


Research Briefing

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Select Committee activity in the Brexit transition period: February to December 2020



COMMITTEE
AND
OVERSEAS OFFICE

Summary

- 1 Select Committee activity on Brexit
- 2 Brexit meetings
- 3 Brexit witnesses

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Summary

The UK vote to leave the EU in June 2016 sparked an intense period of activity for Select Committees in the House of Commons as they sought to scrutinise the Brexit process.

This is the second of two Commons Library briefings setting out data on Select Committee activity in the period following the referendum vote. The first focused on the [period between the referendum vote in June 2016 and the UK's exit from the EU on 31 January 2020](#) (phase one).

This briefing focuses on the Brexit transition period between 1 February and 31 December 2020 (phase two). During this period, EU rules continued to apply to the UK and the UK and EU negotiated new arrangements for their future relationship, which culminated in the Trade and Cooperation Agreement in December 2020.

The briefing provides an overview of Select Committee activity in the House of Commons during the Brexit transition period, providing data on public sessions held, witnesses questioned and prominent themes in Committee discussions.

How many sessions were related to Brexit?

Our analysis of data from the Select Committee Office shows that out of 679 public sessions held by House of Commons Select Committees during the transition period, 104 (15.3%) covered Brexit. This was a decrease from the 18.4% of meetings that covered Brexit in phase one.

Which committees held most sessions?

Among the new committees set up to scrutinise the Brexit process and issues arising from it following the 2016 referendum was the Exiting the EU Committee. It was superseded by the Committee on the Future Relationship with the EU (CFREU) following the 2019 General Election and the start of the transition period in February 2020, before itself being wound up once the transition period had ended and the new UK-EU Trade and Cooperation Agreement had been finalised.

CFREU had the highest number of Brexit-related meetings during the transition period, with all its 20 meetings covering Brexit issues.

Brexit also featured in the majority of meetings for the International Trade, Northern Ireland Affairs, and Welsh Affairs Committees, and in the two public

evidence sessions held by the European Scrutiny Committee (ESC) during the transition period.

While the ESC could no longer use its previous scrutiny powers in relation to the positions Government Ministers took in the Council of the EU (given that the UK was no longer a part of EU decision-making processes) it gained a new power in the transition period to request EU legislation of vital national interest to the UK be debated in the House of Commons.

Who were the most common witnesses?

Witnesses at these public evidence sessions came from government and public organisations, business, trade bodies, non-governmental and campaign organisations, think tanks and universities:

- Close to 30% came from Government at the UK level (an increase from just under 25% in phase one).
- Just over 10% came from other government and public bodies, including 4.6% from the devolved administrations (an increase from 2.9% in phase one).
- Among other witnesses, just over a quarter came from businesses or organisations representing them. The majority of these were from trade bodies (17.9% of the total).
- Around a third of witnesses came from other external organisations, including academics (14.1%), think tanks (9.5%) and charity/third sector organisations (3.5%).

There was a small increase in the proportion of female witnesses compared to phase one. In phase two, 30.5% of witnesses were women. In both phase one and two, the figure was slightly higher where Committees had greater discretion as to who to invite.

Our analysis also identified the witnesses appearing most frequently in Committee evidence sessions. The witness with the most appearances in this period was Michael Gove, the then Chancellor of the Duchy of Lancaster and Cabinet Officer Minister. Representatives of trade bodies also figured highly alongside government representatives.

1 Select Committee activity on Brexit

The UK referendum vote to leave the EU on 23 June 2016 led to a new focus of activity across Select Committees in the House of Commons. New committees were set up to scrutinise the Brexit process, while existing committees launched a series of inquiries, holding public evidence sessions to examine the impact of Brexit in their scrutiny areas.

Activity of Select Committees following the referendum vote and until the UK left the EU on 31 January 2020 was discussed in the Commons Library briefing paper 9278, [Select Committee activity on Brexit, 2016-2020](#). This briefing paper focuses on activity of Select Committees during the Brexit transition period, which began as the UK left the EU on 31 January 2020, and ended on 31 December 2020 (see box 1).

1 The Brexit Transition Period

The UK-EU Withdrawal Agreement provided for a [transition period](#) which began as the UK left the EU on 31 January 2020. The transition period would last under the end of December 2020 and was intended as a bridging period while the UK and the EU negotiated a new post-Brexit relationship.

During the transition period nearly all EU rules continued to apply to the UK. The UK remained part of the EU single market and customs union. Trading arrangements and UK financial contributions to the EU continued as if the UK was still a Member State of the EU.

The jurisdiction of the Court of Justice of the EU in relation to the application of EU law in the UK also continued in the same way. But the UK no longer had representation in EU decision-making, losing its voting rights in the Council of the EU and its Members of the European Parliament from 31 January 2020.

Although there were doubts that a deal would be struck before the end of the transition period, the UK and EU announced that the new post-Brexit relationship agreement had been finalised on 24 December 2020. The new treaty, [the Trade and Cooperation Agreement](#), provisionally came into force on 1 January 2020.

During the transition period Select Committees continued to scrutinise the Brexit process, also focusing on the negotiations on the new post-Brexit UK-EU relationship which culminated in the Trade and Cooperation Agreement in December 2020.

New Select Committees were established

Following the Brexit vote in June 2016, new Select Committees were established to reflect the departmental reorganisation within Government, notably the creation of the Department for Exiting the EU (DExEU) and the Department for International Trade (DIT).

Of these new departmental Select Committees, the [International Trade Committee](#) continued its work during and after the transition period, scrutinising the work of DIT which also continued to operate.

The Exiting the EU Committee had scrutinised the work of DExEU. It was briefly reconstituted following the December 2019 General Election. But at the beginning of March 2020, and following the dissolution of DExEU on 31 January 2020, the Committee was renamed the Committee on the Future Relationship with the EU (CFREU).

CFREU's work focused on scrutinising the development of the new UK-EU relationship post-Brexit. CFREU did not have a specific department to shadow, although [it took evidence from](#) the Cabinet Minister and Chancellor of the Duchy of Lancaster Michael Gove on several occasions. This was in reference to his role in overseeing the end of transition preparations and reporting on the negotiations.

Mr Gove gave evidence alongside Lord Frost, the Government's lead negotiator with the EU, [on some of these occasions](#). CFREU was established under a temporary order and its operation ended in January 2021, following the end of the transition period and the conclusion of negotiations on the Trade and Cooperation Agreement.

The scope of some Committees also changed

As noted in the Commons Library briefing on [Select Committee activity on Brexit, 2016-2020](#), following the referendum vote in 2016 existing Committees also refocused activities to scrutinise Brexit developments according to their particular sectoral focus. This continued during the transition period.

One committee that needed to adjust the scope of its activities was the European Scrutiny Committee (ESC).

Following the referendum in 2016 it continued with its primary role of [scrutiny and assessment of EU legislative proposals](#) while also considering matters relating to the UK's withdrawal from the EU. But once the UK had left the EU and the transition period had begun, it could no longer exercise its previous [scrutiny reserve](#) prior to UK Ministers agreeing to EU proposals, given that the UK no longer had representation in the Council of the EU and was no longer party to EU decision-making.

Nevertheless, it continued to assess the significance of EU proposals given that EU legislation remained applicable to the UK until the end of the transition period.

2 Select Committees

A Select Committee is a cross-party group of MPs or Lords given a specific remit to investigate and report back to the House that set it up. Membership of House of Commons Committees usually reflect the party balance in the House.¹

House of Commons Select Committees include those set up to scrutinise each Government department, and those with a broader or particular remit. Examples of the latter include the Public Administration and Constitutional Affairs Committee, and the European Scrutiny Committee (which scrutinised legislation coming from the EU). There are also [joint House of Commons-House of Lords Committees](#), including the Committees on Human Rights, National Security Strategy, and Statutory Instruments.

The [Liaison Committee](#) brings together the chairs of each of the Select Committees in the House of Commons. It considers general matters relating to the work of Select Committees and regularly takes evidence from the Prime Minister.

Select Committees conduct inquiries on relevant issues and publish reports based on these inquiries. Inquiries usually involve evidence sessions to gather evidence from witnesses. These are usually held in public and can be watched online. Witnesses generally include ministers and officials, representatives of organisations from outside Parliament, and relevant experts on the subjects being discussed.

Written evidence can also be submitted. Oral and written evidence help to inform Committee reports on inquiry findings. The reports are publicly available and the Government is expected to respond to them. Select Committees can also hold evidence sessions that are not related to a particular inquiry.

The [EU \(Withdrawal Agreement\) Act 2020](#) also gave the European Scrutiny Committee a power, during the transition period, to recommend that an item of EU legislation require a debate as “a matter of vital national interest” in the House of Commons. The Government would then be obliged to make time for such a debate within 14 sitting days. This power was used once during the transition period.²

¹ For more information see [this House of Commons guide to Select Committees](#). See also the Parliament [webpages on Select Committees](#). The Select Committee Office publishes a [weekly update](#) on its Brexit and post-Brexit related activities.

² The European Scrutiny Committee made a [recommendation](#) for such a debate on 6 May 2020 in relation to the Council Decision of 25 February 2020 authorising the opening of EU negotiations for “a new partnership” with the UK (the Decision also included an annex detailing the EU’s negotiating objectives).

2 Brexit meetings

The Select Committee Office in the House of Commons has collected data on Brexit-related activity conducted by Select Committees since the June 2016 referendum. This includes data on all meetings held by Select Committees and witnesses called to give evidence.

The data is divided into two phases:

- **Phase one** covering the period following the referendum up until the day the UK left the EU (24 June 2016 to 31 January 2020);
- **Phase two** covering the Brexit transition period (1 February to 31 December 2020).

This briefing presents data on public evidence sessions held and witnesses called in phase two, the Brexit transition period.

Data on public evidence sessions and witnesses in phase one was covered in Commons Library briefing paper 9278, [Select Committee activity on Brexit, 2016-2020](#).

The data for phase two actually covers sessions beginning from 3 March 2020 as this is when sessions during the Brexit transition period began. There was a pause in Select Committee activity between the dissolution of Parliament prior to the December 2019 general election and the re-establishment of Select Committees in the new Parliament.

How many sessions related to Brexit?

During phase two, 18 of 28 Select Committees (64%) holding public evidence sessions held at least one Brexit-related meeting. This differs from phase one when all 28 Select Committees holding public evidence sessions held at least one Brexit-related meeting.

Our analysis of public evidence sessions shows that out of 679 public sessions overall between 3 March 2020 and the 21 December 2020, 104 (15.3%) covered Brexit. This was a decrease from the 18.4% of meetings that covered Brexit in phase one. There were 575 meetings in phase two that did not cover Brexit (see table 1 below).

What issues dominated?

As with phase one, economic and trade implications of Brexit featured heavily among the issues covered by Select Committees in phase two, as did home

affairs issues including the impact on migration, border policy and security cooperation.

Business preparedness, the impact on ports and the shape of new customs rules were also themes covered, as were implications for particular sectors including agriculture, fisheries and universities.

There was a particular focus on what would happen at the end of the Brexit transition period, and the scope and implications of the negotiations being conducted between the UK and EU on a new relationship agreement.

The potential implications of no future relationship agreement being reached was also a theme of particular interest and concern. The impact of the Northern Ireland Protocol, negotiated as part of the Withdrawal Agreement and to come fully into force at the end of the transition period was another area of focus.

Brexit-related legislation such as the Agriculture Bill and Internal Market Bill was also scrutinised and discussed with informed witnesses. In addition, an inquiry by the Digital, Culture, Media and Sport Committee on music streaming touched on the implications of Brexit and for touring musicians and involved evidence sessions with prominent figures from the music industry.

The Word Cloud below was created by inputting the titles of all Brexit-related sessions undertaken by Select Committees during phase two.³ Not surprisingly, the words “Brexit” and “Trade” were those most used, along with “Progress”. Northern Ireland was also prominent as were words such as “implications” and “negotiations”.

³ This word cloud has been generated by inputting the titles of the 104 Brexit-related sessions held by committees using the word cloud generator at <https://www.wordclouds.com/>.

These patterns were similar to those for the phase one period, although it was notable that the Northern Ireland Affairs, Welsh Affairs, and Home Affairs Committees all had a significantly higher proportion of Brexit-related meetings in phase two.

Table 1: Select Committees, Brexit activity

3 March 2020 to 21 December 2020

Committee	Brexit- Non-Brexit		% Brexit
	meetings	meetings	
Committee on the Future Relationship with the EU	20	0	100.0%
European Scrutiny	2	0	100.0%
International Trade	13	4	76.5%
Northern Ireland Affairs	12	8	60.0%
Welsh Affairs	9	7	56.3%
Home Affairs	11	21	34.4%
Scottish Affairs	6	12	33.3%
Liaison	1	2	33.3%
Environment, Food and Rural Affairs	8	17	32.0%
Business, Energy and Industrial Strategy	4	21	16.0%
Treasury	6	44	12.0%
Environmental Audit	2	19	9.5%
Public Accounts	4	44	8.3%
Digital, Culture, Media and Sport	2	30	6.3%
Transport	1	23	4.2%
Justice	1	25	3.8%
Foreign Affairs	1	27	3.6%
Public Administration and Constitutional Affairs	1	33	2.9%
Defence	0	28	0.0%
Education	0	31	0.0%
Health and Social Care	0	28	0.0%
Housing, Communities and Local Government	0	26	0.0%
Human Rights	0	13	0.0%
International Development	0	24	0.0%
Procedure	0	11	0.0%
Science and Technology	0	29	0.0%
Women and Equalities	0	21	0.0%
Work and Pensions	0	27	0.0%
Total	104	575	15.3%

Notes: include sub-committee activity by International Development, Defence, and Digital, Culture, Media and Sport Committees. The Human Rights Committee is a [Joint Committee](#) with the House of Lords.

Source: House of Commons Select Committees

3

Brexit witnesses

Types of witnesses

Witnesses at Select Committee evidence sessions on Brexit came from a range of sectors, including Government and public organisations, business, trade bodies, non-governmental and campaign organisations, think tanks and universities, as well as musicians. As is generally the case in Committee sessions, witnesses were questioned on their (or their organisation's) views on the issue being scrutinised, or asked to explain the activities and positions of their organisation. Government Ministers were questioned on the views, positions and activities of the Government or their particular department.

Grouping witnesses by the type of organisation they work for or represent, our analysis showed that:

- Close to 30% came from Government at the UK level (an increase from just under 25% in phase one). This total also included officials.
- Just over 10% came from other government and public bodies, including 4.6% from the devolved administrations (an increase from 2.9% in phase one).
- Among other witnesses, just over a quarter came from businesses or organisations representing them (92 appearances). The majority of these were from trade bodies (62 appearances or 17.9% of the total, an increase from 13.4% in phase one).
- Around a third of witnesses came from other external organisations, including academics (14.1%), think tanks (9.5%) and charity/third sector organisations (3.5%). Four witnesses (1.2%) came from the trade union movement, while six were musicians (1.7%).
- There were comparatively few international witnesses (just under 1%, compared to 2.4% in phase one). Of the three international witnesses, one came from the EU (the EU's chief negotiator Michel Barnier), and the others were the head of the Norwegian immigration directorate, and the former Prime Minister of Australia, Tony Abbott, acting as an advisor to the Department for International Trade.

**Table 2: Witness types before Brexit-related
3 March 2020-21 December 2020**

Witness type	Number	Proportion
UK Government	103	29.7%
Government Departments	69	19.9%
Minister	34	9.8%
Other Government and Public Bodies	36	10.4%
Devolved Administration	16	4.6%
Agencies and other Public Bodies	12	3.5%
Local Government	4	1.2%
Bank of England	4	1.2%
International Witnesses	3	0.9%
Overseas Governments	1	0.3%
EU representatives	1	0.3%
Former Government Members	1	0.3%
Business Organisations	92	26.5%
Trade Bodies	62	17.9%
Businesses	30	8.6%
Other Stakeholders	113	32.6%
Academic	49	14.1%
Think Tank	33	9.5%
Charities and Third-Sector Organisations	12	3.5%
Musician	6	1.7%
University & Research Bodies	5	1.4%
Legal	4	1.2%
Trade Union	4	1.2%
Total	347	

Notes: “Agencies and other Public Bodies” includes a range of organisations, including the Migration Advisory Committee and Office for Budget Responsibility. “Universities and Research Bodies” includes organisations such as the Wellcome Trust. “Charities and third-sector organisations” include campaigning organisations and charities.

Source: House of Commons Select Committees

Gender breakdown of witnesses

Select Committees are encouraged to ensure that witness panels for public evidence sessions are diverse and have some gender balance. Table 3 provides a gender breakdown of witnesses appearing before each Committee to discuss Brexit. This shows that of 347 witnesses that gave evidence to

Select Committees on Brexit-related issues in this period, 30.5% (106) were women. This was an increase on the figure for female witnesses in phase one (28.2%).

Only one committee had a majority of female witnesses: The Public Accounts Committee. The Treasury was also close to parity, with over 47% of witnesses females. The International Trade Committee had the highest number of female witnesses (19) but this was 30% of its total number of witnesses. The Committee on the Future Relationship with the EU had the second highest number (13), accounting for just under a quarter of its witnesses.

Table 3: Select Committee witnesses on Brexit: gender breakdown

Committees with 10 or more Brexit witnesses, 28 June 2016-31 January 2020

3 March 2020-21 December 2020

Committee	Female	Male	% Female
Public Accounts	8	7	53.3%
Treasury	10	11	47.6%
Environment, Food and Rural Affairs	9	15	37.5%
Home Affairs	12	21	36.4%
Scottish Affairs	6	12	33.3%
International Trade	19	44	30.2%
Northern Ireland Affairs	12	34	26.1%
Digital, Culture, Media and Sport	3	9	25.0%
Committee on the Future Relationship with the EU	13	40	24.5%
Welsh Affairs	5	21	19.2%
Business, Energy and Industrial Strategy	3	16	15.8%
Total (all committees)	106	241	30.5%

Note: The Environmental Audit and Environment, Food and Rural Affairs committees held a joint session with one female witness—this has been included under the totals for both committees. Ten committees (not included in this table) did not hold any Brexit-related sessions.

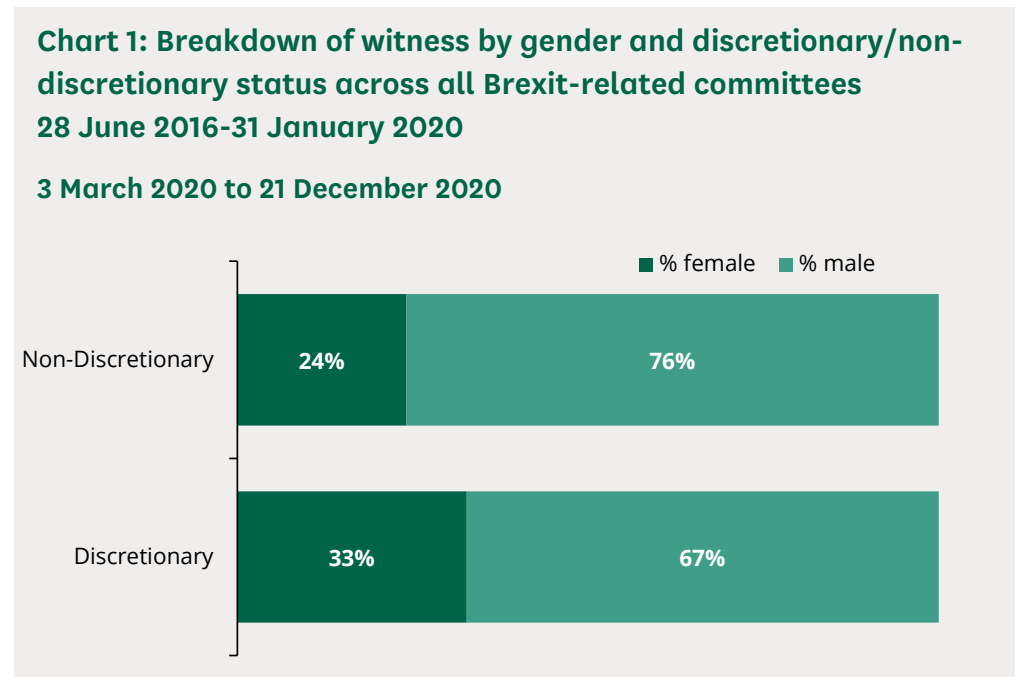
Source: House of Commons Select Committees

When breaking down by gender, it is also useful to make a distinction between discretionary and non-discretionary witnesses.

Discretionary witnesses are individuals that are directly invited by Committees because of personal expertise or insights they may bring, for example academics or representatives of think tanks and non-governmental organisations. Non-discretionary witnesses are those that appear because they hold a particular position, namely Ministers and key office holders (e.g. heads of public bodies and other key organisations falling within the Committee's remit). Committees will have less discretion as to who to invite in relation to these organisations. This can be a grey area and can depend on the nature of the inquiry itself and whether or not a Committee needs to question a particular office holder or individual.

Conversely, if a Committee is seeking to hear from a balance of representatives from a particular field, sector or area of expertise, it can exercise more discretion over witnesses.

Our analysis, when breaking down witnesses between those with discretionary and non-discretionary status, shows that 24% of non-discretionary witnesses were female (lower than the figure of 26% for phase one). For discretionary witnesses, the figure was higher, at 33% (an increase from the phase one figure of 29%).



Source: House of Commons Select Committees

Top witnesses

Our analysis has also identified the witnesses appearing most frequently in Committee evidence sessions.

The top witness in this period was Michael Gove, the then Chancellor of the Duchy of Lancaster and Cabinet Officer Minister, with six appearances. Mr Gove had made the second highest number of appearances in phase one.

The witness with the second highest number of appearances was trade consultant Dr Anna Jerzewska, with five appearances. DEFRA Secretary George Eustice (who had the most appearances in phase one) and Sam Lowe of the Centre for European Reform think tank figured among the leading witnesses in both phase one and phase two. Representatives of trade bodies also figured highly alongside government representatives.

Table 4: Top witness appearances			
Titles/Positions are those usually held by witnesses when attending			
Rt Hon Michael Gove MP		Richard Ballantyne	
Chancellor for the Duchy of Lancaster	6	Chief Executive, British Ports Association	3
Dr Anna Jerzewska		Elizabeth de Jong	
International Trade and Customs Consultant	5	Director of Policy, Logistics UK	3
Sam Lowe		Tamara Finkelstein	
Senior research fellow, Centre for European Reform	4	Permanent Secretary, DEFRA	3
Rt Hon George Eustice MP		Nick von Westenholz	
Secretary of State, DEFRA	3	Director of EU Exit and International Trade, National Farmers Union	3
Lord David Frost			
UK Chief Negotiator	3		

Source: House of Commons Select Committees

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