

Let's rule out some options

Amidst all the silly scares the government put round last week to frighten MPs into voting for their Agreement some were sillier than others. Let's look at the most unlikely.

1 REVOCATION OF ARTICLE 50

This would require Parliament to repeal the EU Withdrawal Act and the EU Notification of Withdrawal Act. I cannot see either Mrs May or Mr Corbyn putting a three line whip on their parties to do this. It would be such a flagrant denial of the referendum and a complete about turn from their election Manifesto. Most Conservative MPs and many Labour MPs would refuse to support.

2 EARLY GENERAL ELECTION

This would require a substantial number of Conservative MPs to back an early election to override the 5 Year Parliament Act, which requires a two thirds majority of MPs. Practically every Conservative MP I know is against an early election and thinks we need to sort out Brexit now in this Parliament. Alternatively it would require sufficient Conservative MPs to defy a three line whip to vote against their government in a motion of no confidence and threaten to do the same if an alternative leader emerged on a temporary basis within the two week limit to try again. Again I do not think there are MPs wishing to do this.

3. SECOND REFERENDUM

This would require a government sponsored Bill to pass both Houses of Parliament., or for the government to be unable or unwilling to stop someone else's bill when the government should control the timetable, money resolutions and the rest that a Bill needs. The proposal for a second referendum has twice been voted down in the Commons. The Prime Minister says she is strongly against a second referendum, as are most of the Conservative Parliamentary party. There are probably more Labour rebels against a second referendum than Conservative rebels for one. It seems unlikely the government will flip flop on this, and unlikely there would be a majority in the Commons for it.

That leaves us to discuss the same three options that have been around for a long time – leaving without signing the Agreement, leaving with signing the Agreement, and delaying exit.

4. LEAVING WITH SIGNING THE AGREEMENT

Under the Speaker's ruling the government cannot bring back the Agreement and Political Declaration for a third vote, or bring back the Agreement on its own for a second vote. These have now been decided. It is also the case that the UK is out of time under the revised EU timetable for our departure to get the extra time to implement the Agreement, as they had to pass the motion by

Friday. Reviving the Agreement therefore requires some way to get it back on the order paper, for 29 MPs to change their minds on it, and for the EU to accept another change to the timetable. The EU has continued to make clear it will not change the Agreement, so it will still be the same Agreement they want Parliament to accept.

5. DELAY

The EU has said it would consider a long delay if the UK wanted to have a second referendum or a General election to change the political situation in the UK. They have always ruled out a delay to renegotiate the Withdrawal Agreement which Parliament has now rejected three times. They might consider a delay if the UK wanted to work out a new negotiating position for the future partnership, which seems to be what the indicative votes are about. This however, would require the UK to sign the Withdrawal Agreement as proof of good faith.

It is of course possible the EU will weaken over the rules of delay if the UK presses them. Both sides are reluctant to trigger European elections in the UK which would be needed for any delay beyond April 12, as both sides have a lot to lose in such elections. There are countries in the EU now asking more insistently what is the point of any delay given the inability of the UK government to deliver a Parliamentary majority for the EU Withdrawal Agreement which they see as a starting point for more talks. Were the UK Parliament to indicate a preference for a customs union – having previously voted it down several times – the EU is likely to say that is only negotiable after signing the Withdrawal Agreement. It would be anathema to many Conservatives who stood on a Manifesto against customs union membership in 2017. Mrs May so far has always been strongly against customs union membership.