



DEBATE PACK

Number 0097, 6 June 2018

E-petition 205169 relating to Parliament's vote on the deal for the UK's exit from the EU

Westminster Hall

Monday 11 June 2018

4:30pm

Debate opened by Liz Twist MP

Compiled by: Eleanor Gadd and Antonia Garraway

Subject specialists:
Vaughne Miller and Sylvia de Mars

Contents

1.	Background	2
2.	Press articles	5
3.	Press releases	8
4.	PQs	10
5.	Other Parliamentary material	23
5.1	Debates	23
5.2	Statements	23
5.3	Early Day Motions	25
6.	Further reading	26

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

1. Background

Parliament's vote on the Withdrawal Agreement negotiated between the UK and the EU

The Government's Position

On 17 January 2017, the Prime Minister announced in [her Lancaster House speech](#) that the Government would put "the final deal that is agreed between the UK and the EU to a vote in both Houses of Parliament, before it comes into force". The Government also confirmed that the votes in Parliament would be held before the European Parliament votes on the Withdrawal Agreement under the terms required by Article 50 TEU.

On 13 December 2017, the Government announced that the proposed votes on the agreements, expected in Autumn 2018, would have the following features:

- The votes would be held on the same motion in both Houses of Parliament;
- The motion would ask each House to approve both the Withdrawal Agreement on the terms of exit from the European Union (a legally binding treaty) and the Political Declaration on the Framework of the Future Relationship (a political declaration attached to the Withdrawal Agreement);
- The Government would only introduce the *Withdrawal and Implementation Bill* (the WAI Bill) after the motion was passed in both Houses;
- The votes would be held "as soon as possible" after the negotiations are concluded.

The Government has also said that if the Commons fails to approve the agreements, the UK will leave the EU on 29 March 2019 without a deal. More detail on the Government's position on giving Parliament a meaningful vote can be found [here](#).

The EU (Withdrawal) Bill

The House of Lords debated Parliament's role in April, resulting in two widely publicised amendments to the EU (Withdrawal) Bill that will potentially change the role Parliament will play in the UK leaving the EU.

First, on 18 April, Lord Kerr's amendment to clause 1 of the EU (Withdrawal) Bill passed with 348 votes for and 225 votes against – a defeat for the Government. This vote sent the bill back to the House of Commons with the following text:

(3) The condition in this subsection is that, by 31 October 2018, a ***Minister of the Crown has laid before both Houses of Parliament a statement outlining the steps taken in negotiations under Article 50(2) of the Treaty on European Union to negotiate***, as part of the framework for the United Kingdom's future relationship with the European Union, ***an arrangement which enables the United Kingdom to continue participating in a customs union with the European Union.***

Then on 30 April, Day 4 of Report Stage, Viscount Hailsham proposed the following amendment (number 49), to precede clause 9 of the EU (Withdrawal) Bill. It passed with 335 votes for and 244 votes against, resulting in the adoption of the following text:

Parliamentary approval of the outcome of negotiations with the European Union

(5) Her Majesty's Government must follow any direction in relation to the negotiations under Article 50(2) of the Treaty on European Union which has been— (a) approved by a resolution of the House of Commons, and (b) subject to the consideration of a motion in the House of Lords.

If they are adopted by the Commons, these amendments mean that the Government will then need to account to Parliament for its position in the Brexit negotiations. They could also mean that the Government may need to change its negotiating position in light of Parliamentary instruction.

Domestically, the significance of these proposed amendments cannot be understated. They propose restructuring the relationship between the Government and Parliament in international relations. Historically, all international negotiations have been the sole arena of the executive under the royal prerogative. Through these amendments, Parliament could make clear that it wishes to steer the directions of these negotiations, not unlike how the European Parliament carries out its information and veto functions vis-à-vis the Council and the Commission in EU international relations. This would set a precedent significantly expanding [the role Parliament currently has in relation to treaties](#), as set up by the Constitutional Reform and Governance Act 2010.

Effect of the Parliamentary vote

The EU's Role

The overall impact of these amendments is not solely dependent on their adoption by the House of Commons. Parliament can in principle instruct the Government to pursue certain ends in the negotiations via these amendments, and the pressure created by such instructions could have an effect on the EU's willingness to accommodate those ends.

However, reports that these amendments [‘effectively take... No Deal off table’](#) and that Parliament is now forcing the Government to [‘negotiate a deal which keeps Britain in the customs union’](#) are somewhat misleading: while Parliamentary pressure to pursue a particular outcome is likely to work as leverage in negotiations with the EU, the EU’s negotiating position is not dictated by the UK Parliament.

In other words, while these amendments have the potential to give Parliament a significantly enhanced role in *shaping* the Brexit negotiations – it is too much to say that they would result in Parliament being able to *control* the outcome of the Brexit negotiations.

Effects of Possible Parliamentary Instructions

Parliament can instruct the Government however it sees fit, in light of its sovereignty. Different instructions, however, would have the Government returning to the EU with different requests.

If Parliament instructs the Government to seek specific amendments to either the Withdrawal Agreement or the Political Declaration on the future relationship, this would result in the UK simply needing to reopen negotiations under the Article 50 TEU process, *if* there is time remaining under Article 50 TEU for further negotiations. This would require agreement to reopen negotiations from the EU, but there are no specific Treaty provisions governing the EU’s ability to ‘continue’ existing negotiations.

If Parliament instructs the Government to remain in the EU, and thus revoke Article 50 TEU, or if there is not enough time left before the end of the two-year Article 50 TEU negotiating period to conclude further talks, the Government’s task becomes more complicated. It is not clear from the text of Article 50 TEU if notice can be revoked unilaterally. Some argue it can be revoked unilaterally, which would require a Parliamentary instruction to revoke Article 50 TEU and the Government acting on that instruction. Others argue that, much like asking for an extension to the Article 50 TEU negotiating period, a revocation of the notice to leave the EU will require unanimous agreement from the EU27. The only agreed point among academic commentators is that only the EU’s Court of Justice would be able to give a firm answer to questions of [the revocability of Article 50 TEU](#).

2. Press articles

The following is a selection of press and media articles relevant to this debate.

Please note: the Library is not responsible for either the views or accuracy of external content.

[Boris Johnson's deputy says there could be a second Brexit referendum, throwing Theresa May's grip over EU into chaos](#)

Daily Telegraph

07 June 2018

Christopher Hope and Jade Maidment

[The case for a second Brexit referendum](#)

Independent

Andreas Whittam Smith

03 June 2018

[Senior Labour MPs defy Jeremy Corbyn to demand second Brexit poll](#)

Times

Lucy Fisher

31 May 2018

[Wales adds its voice to call for a People's Vote](#)

Open Britain

31 May 2018

[Britain's plans for 'no-deal' Brexit have ground to a halt](#)

Financial Times

James Blitz and George Parker

27 May 2018

[Second vote to stop Brexit is credible, says Article 50 author](#)

Financial Times

Mure Dickie

24 May 2018

[Majority of public want final vote on Brexit deal – new poll](#)

Politics Home

John Johnston

11 May 2018

[Parliament could amend final Brexit deal, says David Davis](#)

Financial Times

George Parker and Chris Giles

25 April 2018

[Brexit Bulletin: Second Referendum? Business Says No](#)

Bloomberg

Emma Ross – Thomas

17 April 2018

[**MPs' vote on Brexit is more than 'deal or no deal'**](#)

Institute for Government
16 April 2018

[**MPs, celebrities call for 'people's vote' on Brexit**](#)

Reuters.com
15 April 2018

[**'People's Vote' Brexit campaign group calls for referendum on final EU deal**](#)

Independent
Maya Oppenheim
15 April 2018

[**Edinburgh march for vote on final Brexit deal**](#)

BBC News online
14 April 2018

[**Public backs fresh referendum to have 'final say' on terms of Brexit deal, new poll finds**](#)

Independent
Rob Merrick
08 April 2018

[**Parliament will have a meaningful vote on Brexit deal- PM's spokesman**](#)

Reuters.com
Elizabeth Piper
27 March 2018

[**Brexit: MPs must 'agree' outcome, Labour says**](#)

BBC News
26 March 2018

[**Labour plan to amend EU Withdrawal bill to stop 'no deal' Brexit**](#)

Politics Home
John Ashmore
26 March 2018

[**Owen Smith calls for referendum on final Brexit deal**](#)

Guardian
Heather Stewart
23 March 2018

[**Chuka Umunna: My battle to stop Brexit is not about Jeremy Corbyn**](#)

New European
Matt Withers
19 March 2018

[**Scottish MPs threaten to vote down final Brexit deal as row over fishing rights escalates**](#)

Business Insider UK
Thomas Colson
19 March 2018

David Lidington warns MPs of 'danger' in voting down final Brexit deal

Politics Home
Nicholas Mairs
04 March 2018

Major says MPs should get free vote on final Brexit deal, with 2nd referendum or halting Brexit both options

Guardian
Andrew Sparrow
28 February 2018

Jacob Rees-Mogg REVEALS why UK Parliament should NOT vote on final Brexit deal

Daily Express
Alessandra Scotto di Santolo
15 February 2018

Labour's big Brexit problem

Politico
Charlie Cooper
02 February 2018

Brexit: Britons favour second referendum by 16-point margin – poll

Guardian
Dan Roberts
26 January 2018

Groups opposed to hard Brexit join forces under Chuka Umunna

Guardian
Joe Watts
11 January 2018

People power! 100,000 protesters FORCE MPs to debate walking out of EU Article 50 talks

Daily Express
Mark Chandler
16 December 2017

Tories and Labour reject second EU referendum petitions

BBC News
11 December 2017

Parliament to get binding vote on final Brexit deal

BBC News
13 November 2017

Brexit referendum: Thousands back second vote on EU withdrawal

Independent
Natasha Salmon
13 September 2017

3. Press releases

Minister for Europe's speech to WDR Europa Forum

Foreign and Commonwealth Office
Sir Alan Duncan MP
07 June 2018

Sir Alan Duncan spoke at the WDR Europa Forum in Berlin about Brexit.

Gareth Thomas: Why I'm calling for a People's Vote on Brexit

Labour List
Gareth Thomas MP
09 May 2018

[...]

A People's Vote would give the British people the chance to take back control of Brexit from a small group of Leave ideologues and determine together our country's economic, social and cultural futures. On an issue as significant as this, I believe the people of our country should have the final decision on whether or not the deal the government negotiates is good enough.

"We Need A New And Credible Approach To Brexit" – Keir Starmer's Full Speech

Labour List
Rt Hon Keir Starmer MP
26 March 2018

This is the full text of Keir Starmer's speech at the EEF Technology Hub, marking one year to go until Brexit.

One year on; one year to go. This week is half-time in the Article 50 process.

A timely opportunity to look back at what was promised and to look forward to what now needs to be delivered.

[...]

That's why Labour fought tooth and nail for Parliament to have a final say on terms of the Brexit deal. On an issue of this importance, Parliament must be in control.

Labour first coined the phrase 'a meaningful vote' – and I am clear that it must be just that: meaningful.

[...]

Sir John Major's Full Brexit Speech

Rt Hon Sir John Major
Creative Industries Federation
28 February 2018

Full Brexit Speech on Brexit at Somerset House.

[...]

It is already agreed that Parliament must pass legislation giving effect to the deal. A “meaningful vote” has been promised. This must be a decisive vote, in which Parliament can accept or reject the final outcome; or send the negotiators back to seek improvements; or order a referendum.

That is what Parliamentary sovereignty means.

[...]

4. PQs

[Brexit](#)

10 May 2018 | HL7433

Asked by: Lord Stoddart of Swindon

To ask Her Majesty's Government whether the European Parliament has the power to veto any withdrawal agreement reached between the UK and the EU.

Answering member: Lord Callanan | Department: Department for Exiting the European Union

Article 50 of the Treaty of the European Union states that the agreement between the leaving State and the EU will be concluded on behalf of the Union by the Council, after obtaining the consent of the European Parliament. This means the European Parliament shall vote on the withdrawal agreement reached between the UK and EU. It will decide by a majority of votes cast.

[Customs Unions](#)

09 May 2018 | 141056

Asked by: Jo Platt

To ask the Secretary of State for Exiting the European Union, pursuant to the Answer of 2 May 2018 to Question 139057, on customs union, whether he plans to ensure that the analysis is conducted and made available to hon. Members before any decision in the House on a final deal on the UK leaving the EU.

Answering member: Suella Braverman | Department: Department for Exiting the European Union

The Government has confirmed that when we bring forward the vote on the final deal, we will ensure that Parliament is presented with the appropriate analysis to make an informed decision.

Given that we are yet to conclude our negotiations with the EU, it would not be practical or appropriate to set out the details of exactly how the Government will provide analysis on the various elements of the final deal.

[Brexit](#)

27 Apr 2018 | 137676

Asked by: Jo Platt

To ask the Secretary of State for Exiting the European Union, pursuant to the Answer of 23 April 2018 to Question 136425 on Brexit, if he will make it his policy to include within that analysis information on the effect of the proposed deal between the UK and the EU.

Answering member: Robin Walker | Department: Department for Exiting the European Union

As set out in our responses to Questions 134796 and 136425, the Government's position is that when we bring forward the vote on the final deal, we will ensure that Parliament is presented with the appropriate analysis on which to make an informed decision.

We are meeting our commitment to keeping Parliament informed and allowing for proper scrutiny, and will continue to do so going forward.

[Brexit](#)

26 Apr 2018 | HL7086

Asked by: Lord Taylor of Warwick | Party: Non-affiliated

To ask Her Majesty's Government what steps they are taking to ensure that all the required legislation for leaving the EU is passed by Parliament before any vote on the final Brexit deal.

Answering member: Lord Callanan | Department: Department for Exiting the European Union

The Government is committed to delivering a smooth and orderly exit from the EU and the Queen's Speech 2017 set out the legislative programme to support this.

Six exit-related bills have been introduced in Parliament in this session: the EU (Withdrawal) Bill, the Nuclear Safeguards Bill, the Sanctions and Anti-Money Laundering Bill, the Trade Bill, the Taxation (Cross-border Trade) Bill and the Haulage Permits and Trailer Registration Bill.

The Government has always said we will bring forward further legislation as required to deliver our exit. This includes the Withdrawal Agreement & Implementation Bill that would give the Withdrawal Agreement domestic legal effect. Only after Parliament has voted in favour of the final deal will we introduce the Withdrawal Agreement and Implementation Bill.

[Brexit](#)

16 Apr 2018 | 134796

Asked by: Jo Platt

To ask the Secretary of State for Exiting the European Union, whether the Government plans to make an economic analysis of its final deal on leaving the EU available to hon. Members before a decision on the deal is taken in Parliament; and if he will make a statement.

Answering member: Suella Braverman | Department: Department for Exiting the European Union

The Government has confirmed that when we bring forward the vote on the final deal, we will ensure that Parliament is presented with the appropriate analysis to make an informed decision. We are meeting our commitment to keeping Parliament informed and allowing for proper scrutiny, and will continue to do so going forward.

[Brexit](#)

29 Mar 2018 | HL6476

Asked by: Viscount Waverley

To ask Her Majesty's Government what additional documentation they will publish to accompany the final Brexit agreement.

Answering member: Lord Callanan | Department: Department for Exiting the European Union

Once the negotiations have concluded, the Government has committed to give Parliament a vote on the final deal. When the time comes for the vote to be held, the Government will put the appropriate analysis before both Houses to ensure that they are appropriately informed.

In addition to this, as outlined in the Constitutional Reform and Governance Act 2010, any treaty laid before Parliament must be accompanied by an explanatory memorandum.

[Brexit](#)

26 Mar 2018 | HL6477

Asked by: Viscount Waverley

To ask Her Majesty's Government how the resolution presented to the House on the final Brexit agreement will be worded.

Answering member: Lord Callanan | Department: Department for Exiting the European Union

The Government has committed to hold a vote on the final deal in Parliament as soon as possible after the negotiations have concluded. This vote will take the form of a resolution in both Houses of Parliament and will cover both the Withdrawal Agreement and the terms for our future relationship. We have been clear that Parliament will be able to vote to accept the deal, or move forward without one.

The exact wording of any motion is yet to be determined.

[Brexit: Bureaucracy](#)

20 Mar 2018 | 132806

Asked by: Catherine McKinnell

To ask the Secretary of State for Exiting the European Union, if he will make an assessment of the implications for the Government's policies of the Oliver Wyman report entitled The Red Tape Cost of Brexit, published on 12 March 2018.

Answering member: Steve Baker | Department: Department for Exiting the European Union

The Government is undertaking a wide range of analysis and preparatory work that will contribute to our exit negotiations with the EU, to define our future partnership with the EU, and to inform our

understanding of how EU exit will affect the UK's domestic policies and frameworks.

It is not our usual practice to comment publicly on individual external publications, however we recognise the importance of contributions to the public debate.

I would note that the analysis to which the Hon. Member refers considers the scenario in which we do not reach a deal with the EU. The Government is clear that we want our future relationship with the EU to be a deep and special partnership, taking in both economic and security cooperation. We are confident that this is in the interests of both sides, so we approach these negotiations anticipating success. We do not want or expect a no deal outcome.

[Exit Negotiations](#)

15 Mar 2018 | 637 c978

Asked by: David Jones

I wish my right hon. Friend every success in the negotiations which, as he said, will reach an important stage next week. Will he confirm that it remains the Government's position that no deal is better than a bad deal, and that all necessary resources—financial and otherwise—will continue to be deployed with an eye to such an eventuality?

Answered by: David Davis | Department: Exiting the European Union

Yes, and interestingly my right hon. Friend's question links to that asked by the hon. Member for Glasgow North (Patrick Grady) about whether some people on the continent think that letting us get a good deal would be a bad thing for the future of the European Union. Were people to turn that into a punishment deal, plainly no deal would be better than that. We are, of course, allocating the necessary resources, as the Chancellor has said.

[Customs Unions: North East](#)

07 Mar 2018 | 130630

Asked by: Catherine McKinnell

To ask the Secretary of State for Exiting the European Union, what assessment he has made of the economic consequences for the North East of leaving the Customs Union after the UK leaves the EU.

Answering member: Robin Walker | Department: Department for Exiting the European Union

The Government are committed to getting the best possible deal for the United Kingdom - a deal that works for all parts of the UK, including the North East.

By leaving the Customs Union and establishing a new and ambitious customs arrangement with the EU, we will be able to forge new trade relationships with our partners around the world, which we believe will boost the economies of regions like the North East.

We are undertaking a wide range of analysis and preparatory work that will contribute to our exit negotiations with the EU, to define our future partnership with the EU, and to inform our understanding of how EU exit will affect the UK's domestic policies and frameworks.

However, ministers have a specific responsibility, which Parliament has endorsed, not to release information that could expose our negotiating position.

[Brexit](#)

06 Mar 2018 | HL5965

Asked by: Lord Taylor of Warwick

To ask Her Majesty's Government whether the UK is on target to meet the March 2019 deadline for withdrawal from the EU.

Answering member: Lord Callanan | Department: Department for Exiting the European Union

The Government has been clear that we will leave the EU in March 2019. We are working intensely with our EU counterparts in order to agree an implementation period, turn the Joint Report into legal text and to reach agreement on the entire Withdrawal Agreement by October. We are fully confident that we will reach a final deal which is in the interests of both the United Kingdom and the European Union.

[Brexit](#)

01 Mar 2018 | HL5850

Asked by: Lord Taylor of Warwick

To ask Her Majesty's Government what is the duration of the transition deal they seek to have with the EU; and what assessment they have made of the economic impact on the UK of a longer transition deal.

Answering member: Lord Callanan | Department: Department for Exiting the European Union

The Government has been clear that the aim of the time-limited Implementation Period must be to avoid a disorderly exit from the European Union for individuals and businesses both in the UK and the EU and should therefore provide sufficient time to put new processes and systems in place. As the PM set out in Florence, that points to a duration in the region of two years. This is in line with the Commission's published position. We remain confident that we will reach agreement by March European Council.

The Government is undertaking a comprehensive programme of analytical work across a range of scenarios. It is not standard practice to provide a running commentary on ongoing, internal analysis.

[Brexit](#)

01 Mar 2018 | HL5735

Asked by: Lord Kinnock |

To ask Her Majesty's Government whether the declaration that "no deal is better than a bad deal" made in the Prime Minister's Lancaster House speech in January 2016 continues to guide their policy on exiting the EU.

Answering member: Lord Callanan | Department: Department for Exiting the European Union

The Prime Minister has been clear that we are focused on delivering the will of the British people and getting a good outcome, a historic agreement that works for the people and businesses of the UK and for those in the EU. This Government does not expect or want a 'no deal' outcome from these negotiations.

It is strongly in the interests of both the UK and the EU to secure such an agreement, a good deal that works for both sides.

However, the Government continues to prepare for a range of results from negotiations, including the unlikely scenario in which no mutually satisfactory agreement can be reached.

[Topical Questions](#)

27 Feb 2018 | 636 cc679-680

Asked by: Charlie Elphicke

What preparations has the Treasury been making for leaving the European Union, and will the Treasury be ready on day one to ensure frictionless borders when we leave the European Union—deal or no deal?

Answered by: Philip Hammond | Department: Treasury

The Government are continuing with detailed preparations for all possible March 2019 scenarios, including ensuring that Departments have adequate resources to prepare effectively for EU exit. To date, the Treasury has allocated to Departments nearly £700 million for preparation activity, and we are currently in the process of allocating the 2018-19 funding from the additional £3 billion over two years that I announced at autumn Budget 2017.

[Topical Questions](#)

01 Feb 2018 | 635 cc971-2

Asked by: Edward Argar

Does my right hon. Friend agree that while the manner of our leaving the EU is rightly a matter for debate and negotiation to secure the best deal for the UK, the fact that we are leaving the EU was decided beyond doubt in June 2016 by the British people?

Answered by: David Davis | Department: Exiting the European Union

I am happy to reassure my hon. Friend on that point. The British people voted to leave the EU—17.5 million of them—in the biggest mandate in our history, and we are committed to respecting the result of the referendum. The Government have undertaken a wide range of ongoing analysis to ensure that we get the best deal for the British people in our EU exit negotiations, but whichever outcome we choose to negotiate for—most of that has been chosen—it will involve leaving the EU and respecting that democratic mandate.

[Brexit](#)

19 Jan 2018 | HL4619

Asked by: Lord Taylor of Warwick

To ask Her Majesty's Government what steps they are taking to prepare for a "no deal" Brexit; and what impact the absence of a designated "no deal" Minister will have on such preparations.

Answering member: Lord Callanan | Department: Department for Exiting the European Union

We want our future relationship with the EU to be a deep and special partnership, taking in both economic and security cooperation. We are confident that a future partnership between the UK and EU is in the interests of both sides, so we approach these negotiations anticipating success. We do not want or expect a no deal outcome.

However, a responsible government should prepare for all potential outcomes, including the unlikely scenario in which no mutually satisfactory agreement can be reached. That is exactly what we are doing across the whole of Government.

The Secretary of State for the Department for Exiting the European Union continues to be responsible for conducting negotiations in support of the Prime Minister and leading policy work to ensure a smooth exit from the EU. The Parliamentary Under Secretary of State, Steve Baker, continues to support this work including remaining responsible for contingency planning.

[Brexit: Reports to Parliament](#)

08 Jan 2018 | 788 c3

Asked by: Baroness Ludford

My Lords, instead of planning for no deal, should not the Government be trying to get a coherent, unified position on the kind of deal they are aiming for? Once they have reached that coherent, unified position, will they report back to Parliament to allow us to debate that proposition before it is put to Brussels?

Answered by: Lord Callanan | Department: Department for Exiting the European Union

We will want to do both things. We want of course to plan for the—hopefully small—likelihood of there being no deal, but we also want a unified government position going forward. The Brexit Bill will shortly arrive in this House and I am sure we will have many hours of debate on the important issues contained in it. I am sure the noble Baroness will make lots of contributions to that.

[Brexit: Reports to Parliament](#)

08 Jan 2018 | 788 c3

Asked by: Lord Cormack

My Lords, as we begin a new year, which we hope can be slightly more harmonious than the last, is it not important that, while we all recognise that the verdict of the referendum was that we should leave, it was decided by a very narrow majority? It is therefore important that those who were on the winning side demonstrate a degree of understanding and magnanimity, so that we get a proper deal and a real compromise that preserves the stature and economic prosperity of this country.

Answered by: Lord Callanan | Department: Department for Exiting the European Union

My noble friend makes a good point. We want a Brexit that will command the maximum possible level of support across this House and—I am not sure that the two things are related—across the country as well. We will want to involve as many people as possible, and of course we want to try to make that process as harmonious as possible, involving all different shades of political opinion.

[Brexit: Revocability](#)

20 Dec 2017 | 787 c2114

Asked by: Lord Thomas of Gresford

Although I am not surprised by that Answer, I thought that the Government might at least have allowed parliamentarians to view this opinion in some dark corridor at the far end of Whitehall. This is a very important issue. We have been advised many times by the noble Lord, Lord Kerr, that the notification is revocable. Yesterday, Mr Barnier said that it is revocable but only with the consent of the 27 other countries.

Last week, Sir Oliver Letwin claimed that if Dominic Grieve's amendment went through and Parliament did not agree on the deal, the effect would be for us to remain in the European Union and not to fall out. This is a very important question. What is the Government's stance or is it their policy to keep this issue fuzzy so that the people of this country are misled and deceived by it?

Answered by: Lord Callanan | Department: Department for Exiting the European Union

I am of course sorry that the noble Lord is disappointed but this is a historic convention, also recognised in Erskine May, which states:

"By long-standing convention, observed by successive Governments, the fact of, and substance of advice from, the Law officers of the Crown is not disclosed outside government".

[Brexit](#)

20 Dec 2017 | HL3908

Asked by: Lord Stoddart of Swindon

To ask Her Majesty's Government whether there are any circumstances in which they would consider withdrawing from the EU Treaties before 29 March 2019.

Answering member: Lord Callanan | Department: Department for Exiting the European Union

The Government will not speculate on hypothetical scenarios. On 29 March 2017, the Prime Minister triggered Article 50, which provides up to two years to ensure an orderly exit. We are using this time to secure an ambitious, wide ranging deal that benefits both the UK and Europe, spanning a future economic partnership, and future security partnership. We are delivering on the result of the referendum and the UK will leave the EU in March 2019.

[Business of the House](#)

14 Dec 2017 | 633 c624

Asked by: Tom Brake

Following yesterday's victory in Parliament on the meaningful vote, will the Leader of the House make time available for a DExEU Minister to come to the House in advance of that meaningful vote to set out the impact assessment that they will have conducted on the impact of Brexit according to the deal that will have been secured with the European Union?

Answering member: Andrea Leadsom | Leader of the House of Commons

As ever, the right hon. Gentleman uses terms that I personally would not use. There will be ample opportunities for him to raise any questions that he has about the UK's arrangements as we seek to leave the EU

with the best possible deal for all of the United Kingdom and for our EU friends and neighbours. That is what the Government are determined to do to fulfil the result of the referendum that took place last year and took the very clear decision that the UK will be leaving the European Union.

[Topical Questions](#)

14 Dec 2017 | 633 cc600-1

Asked by: Wera Hobhouse

Following yesterday's debate, will the Secretary of State now publish a timetable of the decision-making process to give Parliament absolute clarity about when the parliamentary vote on the deal will take place?

Answered by: David Davis | Department: Exiting the European Union

That would all be fine if I could commit the European Commission to doing the same. Unfortunately, it tends to depend on how long the negotiation takes. As the hon. Lady has seen in the last six or seven months, the process has not been entirely predictable.

[Negotiated Settlement: Referendum](#)

14 Dec 2017 | 633 c598

Asked by: Layla Moran

Recent polls show there is now a clear majority in favour of a referendum on the deal. Is it any wonder that this Government have lost control? Yesterday, Parliament took back control, and now the public want to take back control from the Tory party and the Democratic Unionist party. Will the Minister please explain to my constituents how a referendum on the deal—the first referendum on the facts—would be anti-democratic? Does he not trust them—

Answered by: David Davis | Department: Exiting the European Union

I am very tempted to point out the polling results of the Liberal Democrat party recently. The simple point to the hon. Lady is this: no opinion poll comes anywhere near the votes of 17.5 million people, which we will respect.

[Brexit](#)

14 Dec 2017 | 902948

Asked by: Eddie Hughes

Whether his Department is preparing contingency plans for use across Government in the event of there being no deal on the UK leaving the EU.

Answering member: Steve Baker | Department: Department for Exiting the European Union

We continue to focus on getting a good outcome that works for the UK and for those in the EU. As we move to the next phase of talks, we do so with a renewed sense of optimism about the deal that can be achieved.

While we do not want or expect a 'no deal' outcome, as a responsible Government we will continue to prepare for a range of potential outcomes.

[Brexit: Negotiations](#)

07 Dec 2017 | 787 c1157

Asked by: Lord Davies of Stamford

My Lords, anyone who has been involved in negotiations knows that one of the most important things at the outset is to establish the good faith of all the parties—in other words, their ability to conclude the deal that they are purporting to negotiate. Last week, the Commission and the Irish Government clearly assumed that the Prime Minister was negotiating on behalf of the United Kingdom. Actually, she was not: she was negotiating ad referendum to the DUP. In those circumstances, why did she not explain the position to her counterparties on the other side of the table, and why did she not get the DUP alongside, negotiating on their behalf?

Answered by: Baroness Goldie

The Prime Minister is negotiating for the national interest of the United Kingdom and all its parts with rigour and determination—a determination, I may say, acknowledged by no less a person than President Juncker, who described her as a tough negotiator. That is what I want in Brussels; thank goodness, that is what we have in Brussels.

[Brexit](#)

29 Nov 2017 | HL3563

Asked by: Viscount Waverley |

To ask Her Majesty's Government whether they have determined in what circumstances they would withdraw from negotiations to exit from the EU; and if so, what are those circumstances.

Answering member: Lord Callanan | Department: Department for Exiting the European Union

We continue to engage constructively, as a full and responsible Member State in the negotiations. For our part, we are ready to move these negotiations on, as doing so will allow us to best achieve our joint objectives and move towards a deal that works for both the UK and the EU.

We are confident that a future partnership between the UK and EU is in the interests of both sides, so we are approaching these negotiations with optimism. We do not want or expect a no deal outcome.

[Brexit](#)

09 Nov 2017 | 110920

Asked by: Jo Platt

To ask the Secretary of State for Exiting the European Union, what assessment his Department has made of the potential effect on not reaching a deal with the EU on exiting the EU on the UK economy.

Answering member: Steve Baker | Department: Department for Exiting the European Union

We are confident that a future partnership between the UK and EU is in the interests of both sides, so we approach these negotiations anticipating success. We do not want or expect a no deal outcome.

However, a responsible government should prepare for all potential outcomes, including the unlikely scenario in which no mutually satisfactory agreement can be reached. The government is therefore undertaking a comprehensive programme of analytical work across a range of scenarios.

However, we have been very clear that we must not publish material that could undermine the UK position in the negotiations.

[Brexit](#)

02 Nov 2017 | 901553

Asked by: Eddie Hughes

To ask the Secretary of State for Exiting the European Union, whether his Department is helping to prepare contingency plans across Government in the event of a no deal outcome from the negotiations on the UK leaving the EU.

Answering member: Steve Baker | Department: Department for Exiting the European Union

The Government is fully committed to negotiating a deep and special partnership with the European Union and negotiations are progressing well. However, as a responsible government, we are ensuring plans are in place for a range of outcomes, including the unlikely scenario where the UK leaves the EU without a deal.

The Department for Exiting the European Union is working alongside each Government department to build a clear understanding of how withdrawing from the EU will affect its existing policies and services. Plans are well developed and have been designed to provide the flexibility to respond to a number of potential outcomes.

5. Other Parliamentary material

5.1 Debates

[Leaving the EU: No-deal Alternatives](#)

21 Feb 2018 | 636 cc85-110WH

[Government's EU Exit Analysis](#)

31 Jan 2018 | 635 cc827-877

[Leaving the European Union](#)

22 Jan 2018 | 635 cc1-44WH

[European Union \(Withdrawal\) Bill](#)

13 Dec 2017 | 633 cc403-567

[Brexit Deal: Referendum](#)

11 Dec 2017 | 633 cc1-50WH

[Leaving the EU](#)

24 Oct 2017 | 630 cc271-280

5.2 Statements

[Brexit Negotiations](#)

11 Dec 2017 | 633 cc24-55

Statement on the negotiations for our departure from the European Union.

[Procedures for the Approval and Implementation of EU Exit Agreements](#)

13 Dec 2017 | HCWS342

Mr David Davis (Secretary of State for Exiting the European Union)

The UK will exit the EU on 29 March 2019. We are currently negotiating the terms of our withdrawal (and hope shortly to move on to the terms of our future relationship). This note sets out the role of Parliament in approving the resulting agreements and how they will be brought into force.

Background

There will be at least two agreements.

A Withdrawal Agreement will be negotiated under Article 50 of the Treaty on European Union (TEU) whilst the UK is a member of the EU. It will set out the terms of the UK's withdrawal from the EU (including an agreement on citizens' rights, Northern Ireland and any financial settlement), as well as the details of any implementation period agreed between both sides.

Article 50(2) of the TEU sets out that the Withdrawal Agreement should take account of the terms for the departing Member State's future relationship with the EU. At the same time as we negotiate the Withdrawal Agreement, we will therefore also negotiate the terms for our future relationship.

However as the Prime Minister made clear in her Florence speech, the European Union considers that it is not “legally able to conclude an agreement with the UK as an external partner while it is itself still part of the European Union”. This is because the EU treaties require that the agreement governing our future relationship can only be legally concluded once the UK is a third country (i.e. once it has left the EU). So the Withdrawal Agreement will be followed shortly after we have left by one or more agreements covering different aspects of the future relationship.

How will the Withdrawal Agreement be approved and brought into force?

The Withdrawal Agreement will need to be signed by both parties and concluded by the EU and ratified by the UK before it can enter into force. The UK approval and EU approval processes can operate in parallel.

The EU’s Chief Negotiator, Michel Barnier, has said that he wants to have finalised the Withdrawal Agreement by October 2018. In Europe, the agreement will then require the consent of the European Parliament and final sign off by the Council acting by a qualified majority. It will not require separate approval or ratification by the individual Member States.

In the UK, the Government has committed to hold a vote on the final deal in Parliament as soon as possible after the negotiations have concluded. This vote will take the form of a resolution in both Houses of Parliament and will cover both the Withdrawal Agreement and the terms for our future relationship. The Government will not implement any parts of the Withdrawal Agreement - for example by using Clause 9 of the European Union (Withdrawal) bill - until after this vote has taken place.

In addition to this vote, the Constitutional Reform and Governance Act 2010 (CRAG) normally requires the Government to place a copy of any treaty subject to ratification before both Houses of Parliament for a period of at least 21 sitting days, after which the treaty may be ratified unless there is a resolution against this. If the House of Commons resolves against ratification the Government can lay a statement explaining why it considers the treaty should still be ratified and there is then a further 21 sitting days during which the House of Commons may decide whether to resolve again against ratification. The Government is only able to ratify the agreement if the House of Commons does not resolve against the agreement.

If Parliament supports the resolution to proceed with the Withdrawal Agreement and the terms for our future relationship, the Government will bring forward a Withdrawal Agreement & Implementation Bill to give the Withdrawal Agreement domestic legal effect. The Bill will implement the terms of the Withdrawal Agreement in UK law as well as providing a further opportunity for parliamentary scrutiny. This legislation will be introduced before the UK exits the EU and the substantive provisions will only take effect from the moment of exit. Similarly, we expect any steps taken through secondary legislation to implement any part of the Withdrawal Agreement will only be operational from the moment of exit, though preparatory provisions may be necessary in certain cases.

How will the agreement governing the UK’s future relationship with the EU be approved and brought into force?

As described above, the agreement governing our future relationship with the EU can only be legally concluded once the UK has left the EU. This may take the form of a single agreement or a number of agreements covering different aspects of the relationship.

Whatever their final form, agreements on the future relationship are likely to require the consent of the European Parliament and conclusion by the Council. If both the EU and Member States are exercising their competences in an agreement, Member States will also need to ratify it.

In the UK, the Government will introduce further legislation where it is needed to implement the terms of the future relationship into UK law, providing yet another opportunity for proper parliamentary scrutiny.

The CRAG process is also likely to apply to agreements on our future relationship, depending on the final form they take.

5.3 Early Day Motions

[Extending Article 50](#)

EDM 1134 (session 2017-19)

27 March 2018

Williams, Hywel

That this House believes the Government must seek an extension to Article 50 to avoid a damaging no deal Brexit; recalls that the transition period was once imagined as a period during which businesses and the Government would have two years to prepare for a new regime; sees now that it is clear the transition will not be a transition at all, but will instead be used by the Government to hash out the terms of a trade deal; notes with alarm that many aspects of the withdrawal agreement remain unresolved, including the Irish border question; foresees there to be further disagreement between the EU and the UK on the terms of final trade; further believes we cannot allow the UK to be wrenched out of the EU without a deal if we run out time, thereby subjecting the economy to the hardships of WTO trading; recognises with alarm that the transition deal, as it stands, will mean abiding by all EU rules and regulations, without having a voice in setting those rules, the exact opposite of taking back control; deplores the reckless choice of the Tory Government to trigger Article 50 without any plan or proposed model for Brexit; condemns the Labour Party's decision to follow suit; and calls on the Government to seek an extension to Article 50 as recommended by the Department for Exiting the European Union Select Committee in its report.

[OECD call for a second referendum on EU membership](#)

EDM 445 (session 2017-19)

24 October 2017

Tom Brake

That this House notes that the Organisation for Economic Co-operation and Development (OECD) has stated that a second referendum on the UK's membership of the EU would have a significant positive impact on UK economic growth; expresses concern that the OECD made an assessment that a No Deal Brexit would cause the pound to hit unprecedented lows and cause the UK's credit rating to be cut; is concerned that the UK's productivity growth is significantly behind that of other states in the EU; is alarmed that the Government has left open the option of the UK leaving the EU without a deal; calls on the Government to protect the UK economy by ensuring that the UK stays in the single market and as a member of the customs union; and, in light of the negative economic forecast for the UK if it leaves the EU, calls on the Government to offer the people a vote on whether the UK should accept the terms for the UK exiting the EU or stay in the EU.

6. Further reading

Library Briefing Papers

[Brexit: Parliament's role in approving and implementing agreements with the European Union](#)

Commons Briefing Paper CBP-8321
23 May 2018

[European Union \(Withdrawal\) Bill: Summary of Lords Amendments](#)

Lords Library Note LLN-2018-0056
18 May 2018

[European Union \(Withdrawal\) Bill: Lords Report Stage](#)

Lords Library Note LLN-2018-0053
14 May 2018

[Brexit: new guidelines on the framework for future EU-UK relations](#)

Commons Briefing Paper CBP-8289
19 April 2018

[European Union \(Withdrawal\) Bill: Lords Committee Stage](#)

Lords Library Note LLN-2018-0038
12 April 2018

[Brexit: the draft withdrawal agreement](#)

Commons Briefing Paper CBP-8269
26 March 2018

[Brexit timeline: events leading to the UK's exit from the European Union](#)

Commons Briefing Paper CBP-7960
12 March 2018

[Alternatives to a no-deal outcome in negotiations with the EU](#)

Commons Debate Pack CDP-2018-0039
19 February 2018

[E-petition 200165 relating to leaving the European Union](#)

Commons Debate Pack CDP-2018-0007
18 January 2018

[Brexit: 'sufficient progress' to move to phase 2, December 2017](#)

Commons Briefing Paper CBP 2017-8183
19 December 2017

[EU \(Withdrawal\) Bill: clauses 9, 8 and 17](#)

Commons Briefing Paper CBP 2017-8170
11 December 2017

[E-petitions 200004, 187570, 193282 and 200311 relating to a referendum on the deal for the UK's exit from the European Union](#)

Commons Debate Pack CDP-2017-0253
6 December 2017

Library Insight articles

[Brexit: can Parliament control the outcome of the negotiations?](#)

1 May 2018

[Parliament and the withdrawal agreement: the “meaningful vote”](#)

9 February 2018

Committee Reports

[The progress of the UK’s negotiations on EU withdrawal \(March to May 2018\)](#), Exiting the European Union Committee, Fifth Report of Session 2017–19, HC 1060, 24 May 2018

[The progress of the UK’s negotiations on EU withdrawal \(December 2017 to March 2018\): Government Response to the Committee’s Third Report](#), Third Special Report of Session 2017–19, HC 1077, 23 May 2018

[The progress of the UK’s negotiations on EU withdrawal: December 2017 to March 2018](#), Exiting the European Union Committee, Third Report of Session 2017–19, HC 884, 18 March 2018

[Brexit: deal or no deal](#), European Union Committee, 7th Report of Session 2017–19, HL Paper 46, 7 December 2017

[The progress of the UK’s negotiations on EU withdrawal, Second Report of Session 2017–19](#), Exiting the European Union Committee, HC 372, 1 December 2017

Related E-petitions

[E-petition 200165 relating to leaving the European Union](#)

[E-petitions 200004, 187570, 193282 and 200311 relating to a referendum on the deal for the UK's exit from the European Union.](#)

Government material

[Information about the Withdrawal Bill](#)

Department for Exiting the European Union
April 2018

[Article 50 and negotiations with the EU](#)

Department for Exiting the European Union
Updated April 2018

[David Davis' statement: EU-UK Article 50 negotiations Brussels, Monday 19 March 2018](#)

Department for Exiting the European Union
Rt Hon David Davis MP

[Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community](#)

Department for Exiting the European Union
March 2018

Other

[Theresa May's meaningless meaningful vote?](#)

Centre for European Reform
May 2018

[Voting on Brexit Parliament's consideration of the withdrawal deal and future framework](#)

Institute for Government
April 2018

[Parliament and the Brexit deal](#)

Institute for Government
undated (accessed 27 March 2018)

[Brexit: research and analysis](#)

Research and analysis from Parliament's libraries and committees on how leaving the EU will affect different policy areas in the UK.

[The People's Vote campaign](#)

[Department for Exiting the European Union](#)

[Exiting the European Union Committee](#)

[EU Select Committee](#)

[European Scrutiny Committee](#)

[Research and publications web page on Open Britain](#)

[New European](#)

About the Library

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publically available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email hcinfo@parliament.uk.

Disclaimer

This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).