

Good governance now demands that action is taken on the..

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Let's get the obvious statement out of the way first. So far no one involved in funding the Brexit Leave campaign has, as far as I recall, been found guilty of a criminal offence. However, both campaigns (because there were two, of course, as the surest indication that no one knew what Brexit meant) are subject to serious, and now criminal in one case, investigations.

Such allegations can, of course, turn out to be wrong. This is why we have a due process of law. But that does not mean we can ignore situations arising, and their possible consequences.

Of course it is possible to argue that the process being followed is an elite establishment getting its own back at upstarts who had the temerity to challenge it.

And of course it is again possible to argue that the Remain argument had the power of government behind it. That resulted in the deeply wasteful, and spectacularly unread, government justification for Remain not being charged as an election expense.

I duly note both possibilities. And despite them I suggest that the time has come for the political and practical reaction to Brexit to change.

I fully accept that UK election law is far from ideal.

I also fully accept that the law in question is not wholly fair.

And I equally accept that the elite enjoy favour that others find hard to challenge.

But all the being noted I have to say that I expect the rule of law to matter more than most other things to our politicians.

And I expect their dedication to democratic processes to be absolute.

Whilst I expect that their commitment to good governance, which is built in the foundations of due process having been followed, on the basis of which sound

judgement that can adapt to current circumstance, to be paramount.

And my argument is very straightforward. We are not enjoying good governance at present. In fact, I would say it was absent.

Good governance would suggest that the Brexit vote was secured in an election where there is now reasonable doubt (a civil law concept applicable to good governance) that due process, let alone electoral law, was followed.

And there is, by the same standard, a whole raft of questions requiring answers as to the sourcing of much of the funding for the Leave campaign that need answers.

Put these two judgements together and good governance would demand that action be taken. What cannot reasonably be concluded, given the very narrow margin of the vote (and I would say something different if the margin had been much bigger) is that the referendum result can be considered reliable, or a basis for action.

I would now be expecting senior politicians, starting with the prime minister, to be saying that. I do so because it is glaringly obviously true. And it would also be the only possible way they could indicate their commitment to sound democratic process in accordance with the rule of law.

After which I would expect any responsible politician to say that they were seeking to suspend action based on this decision until the validity of the basis on which it was made can be established.

But if that was not possible I would expect them to suggest that such are the doubts that the whole issue should be resolved in another way. That is either to decide that the campaign that might have committed offences suffer the forfeit of being debarred from consideration (what might be called the 'sporting outcome', where races are not rerun, but those committing abuse are simply removed from the results) or that we have a second referendum.

I would prefer the former. It makes most legal sense. Actions must have consequences. But pragmatically this may not be possible. The due process of law must complete first in that case, and this takes time. So a second referendum is the best likely alternative.

I cannot guarantee the outcome of that election. It may be Leave again. If properly run I would, of course, have to accept that.

But what I find increasingly hard to accept is that we must watch politicians standing by whilst democratic processes and good governance are torn to shreds whilst many, from too many parties, are willing to say nothing.

There are times when politicians must act for what is right. The time when the democratic process is under threat is one such time. But we are not hearing May or

Corbyn speaking on this issue. They are failing us all as a result. And we need to say so.