

# Brexit: Global and Political Affairs Unit Briefing

26 March 2019

## Summary

In an unprecedented move, MPs voted last night to seize control of the Parliamentary agenda from the government on Wednesday, with a view to staging 'indicative votes' on possible alternatives to the Prime Minister's deal to move the Brexit process on. A number of Ministers resigned in order to defy the government whip and vote for Parliament to take control in this way, which represents a significant weakening of the government's grip over the process. It is unclear whether these 'indicative votes' will produce a majority for an alternative course of action, however, and the government has failed to commit to implementing the results of the votes. In any event, the UK will now leave the EU on April 12 at the earliest, following EU agreement to delay Brexit. The government will bring the Withdrawal Agreement negotiated with the EU back before MPs for a third time asking them to approve it, if it deems it is likely to win such a vote. If the Withdrawal Agreement has not received MPs' approval by the end of the week, the UK will need to make a proposal to the EU by April 12 about what it wants to do next. If the Withdrawal Agreement is approved by MPs this week, the UK will leave the EU on 22 May. There is no sign MPs are changing their minds in sufficient numbers to secure approval of the deal, though rumours circulate about senior Conservative MPs offering their support for the deal in exchange for the Prime Minister stepping aside to allow for a different leader to negotiate our future relationship with the EU. It is possible the pro-Brexit wing of the Conservative Party, and the DUP, will move to back the Prime Minister's deal if faced with the possibility of a close future relationship with the EU ('soft Brexit') as a result of the 'indicative votes' in Parliament. MPs will also be asked to approve a technical legal change this week to make sure the correct laws remain in place in the UK prior to our exit from the EU.

## Background

In Parliament yesterday, the Prime Minister made a statement to MPs following the meeting of the European Council (EU heads of state) last week. The European Council agreed to the UK's request to extend Article 50 and delay the date the UK leaves the EU, in order to give more time for the Prime Minister to seek Parliamentary approval of her negotiated deal and for the necessary measures to implement the deal to be put in place. Although the Prime Minister's request was for an extension to 30 June, the Council agreed to an extension until 22 May, provided the Withdrawal Agreement negotiated by the Prime Minister with the EU27 is approved by the House of Commons this week. If the Withdrawal Agreement is not approved by the Commons this week, the EU27 agreed to an extension until 12 April and asked that the UK indicate a way forward before this date for consideration by the EU. As the Prime Minister told Parliament yesterday, if this involves a further extension, it would certainly mean participation in the European Parliamentary elections in May.

The European Council's Conclusions were subsequently turned into a legal Decision, with which the UK agreed, and which came into force last Friday. So although the government laid a Statutory Instrument in Parliament yesterday, which will be debated later this week, to reflect the delayed departure date in domestic law, the date for the UK's departure from the EU has now changed in international law. The effect of the Statutory Instrument will be to ensure the correct legal regime remains in place in the UK prior to our departure. MPs' failure to pass the Statutory Instrument would cause legal confusion but would not affect the date of our exit.

In her address to MPs yesterday, the Prime Minister repeated the EU Council's refusal to re-open the Withdrawal Agreement for further negotiation, stated her regret at having to seek an extension to Article 50, urged MPs to back her deal but conceded that she did not yet have sufficient support in the Commons to bring back the deal for a third time 'Meaningful Vote 3'. The Prime Minister assured MPs that unless a majority in the Commons agreed to it, no deal would not happen. However, it remains the default position as at 12 April (if the deal isn't agreed to), in the absence of an alternative course of action being pursued, despite Parliament having voted twice to reject leaving the EU without a deal.

MPs also debated a government motion on next steps in the Brexit process last night, as required by law, following the government's defeat on 12 March on "Meaningful Vote 2" on the Prime Minister's deal.

In an unprecedented move, MPs voted in favour of an amendment tabled by Conservative former Minister Sir Oliver Letwin MP and backed by MPs from across the political parties to take power to control business in the Commons away from the government this Wednesday (27<sup>th</sup>). The amendment will allow MPs to put forward business motions relating to Brexit, most likely 'indicative votes' to allow MPs to show support for alternative ways forward. According to the amendment, which passed by a margin of 27 votes, if more than one business motion is submitted, the House of Commons Speaker John Bercow MP will decide which one has "precedence". The government opposed the move, with the Prime Minister arguing that MPs taking control of the Parliamentary agenda, normally the preserve of the government, would set an unwelcome precedent and "overturn the balance of our democratic institutions". The government attempted to see off defeat on the Letwin amendment by committing to holding 'indicative votes' in its own time, rather than being forced to do so by MPs, but the amendment was still passed, with three government Ministers resigning in order to vote for it.

In her statement to MPs, the Prime Minister committed to seeking a majority in the House of Commons for a way forward. However, there has been no indication she is willing to compromise on her negotiating red lines, namely ending freedom of movement, leaving the single market, customs union and jurisdiction of the Court of Justice of the EU, which could open to the door to securing support from a greater number of MPs – including the Official Opposition, the Labour Party. She also failed to commit the government to implementing the outcomes of parliamentary votes on next steps, arguing that the votes could ask for outcomes that are unnegotiable with the EU.

Labour leader Jeremy Corbyn MP had also tabled an amendment to the government's motion yesterday, calling on the government to provide time for MPs to hold 'indicative votes' on possible ways forward, though this amendment wasn't pushed to a vote.

An amendment tabled by former Labour Minister Dame Margaret Beckett was narrowly defeated (311 votes for; 314 against). This amendment stated that if the UK is seven days away from leaving the EU without a deal, government must allow MPs to vote on whether to leave without a deal or request an extension "to give time for Parliament to determine a different approach".

### **What is likely to happen now?**

Backbench MPs (as opposed to government) controlling the parliamentary agenda is unprecedented and it is therefore difficult to predict outcomes with any certainty. On Wednesday, MPs will vote on possible alternatives to the Prime Minister's deal, which may include 'Common Market 2.0' (a proposal being worked on by MPs from the two main parties centring around the UK re-joining the European single market and entering into a customs union with the EU, also referred to as 'Norway plus' because Norway is in the single market and this proposal adds a customs union), Labour's plan (for a customs union and close single market relationship with the EU), holding a further public vote and revoking Article 50. The votes will not be legally binding but will be of political significance.

MPs will also vote this week on a measure (Statutory Instrument) designed to adapt UK law to accommodate the new exit date of 22 May (if the Withdrawal Agreement is agreed by MPs this week) or 12 April (if the deal is not agreed to this week).

The government has indicated that "Meaningful Vote 3", giving MPs a third opportunity to approve the Withdrawal Agreement, will only take place if it is likely to be won. This looks unlikely but talks are underway between the Prime Minister and colleagues in her own Conservative Party and those in the Democratic Unionist Party (DUP) who are in a confidence and supply arrangement with the Conservatives, with a view to securing the necessary support. The government would also need to ensure it is asking MPs something "fundamentally different" from the last time the deal was voted on if it chooses to bring forward "Meaningful Vote 3", following comments made by the House of Commons Speaker last week on this procedural question.

### **What will this mean for the University of Nottingham?**

The agreement with the European Council means the UK will not now leave the EU on 29 March 2019, as previously foreseen. However, it is still possible the UK leaves the EU without a deal in place on 12 April, meaning the University could face significant disruption.

It is not clear whether the indicative votes to be held in Parliament on Wednesday will provide more certainty for the University, both because they may not deliver a clear majority for a course of action and because the government's response to the votes remains to be seen.

### **What will the University of Nottingham be doing?**

The University is further stepping up its no deal preparations to include scenario planning and involving a wider group of colleagues.

- *Preparing for No Deal*

Given this is the default position in law, in the absence of an alternative course of action being pursued, the University is stepping up its preparation for the UK leaving the EU without a legal framework in place ('no deal'), primarily via the No Deal Incident Management Team, chaired by Registrar Dr Paul Greatrix. The team has been monitoring developments to manage University operations in the event of no deal. This includes ensuring the preparedness of our supply chains to continue to provide research materials, goods and services; continuity of travel arrangements to the continent and associated insurance issues; and contractual and legal issues in the event of a no deal scenario. The team is now moving to scenario planning and briefing colleagues across the University.

- *Reassurance and support for our EU staff*

The EU Settlement Scheme enables EU citizens to apply for either settled or pre-settled status (for those who've been here fewer than five years), allowing them to continue living in the UK post-Brexit. The University of Nottingham has 800 staff who are EU citizens. The scheme will be open fully by 30 March and applications will be free. People who have paid an application fee during the test phases will receive a refund after 30 March 2019. HR-related Brexit questions can be directed to [hrbrexitadvice@nottingham.ac.uk](mailto:hrbrexitadvice@nottingham.ac.uk).

The Vice-Chancellor hosted the University of Nottingham European Staff Celebration event on 19th March to celebrate the contributions of our European colleagues, recognising this is an extremely worrying time. Read more about the event [here](#).

- *Guaranteeing research funding*

Colleagues in the University's Research and Innovation department have registered all EU-funded current projects with UKRI so they can be covered by the UK government's underwrite, intended to keep projects running in the event of a no deal Brexit. Research and Innovation are also standing by to perform the financial and contractual management tasks that will facilitate the underwrite, should it come into play. Read more about the government underwrite [here](#).

- *Guaranteeing Erasmus+ after Brexit*

The University of Nottingham is proud to have one of the largest Erasmus+ student mobility programmes in the UK. The government has assured universities it is working on the basis of the UK remaining a participating country in the Erasmus+ programme after 29th March 2019. However, in the event of a 'No Deal' Brexit, the government has only confirmed it will underwrite the UK's participation in European based student mobility for the 2018/19 academic year. In the potential absence of government funding beyond 2018/19, therefore, the University will continue to underwrite outgoing student mobility programmes to the EU and Erasmus+ partners for the next three years to 2021/22. More information [here](#).

- *Looking beyond Brexit*

The University's *EU Taskforce* provides strategic direction for the University to prepare for and navigate a post-Brexit environment. Chaired by Deputy Vice-Chancellor Andy Long, and reporting to the University Executive Board, it is modelling scenarios and developing approaches to ensure the University continues to thrive post-Brexit in terms of its student recruitment, research partnerships, funding and grants, and evolving its global outlook.

#### **Further reading**

Politics Home – EXPLAINED: All the Brexit options MPs could vote on as they seize control of the process <https://bit.ly/2HODBmZ>

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