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A tangled web of access to information: reflections on R (on the application of Evans) and another v Her Majesty's Attorney General

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ABSTRACT

The Freedom of Information Act 2000 ('FOIA') came into force on 1 January 2005. It created, for the first time, a statutory right of access to information held by a wide range of public authorities. The right of access extends to all information held, regardless of how old the information is and the format in which it is held, unless one of the absolute exemptions listed in the Act is applicable, or the public interest test for disclosure is not satisfied in respect of a qualified exemption. Significantly, the Act also contains a power of ministerial veto, the effect of which is that orders to disclose information under the Act are rendered ineffective if a minister certifies that they have "reasonable grounds" for having formed the opinion that non-disclosure would not be unlawful. Prior to *R (on the application of Evans) and another v Attorney General*, [\[2\]](#) there was a lack of certainty regarding what constituted 'reasonable grounds' for the issuance of a ministerial certificate. As well as clarifying the threshold for reasonable grounds for issuing a veto, this judgment also engages in a discussion of the relationship between three fundamental constitutional principles: the rule of law, separation of powers and parliamentary sovereignty to determine the extent to which it is legally and constitutionally legitimate for a court exercising powers of judicial review to strike down a Government Minister's decision made under powers granted by Parliament to overturn an independent judicial tribunal's judgment. Thus, the decision is of interest to those seeking to assess its potential contribution to discourse on common law constitutionalism.

1. INTRODUCTION: THE FACTS

In April 2005, Mr Evans, a journalist employed by Guardian News and Media Ltd (The Guardian), sought disclosure of written communications [\[3\]](#) between the Prince of Wales and ministers in seven government departments. The request, made under the Freedom of Information Act (FOIA) 2000, [\[4\]](#) was intended to discover how frequently the Prince of Wales communicated with government ministers and whether he sent 'advocacy correspondence,' that is, attempted to exert influence over government policies. The request was prompted by admissions by the Prince that he interacted with Government ministers in this way in an approved biography published a decade ago. [\[5\]](#) At the time of the request the information sought was the subject of a 'qualified exemption,' that is, the information could only be withheld if the application of a public interest test indicated that the public interest favoured non-disclosure. [\[6\]](#)

Initially, the departments refused to confirm or deny whether the information was held. In response, Mr Evans complained to the Information Commissioner (ICO) who confirmed that the departments were entitled to refuse to disclose the information because, on balance, the public interest favoured non-disclosure. [\[7\]](#)

This prompted Mr Evans to appeal to the First-Tier Tribunal. [\[8\]](#) Due to the constitutional complexity and significance of the case, the First-Tier Tribunal immediately transferred the matter to the Upper Tribunal for determination. On 18th September 2012 the Upper Tribunal allowed the appeal against the Commissioner's decision and ordered disclosure of 'advocacy correspondence,' on the ground that it would be in the public interest for there to be transparency as to how and when Prince Charles sought to influence government, but made it clear that the ruling did not extend to disclosure of correspondence which was of a personal nature or which otherwise fell within the category of communications which by convention was regarded as part of his 'preparation for kingship.' [\[9\]](#)

Significantly, the government departments concerned did not appeal this decision to the Court of Appeal. Instead, on 16th October 2012, the Attorney General, [\[10\]](#) exercised the power of ministerial veto, that is, issued a section 53 signed certificate that he believed he had on reasonable grounds formed the opinion that the Departments had been entitled to refuse to disclose the letters. The Attorney-General's justification for issuing the veto was premised on a belief that disclosure of the letters would have undermined public confidence in Charles's capacity to serve as monarch, given that strongly held views in the letters might cause people to question his political neutrality. [\[11\]](#)

This prompted Evans to seek a judicial review of the Attorney General's decision. [\[12\]](#) He was unsuccessful; the Administrative Court held that the use of the executive power had been lawful on the basis that releasing the letters could damage Prince Charles's role as future King, but expressed 'troublesome concerns' [\[13\]](#) about the power of a minister to override a judge-made decision, which was described by Judge LCJ as a 'constitutional aberration' [\[14\]](#) because it allowed the executive to reverse a judicial decision in a manner clearly at odds with the doctrine of the separation of powers.

Thereafter, Mr Evans appealed to the Court of Appeal contending the Attorney General did not have reasonable grounds for issuing the certificate under section 53(2) of the FOIA 2000. The Court of Appeal ruled [\[15\]](#) that it was not reasonable for the Attorney General to issue a certificate merely because he disagreed with the decision of the Upper Tribunal. Something more was required. Examples of what would suffice were a material change of circumstances since the decision or that the decision was demonstrably flawed in fact or in law. [\[16\]](#) Accordingly, it quashed the certificate. The Attorney General responded by appealing to the Supreme Court.

2. THE SUPREME COURT JUDGMENT

Thus, a decade after the journalist made his request for information the case finally reached the Supreme Court where it was heard by seven justices who had to determine whether the certificate issued by the Attorney General under section 53(2) FOIA 2000 vetoing the Upper Tribunal's order that the correspondence should be disclosed was valid. This involved consideration of the correct interpretation and application of s 53 (2) of the FOIA 2000, which states:

'A decision notice or enforcement notice to which this section applies shall cease to have effect if, not later than the twentieth working day following the effective date, the accountable person in relation to that authority gives the Commissioner a certificate signed by him stating that he has *on reasonable grounds* formed the opinion that, in respect of the request or requests concerned, there was no failure falling within subsection.' (Emphasis added)

The Supreme Court held by a 5:2 majority that the ministerial certificate issued by the Attorney General was invalid, ruling that a minister could not veto a decision of the Upper Tribunal merely because having considered the same facts and arguments, the minister came to a different view. However, there was a split among the five justices regarding the reasons for the certificate being invalid, with three using high level constitutional principles whilst two relied upon administrative principles.

2.1 CONSTITUTIONAL APPROACH

Lord Neuberger (with whom Lords Kerr and Reed agreed) framed the issue regarding the validity of the Attorney General's Certificate in constitutional law terms and drew upon constitutional law principles to construe the veto power narrowly. He observed that a statutory provision that entitled a member of the executive to overrule a judicial decision merely because they do not agree with it 'would be unique...[because it would]...cut across two constitutional principles which are also fundamental components of the rule of law.' [17] The first principle, is that, subject to being overruled by a higher court or a statute court decisions are 'binding as between the parties, and cannot be ignored or set aside by anyone including (indeed it may fairly be said, least of all) the executive.' [18] The second principle is that decisions and actions of the executive are 'reviewable by the court at the suit of an interested citizen,' [19] but not vice versa. He invoked the House of Lords' seminal judgment in *Anisminic v Foreign Compensation Commission* [20] to shape the view that if a minister could use the veto power merely because they disagreed with a Tribunal decision, this would 'stand on its head' the principle that the Executive are subject to the rule of law, and concomitantly, executive actions are amenable to judicial review.

However, another fundamental constitutional principle is parliamentary sovereignty, and such a power appears to be what parliament provided for in section 53. Lord Neuberger countered this by invoking the constitutional principle of legality, ruling that if Parliament intends to permit the executive to challenge fundamental constitutional principles by granting ministers power to override a judicial decision merely because they disagree with that decision, it must 'squarely confront what it is doing' [21] and make its intentions 'crystal clear.' [22]

In the absence of such a parliamentary intention he advocated a restrictive interpretation, of the phrase 'reasonable grounds.' He referred with approval to, *Jackson v Attorney General*, [23] *ex parte Simms*, [24] *Axa General Insurance Ltd v HM Advocate* [25] and cited Lord Steyn in *R v Secretary of State for the Home Department, ex parte Pierson* '[u]nless there is the clearest provision to the contrary, Parliament must be presumed not to legislate contrary to the rule of law' [26] to illustrate that the common law principle of legality, which holds that only clear and specific words can be used to legislate contrary to fundamental constitutional rights, should be used to guide the statutory interpretation.

This led him to endorse the view advanced by Lord Dyson MR in the Court of Appeal [27] that 'reasonable grounds' to issue the certificate would necessitate a 'material change of circumstances' [28] since the Tribunal decision was taken, or matters come to light that the decision is 'demonstrably flawed in fact or in law... but cannot give rise to an appeal against that decision.' [29] Whilst this approach preserves the veto power, the high threshold for invoking it limits its usage to exceptional circumstances. [30]

Since no evidence or arguments were presented that there had been a material change of circumstances or that the Tribunal decision had been demonstrably flawed, he found that the Attorney General did not have reasonable grounds to issue the certificate to overturn the decision of the Upper Tribunal. His actions were deemed unlawful and the certificate invalid, thus permitting the fulfilment of the Upper Tribunal's disclosure order.

2.2 AN ADMINISTRATIVE APPROACH

Lord Mance (with whom Lady Hale agreed) also found the Attorney General's exercise of the veto unlawful. He framed the issue regarding the validity of the Attorney General's Certificate as an administrative law matter, viewing the interpretation of section 53(2) as a question of mere statutory interpretation and contextual application of administrative law principles derived from prior judgments concerning the extent to which governmental departments are bound by decisions of administrative tribunals.

Whilst he was prepared to accept that, in principle, section 53 of the Act permits ministers to veto a decision merely because they disagree with it on the balance of 'competing interests,' he stated that such disagreement as to matters of fact or law would require the clearest possible justification, that is, 'properly explained and solid reasons.' [31] In his view, the case turned upon a close assessment of the reasonableness of the Attorney General's decision. Usually, reasonableness would be determined by reference to the *Wednesbury* principle, which requires the decision to be rationally defensible in the sense of not being manifestly unreasonable. However, Lord Mance said that section 53(2) erects a 'higher hurdle' than 'mere rationality' [32] that might only be satisfied in the limited circumstances contemplated by Lord Neuberger. Lord Mance said that close scrutiny of the reasonableness of the decision was appropriate because the Upper Tribunal heard evidence, called and cross-examined in public, as well as submissions on both sides, whereas the Attorney General had not, consulting in private, and forming his own view without *inter partes* representations. [33] In insisting on 'close scrutiny' he made it clear that the separation of powers doctrine does not preclude judicial review of executive decisions, indeed that review should be intensive and involve close scrutiny in circumstances in which the Executive seeks to override the reasoned decision of an independent judicial body.

However, he then drew a distinction between questions of fact and law, and questions pertaining to the balancing of public interests. He confirmed that a lower level of scrutiny would suffice in relation to the balancing of public interests 'the weighing of such interests is a matter which the statute contemplates and which a certificate could properly address, by properly explained and solid reasons.' This distinction accords with the doctrine of separation of powers, which traditionally afforded the executive greater latitude in respect of decisions involving public policy matters.

Applying this approach, he concluded that the Attorney General had

impermissibly undertaken his own redetermination since 'it was [not] open to the Attorney General to issue a certificate under section 53 on the basis of opposite or radically differing conclusions about the factual position and the constitutional conventions without, at the lowest, explaining why the tribunal was wrong to make the findings and proceed on the basis it did.' [34]

2.3 DISSENT

In a dissenting opinion, Lord Hughes adopted a constitutional approach. He addressed Lord Neuberger's assertion regarding the 'constitutional importance of the principle that a decision of the executive should be reviewable by the judiciary' [35] with a constitutionally framed rebuttal that the 'rule of law is of the first importance. But it is an integral part of the rule of law that courts give effect to Parliamentary intention. The rule of law is not the same as a rule that courts must always prevail, no matter what the statute says.' [36] He concluded that ministerial certificate was lawfully issued on the basis that section 53 empowered the Attorney General to issue the certificate if he disagreed with the decision of the Upper Tribunal on 'reasonable grounds' and this must include the ability to disagree on the degree of weight to be given the different interests when assessing whether disclosure of the advocacy correspondence was in the public interest. To construe the section otherwise would strain the words of Parliament too far in his opinion.

Lord Wilson agreed with Lord Hughes that the issuing of the certificate was valid but approached it from an administrative, statutory interpretation perspective. In his view, interpretation of section 53 in the manner proposed by Lord Neuberger would amount to re-writing the section. Moreover, whilst he acknowledged that the principle of the separation of powers would be breached were the executive to be able to override a tribunal decision on a matter of law, he contended this was not a relevant consideration when it came to the weighing up of competing interests to determine the public interest.

3. IMPLICATIONS

The judgement is of interest to both information rights lawyers - for the clarity it provides regarding use of the ministerial veto, in the short-term, at least, since it has triggered a review of the law. It is also of interest to constitutional scholars seeking to explore whether it contributes to the advancement of common law constitutionalism. Both aspects are discussed below.

3.1 FOIA 2000 IMPLICATIONS

In one respect, this decision is of historical interest only, in that such a request for access to correspondence by the Prince of Wales would no longer be successful since section 37 of FOIA was amended in 2010 [37] so as to render communications with the monarch and two nearest heirs to the throne absolutely exempt from disclosure.

However, the decision is nevertheless seminal since it clarifies when a ministerial veto can be issued. During the passage of the Bill, the issuance of a veto in respect of a court or tribunal decisions was not debated. This judgment makes it clear that the Executive cannot issue ministerial certificates vetoing the release of information when a First Tier or Upper Tribunal decision displeases them for politically sensitive reasons. [38] In future, ministers will have to satisfy a higher threshold of a 'material change of circumstances' or that the decision was 'demonstrably flawed in fact or law.'

Going forward, the body which made the decision may be more relevant, since Lord Neuberger stated in obiter comments that the threshold for a lawful veto is lower in respect of ICO decisions because the ICO's evaluation can seldom be as exhaustive as that of a Tribunal. [39] However, he also commented that 'the executive should normally be expected to appeal an adverse determination of the Commissioner rather than issuing a section 53 certificate,' [40] reinforcing the view that a ministerial certificate should only be issued in exceptional circumstances, since issuing a veto rather than pursuing an appeal could constitute an abuse of power. Thus, Ministers should modify their approach in future, appealing ICO decisions rather than simply issuing a veto, as they did following an ICO decision regarding the High Speed 2 (HS2) rail project, and one of the two vetoes issued in respect of Iraq war cabinet meetings. [41]

The decision has been praised by both the Information Commissioner, who commended it for 'offering greater clarity' [42] and the Chairman of the Campaign for Information (CFOI), an intervener in the case, on the basis that:

'This is a critical decision which strengthens the FOI Act. It says the courts not ministers normally have the last word. If the government disagrees with a ruling on good grounds it should appeal. The veto is not a trump card to be slipped out of a minister's sleeve to block any embarrassing disclosure. Minister will now have to argue their case not impose it.' [43]

However, this decision may not be the final word on the legality of vetoes as a spokesman for the Prime Minister made a post-judgement announcement expressing disappointment, that 'Our FOI laws specifically include the option of a governmental veto, which we exercised in this case for a reason. If the legislation does not make Parliament's intentions for the veto clear enough, then we will need to make it clearer.' [44] Indeed, a Commission was recently appointed to review the effectiveness of the Act, with a remit to: 'consider whether there is an appropriate public interest balance between transparency, accountability and the need for sensitive information to have robust protection,' [45] which undoubtedly will include a review of the effectiveness of the veto power.

3.2 CONSTITUTIONAL IMPLICATIONS

The judgments illustrate the complex and dynamic interactions between the three fundamental principles - the rule of law, the sovereignty of Parliament and the separation of powers. Given that it involved an examination of the interplay between the rule of law and parliamentary sovereignty in the context of a clash between the Upper Tribunal exercising judicial power and the Attorney General exercising executive power it is of particular interest to scholars seeking to advance debate on 'common law constitutionalism.' [46] Lord Justice Laws, Trevor Allen and others have advanced this heterodox constitutional theory which contends that the doctrine of parliamentary sovereignty is a common law norm the judiciary could unilaterally modify or repudiate in certain circumstances; in particular, it may be capable of being overridden by more fundamental common law norms such as the principle of the rule of law. [47] This decision does contribute to the discourse on common law constitutionalism in an incremental way, by elucidating the principle of the rule of law and adding substantive knowledge regarding one aspect of it, the principle of legality.

Lord Neuberger (majority) and Lord Hughes (dissent) agreed that the rule of

law favours both Executive compliance with judicial decisions and the availability of judicial review of administrative action. However, they disagreed about the way in which the rule of law and parliamentary sovereignty are to be understood as relating to one another. For instance, Lord Hughes considered the relationship between the two principles:

'The rule of law is of the first importance. But it is an integral part of the rule of law that courts give effect to Parliamentary intention. The rule of law is not the same as a rule that courts must always prevail, no matter what the statute says.' [\[48\]](#)

Similarly, Lord Neuberger did not claim that the rule of law should override parliamentary sovereignty nor did he endorse passages in *Jackson* [\[49\]](#) and *Axa* [\[50\]](#) that cast doubt on the principle of parliamentary sovereignty. Rather he reconciled the two principles by drawing upon an aspect of the rule of law, namely the principle of legality. In requiring clear and specific words of parliamentary intent to legislate contrary to fundamental constitutional rights and values he mediated between the two principles. Parliamentary legislative sovereignty was not challenged; rather he called for greater clarity from Parliament when legislating. However, the two Justices disagreed on whether Parliament had in fact expressed its legislative intent clearly, with Lord Hughes finding that it had:

'I agree that Parliament will not be taken to have empowered a member of the executive to override a decision of a court unless it has made such an intention explicit. I agree that courts are entitled to act on the basis that only the clearest language will do this. In my view, however, Parliament has plainly shown such an intention in the present instance.' [\[51\]](#)

It remains to be seen whether the judges would revise their approach if, following the newly appointed Commission's review of the Act, Parliament were to legislate using words that make it exceptionally clear that a ministerial certificate could be issued to veto a Tribunal decision and that such exercise of the veto power would not be amenable to judicial review. I share Elliott's view that 'such a provision might plausibly be considered to fall into that category - if it exists at all - of legislation so constitutionally egregious as to test the courts' commitment to the absolute supremacy of Parliament.' [\[52\]](#)

4. CONCLUSIONS

After a decade-long legal battle, the journalist finally succeeded in gaining access to the correspondence requested. The disclosed correspondence confirms that the Prince of Wales does engage in 'advocacy' - routinely seeking to impress his views upon government ministers. [\[53\]](#) Somewhat surprisingly the revelations do not appear to have damaged his prospects of succeeding to the throne, despite the long-standing convention that the monarch is expected to be politically neutral, perhaps explainable by the fact that he is currently an 'heir' rather than a reigning monarch and the fact that the disclosures relate to historic correspondence which has lost its 'value.'

Whilst the Government expressed disappointment that the veto power was not as effective as they had anticipated, it is to be hoped that the Commission will look at the issue with a fresh perspective, recognising that the veto power should be used sparingly, in exceptional circumstances, as per the guidance of the Supreme Court, and accordingly, there is no need for reform to make it easier for ministers to exercise the power, not least because such action would

reduce the effectiveness of the Act.

Also, whilst Lord Neuberger deployed a strained approach to statutory interpretation to neutralize the constitutional challenge presented by the power granted by Parliament in FOIA 2000 to a government minister to overturn a decision of an independent judicial body, the judgment confirms that the judiciary are, nevertheless, alert to the constitutional dangers of such measures. Indeed, the invitation in Lord Neuberger's judgment to Parliament to revise the Freedom of Information Act 2000 so that it contains clearer words of intention regarding the power of ministerial veto and non-justiciability of its exercise could also be interpreted as cautionary advice to Parliament - a warning that that such a course of action could prove both politically unpopular with the electorate and precipitate a constitutional crisis.

[1] UEA Law School

[2] [2015] UKSC 21

[3] The Prince's handwriting style led to the information sought being described in the media as the 'Black Spider' letters/memos.

[4] Requests were also made using the Environmental Information Regulations (EIRs) 2004, but these are not the focus of this paper.

[5] J Dimpleby, *Prince of Wales: A Biography*, (Harper Collins, 1996)

[6] FOIA s 2(1)(b).

[7] Information Commissioner's Office, reference FS50425063, available at <
<http://ico.org.uk/-/medialdocuments/decisionnotices/2012/fs50425063.ashx>
 >

[8] Pursuant to section 57 of the FOIA

[9] *Evans v Information Commissioner* [2012] UKUT 313 (AAC); In a separate but related judgment (*Evans v IC (Correspondence with Prince Charles in 2004 and 2005)* [2013] UKUT 75 (AAC)), the Upper Tribunal decided that the government should release its "schedules and lists" of "advocacy correspondence" between Prince Charles and the seven government departments; available at <
<http://www.bailii.org/uk/cases/UKUT/AAC/2013/75.html>>

[10] The Attorney General was the 'accountable person' in compliance with the constitutional convention that only the Attorney General is entitled to see the papers of a previous Administration.

[11] Attorney General's Office & The Rt Hon Dominic Grieve QC, 'Exercise of the executive override under Section 53 of the Freedom of Information Act 2000: statement of reasons,' (16th October 2012), available at <
<https://www.gov.uk/government/publications/evans-v-1-information-commissioner-2-seven-government-departments-2012-ukut-313-aac>>

[12] *R (Evans) v Her Majesty's Attorney General and the Information*

Commissioner [2013] EWHC 1960 (Admin); [2013] 3 WLR 1631.

[13] Evans, R (on the application of) v HM Attorney General & Anor [2013] EWHC 1960 (Admin), available at <
<http://www.bailii.org/ew/cases/EWHC/Admin/2013/1960.html>>, Para 10

[14] Ibid, Para 2

[15] [2014] EWCA Civ 254, paras 74-80

[16] see paras 52-73 of the judgment for further discussion

[17] Para 51

[18] Para 52

[19] Para 52

[20] [1969] 2 AC 147

[21] Para 56, cited Lord Hoffmann in R v Secretary of State for the Home Department, *Ex p Simms* [2000] 2 AC 115, 131E-F.

[22] Para 58

[23] [2005] UKHL 56

[24] [2000] 2 AC 115

[25] [2011] UKSC 46

[26] [1998] AC 539, 591

[27] *R (On the Application of Evans) v Her Majesty's Attorney General and the Information Commissioner* [2014] EWCA Civ 254, [2014] 2 WLR 1334.

[28] Para 71

[29] Para 71

[30] see Paras 68, 77 & 78

[31] Paras 130-131

[32] Para 128

[33] Para 130

[34] Para 145

[35] Para 54

[36] Para 54

[37] Constitutional Reform and Governance Act 2010 sch 7, para 3.

[38] Para 85

[39] Para 83

[40] Para 83

[41] O Gay & E Potton, 'FOI and Ministerial Vetoes, 'House of Commons Library, SN/PC/05007

[42] ICO 'Information Commissioner's response to the Supreme Court ruling on letters written by Prince Charles,' (ICO Blog, 26th March 2015), available at < <https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2015/03/response-to-the-supreme-court-ruling-prince-charles-letters/> >

[43] CFOI 'Welcome for Supreme Court's ruling on the ministerial veto in Prince Charles case,' (CFOI Blog, 26th March 2015), available at < <https://www.cfoi.org.uk/2015/03/welcome-for-supreme-courts-ruling-on-the-ministerial-veto-in-prince-charles-case/> >

[44] R Evans & R Booth, 'Cameron concedes defeat over publication of Prince Charles's letters,' (The Guardian, 26th March 2015), available at < <http://www.theguardian.com/uk-news/2015/mar/26/cameron-concedes-defeat-publication-prince-charles-letters> >

[45] Cabinet Office, 'Written statement to Parliament - Freedom of information: new Commission,' (17th July 2015), available at < <https://www.gov.uk/government/speeches/freedom-of-information-new-commission> >

[46] This theory develops views first expressed in *Bonham's Case* by Coke C.J., in which he stated that: 'in many cases the common law will control acts of Parliament and sometime adjudge them to be utterly void: for when an act of Parliament is against common right or reason, or repugnant, or impossible to be performed, the common law will control it and adjudge such an Act to be void' (1610) 8 Coke's Reports 114, 118.

[47] See Sir John Laws, "Is the High Court the Guardian of Fundamental Constitutional Rights?" [1993] PL 59; Sir John Laws, "Law and Democracy" [1995] PL 72; J Jowell, 'Beyond the Rule of Law: Towards Constitutional Judicial Review' [2000] PL 671-83; T Allan, 'The Rule of Law as the Rule of Reason: Consent and Constitutionalism' (1999) 115 LQR 221; S Lakin, 'Debunking the Idea of Parliamentary Sovereignty: the Controlling Factor of Legality in the British Constitution', (2008) 28 *Oxford J. Legal Stud.* 709

[48] Para 154

[49] *Jackson v Her Majesty's Attorney General* [2005] UKHL 56, [2006] 1 AC 262, para 56

[50] *AXA General Insurance Ltd v HM Advocate* [2011] UKSC 46, [2012] 1 AC 868, para 56

[51] Para 154

[52] M Elliott, 'Of Black Spiders and Constitutional Bedrock: The Supreme Court's Judgment in Evans,' Public Law for Everyone Blog, (26th March 2015), available at < <http://publiclawforeveryone.com/2015/03/26/of-black-spiders-and-constitutional-bedrock-the-supreme-courts-judgment-in-evans/> >

[53] First batch of letters (The Guardian, 13th May, 2015), available at < <http://www.theguardian.com/uk-news/ng-interactive/2015/may/13/read-the-prince-charles-black-spider-memos-in-full> >; the second batch of letters: (The Guardian, 4th June, 2015), available at < <http://www.theguardian.com/uk-news/ng-interactive/2015/jun/04/read-second-batch-prince-charles-letters-in-full-black-spider-memos> >