelerated a deeper and more troubling transformation in the balance of power between the executive and Parliament. This paper argues that the legislative approach adopted throughout the Brexit process reveals a form of executive power that exceeds the long recognised structural dominance embedded within the UK’s fused constitutional model.

Traditional frameworks, most notably Lord Hailsham’s conception of the “elective dictatorship,” no longer adequately capture the extent to which contemporary executive action threatens core constitutional principles.

To address this conceptual shortfall, the paper introduces the notion of excessive executive dominance: a form of dominance that not only controls Parliament but undermines parliamentary accountability, legal certainty, and the rule of law. It proposes a two step test for identifying excessive dominance, assessing both the mechanisms of executive control such as wide delegated powers, Henry VIII clauses, and inadequate scrutiny and their constitutional consequences.

The Retained EU Law (Revocation and Reform) Act 2023 provides a clear illustration of this concept in practice. The Act grants ministers sweeping discretionary powers with minimal parliamentary oversight. In doing so, it exemplifies the broader post Brexit shift towards executive led law-making and the marginalisation of Parliament, highlighting the need to refine our conceptual framework for understanding executive power in the UK constitution.

While the Revocation Act presents a striking example of excessive executive dominance, it is not the first and is unlikely to be the last. Brexit has catalysed legislative style privileging executive discretion and marginalising parliamentary scrutiny.

Yifan Jia, King's College London

Post-Brexit Sanctions in the UK: Separation of Powers and Accountability

Following Brexit, the UK has assumed full responsibility for its own sanctions regime, independent of the EU. This shift has significant constitutional implications, raising questions about the allocation of oversight between Parliament and the judiciary, and the potential risks of executive overreach. This paper examines the UK's post-Brexit sanctions framework, including the Sanctions and Anti-Money Laundering Act 2018, and analyses how parliamentary and judicial mechanisms operate to ensure accountability, transparency, and adherence to the rule of law.

On the parliamentary side, the paper explores legislative authorisation procedures, reporting obligations, and mechanisms of political accountability. This raises questions about how democratic oversight can be strengthened without compromising the government's ability to act swiftly in foreign policy matters. On the judicial side, the paper examines the role and limits of courts in reviewing sanctions decisions, particularly regarding procedural fairness and human rights protections. Cases such as *Kadi* in the EU context illustrate the tension between executive discretion and judicial review. The paper considers how UK courts might navigate similar issues, balancing deference to executive expertise in international affairs with safeguarding individual rights.

Through doctrinal analysis, comparative insights from EU sanctions regimes, and interviews with policymakers and legal practitioners, the paper evaluates the interaction between parliamentary and judicial oversight in practice. This study contributes to ongoing debates on the separation of powers, democratic accountability, and the rule of law in the UK, offering insights relevant for policymakers, legislators, and courts seeking to reconcile the demands of foreign policy with constitutional safeguards.

Weizhi (Arnold) Lai, Liverpool Law School, University of Liverpool,

The Function of the Opposition in Constitutional Change in the Westminster System: Brexit and Beyond

Brexit has placed several fundamental principles of the UK constitution under significant pressure, one of which is the Government's traditional dominance over the legislative process. During the Brexit process, the Official Opposition and backbench Members of Parliament temporarily took control of the order paper, a move that some scholars criticised as usurping the rightful role of the Executive and undermining parliamentary democracy.

This research examines these developments through the lenses of constitutional change, political constitutionalism, and the 'manner and form' theory of parliamentary

sovereignty. It argues that, rather than representing a departure from established constitutional practice, the actions of the Official Opposition remained firmly within the long-standing principle of “responsible opposition”. At the same time, these actions helped facilitate one of the most chaotic and divisive processes of constitutional change in post-war Britain, while remaining fully within the boundaries of the UK’s constitutional framework.

Ultimately, this research seeks to contribute to a developing scholarly consensus that the Official Opposition should be understood as a constitutional institution in its own right—alongside Parliament, the Executive, and the Judiciary. In doing so, it aims to deepen our understanding of the dynamics of the contemporary UK constitution.”””



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