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BREXIT UPDATE

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The Scottish Parliament
Pàrlamaid na h-Alba

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INTRODUCTION

This SPICe Brexit Update #87 provides a review of the last two weeks during which the Prime Minister indicated she planned to bring forward the Withdrawal Agreement Bill in the UK Parliament before then announcing she was stepping down as leader of the Conservative Party. The update also includes a summary of the European Parliament elections which took place in the UK on 23 May.

CONTEXT

At the European Council meeting on 10 April, the UK requested a second extension to the Article 50 period, this resulted in a flexible extension to 31 October 2019. The extension was designed to allow the UK Government to find a way to ensure the UK can leave the EU with a ratified Withdrawal Agreement. If the Withdrawal Agreement is ratified before October, the UK will leave the EU at the end of the month in which the Agreement is ratified.

As a result of the extension to the Article 50 period, the UK was required to participate in the European Parliament elections on 23 May.

EUROPEAN UNION (WITHDRAWAL AGREEMENT) BILL

With the UK Government failing to secure the consent of the House of Commons through the meaningful vote process, the UK Government planned to change tack by introducing the legislation necessary to implement the contents of the Withdrawal Agreement into UK law.

On 16 May, the then Leader of the House of Commons Andrea Leadsom [announced](#) that the withdrawal agreement bill would have a Second Reading during the week beginning Monday 3 June 2019. She added:

- ” The Bill will be introduced as soon as possible to give colleagues the chance to consider the provisions within it. I will make a further business statement next week in the usual way.

At [First Minister's Questions](#) in the Scottish Parliament on 16 May, the First Minister indicated that SNP MPs would vote against the withdrawal agreement bill:

- ” I do not think that any MPs should be voting to make Scotland or the UK poorer. SNP MPs will vote against the withdrawal agreement bill, because it would take Scotland out of the European Union and the single market against our will.

The fact is that the Prime Minister is introducing the withdrawal agreement bill only to buy herself more time. It is about preserving her own party—although I am not sure that those attempts will be successful—and not about acting in the best interests of the country. The Tories' actions and behaviour on Brexit are utterly shameful. In an electoral sense, they will probably get what they deserve in Scotland next week, at the European elections. People will quite rightly be expressing the degree of anger that they have at this whole Westminster Brexit fiasco.

THE PRIME MINISTER'S NEW OFFER

On 21 May, the Prime Minister [set out her new offer to MPs](#) in a bid to secure the withdrawal agreement bill's passage at Second Reading. The Prime Minister said:

- ” The House of Commons voted to trigger Article 50. And the majority of MPs say they want to deliver the result of the referendum. So I think we need to help them find a way. And I believe there is now one last chance to do that.

I have listened to concerns from across the political spectrum. I have done all I can to address them. And today I am making a serious offer to MPs across Parliament. A new Brexit deal.

The Prime Minister announced a series of ten proposals that were to be included in the withdrawal agreement bill when it was introduced:

- ” One - the Government will seek to conclude Alternative Arrangements to replace the backstop by December 2020, so that it never needs to be used.

Two - a commitment that, should the backstop come into force, the Government will ensure that Great Britain will stay aligned with Northern Ireland.

Three - the negotiating objectives and final treaties for our future relationship with the EU will have to be approved by MPs.

Four - a new Workers' Rights Bill that guarantees workers' rights will be no less favourable than in the EU.

Five - there will be no change in the level of environmental protection when we leave the EU.

Six - the UK will seek as close to frictionless trade in goods with the EU as possible while outside the single market and ending free movement.

Seven - we will keep up to date with EU rules for goods and agri-food products that are relevant to checks at the border protecting the thousands of jobs that depend on just-in-time supply chains.

Eight - the Government will bring forward a customs compromise for MPs to decide on to break the deadlock.

Nine - there will be a vote for MPs on whether the deal should be subject to a referendum.

And ten – there will be a legal duty to secure changes to the political declaration to reflect this new deal.

However, within hours of the Prime Minister making her speech, reaction from across the political spectrum suggested that there was not majority support for the proposed Bill in the House of Commons. Increased opposition to the Prime Minister's proposals from within her own party led to confirmation that the Bill would not be published ahead of the UK Parliament's Whitsun recess. Then, following the European Parliament elections on 23 May, and before the results were announced, the Prime Minister announced she intended to resign as Leader of the Conservative Party on 7 June triggering a leadership election.

In her [resignation speech](#) outside Downing Street on 24 May, the Prime Minister said:

“Back in 2016, we gave the British people a choice. Against all predictions, the British people voted to leave the European Union. I feel as certain today as I did three years ago that in a democracy, if you give people a choice you have a duty to implement what they decide. I have done my best to do that.

I negotiated the terms of our exit and a new relationship with our closest neighbours that protects jobs, our security and our Union. I have done everything I can to convince MPs to back that deal. Sadly, I have not been able to do so. I tried three times.

I believe it was right to persevere, even when the odds against success seemed high. But 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.”

On her successor's challenge in dealing with Brexit, the Prime Minister said:

“It is, and will always remain, a matter of deep regret to me that I have not been able to deliver Brexit. It will be for my successor to seek a way forward that honours the result of the referendum. To succeed, he or she will have to find consensus in Parliament where I have not. Such a consensus can only be reached if those on all sides of the debate are willing to compromise.”

SPICe has published a [blog examining the Brexit challenge](#) for the next Prime Minister. This blog concludes that the successful candidate will face exactly the same obstacles in trying to find a suitable Brexit outcome as Theresa May has faced and that whilst the

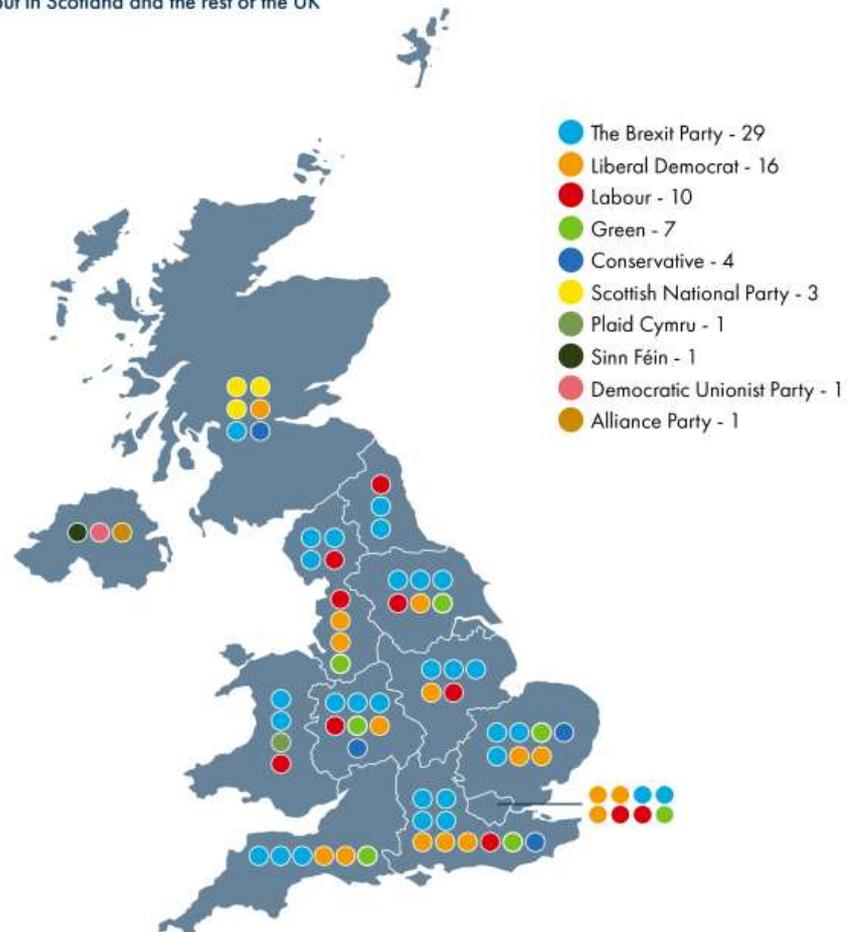
Prime Minister will change over the summer, the challenge facing the UK in terms of decisions about Brexit will not.

EUROPEAN PARLIAMENT ELECTIONS

From 23-26 May 2019, people across the countries of the European Union voted in the ninth European Parliament elections. The UK voted on Thursday 23 May and the final results were announced on 27 May. The results for the UK are shown in the image below:

2019 European Parliament Elections

Election results and voter turnout in Scotland and the rest of the UK



More detail on the European Parliament elections is available in the [SPICe blog](#).

Following the elections, an [informal meeting](#) of the European Council took place on 28 May. The meeting was an opportunity for EU leaders to take stock of the results of the European elections and kick off the nomination process for the new heads of EU institutions.

The nomination process will lead to the European Council electing its President, proposing a candidate for the President of the European Commission, and appointing the President of the European Central Bank and the High Representative of the Union for Foreign Affairs and Security Policy.

COMMON FRAMEWORKS: 3RD REPORT ON “FREEZING POWERS”

The UK Government has published the [third report on establishing common UK frameworks](#). The report, which is required under Schedule 3 to the European Union (Withdrawal) Act covers the period from 26 December 2018 to 25 March 2019. The report stated that 199 Statutory Instruments relating to devolved matters were laid in the UK Parliament before 29 March 2019 with the agreement of the devolved administrations. The report concluded that:

- “ On the basis of this continuing joint progress and collaboration on future frameworks which ensures the statute book is ready for exit day, the UK Government has again concluded that it does not need to bring forward any section 12 regulations at this juncture. In addition, the Scottish and Welsh Governments have reaffirmed their commitment not to create divergent policy in ways that would cut across future frameworks, where it has been agreed they are necessary or where discussion continues.

The report confirmed that the powers under section 12 of the EU (Withdrawal) Act to temporarily freeze devolved competence have not yet been used.

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About this publication

This regular paper produced by SPICe sets out developments in the UK’s negotiations to leave the European Union, the process for which formally begun following the Prime Minister’s triggering of Article 50 on 29 March 2017.

The updates provide information on the UK Government’s approach to leaving the EU including the domestic legislation necessary to ensure a smooth transition in terms of the UK statute book, along with details of the positions of the Scottish Government and the other Devolved Administrations. The updates also provide information on developments within the EU with regard to the UK’s departure. Finally, the updates will provide information on the key issues likely to be at play during the negotiations and in developing the UK’s future relationship with the European Union.

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