



BONUS CASE STUDY: PARLIAMENT AND THE BREXIT PROCESS

Events

Following a positive vote in the EU in out referenda in June 2016, Parliament was set the task of passing a Withdrawal Agreement Bill under Prime Minister May in the Parliamentary session beginning in 2017. Having triggered Article 50 on 29th March 2017, the UK was due to leave the EU in March 2019. This task was made more challenging by May's decision to hold a 'snap election' in June 2017 where she lost the Conservative's slender majority and had to form and informal 'confidence and supply' deal with the DUP.

Significance

Problems really began for May in July 2018, when she unveiled her much-awaited Chequers plan, it suggested a much softer Brexit than earlier statements had suggested. This was swiftly followed by then Brexit minister David Davis resigning in protest followed by then Foreign secretary Boris Johnson. Other ministers resign too, in total 18 quit over Brexit by the end of the year.

In December 2018 Parliament begins deliberating the Withdrawal Agreement Act and would not conclude this process until January 2020.

On 5th December Parliament started to show the Government that they were not going to be pushed around on Brexit, imposing three defeats in the Commons, including finding the Government in contempt for not publishing its full legal advice. Crucially, Parliament also accepted Dominic Grieve's amendment which would give the Commons a direct say in what happens if the PM's deal was rejected the following week. Finally, Parliament gave themselves the power to stop a no-deal Brexit. It was the worst series of Commons defeats on a single day for 40 years, with one cabinet minister suggesting that the Speaker, was pushing the limits of parliamentary convention to facilitate a second referendum. The Speaker's office declined to comment. The scheduled vote the following week was called off by May recognising that as it stood, it "would be rejected by a significant margin". She headed off back to Brussels to get reassurances from the EU on the Northern Ireland border plan.

The beginning of January 2019 saw five days of Brexit debates leading to a "meaningful vote" in the middle of the month. The government's first defeat saw MPs vote by a majority of 11 to force the prime minister to return to the Commons if her Brexit deal was rejected, after the Speaker stunned the government by apparently ignoring the advice of his clerks by allowing an amendment to a motion widely believed and accepted as being unamendable.

On 15th January PM May brought her Brexit deal to the Commons where it was rejected by 230 votes - the largest defeat for a sitting government in history, MPs voted by 432 votes to 202 to reject the deal. The most controversial sticking point was the Northern Irish backstop - the fallback plan to avoid any return to physical border checks between the country and Ireland. May had hoped new assurances from EU leaders would help but MP's from all sides said the move did not go far enough. "The House has spoken, and this government will listen," she told MPs.

Winning a vote of confidence on the floor of the House the following day, she presented a Plan B which is debated in the House alongside seven amendment options presented by backbenchers a fortnight later. This was a much better night for the prime minister winning six out of the seven Commons votes on amendments by MPs to her parliamentary motion on plan B. She lost one vote as MPs backed an amendment criticising (but not preventing) a no-deal Brexit. She was particularly pleased to win support for the Brady amendment which called for "alternative arrangements" to replace the "backstop", giving her a mandate to go back to Brussels to negotiate.

In the middle of February 2019, May asked the Commons to endorse the government's negotiating strategy. It was defeated, with MPs voting by 303 to 258 - a majority of 45 – against. The defeat had no legal force and Downing Street said it would not change the PM's approach to talks with the EU arguing the PM would continue to seek legally binding changes to the Irish backstop, as MPs had instructed her to do in a Commons vote on 29 January.

With Brexit Day still set for 29th March, May set the date for the second meaningful vote for March 12th, using the threat of the cliff edge to pass the meaningful vote, as Brexit Day would be just 17 days away whether we had a deal or not.

Alas, the PM's tactic failed, and she lost 'Meaningful Vote 2' by 149 votes, after the UK's attorney-general says that despite further legal assurances by the EU, the revised deal did not guarantee that the UK could exit the backstop unilaterally. In the following days, the Commons supported a (non-binding) motion to reject a no-deal Brexit under any circumstances and to ask for an extension to Article 50 by a majority of 211 votes, which she accepts. Obligated to do so by parliament, May asks the EU to delay Brexit from March 29 until June 30, meaning the UK would have to participate in European Parliament election on May 23rd.

Controversy surrounded the Speaker's intervention on 18th March in blocking the Government's attempts to bring a third meaningful vote to parliament, unless there had been substantial change to the Brexit deal. Interestingly, the solicitor general said the decision was a "constitutional crisis" and that the government might have to consider the drastic step of ending the parliamentary session early and restarting a new session. The Speaker argued he was following conventions of Erskine May.

Towards the end of March, in an extraordinarily unusual event, MPs take control of the parliamentary agenda to try and find a Brexit option which commands the support of the house, so called indicative votes. None is found, of the eight options leaving the Brexit process in shambles and the EU frustrated by the turn of events in the UK.

On the day the UK was originally due to leave the EU, MPs rejected Theresa May's EU withdrawal agreement for the third time. The government lost by 344 votes to 286, a margin of 58.

At the beginning of April, there is a second day of indicative votes where, once again, all four options were defeated. Options included another referendum, seeking a customs union, staying in the single market, and potentially cancelling Brexit altogether if no deal could be agreed. Following this, the Prime Minister announced she would seek a further extension to the Article 50 process and offers to sit down with the Leader of the Opposition,

to finalise a deal that will win the support of MPs. EU leaders agreed to offer the UK an extension on article 50 until the 31st October, which is accepted. Brexit Day is now pushed back to 31st October.

Towards the end of May, the Prime Minister unveiled her new Brexit deal, where "new" meant the government would seek changes to the accompanying political declaration. She also offered, for the first time, a vote on holding a second referendum, and a vote on a temporary customs union. But she says that will only be the case if MPs are willing to approve the withdrawal agreement bill in the House of Commons in the first week of June.

On 23 May 2019, the UK participated in European Parliament elections, which saw the Conservative Party losing 15 seats (placing them fifth), a 9.1% vote share, and what many called the worst nation-wide election result in their 185-year history. The next day, May announced that she would resign as leader. She stated, "it is now clear to me that it is in the best interests of the country for a new prime minister to lead that effort Brexit".

Towards the end of July, Boris Johnson is elected as the new leader of the Conservative Party and becomes the new UK Prime Minister. He commits to the October Brexit date and, while hoping for a renegotiation of the Withdrawal Agreement, refused to rule out the possibility of a 'no-deal' Brexit.

At the end of August, Boris Johnson announced that he has asked the Queen to suspend parliament for five weeks from mid-September arguing that there would be "ample time" to debate Brexit, with MPs not returning to Westminster until 14 October. This was widely criticised across the country as well as by MP's in Parliament, as a cynical ploy to push the UK into crashing out of the EU on 31st October without a deal. However, his plan backfired in two ways.

The first way came on 4th September with MP's uniting against him and passing the "Benn Act" with opposition MPs and Tory rebels ensuring the bill passed by 327 votes to 299. The Act forced the PM to ask for an extension beyond the 31 October Brexit deadline if a deal had not been agreed with the EU. A total 21 Tory rebels voted with opposition parties to block a no-deal Brexit.

Following their rebellion, the 21 senior Tories who rebelled against Boris Johnson in a bid to block no-

deal have had the whip removed. Two ex-Chancellors, eight former Cabinet ministers and the grandson of Winston Churchill were among the Conservatives who had the party whipped removed after the Government was defeated on Tuesday night.

In chaotic scenes, on 10th September Boris Johnson shut down parliament. MPs on the opposition benches shouted: "Shame on you" at Conservative MPs as they filed out behind the Speaker, while others held up signs saying "silenced". John Bercow calls it a constitutional outrage. Before they left they had rejected Boris Johnson's calls for a snap election, as the five-week suspension of Parliament begins. In all, 293 MPs voted for the prime minister's motion for an early poll, far short of the number needed. Earlier, PM Johnson lost his sixth vote since becoming PM in six days as MPs voted to block a snap election and to force the publication of No 10's secret preparations for a no-deal Brexit.

On 24 September 2019, the Supreme Court passed a unanimous judgment arguing that the decision to prorogue Parliament was unlawful. The Speaker announced that the House will sit again the next day.

Towards the end of October, PM Johnson introduced his revised Brexit Bill to Parliament, after discussions with the EU, which replaces the backstop. According to the new bill, the whole of the UK will leave the EU customs union and there would be a customs border between Northern Ireland and the Republic of Ireland, but in practice things won't be checked on that border. With the regulation of goods Northern Ireland would keep to EU rules rather than UK rules. This bill passes its second

reading in the Commons (the first time a Withdrawal agreement has managed this), but Johnson's speedy timetable is rejected which was a huge blow.

Johnson was then forced to accept an extension till January 31st 2020 as an "unwanted prolongation" of the process, despite his "do or die" and rather "die in a ditch" than extend promise repeatedly made. However, this was balanced by finally getting his much-wanted election on December 12th after MPs backed his call by a margin of 438 votes to 20. At the same time Johnson restored the whip to 10 of the 21 Tory MPs who rebelled against him over Brexit. The move to readmit the rebels came shortly before MPs backed the prime minister's plan to hold an early general election on Thursday, 12 December

On 12th December, the Conservative Party wins the election by 365 seats to 285, an 80-seat majority. The Prime Minister pledges "to get Brexit done" by 31 January 2020 and publishes the European Union (Withdrawal Agreement) Bill a week later.

On 19 December 2019, MPs approved the Second Reading of the European Union (Withdrawal Agreement) Bill by 358 to 234 votes., having passed its third reading later that month, it then went to the Lords. Two days later, Peers approved Boris Johnson's Brexit bill, but not before making changes to the legislation. The Lords voted in favour of five amendments, leading the new government to its first parliamentary defeats. However, when the Bill returned to the Commons, they were all voted down and peers agreed to end the parliamentary "ping-pong" phase by accepting this decision.

On 23rd January 2020, Johnson's Brexit bill cleared its last hurdle and received Royal Assent.