

Withdrawal Agreement: Section 13(1)(c) of the European Union (Withdrawal) Act 2018

Debate on 9, 10 and 14 January 2019

Summary

On 25 November 2018, the UK and the EU concluded a withdrawal agreement setting out the terms of the UK's departure from the EU and a political declaration on the framework for their future relationship, as provided for under article 50(2) of the Treaty on European Union. Under the terms of article 50, the UK is set to leave the EU on 29 March 2019, two years from the date of giving notice of its intention to leave. Following ratification, the withdrawal agreement would become a legally binding international treaty. The political declaration sets out a framework for the future relationship between the UK and the EU. The precise terms of the future relationship can only be negotiated once the UK has left the EU and become a third country. Formal negotiations can then begin before a legally binding agreement (or agreements) can be reached.

Section 13 of the European Union (Withdrawal) Act 2018 (the EUWA) sets out specific requirements that must be met before the UK could ratify the withdrawal agreement, including approval by the House of Commons—what is popularly referred to as the 'meaningful vote'—and a debate in the House of Lords. Both Houses began debates in December 2018 for the purposes of fulfilling the requirements of section 13. However, the day before the meaningful vote was due to take place in the Commons, the Prime Minister announced that she was deferring the vote in order to seek further assurances from the EU about the Northern Ireland backstop arrangements in the withdrawal agreement, as she believed that the Commons would otherwise reject the deal. In view of the postponement of the meaningful vote, the Lords adjourned its debate. Further debate has now been scheduled in the Lords for 9, 10 and, provisionally, 14 January 2019. Debate in the Commons will take place on 9 and 10 January 2019 and, subject to the approval of a business motion, possibly also on subsequent days. The Government has said it intends the Commons' meaningful vote to take place in the week of 14 January 2019, but it has not yet put forward a specific date for this.

This briefing outlines the requirements of section 13 of the EUWA, and covers events surrounding the rescheduling of the debates in both Houses, as well as the discussions the UK has had with the EU since the meaningful vote was delayed. It then identifies relevant reports and useful documents which may be of assistance to Members in preparing for the following debate:

Further debate, for the purposes of section 13(1)(c) of the European Union (Withdrawal) Act 2018, taking note of the negotiated withdrawal agreement and the framework for the future relationship.

Copies of the materials are available for collection from the Library.

Requirements for Ratification of the Withdrawal Agreement

Section 13 of the European Union (Withdrawal) Act 2018

Section 13(1) of the European Union (Withdrawal) Act 2018 (the EUWA) sets out specific requirements for the ratification of the withdrawal agreement that has been agreed between the UK and the EU under article 50(2) of the Treaty on European Union. This requires that before the withdrawal agreement can be ratified four conditions must be met (those requirements placed upon the House of Lords are defined in section 13(1)(c)):

13 Parliamentary approval of the outcome of negotiations with the EU

- (1) The withdrawal agreement may be ratified only if—
- (a) a Minister of the Crown has laid before each House of Parliament—
 - (i) a statement that political agreement has been reached,
 - (ii) a copy of the negotiated withdrawal agreement, and
 - (iii) a copy of the framework for the future relationship,
 - (b) the negotiated withdrawal agreement and the framework for the future relationship have been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown,
 - (c) a motion for the House of Lords to take note of the negotiated withdrawal agreement and the framework for the future relationship has been tabled in the House of Lords by a Minister of the Crown and—
 - (i) the House of Lords has debated the motion, or
 - (ii) the House of Lords has not concluded a debate on the motion before the end of the period of five Lords sitting days beginning with the first Lords sitting day after the day on which the House of Commons passes the resolution mentioned in paragraph (b), and
 - (d) an Act of Parliament has been passed which contains provision for the implementation of the withdrawal agreement.

Ratification of the withdrawal agreement can only proceed if the House of Commons approves the withdrawal agreement and the framework for the future relationship. However, approval by the House of Lords is not required under section 13(1)(c) in order for ratification of the withdrawal agreement to proceed.

Should the House of Commons resolve not to support the motion under 13(1)(b), then:

A Minister of the Crown must, within the period of 21 days beginning with the day on which the House of Commons decides not to pass the resolution, make a statement setting out how Her Majesty's Government proposes to proceed in relation to negotiations for the United Kingdom's withdrawal from the EU under Article 50(2) of the Treaty on European Union.¹

Section 13(6) provides that a Minister of the Crown must make arrangements for motions to be considered in each House:

- (6) A Minister of the Crown must make arrangements for—

¹ European Union (Withdrawal) Act 2018, section 13(4).

- (a) a motion in neutral terms, to the effect that the House of Commons has considered the matter of the statement mentioned in subsection (4), to be moved in that House by a Minister of the Crown within the period of seven Commons sitting days beginning with the day on which the statement is made, and
- (b) a motion for the House of Lords to take note of the statement to be moved in that House by a Minister of the Crown within the period of seven Lords sitting days beginning with the day on which the statement is made.²

On 26 November 2018, the Prime Minister, Theresa May, made a written ministerial statement for the purposes of satisfying section 13(1)(a) of the EUWA. Mrs May stated that:

I am of the opinion that an agreement in principle has been reached in negotiations under Article 50(2) of the Treaty on European Union on the substance of:

- a. the arrangements for the United Kingdom's withdrawal from the European Union, and
- b. the framework for the future relationship between the European Union and the United Kingdom after withdrawal.³

The Prime Minister also announced that copies of the withdrawal agreement and the framework had been laid.⁴ She explained that before the text of the withdrawal agreement could be formally signed it had to complete the EU's jurist-linguist translation process. She stated that during this time "minor technical corrections" would be made to the text but that these would not affect its substance. The Prime Minister stated that "the laying of the withdrawal agreement before Parliament at this stage does not therefore trigger any procedures under the Constitutional Reform and Governance Act 2010".⁵

Constitutional Reform and Governance Act 2010: Ratification of Treaties

Section 13(14) of the EUWA provides that section 13 does not affect the operation of part 2 of the Constitutional Reform and Governance Act 2010 (CRAG) in relation to the withdrawal agreement. Part 2 of CRAG makes provisions for the ratification of treaties. Section 20(1) of CRAG sets out that a treaty is not to be ratified unless a minister has laid a copy before Parliament; that the treaty has been published in a way that the minister thinks appropriate; and that a period of 21 sitting days has elapsed since the day after the treaty was laid before Parliament, without either House resolving that it should not be ratified. Should the Commons resolve against ratification, the minister may lay a statement indicating that the minister is of the opinion that the treaty should nevertheless be ratified and explaining why. A second period of 21 sitting days is then triggered, during which the Commons may resolve again against ratification. Similarly, the minister may then lay another statement. In such a way the Commons theoretically has the power to delay ratification indefinitely. The House of Lords does not have this power. Should the Lords resolve against ratification and the Commons not resolve against ratification, then the treaty may be ratified "if a Minister of the Crown has laid before Parliament a statement indicating that the minister is of the opinion that the treaty should nevertheless be ratified and explaining why".⁶

² European Union (Withdrawal) Act 2018, section 13(6).

³ House of Commons, '[Written Statement: Exiting the European Union](#)', 26 November 2018, HCWS1110.

⁴ *ibid.*

⁵ *ibid.*

⁶ Constitutional Reform and Governance Act 2010, section 20(8).

Withdrawal Agreement Bill: Implementing the Agreement in Domestic Law

Should the withdrawal agreement be approved by the House of Commons, the Government is committed to introducing primary legislation to give the treaty domestic legal effect (a ‘Withdrawal Agreement Bill’). Article 4(2) of the withdrawal agreement states that the UK shall introduce domestic primary legislation to ensure compliance with article 4(1). This states that:

The provisions of this Agreement and the provisions of Union law made applicable by this Agreement shall produce in respect of and in the United Kingdom the same legal effects as those which they produce within the Union and its member states. Accordingly, legal or natural persons shall in particular be able to rely directly on the provisions contained or referred to in this Agreement which meet the conditions for direct effect under Union law.

The requirement to implement a treaty in primary legislation stems from the UK’s ‘dualist’ nature:

The UK is a ‘dualist’ state, unlike many continental European countries, which are ‘monist’. In dualist states a treaty ratified by the Government does not alter the laws of the state unless and until it is incorporated into national law by legislation. This is a constitutional requirement: until incorporating legislation is enacted, the national courts have no power to enforce treaty rights and obligations either on behalf of the Government or a private individual.⁷

A Withdrawal Agreement Bill would also be required under section 13(1)(d) of the EUWA before the withdrawal agreement can be ratified. Additionally, under section 9 of the EUWA, the Government has regulation-making powers for the purposes of implementing the withdrawal agreement if the minister considers that such provision should be in force on or before exit day. However, this is subject to the “prior enactment of a statute by Parliament approving the final terms of withdrawal of the United Kingdom from the EU”.⁸

Lords and Commons Debates on Withdrawal Agreement and Political Declaration

Section 13 Debates in Both Houses: December 2018

The House of Lords debate on the withdrawal agreement and political declaration, in fulfilment of the requirement under section 13(1)(c), began on 5 December 2018, continued on 6 December 2018 and was due to conclude on 10 December 2018.⁹ The House of Commons debate on a motion to approve the withdrawal agreement and the framework for the future relationship, in fulfilment of section 13(1)(b), began on 4 December 2018, continued on 5 and 6 December 2018, and was due to continue on 10 and 11 December 2018.¹⁰ A vote on the motion, and/or up to six amendments to the motion selected by the Speaker—the so-called meaningful vote on the deal—was expected to take place on 11 December 2018.

⁷ House of Commons European Scrutiny Committee, [The EU Bill and Parliamentary Sovereignty](#), 7 December 2010, HC 633-I of session 2010–12, para 10.

⁸ European Union (Withdrawal) Act 2018, section 9(1).

⁹ [HL Hansard, 5 December 2018, cols 977–1013](#) and [cols 1023–108](#); and [HL Hansard, 6 December 2018, cols 1119–98](#).

¹⁰ [HC Hansard, 4 December 2018 cols 733–45](#) and [cols 747–861](#); [HC Hansard, 5 December 2018, cols 899–1024](#); and [HC Hansard, 6 December 2018, cols 1081–212](#).

Deferral of the Commons ‘Meaningful Vote’

However, on 10 December 2018, the Prime Minister made an announcement in the Commons that she was going to defer the meaningful vote in order to seek further assurances from the EU about the Northern Ireland backstop arrangements in the deal:¹¹

I have listened very carefully to what has been said, in the Chamber and out of it, by Members on all sides. From listening to those views, it is clear that while there is broad support for many of the key aspects of the deal, on one issue, the Northern Ireland backstop, there remains widespread and deep concern. As a result, if we went ahead and held the vote tomorrow, the deal would be rejected by a significant margin. We will therefore defer the vote scheduled for tomorrow, and will not proceed to divide the House at this time.¹²

Mrs May said she had hoped that the changes she had secured to the backstop during the negotiations would “reassure Members that we could never be trapped in it indefinitely”.¹³ However, having accepted that “these elements do not offer a sufficient number of colleagues the reassurance that they need”, Mrs May said she would go to see the leaders of the other EU member states, the European Council and the European Commission in advance of the European Council summit scheduled for 13 to 14 December 2018 to “discuss with them the clear concerns that this House has expressed”.¹⁴ She spoke of seeking “further reassurances” from them about “whether the backstop, should it ever be used, can be brought to an end”, but did not state explicitly what form such reassurances might take—for example, whether she would seek to renegotiate the text of the legally binding withdrawal agreement, or whether the reassurances might take some other form.¹⁵

Adjournment of the Lords Debate

In response to news that the Government was intending to “pull” the ‘meaningful vote’ in the Commons, Baroness Smith of Basildon, Leader of the Opposition in the House of Lords, moved that the House of Lords adjourn its debate until it could hear the Prime Minister’s statement.¹⁶ The House voted 201 to 163 in favour of adjourning.¹⁷ The Prime Minister’s statement was later repeated in the Lords, after which the House adjourned again.¹⁸

Further Discussions with the EU

European Council, 13 to 14 December

Theresa May attended the European Council summit of EU leaders held on 13 to 14 December 2018. In the conclusions document issued after the meeting, leaders of the EU27 member states stressed that they intended to proceed with ratification of the withdrawal agreement, which they said was “not open

¹¹ For an explanation of the backstop, see: House of Commons Library, [The UK’s EU Withdrawal Agreement](#), 7 December 2018; and House of Commons Library, [‘The Backstop Explained’](#), 12 December 2018.

¹² [HC Hansard, 10 December 2018, col 23.](#)

¹³ *ibid.*

¹⁴ *ibid.*, col 24.

¹⁵ *ibid.*, col 31.

¹⁶ [HL Hansard, 10 December 2018, col 1212.](#)

¹⁷ *ibid.*, cols 1213–15.

¹⁸ [HL Hansard, 10 December 2018, cols 1216–28.](#)

for renegotiation”.¹⁹ The European Commission had already announced on 5 December 2018 that it had started the procedure for formal ratification of the withdrawal agreement, adopting two proposals for Council decision on the signature and conclusion of the text.²⁰ The European Council conclusions contained text setting out the EU’s intention that the Irish/Northern Irish backstop should not become a permanent arrangement:

The European Council reiterates that it wishes to establish as close as possible a partnership with the United Kingdom in the future. It stands ready to embark on preparations immediately after signature of the withdrawal agreement to ensure that negotiations can start as soon as possible after the UK’s withdrawal.

The European Council underlines that the backstop is intended as an insurance policy to prevent a hard border on the island of Ireland and ensure the integrity of the single market. It is the Union’s firm determination to work speedily on a subsequent agreement that establishes by 31 December 2020 alternative arrangements, so that the backstop will not need to be triggered.

The European Council also underlines that, if the backstop were nevertheless to be triggered, it would apply temporarily, unless and until it is superseded by a subsequent agreement that ensures that a hard border is avoided. In such a case, the Union would use its best endeavours to negotiate and conclude expeditiously a subsequent agreement that would replace the backstop, and would expect the same of the United Kingdom, so that the backstop would only be in place for as long as strictly necessary.²¹

Theresa May welcomed the European Council conclusions, saying that “as formal conclusions, these commitments have legal status”.²² On its website, the European Council suggests the political, rather than legal, character of conclusions, describing their purpose as “identify[ing] issues of concern and actions to take” to “[set] the EU’s policy agenda”.²³ Mrs May said that the EU was “firmly committed” to having the future partnership in place by the time the transition period (or implementation period, as the UK Government refers to it) was over, which would be the “guaranteed way of avoiding the backstop”. But she also acknowledged that “MPs will require further assurances”.²⁴ She dismissed press reports that the EU was unwilling to consider any further clarification, saying that “my discussions with colleagues today have shown that further clarification and discussion following the Council’s conclusions is in fact possible”. She said she would be “holding talks in coming days about how to obtain the further assurances that the UK Parliament needs in order to be able to approve the deal”.

Mrs May repeated these points in a statement to the House of Commons on 17 December 2018, reiterating that “discussions are continuing to explore further political and legal assurances”.²⁵ She said she expected these discussions to continue into the new year.²⁶ Mrs May also said that she was “looking at new ways of empowering the House of Commons to ensure that any provision for a backstop has democratic legitimacy” and “enabling the House to place its own obligations on the Government to ensure that the backstop cannot be in place indefinitely”.²⁷

¹⁹ European Council, [Special Meeting of the European Council \(Art 50\) \(13 December 2018\)—Conclusions](#), 13 December 2018.

²⁰ European Commission, [‘Daily News’](#), 5 December 2018.

²¹ European Council, [Special Meeting of the European Council \(Art 50\) \(13 December 2018\)—Conclusions](#), 13 December 2018.

²² Prime Minister’s Office, [‘PM Press Statement at European Council: 14 December 2018’](#), 14 December 2018.

²³ European Council, [‘The European Council’](#), 11 December 2018.

²⁴ Prime Minister’s Office, [‘PM Press Statement at European Council: 14 December 2018’](#), 14 December 2018.

²⁵ [HC Hansard, 17 December 2018, cols 527–8.](#)

²⁶ *ibid*, col 549.

²⁷ *ibid*, col 528.

The EU has played down suggestions that further talks with the UK were ongoing. Donald Tusk, President of the European Council, said on 14 December 2018 that he had no mandate to reopen Brexit negotiations.²⁸ On 17 December 2018, the European Commission's chief spokesperson said that "the European Council has given the clarifications that were possible at this stage, so no further meetings with the United Kingdom are foreseen".²⁹

Both Sides Step Up No-Deal Contingency Planning

Although both the UK and the EU have emphasised that securing a deal is their priority, both sides stepped up their contingency planning for a no-deal Brexit in the week following the European Council meeting. A Downing Street spokesperson said that the Cabinet had decided on 18 December 2018 that, with three months to go before exit day, the point had been reached where the Government needed to "ramp up" its no-deal preparations.³⁰ The spokesperson said that "delivering the deal that the Prime Minister agreed with Brussels remains the Government's top priority and our best no deal mitigation", but the Government had a "continued duty [...] to prepare for every eventuality". The spokesperson said that businesses would be advised to enact their own no-deal plans as they judged necessary, and citizens should also prepare in line with the technical notices issued over the summer and further advice that would be issued in the coming weeks. The Government also announced on 18 December 2018 that it had allocated more than £2 billion additional funding for Brexit preparation projects across 25 government departments.³¹ While the funding was to cover "core Brexit activity including deal and no deal preparations", the announcement explained that arrangements were being made to ensure that departments and the devolved administrations could fund civil contingencies in a no-deal scenario.

The European Council conclusions from 13 December 2018 included a paragraph calling for Brexit preparedness work "to be intensified, taking into account all possible outcomes".³² On 19 December 2018, the European Commission announced it would begin implementing its no-deal Contingency Action Plan, which it described as "a package of 14 measures in a limited number of areas where a 'no deal' scenario would create major disruption for citizens and businesses in the EU".³³ The areas covered include financial services, air transport, road haulage, customs and the export of goods and climate policy. The Commission stated that contingency measures would be adopted unilaterally by the EU in pursuit of its own interests; should be temporary; revocable at any time; and should not replicate the benefits of EU membership, nor the terms of the transition period.³⁴

Rescheduling the Commons 'Meaningful Vote'

January Dates Announced

Theresa May announced on 17 December 2018, in her post-European Council statement to the House of Commons, that the Government "intend[s] to return to the meaningful vote debate in the week

²⁸ Reuters, '[EU's Tusk Says No More Brexit Negotiations](#)', 14 December 2018.

²⁹ European Commission Audiovisual Services, '[Midday Press Briefing from 17/12/18](#)', 17 December 2018 (video).

³⁰ *Guardian*, '[Downing Street Lobby Briefing—Snap Summary](#)', 18 December 2018.

³¹ HM Treasury, '[More than £2 Billion Brexit Preparation Funding Awarded to Departments for a Successful EU Exit](#)', 18 December 2018.

³² European Council, '[Special Meeting of the European Council \(Art 50\) \(13 December 2018\)—Conclusions](#)', 13 December 2018.

³³ European Commission, '[Brexit: European Commission Implements 'No Deal' Contingency Action Plan in Specific Sectors](#)', 19 December 2018.

³⁴ European Commission, '[Preparing for the Withdrawal of the United Kingdom from the European Union on 30 March 2019: Implementing the Commission's Contingency Action Plan](#)', 19 December 2018.

commencing 7 January and hold the vote the following week”.³⁵

Andrea Leadsom, Leader of the House of Commons, later announced that proceedings on a business motion relating to section 13(1)(b) of the EUWA would take place on 9 January 2019, to be followed by a debate on section 13(1)(b) on 9 and 10 January 2019. She said that this debate might continue on 11 January and into the following week, subject to the House agreeing the business motion.³⁶ She explained that whether the debate would be on the same motion as before would depend on what the Prime Minister came back with after her discussions with the EU about legal reassurances on the backstop.³⁷ In response to questions about what date the meaningful vote would take place, Mrs Leadsom declined to give a specific date; however, she indicated that further details would be set out in the business motion to be debated on 9 January 2019 and she repeated the Prime Minister’s undertaking that the vote would take place in the week commencing 14 January 2019.³⁸

Requirements under the European Union (Withdrawal) Act

With regard to the timing of the meaningful vote, section 13(2) of the EUWA specifies that:

So far as practicable, a Minister of the Crown must make arrangements for the motion mentioned in subsection (1)(b) to be debated and voted on by the House of Commons before the European Parliament decides whether it consents to the withdrawal agreement being concluded on behalf of the EU in accordance with article 50(2) of the Treaty on European Union.

No date has yet been set for the European Parliament to vote on the withdrawal agreement. A European Parliament press release stated at the end of November 2018 that: “In line with article 50 of the EU treaty, the European Parliament is set to vote on the withdrawal agreement in early 2019”.³⁹

Significance of 21 January 2019 under the European Union (Withdrawal) Act

During the questions which followed her statement that she was deferring the meaningful vote, Theresa May said that “there is in legislation the issue of the 21 January date”.⁴⁰ The date of 21 January comes into play under the EUWA in two scenarios:

- **Under section 13(7):**
if the Prime Minister makes a statement before the end of 21 January 2019 that no agreement in principle can be reached in negotiations under article 50(2) of the Treaty on European Union on the substance of—
 - (a) the arrangements for the United Kingdom’s withdrawal from the EU, and
 - (b) the framework for the future relationship between the EU and the United Kingdom after withdrawal.
- **Under section 13(10):**
if, at the end of 21 January 2019, there is no agreement in principle in negotiations under article 50(2) of the Treaty on European Union on the substance of—

³⁵ [HC Hansard, 17 December 2018, col 528.](#)

³⁶ [HC Hansard, 20 December 2018, cols 1005 and 1008.](#)

³⁷ *ibid*, col 1008.

³⁸ *ibid*, cols 1010, 1014 and 1015.

³⁹ European Parliament, ‘[Brexit: The Time Has Come to Back the Withdrawal Deal](#)’, 29 November 2018.

⁴⁰ [HC Hansard, 10 December 2018, col 29.](#)

- (a) the arrangements for the United Kingdom’s withdrawal from the EU, and
- (b) the framework for the future relationship between the EU and the United Kingdom after withdrawal.

In both of these scenarios, the Government would be required to make a statement setting out how it intended to proceed, and both Houses would debate this statement. Different timescales for making the statement and holding the debate would apply in each scenario—these are set out in sections 13(7) to 13(13). In both scenarios where the 21 January 2019 date is engaged, Parliament would be debating a statement from the Government setting out its plans in the absence of a deal.

There has been some discussion as to whether the Prime Minister’s written statement of 26 November confirming that for the purposes of the EUWA, agreement in principle had been reached with the EU, means that the deadline of 21 January 2019 is no longer relevant, or whether the fact the Prime Minister subsequently mentioned the 21 January deadline means it has continued legal significance.⁴¹ For example, it has been suggested that given the Prime Minister is now seeking further “assurances” from the EU as to the legal status and effect of the Northern Ireland backstop provision, it may no longer be clear whether the Government believes it still has “political agreement” with the EU for the purposes of section 13(1)(a).⁴²

The day after the Prime Minister deferred the meaningful vote, Robin Walker, Parliamentary Under Secretary of State at the Department for Exiting the European Union, gave a further explanation of how the Government saw the 21 January 2019 deadline operating, depending on whether or not it had a deal to put to the House for a vote:

[...] in keeping with the clear intention of the European Union (Withdrawal) Act 2018, the Government will ensure that the question whether to accept an agreement is brought back to this House before 21 January. If Parliament accepts that deal, we will introduce the European Union (Withdrawal Agreement) Bill to implement the withdrawal agreement in domestic legislation.

If Parliament were to reject the deal, the Government would be required to make a statement on our proposed next steps and table a motion in neutral terms on that statement. Following the passing of the amendment to the business of the House motion last week, that motion will be amendable. It is our clear intention that this House will consider the matter before 21 January, and have the opportunity to decide on the deal.

Let me also say this clearly: in the unlikely and highly undesirable circumstances that, as of 21 January, there is no deal before the House, the Government would bring a statement to the House and arrange for a debate, as specified by the law.⁴³

Rescheduling the Lords Debate

In the House of Lords, further debate for the purposes of section 13(1)(c) of the EUWA has been scheduled for 9, 10 and, provisionally, 14 January 2019.

⁴¹ For more detailed discussion on this point, see: House of Lords Library, [Adjournment of the House of Lords Debate on the Withdrawal Agreement and Political Declaration](#), 11 December 2018.

⁴² House of Commons Library, [‘The ‘Meaningful Vote’ Deferred: What Now?’](#), 13 December 2018.

⁴³ *ibid.*

While ratification of the withdrawal agreement could not proceed without the Commons giving its approval, section 13(1)(c) of the EUWA does not require approval from the Lords. Section 13(1)(c) requires the Government to table a take note motion, but under section 13(1)(c)(ii), the Lords would not necessarily have to have concluded its debate for the requirement for a Lords debate to be fulfilled.

Baroness Smith of Basildon, Shadow Leader of the House of Lords, noted at the time the Lords adjourned the original debate in December that if the withdrawal agreement or political declaration were amended, the process under section 13(1)(c) would apply, but if no changes were made to the withdrawal agreement and political declaration, and they were brought back to the Commons for approval, the Lords might not have an opportunity to debate them again:

If the Prime Minister returns to Parliament with amended agreements then your Lordships' House will, as provided for in legislation, have a further debate and an opportunity for a further Motion on that deal but if she returns with the same arrangements—albeit unlikely—there is no legislative guarantee of a further debate.⁴⁴

However, Baroness Smith said that she and Lord Taylor of Holbeach, the Government Chief Whip, had agreed that “whatever the outcome of the further negotiations there will be an opportunity for a debate on a motion in your Lordships' House on the withdrawal agreement and the political declaration, for this House to express its view”.⁴⁵ Lord Taylor said that “should the Government decide as a result of other negotiations to come forward with any further proposals, whatever they are, we will find time to debate them fully and to have motions in respect of any further issues arising”.⁴⁶ Lord Taylor later repeated his offer “made in good faith of providing more time for this House to consider the issue further when it returns to the Commons”.⁴⁷

⁴⁴ [HL Hansard, 10 December 2018, col 1209.](#)

⁴⁵ *ibid.*

⁴⁶ *ibid.*, col 1210.

⁴⁷ *ibid.*, col 1215.

Key Information

- [Statement by the Prime Minister, Theresa May, on ‘European Council’](#), 17 December 2018, cols 527–67

Statement by the Prime Minister following the European Council meeting on 13 and 14 December 2018 including follow-up questions in the Chamber by MPs. The statement was repeated in the House of Lords with subsequent questions: [Statement by the Lord Privy Seal, Baroness Evans of Bowes Park, on ‘EU Council’](#), 17 December 2018, cols 1651–64.

- Prime Minister’s Office and 10 Downing Street, [‘Speech: PM Press Statement at European Council: 14 December 2018’](#), 14 December 2018

Press statement by the Prime Minister following the European Council meeting on 13 and 14 December 2018.

- European Council, [Special meeting of the European Council \(Art 50\) \(13 December 2018\)—Conclusions](#), 13 December 2018

Conclusions following a special meeting of the European Council on 13 December 2018, in which the Council re-endorsed the withdrawal agreement and political declaration and stated that the “Union stands by this agreement and intends to proceed with its ratification. It is not open for renegotiation”.

- [Statement by the Prime Minister, Theresa May, on ‘Exiting the European Union’](#), HC *Hansard*, 10 December 2018, cols 23–5

Statement by the Prime Minister following the Government’s decision to postpone the House of Commons’ debate on the withdrawal agreement and political declaration. The statement was repeated in the House of Lords with subsequent questions: [Statement by the Lord Privy Seal, Baroness Evans of Bowes Park, on ‘Exiting the European Union’](#), 10 December 2018, cols 1215–28.

- [Statement by the Prime Minister, Theresa May, on ‘Leaving the EU’](#), HC *Hansard*, 26 November 2018, cols 23–6

Statement by the Prime Minister following an agreement being reached between the UK and the EU at a special European Council held on 25 November 2018. The statement was repeated in the House of Lords with subsequent questions: [Statement by the Lord Privy Seal, Baroness Evans of Bowes Park, on ‘Leaving the European Union’](#), HL *Hansard*, 26 November 2018, cols 500–13.

- European Commission, [‘President Juncker in the Special Meeting of the European Council \(Art. 50\)’](#), 25 November 2018

Statement by the European Commission President Jean-Claude Juncker, following the special meeting of the European Council (Art. 50) on 25 November 2018 which endorsed the Brexit withdrawal agreement.

- HM Government, [Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland From the European Union and the European Atomic Energy Community, As Endorsed by Leaders at a Special Meeting of the European Council on 25 November 2018](#), 25 November 2018

Withdrawal agreement between the UK and the EU as endorsed by leaders at a special meeting of the European Council on 25 November 2018.

- HM Government, [Political Declaration Setting Out the Framework for the Future Relationship Between the European Union and the United Kingdom](#), 25 November 2018

Political declaration on the future relationship between the UK and the EU as endorsed by leaders at a special meeting of the European Council on 25 November 2018.

- HM Government, [Explainer for the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union](#), 14 November 2018, pp 1–6; [Technical Explanatory Note: Articles 6–8 of the Protocol on Northern Ireland](#), 14 November 2018; and [Explainer for the Political Declaration Setting out the Framework for the Future Relationship Between the United Kingdom and the European Union](#), 25 November 2018, pp 1–5

First sections, including summaries, of the Government’s explanatory documents to accompany the withdrawal agreement and the political declaration.

- HM Government, [EU Exit: Taking Back Control of Our Borders, Money, and Laws While Protecting Our Economy, Security and Union](#), 28 November 2018, Cm 9741

Command paper setting out the Government’s arguments why the withdrawal agreement and the political declaration deliver on the result of the referendum and work in the national interest.

- HM Government, [EU Exit: Assessment of the Security Partnership](#), 28 November 2018, Cm 9743, pp 1–8

Executive summary of a command paper setting out the Government’s assessment of the cooperation envisaged between the UK and the EU as set out in Part III (‘Security Partnership’) of the political declaration.

- House of Commons, [‘Written Statement: Exiting the EU: Publication of Legal Advice’](#), 5 December 2018, HCWS1142; Attorney General’s Office, [‘Letter to Prime Minister: 13 November 2018’](#), 5 December 2018; and HM Government, [EU Exit: Legal Position on the Withdrawal Agreement](#), Cm 9747, 3 December 2018

Written statement made by the Attorney General announcing the publication of his advice to the Prime Minister on the legal effect of the withdrawal agreement’s protocol on Ireland/Northern Ireland. This followed a motion passed by the House of Commons on 4 December finding the Government to be in contempt for not complying with a previous motion addressing Her Majesty to give directions that the advice be published. The Command paper was published on 3 December 2018 and takes each part of the withdrawal agreement of 25 November 2018, together with the protocols on Ireland/Northern Ireland, Gibraltar and the UK Sovereign Base Areas in Cyprus, and describes their overall legal effect.

- HM Government, [EU Exit: Long-term Economic Analysis](#), 28 November 2018, Cm 9742, pp 1–13 and [EU Exit: Long-term Economic Analysis Technical Reference Paper](#), 28 November 2018

Executive summary and introduction of a command paper setting out the Government’s economic analysis of the effect of the UK’s withdrawal from the EU on the UK’s economy under different scenarios. Also for reference, a Technical Reference Paper setting out additional detail behind the analysis.

- Bank of England, [EU Withdrawal Scenarios and Monetary and Financial Stability: A Response to the House of Commons Treasury Committee](#), November 2018, pp 1–10

Executive summary of a report published by the Bank of England, following a request by the House of Commons Treasury Committee that it publish an analysis of how leaving the EU would affect the Bank’s ability to deliver its objectives for monetary and financial stability.

Parliamentary Debate, Statements and Questions

- [Emergency Debate on ‘Exiting the European Union: Meaningful Vote’](#), 11 December 2018, cols 174–83, and col 222 (opening and closing speeches)
- Debate on ‘European Union (Withdrawal) Act’, HC *Hansard*, [4 December 2018 cols 746–861](#); [5 December 2018, cols 899–1024](#); [6 December 2018, cols 1081–212](#); and [10 December 2018, col 116](#)
- Debate on ‘Brexit: Withdrawal Agreement and Political Declaration’, HL *Hansard*, [5 December 2018, cols 1024–108](#) and [6 December 2018, cols 1119–98](#)

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- Labour Party, [‘The Last Twenty Four Hours Have Confirmed that Theresa May’s Brexit Deal is Dead in the Water—Corbyn’](#), 14 December 2018; [‘Jeremy Corbyn Responds to May’s Words at the European Council’](#), 13 December 2018
- SNP, [‘Brexit Deadlock Continues: 4 Takeaways From the EU Council Summit’](#), 14 December 2018
- Liberal Democrat Press Office, [‘Official Twitter Account: Cable: May Running Scared of Meaningful Vote’](#), 13 December 2018
- Welsh Government, [‘Wales Warns a ‘No Deal’ Brexit Would be a Disaster’](#), 19 December 2018
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- *Financial Times* (£), [‘Theresa May’s Brexit Delay Feeds Growing Uncertainty’](#), 10 December 2018
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- *Telegraph* [£], [‘Britain Needs to Get Ready for Leaving Without a Deal: Telegraph View’](#), 19 December 2018
- *Times* [£], [‘The Times View On May’s Brexit Deal: It is Time For Parliament To Break The Deadlock’](#), 15 December 2018

House of Commons and Lords Library Briefings

This section lists briefings published by the House of Commons and Lords relevant to the debate.

- House of Commons Library, [The “Meaningful Vote” Deferred: What Now?](#), 13 December 2018
- House of Lords Library, [Adjournment of the House of Lords Debate on the Withdrawal Agreement and Political Declaration](#), 11 December 2018
- House of Commons Library, [The UK’s EU Withdrawal Agreement](#), 1 December 2018
- House of Lords Library, [Publishing Government Legal Advice](#), 6 December 2018
- House of Commons Library, [The Political Declaration on the Framework for Future EU-UK Relations](#), 30 November 2018
- House of Commons Library, [A User’s Guide to the Meaningful Vote](#), 25 October 2018

Further Information

- Prime Minister’s Office and 10 Downing Street, [PM Letter to the Nation](#), 24 November 2018
- House of Commons Procedure Committee, [Motions Under Section 13\(1\) of the European Union \(Withdrawal\) Act 2018](#), 16 November 2018, HC 1664 of session 2017–19
- House of Commons, [Explanatory Note For the Business of the House \(Section 13\(1\)\(b\) of the European Union \(Withdrawal\) Act 2018\) Motion](#), 29 November 2018
- Department for Exiting the European Union, [Legislating for the Withdrawal Agreement Between the United Kingdom and the European Union](#), 24 July 2018, Cm 9674
- [Written Statement on ‘Agreements with Iceland, Liechtenstein, Norway and Switzerland’](#), 20 December 2018, HCWS1220; Department for Exiting the European Union, [‘EEA EFTA Separation Agreement’](#), 20 December 2018

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