



## UK's Withdrawal from the European Union Debate on 2 October 2019

This House of Lords Library Briefing has been prepared in advance of the debate due to take place on 2 October 2019 in the House of Lords on the motion to be moved by Lord Callanan (Conservative) “that this House takes note of the United Kingdom’s withdrawal from the European Union”.

### Summary of Key Events

- On 23 June 2016, a referendum was held on the question of whether the UK should withdraw from the European Union (EU). A majority voted in favour of the UK leaving the EU.
- On 29 May 2017, the then Prime Minister, Theresa May, gave notice to the EU under article 50 of the Treaty on European Union of the UK’s intention to leave the EU. Under the terms of article 50, the UK would leave the EU two years later, on 29 March 2019, unless an extension was unanimously agreed by the European Council.
- The European Union (Withdrawal) Act 2018 came into force on 26 June 2018. As enacted, it defined “exit day” as 29 March 2019, however it contained provisions for this to be changed by statutory instrument. Under the Act, on “exit day” the European Communities Act 1972 will be repealed, however, much of the existing EU law will be retained as the law of the UK.
- Section 13 of the European Union (Withdrawal) Act 2018 requires parliamentary approval of any withdrawal agreement reached by the Government. The Act states that a withdrawal agreement may only be ratified if the House of Commons has approved (and the House of Lords has had the opportunity to debate) the withdrawal agreement and future framework for a relationship with the EU, and legislation has been passed which implements the withdrawal agreement.
- A withdrawal agreement, setting out terms for a “smooth and orderly exit from the European Union” and a political declaration, setting out a framework for the future relationship to be negotiated by the end of 2020, were concluded on 25 November 2018. However, this agreement was rejected three times by the House of Commons.
- On 20 March 2019, the then Prime Minister asked the European Council for an extension to the notification period. An extension until 12 April 2019 was agreed. However, on 8 April 2019, the European Union (Withdrawal) Act 2019 was passed. This Act required the Prime Minister to seek a further extension from the EU. An extension until 31 October 2019 was agreed. Parliament subsequently passed regulations changing the date of “exit day” in the European Union (Withdrawal) Act 2018 to 31 October 2019.
- On 7 June 2019, Theresa May resigned as leader of the Conservative Party. The party chose Boris Johnson as its new leader, and he became Prime Minister on 24 July 2019.
- On 9 September 2019, the European Union (Withdrawal) (No. 2) Act 2019 received royal assent. This Act provides that the Prime Minister must ask the European Council for an extension to article 50 unless one of two conditions is met. These conditions are that the House of Commons has approved, and the House of Lords has had the opportunity to debate, either 1) a withdrawal agreement with the EU or 2) a statement that the UK is to leave the EU without an agreement. The Act specifies that the Prime Minister must ask for an extension until 31 January 2020, and must accept this offer if it is made.

## Government Position

- The Prime Minister has repeatedly stated his position that the UK should leave the EU on 31 October 2019. On 27 September 2019, in an article published in [The House](#) magazine, the Prime Minister wrote “we are leaving the European Union by October 31st come what may”.
- In a [speech](#) delivered on 19 September 2019, the Secretary of State for Exiting the European Union, Stephen Barclay, outlined the Government’s current position on Brexit negotiations. The Secretary of State said that the ‘Irish backstop’ measures in the withdrawal agreement negotiated by the former Prime Minister would have to be removed for the agreement to be approved in the House of Commons. He argued that finding an alternative solution was possible but would require “creativity and flexibility” from both sides. He also argued that negotiations to find an alternative should be allowed to go on until the end of the proposed implementation period in December 2020.
- On 25 September 2019, following a statement by the Prime Minister in the House of Commons, Ian Murray (Labour MP for Edinburgh South) [asked the Prime Minister](#) “if he does not get a deal or a no deal through this House by 19 October, will he seek an extension to 31 January from the European Union?”. The Prime Minister responded “no”. The following day, in response to an urgent question asked in the House of Commons, James Duddridge, Parliamentary Under Secretary of State for Exiting the European Union, [stated](#) that the Government intends to agree a deal with the EU so that an extension will not be required. He also stated, in reference to the European Union (Withdrawal) (No. 2) Act 2019, that the Government would at all times abide by the law.

## Opposition Party Positions

- In his [speech](#) on 24 September 2019 to the Labour Party conference, the Leader of the Opposition, Jeremy Corbyn, stated that the Labour Party opposes leaving the EU without an agreement. He said that the Labour Party would support a general election once they could be sure that the UK would not leave the EU without a deal on 31 October 2019.
- At the conference, the Labour Party agreed [its Brexit position](#) in a vote. Rejecting a “pro remain” position, the conference agreed that were it to win an election it would aim to negotiate a new deal with the EU within six months. This deal would then be the subject of a national referendum, and the party would decide at a special conference whether to campaign for the withdrawal deal or for the country to remain in the EU.
- At the Liberal Democrat conference, the party [agreed](#) that it would revoke the UK’s notification to the EU under article 50 were it to win a parliamentary majority. The party’s leader, Jo Swinson, stated after that before an election is called the Liberal Democrats would continue to campaign for a second referendum.
- Responding to the Prime Minister’s statement to the House of Commons on 25 September 2019, the Leader of the Scottish National Party (SNP) at Westminster, Ian Blackford, [stated](#) that the SNP’s priority was to ensure the UK did not leave the EU without an agreement. The party’s [website](#) states that it supports a second Brexit referendum.

## Further Information

- House of Commons Library, [Brexit Timeline: Events Leading to the UK's Exit from the European Union](#), 25 September 2019

*House of Commons Library briefing setting out events related to Brexit from January 2013 to 25 September 2019, as well as some possible future Brexit-related events in the period up to January 2021.*

- Department for Exiting the European Union, '[Secretary of State Speech at Breakfast Event Hosted by Europa Press in Madrid](#)', 19 September 2019

*Speech by the Secretary of State for Exiting the European Union outlining the Government's approach to negotiations with the EU about the UK's withdrawal.*

- Katya Adler, '[Brexit: EU Leaders Believe New Extension is 'Likely'](#)', BBC News, 27 September 2019

*Article by the Europe editor of the BBC analysing perceptions among EU member states of the current status and likely outcome of the Brexit negotiations.*

- HM Government, '[Operation Yellowhammer: HMG Reasonable Worst Case Planning Assumptions](#)', 17 September 2019

*Government document relating to contingency planning for leaving the EU without a withdrawal agreement.*

## Parliamentary Debate, Statements and Questions

- [Urgent Question on 'Compliance with the European Union \(Withdrawal\) \(No. 2\) Act 2019'](#), HC Hansard, 26 September 2019, cols 845–62
- [Statement by the Chancellor of the Duchy of Lancaster, Michael Gove, on 'Brexit Readiness: Operation Yellowhammer'](#), HC Hansard, 25 September 2019, cols 717–56

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