

Brexit: Global and Political Affairs Unit Briefing

2 April 2019

Summary

The government faces increasing pressure to decide whether to accept leaving the EU without a deal, call an election or unite MPs behind an exit that would see us retain closer ties than proposed under the Prime Minister's deal. MPs rejected the negotiated Withdrawal Agreement by a majority of 58 votes last week and failed again to agree majority support for an alternative course of action during the second series of 'indicative votes' last night, though the process has not been supported by the government to help find a way forward. Even if a majority of MPs were to indicate support for a particular course of action in the coming days, it is possible the Prime Minister might opt to call a general election, rather than implement the will of MPs primarily drawn from opposition parties splitting her own party. She would need a majority of MPs in the Commons to back an early election. It has been suggested the Prime Minister may bring back her plans to be voted on again by MPs this week. The UK has until 12 April to put forward a proposal for a way forward, involving a much longer extension of the Article 50 negotiating process and participation in the European elections in May. The EU heads of state will meet on 10 April to discuss Brexit and the default position remains that the UK leaves on 12 April, whether or not a deal has been agreed.

Background

A second round of 'indicative votes' on alternative ways forward in the Brexit process was held last night, after MPs voted last week to take control of Parliamentary business from the government. MPs held a first round of indicative votes, rejecting eight proposals last Wednesday, and voted down the Withdrawal Agreement in a third vote on the government's plans last Friday.

Last night in Parliament, MPs voted to reject the following four options selected by the Speaker of the House of Commons (with results in brackets):

Motion C – a customs union, proposed by Conservative Kenneth Clarke MP (273 for 276 against)

Motion D – common market 2.0 (joining the European Economic Area and a customs arrangement mirroring the customs union), proposed By Conservative Nick Boles MP (261 for 282 against)

Motion E – confirmatory public vote, preventing any negotiated deal from being implemented and ratified before being subjected to a confirmatory referendum, proposed by Labour MPs Peter Kyle and Phil Wilson (280 for 292 against)

Motion G – parliamentary supremacy (providing options for avoiding leaving without a deal, including asking for an extension to the Article 50 period and revoking Article 50), proposed by Joanna Cherry MP of the SNP (191 for 292 against)

More detail on the four proposals can be found [here](#).

It is important to note that the government attempted to prevent the votes taking place yesterday and has not provided any support, in the form of civil servants for example, to help formulate the ideas into workable proposals or build consensus for them among MPs. It is also worth noting that a number of MPs' votes on the proposals will have been conditional, for example support for a customs union only if the final deal were then subject to a confirmatory referendum. This makes it difficult to predict what course of action might ultimately command a majority in the House of Commons. It is also important to stress that support for a course of action from mostly opposition MPs could see the government being asked to implement a policy it doesn't support, on behalf of Parliament, as well as dividing the Conservative party in two, and may therefore precipitate the calling of a general election. Under relatively new rules, calling a general election is no longer in the gift of the government of the day but requires a majority of MPs to either back a no confidence motion in the government (and no alternative

government is confirmed by the Commons within 14 days), or a two thirds Commons majority for an early general election.

These indicative votes followed another defeat for the government last Friday on the Withdrawal Agreement part of the negotiated deal with the EU. MPs voted by a majority of 58 votes against approving the agreement, compared with defeats of 230 and 149 in the previous votes on the deal.

The government decided to only ask MPs to vote on the Withdrawal Agreement (divorce deal), setting aside the Political Declaration on the future relationship between the UK and the EU for now, for three reasons. Firstly, the decision made by the EU heads of state on 21 March only required the Withdrawal Agreement to be approved by MPs last week in order to secure the new exit date of 22 May. Secondly, asking MPs to just approve one of the two documents complied with the House of Commons Speaker's ruling that Parliament cannot vote on the same thing twice during a parliamentary session, since the previous votes have been on the two as a package. Thirdly, focusing on the Withdrawal Agreement alone was intended to put pressure on MPs who have concerns about the nature of our future relationship with the EU, arguing they could back the exit arrangements, leaving all to play for in the next phase on the future relationship.

However, the two documents go together as a package. In order to satisfy the 'meaningful vote' criteria in domestic legislation, MPs must vote on the two together. Multiple statements from the Prime Minister and the EU have made clear the link between the two. In practical terms, Opposition MPs have described being asked to approve the Withdrawal Agreement alone as committing to a "blindfold Brexit".

It is unclear how the government plans to satisfy the requirement in UK law that MPs approve both documents in order to proceed with ratification, i.e. being legally bound by the agreement. Should MPs agree to the Withdrawal Agreement alone, this would satisfy the EU's condition for extended EU membership until 22 May, but a 'meaningful vote' on the two documents would be needed (or a majority to scrap that requirement), as well as parliamentary approval of the law to implement the exit deal, before that date. In the meantime, the deadline for facilitating UK participation in the European Parliament elections in May – the EU's condition for granting a longer extension of the Article 50 negotiating period – may have passed. It is not clear a parliamentary majority would hold for the 'meaningful vote' and/or implementing legislation, meaning such a course of action could result in the UK leaving on 22 May without a deal actually in place.

It has been suggested the Prime Minister might try and secure majority backing for her deal yet again in Parliament this week. In order to ensure MPs are not being asked to vote on the same thing again, the government may link the vote on the Withdrawal Agreement with votes on the legislation that will implement the deal. The EU deadline of last week for securing support for the deal in order to guarantee the 22 May exit date is understood to be flexible in this context. Again, however, any parliamentary majority achieved to support the agreement may not hold for passing the necessary implementing legislation and/or the 'meaningful vote' on both parts of the deal, resulting in legal complication and possible exit without the deal in force.

Also on Friday, the Independent Group of MPs announced it is registering to become a political party called Change UK and will run candidates in the European elections if Britain takes part in them. Former Conservative Heidi Allen MP has been selected as interim leader, with the permanent leader to be elected at a party conference in September.

What is likely to happen now?

The default position is that the UK leaves the EU on 12 April, whether or not a deal has been agreed. The government must decide before 12 April whether to ask for a longer delay to Brexit, involving holding elections to the European Parliament. The government could choose to revoke Article 50, meaning the UK would remain in the EU, but this is highly unlikely. EU leaders will meet on April 10 to discuss the situation.

The chances of a majority of MPs supporting the deal remain low. The Democratic Unionist Party (DUP), the government's confidence and supply partners, for example, have repeated their commitment to

opposing a deal that would introduce divergence between the economic rules governing Northern Ireland and the rest of the UK via the 'Irish backstop' (see further [here](#)).

The splits in government between Eurosceptic ministers and those who favour a closer future relationship with the EU are becoming increasingly public. At the weekend, 170 unnamed Eurosceptic MPs, including 10 cabinet ministers, wrote to the Prime Minister demanding a departure from the EU by May 22 "with or without a deal". Meanwhile, Justice Secretary David Gauke has said it would not be "sustainable" to ignore MPs if they vote for a softer Brexit.

Given the choice between taking the UK out of the EU without a deal, or pursuing a course of action dictated by MPs – the majority of which are drawn from opposition parties – it is possible the Prime Minister will decide to call a general election to break the impasse.

What will this mean for the University of Nottingham?

Yesterday's events prolong uncertainty. It is possible the UK could leave the EU without a deal in place on 12 April, meaning the University along with the country could face significant disruption.

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, and has identified 'Brexit Contact' staff in each area of the University to manage local impacts. 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.

- *Communications*

To ensure Brexit Contacts and the wider University has clear and accessible information and advice in the event of 'No Deal', we will use the [Brexit Information Hub](#) on our webpages as the principle repository for information. The hub has dedicated sections for staff, students, and researchers and will be regularly updated as information becomes available. The hub will also host a Q&A section which will be updated with questions and answers as they arise.

In the event of a No Deal scenario, clearly, events may be fast-moving leading to questions from staff and students. We will provide briefings and updates via email cascades to Brexit Contacts, Heads of School and Professional Services departments. Students will receive relevant information via their fortnightly newsletter and social media channels. In all events, the same information will be presented on the Brexit Hub.

If you have a question or require advice, please study the Brexit Hub and its Q&A initially. Should you require further information, please get in touch with the relevant Key Contact listed below or email the EU-Task Force mailbox.

- Procurement enquiries: angela.porter@nottingham.ac.uk
- Staff Issues (inc Settled Status): hrbrexitadvice@nottingham.ac.uk

- Research & Innovation: matthew.rackley@nottingham.ac.uk
- *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 is now open and applications are free. People who have paid an application fee during the test phases will receive a refund. HR-related Brexit questions can be directed to 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

New Statesman – The DUP aren't Remainers – but they're not the ERG either

<https://www.newstatesman.com/politics/staggers/2019/03/dup-arent-remainers-they-re-not-erg-either>

Institute for Government – Parliament's 'meaningful vote' on Brexit

<https://www.instituteforgovernment.org.uk/explainers/parliament-meaningful-vote-brexit>

BBC – Brexit: What alternative plans are MPs voting on? <https://www.bbc.co.uk/news/uk-politics-47767627>

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