

Who can delay our exit

This week I am told the government may ask Parliament to debate and approve a Statutory Instrument under the EU Withdrawal Act to delay the date it comes into effect. The government also says Brexit will be delayed by the EU

Council offer to delay made to Mrs May. Some say EU law is still superior to UK law before the EU Withdrawal Act comes into effect and we therefore have to obey the Council offer.

I will oppose and vote against a delay SI. It also implies the UK government is not sure of its legal ground that it rightly wants Parliament to decide to delay. It clearly does not want to rely on the Council decision. There would at least be a conflict of laws if the UK Statute repealing all EU power on 29 March comes into effect whilst the Council assumes the delay is in force. Some will argue the whole point of the EU Withdrawal Act is to repeal The European Communities Act 1972 which is the foundation of all EU power over UK courts and government. What an irony if the EU tried to assert its own law over our very act of throwing off its powers.

To avoid legal doubt Eurosceptics advised the UK government to proceed to get us out under Treaty law by Article 50 and in domestic law by the EU Withdrawal Act. This latest ploy by Mrs May to sort of agree a delay runs the danger of muddling legal clarity. Parliament being full of Remain MPs may vote for delay to avoid testing this legal issue. It will only do so if Mrs May insists on this unpopular move against her own party, with many of us declining to support. She will need Labour votes to get it through. To be sure of delay the government will have to change UK law to do this.

We've had enough indicative votes

Some MPs claim Parliament has been prevented from expressing a view on Brexit and needs a series of indicative votes on different options. Where have they been these last two years? Parliament has talked about almost nothing other than Brexit. The pro Remain MPs told us for years before the vote the EU had little power, it was not very important, there was no need to go "banging on" about it and the electors were not interested in it. Now these same MPs claim it is critical to our economic survival, that the EU has tentacles into so many things that matter and bang on about it to the exclusion of all else.

Parliament has had endless debates rerunning the referendum. In the referendum itself and since we have discussed the Norway model, the Swiss model, EEA membership, EFTA membership, Customs union membership, single market membership, and some combination of all the above memberships. We have had debates and votes on staying in the single market, staying in the customs

union, and having a second referendum. Each of these proposals has been defeated. Why do we have to do all that again?

If Parliament has more debates and more votes they would only be indicative. The government need not accept them. The EU/EEA/EFTA etc may not wish to negotiate the answer Parliament wants should Parliament suddenly back one of these proposals above the others. The government may not agree with the proposal. A large number of Conservative and DUP MPs may not agree with the proposal. Parliament cannot make the government adopt a particular policy. All it could do is to vote no confidence in a government which refused to take its advice. It has tried that recently and the government won the vote. Why would the government wish to proceed with the least unpopular proposal, if that entailed continuous backbench rebellions on its own side in large numbers? Why would the Opposition MPs who favoured a different approach to Brexit then behave responsibly and help the government get it through against the wishes of many Conservative MPs? Wouldn't they see opportunity in defeating a government trying to implement their chosen policy against the wishes of many of its own backbenchers?

There is a reason why Parliament in our system lets government get on and govern, defining its task as stopping decisions and laws which it thinks are wrong but not as dictating to government what laws and decisions are right. That latter way anarchy lies. Parliament either has to put up with the government or sack the whole government. It cannot run it from the backbenches. The government's idea that it needs to appeal to Parliament generally for support means it has given up on finding a Conservative answer that the governing MPs will vote for. That is a strange conclusion for a PM whose job depends on being the Leader of the Conservative party.

[Let me remind Mrs May of the Conservative Manifesto in 2017 – I want her to implement it](#)

On the EU the Manifesto made a lot of sense. It said "As we leave the EU we will no longer be members of the single market or customs union

"We believe it is necessary to agree the terms of our future partnership alongside our withdrawal, reaching agreement on both within the 2 years allowed by Article 50 of the Treaty of European Union.

"We will not bring the EU Charter of Fundamental Rights into UK law.

"We continue to believe that No deal is better than a bad deal for the UK."

It also confirmed that we will take back "control of our laws" and "We will control immigration". "We will pursue free trade with European markets, and secure new free trade agreements with other countries"

It is difficult to see how an MP who supported this Manifesto can support the current Withdrawal Agreement.

All MPs should remember the words of the government leaflet to all households before the referendum:

“This is your decision. We will implement what you decide”

Why leaving without a Withdrawal Agreement is essential and good new

Parliament has declared war on the people. The war can only be ended if we leave the EU on 29 March with no Withdrawal Agreement.

The public has been very patient as 2 years 8 months have passed without fulfilling the promise to take control of our borders, our laws and our money. Parliament has endlessly re run the arguments of the referendum as if we had not done all that in the campaign and come to a decision. MPs against Brexit have been patronising or dismissive of Leave voters.

We need to leave to create an independent democracy in our islands. We did not vote leave to achieve some changes to our trading arrangements. We voted leave to govern ourselves, to throw off the yoke of Brussels government. We voted against the lies that had wrecked our economy in the European Exchange Rate Mechanism. We voted against the stream of laws and taxes coming out of the EU that damage our prosperity. We voted out to confirm we do not want to join the Euro and enter their emerging political union.

We voted to take back control of our fishing grounds, to have a policy which is kinder to both our fish and our fishermen.

We voted to take back control of our taxes, so we can take VAT off female sanitary products, domestic fuel and green products, where today we cannot remove those taxes.

We voted to control our borders so we can have the same rules for EU as for non EU migrants.

We voted control to spend our own money on our own priorities. I want that Brexit bonus budget in April.

Above all we voted leave to be free again. It will be a crippling irony for our democracy if the people insist their Parliament takes back control, only to find Parliament refuses to do so. What part of Leave do Remain MPs not understand? Why do so many MPs want to stay in a puppet Parliament, whose laws are imitations of the EU ?

These Remain MPs are letting the people down badly. They blame the public for bravely choosing freedom. They lack any vision of the better future that beckons. Their pathetic whining of how our country will be worse if they take responsibility from the EU tells us more about their inadequacies than about the bold vision of the people.

[Expect plenty of spin before a possible third vote on the Agreement](#)

The government is proceeding as if there will be a third vote on the Withdrawal Agreement on Monday. They will of course need to persuade the Speaker that something meaningful has changed from the previous version they put to the Commons, which lost by 149 votes.

The government approach to get MPs to vote for the Agreement depends on which MP they are talking to. Leave supporting MPs I hear are told there will be a long delay to Brexit or no Brexit if they do not vote for the Agreement. Remain voting MPs are told there would be a no deal Brexit on 29 March. As all this has appeared in the press, the two sides can see that at least one side is not getting the truth. The danger for the government is both sides may choose not to believe the government, knowing it faces different ways.

There are some Conservative Leave inclining MPs who switched votes between the first vote on the Agreement and the second. They were mainly won over to what they still regard as a very bad Agreement by the worry that maybe the alternative was a long delay. Now the government has revealed its hand to the European Council and has not even asked for a long delay, some of them may switch back to opposing the Agreement as the worry they were told about has not yet materialised.

The DUP have always taken a principled stance on this matter. Their simple red line is they cannot accept anything which gives different treatment to Northern Ireland from the rest of the UK. They deeply resent the EU attempt to create a new country called UK (NI) which would have different laws and customs arrangements from the rest of the UK. The difficulties for them lie in the Agreement text itself, with many pages creating island of Ireland solutions where the DUP want UK solutions. It is difficult to see how they can be persuaded to change their vote. Press briefing about making more payments to Northern Ireland went down very badly with the DUP who were not proposing any such deal.

Meanwhile Remain MPs cannot accept the Agreement either because its vagueness on what shape the future partnership will take gives them no legal or bankable guarantees of the close relationship including customs union membership, EU environmental and employment laws and single market rules that they want. They are very concerned that if the UK did sign the Agreement

we could end up with a very bad deal not including the features of the EU they most wish to protect. Mrs May's insistence that the UK will be leaving the Customs union and the single market, necessary to keep to her Manifesto, alienates the opposition parties and a handful of Conservatives. To Remain the Withdrawal Agreement is nowhere near as good as staying in. They want the PM to tear it up and try again. They want as Labour sets out at the very least a customs union membership with close convergence of legislation.

In summary it is a very bad deal for the UK as a whole. It upsets both sides for different reasons, but Remain and Leave do agree by a big majority that this Agreement is not the way forward. The next few days will be crucial for both the government and for Brexit. Labour sense that the government is very unstable and are likely to see this as a good opportunity to maximise opposition to a very unpopular deal to build their case against the government generally.