

Losing the meaningful vote on Brexit – what next? ^[1]



What would a failure to pass the Government's motion mean for the Brexit process? ^[2]

The [European Union Withdrawal Act](#) ^[3] sets out the next steps should Parliament reject the Government's Brexit deal:

- The Government has 21 days to make a statement to the House of Commons setting out how it plans to proceed.
- Within seven sitting days of that statement, the Government must bring a motion expressed 'in neutral terms' – something that would not be amendable and will simply ask Parliament to 'take note' of the Government's plan.

But the [meaningful vote](#) ^[4] – from the size of the defeat to the content of any amendments – could have ramifications for the Brexit process and the Government's position.

The route forward would be heavily influenced by the way in which the deal was rejected. Parliament will vote on amendments and, if a majority could be found for one of them, it could be these that set the route forward.

As it stands, there are four broad options:

1. Rejected with no amendments

A straight rejection of the deal without any clear sense of what would be acceptable to Parliament is likely to cause the most uncertainty.

2. Rejected but procedural amendment passed

Does not solve the biggest problem facing the Government and Parliament in reaching consensus on a way forward. Important time could be lost. But it gives Parliament a formal say on no deal.

Hilary Benn, Chair of the Exiting the EU Committee, and prominent Conservative backbencher Dominic Grieve have both tabled amendments that would alter the process for exiting the EU should the deal fail. The two amendments seek to give Parliament more of a say over the plan presented by the Government, allowing MPs to table amendments and to instruct the Government on what should happen next.

Grieve's amendment is on the business motion, rather than on the motion for approving the deal, which means it will be voted on at the beginning of the debates. Benn's amendment is on the motion for approval and also seeks to formally reject the Prime Minister's deal and express an opinion against 'no deal'.

Ultimately, if either amendment passes, the Government and Parliament would face the same problem as they do now: they need to find a majority for a Brexit outcome that is not 'no deal'. The Government might try to present Parliament with an alternative way forward before the Christmas break, but if its plan includes trying to change elements of the deal it will need to get the EU's agreement. There is very little time to do so, with a European Council taking place just two days after the vote and EU leaders so far firm that no other deal is available.

3. Rejected with amendments indicating a preferred route

Could offer all sides a way through to a deal acceptable in the UK. The challenge is getting the EU on side. It might work if Parliament puts forward an alternative view for the future relationship that is acceptable to the EU – most likely if it is an 'off-the-shelf' model. But the EU is clearly very reluctant to reopen talks given the different interests of 27 member states and it could refuse to reengage in talks. If the UK wants to change parts of the Withdrawal Agreement, it would be even more difficult to persuade the EU.

If Parliament reaches consensus on a way forward – which is not the Prime Minister's deal – the challenge is then persuading the EU to sign up to it. While European leaders have said there is no other deal on offer, depending on what MPs want to change they could find some flexibility.

The EU might be willing to change elements of the political declaration on the future UK-EU relationship. It's not a legally binding text and leaves a number of different possible outcomes on the table. If MPs were to coalesce around, for example, an EEA/EFTA-type deal (the Norway option) proposed by some parliamentarians, the EU might be willing to adjust the text to reflect that as a likely outcome of future negotiations.

The EU is likely to be less accommodating if the UK Government asks to reopen negotiations on the legal text of the Withdrawal Agreement. Any proposed changes to the Irish backstop, financial settlement or citizens' rights are expected to

be firmly resisted by the EU.

The UK could potentially try to renegotiate elements for approval at European Council on the 13-14 December, but if it failed to do that the next planned European Council would not be until March 2019.

4. Passed with an amendment requiring approval through a referendum

Parliament could amend the motion to say that it can only pass subject to approval via a popular vote. A further referendum on Brexit would require Parliament passing primary legislation enacting such a vote. This legislation would set out the question to be asked and the franchise for the vote.

These kinds of decisions would be highly contentious and likely contested, and makes passing the legislation potentially tricky. The legislation for the first EU referendum took around seven months to pass. It could be done more quickly, but this would require Parliament to agree on the details. Such legislation would also set the date for the referendum and can therefore set how long each aspect of the referendum process will take.

The Electoral Commission has said it could take up to six months to run a referendum campaign well. This would likely require an extension to the Article 50 period, not just for the running of the referendum but also to ensure there is sufficient time after the vote for the UK to prepare for the outcome. Any extension would need unanimous agreement of the other 27 EU leaders.

What would a rejection of the deal mean for Government and its Brexit timeline? ^[5]

1. Theresa May faces a vote of no confidence in her leadership from Conservative MPs

If the Conservative Party launches a leadership no confidence vote ^[6], it would be scheduled quickly, within a few days or a week.

If the Prime Minister won, by getting 50% of the vote, she could not be challenged for a year. She would still face the same challenges in trying to get a deal through Parliament.

Timetable impact: could hold the vote within days

2. Conservatives hold a leadership contest to replace Theresa May

If Theresa May lost a leadership no confidence vote, or resigned anyway, the Conservative Party would then need to have a contest to choose a new leader ^[6]. This could be a big problem for completing no deal preparations or attempting to reopen negotiations, losing precious time ahead of the end of the Article 50 period on 29 March. The timetable could be shortened but would still take up to six weeks or more for the whole process.

It could be more rapid if there was only one candidate, but that would require a large bulk of Conservative MPs to rally behind one vision for Brexit. That seems unlikely at the moment.

Timetable impact: two weeks to two months

3. Labour puts down a no confidence vote in Parliament

If the meaningful vote is lost, Labour is almost certain to put down a motion of no confidence ^[7]. The Government would timetable the debate and vote quickly. It might take a few days and up to a week.

If a vote of no confidence is proposed, there are three scenarios:

- If the first vote is won, Theresa May would be back on course within a week, but would still face the same choices on Brexit – try again with her deal, try a slightly modified deal with the EU, or no deal.
- Theresa May's government, or another Conservative Prime Minister installed rapidly, could in theory pass the second vote of confidence having lost the first one. If that happens it is again back to the same choices Theresa May would face.
- If both votes are lost, it leads to a general election which changes the timetable dramatically.

Timetable impact: three weeks minimum

4. General election

If a general election is announced, the campaign must last 25 days. Before that is the 'wash-up' period. This involves Government agreeing with the Opposition what remaining legislation can be passed rapidly before the election. The Government does not have much outstanding legislation, but might try to get some provisions of the Finance Bill onto the statute book.

A general election would not change the 29 March deadline for Brexit. That is written into UK law and no deal Brexit will happen unless this Parliament, or a new elected one, do something else.

Following a general election, it generally takes at least two weeks for MPs to be inducted and sworn in before the Commons gets around to conducting business. A Queen's Speech is then the first activity and a debate following that. It could be shortened but not by much.

Timetable impact: Parliament could be out of action for up to 10 weeks

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[2] [http://twitter.com/intent/tweet?](http://twitter.com/intent/tweet?text=What%20would%20a%20failure%20to%20pass%20the%20Government%E2%80%99s%20motion%20mean%20for%20the%20%23Brexit%20process%3F)

text=What%20would%20a%20failure%20to%20pass%20the%20Government%E2%80%99s%20motion%20mean%20for%20the%20%23Brexit%20process%3F

[3] <https://www.instituteforgovernment.org.uk/explainers/eu-withdrawal-act>

[4] <https://www.instituteforgovernment.org.uk/explainers/parliament-meaningful-vote-brex-it>

[5] [http://twitter.com/intent/tweet?](http://twitter.com/intent/tweet?text=What%20would%20a%20rejection%20of%20the%20deal%20mean%20for%20Government%20and%20its%20%23Brexit%20timeline%3F)

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[6] <https://www.instituteforgovernment.org.uk/explainers/conservative-party-leadership-challenges>

[7] <https://www.instituteforgovernment.org.uk/explainers/confidence-motions-parliament>