

11pm 29th March 2019

The date of our departure from the EU is determined by the EU Treaty. Under Article 50 we gave notice. We leave at any time when there is Agreement between the UK and the rest of the EU, or at the two years point if there is no agreement.

It now looks clear that the EU has no wish to reach a mutually beneficial Agreement to get us out of the EU before March 2019. They are still refusing to discuss the future relationship and trade arrangements which the UK thinks it is in our mutual interest to discuss.

The question now comes up for debate in Parliament about when the UK needs to bring into full effect the EU Withdrawal Bill to ensure legal continuity and certainty following our departure. The government is therefore moving an amendment to make the time and date 11pm on 29th March 2019.

This should not be contentious. It is the date and time we will cease to be a member state under the Treaty and Article 50 procedure. The reason it also needs to be written into the Withdrawal Bill is that we need to bring in its provisions at the same time as we cease to belong to the EU in international law. Domestic law has to take over. It is also the likely earliest time when there could be an Agreement.

So why is it a matter of grave concern to some MPs that the government wishes to ensure this legal continuity? For the rest of the Bill they are desperate to ensure anything is debated in Bill Committee and does go through full legislative scrutiny, yet they don't want to do the same for the important matter of when we leave.

The reason seems to be that they think we might get into the position where we are very close to an Agreement by 29 March 2019 but would somehow be thwarted in concluding shortly afterwards if we had in the meantime left the EU. It is difficult to see why this should occur. We have 16 months prior to departure to try to reach an Agreement. That Agreement could include an implementation period to follow exit if it required changes that are difficult to put in place quickly. The government has already said there will be additional legislation for any Agreement to be implemented in the UK.

I cannot see having a deadline 16 months ahead makes it more difficult to conclude an Agreement. If the EU does want a mutually beneficial Agreement there is plenty of time to get one. If the EU does not really want one or intends to try to squeeze more and more concessions out of the UK, an extension of a week or two after March 2019 is not going to suddenly provide a suitable Agreement after months of failure.

When Parliament legislated to send the Article 50 letter it legislated for us to leave in March 2019. The main reason we want that on the face of the Withdrawal Bill is to provide certainty and continuity of law given it now seems inevitable we will not be leaving by agreement any earlier.

On Tuesday the crucial Clause 1 which repeals the 1972 Act and therefore takes us out of the EU according to UK law passed by 318 to 68. The official Labour party abstained, as they realised voting against would be to vote against Brexit itself. The rest of the Bill is about creating legal certainty by carry over of EU laws.