

My contribution during the debate on the Business of the House, 3 April 2019

John Redwood (Wokingham) (Con): I oppose this business motion. The idea of speed legislating is dangerous and wrong on this occasion, although I fully accept that there are times when legislating at pace can make sense. If the House has a consensus and the matters are not contentious, of course there is no need to waste the House's time on pointless debates in which Members try to think of something to say. Were there a great national emergency and most people in the House thought that the Government should take emergency powers to deal with a catastrophe, that would have to go through at pace. However, there is no national emergency that can justify this, and there is certainly no consensus in this House.

We cannot be sure how the vote will go this evening. It may be that my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) has enough Conservative rebels to tip it over the line—I think that that is the modern phrase—for himself, or it may be that enough Conservatives respond to the Government's whipping and carry the day with our DUP partners. Either way, I think we can be sure that a large and significant minority of Members of Parliament who have lost will be in no way part of any consensus. On my side of the argument, there would be a minority who in no way think that such legislation should be rushed through at pace. We feel that we have every right to table amendments and to discuss them in the normal way.

Antoinette Sandbach (Eddisbury) (Con): My right hon. Friend ought to be a little careful, because a number of us voted for the Prime Minister's deal, which would have got us out of Europe on 29 March. As someone who voted for the deal, the suggestion that this proposal is somehow about losers' bad faith does not accurately reflect my actions.

John Redwood: I think my hon. Friend misheard me. I made no such allegation about her or my right hon. Friend the Member for West Dorset. I was paying them all due civility in saying that they may win, but nobody can claim that there is a big consensus in this House or a large potential majority on either side, so we need more time than is being offered in this business motion. Lightning legislation is bad legislation.

As we have already heard, this potential legislation poses fundamental questions about the nature of government, how government is conducted and the powers of Government, which go to the heart of our very processes, and seeks to overturn conventions and Standing Orders that have been in place and accepted by Governments of both persuasions for a long time. That should happen only after due consideration. I am not one to think that there should be no constitutional change or experiment. I have often been against my own Government and have understood the need to use the available procedures to get them to change their mind. However, we should not enter into a radical

transformation on the basis of just a few hours' debate, which is what we are being offered in this business motion.

Mr Dominic Grieve (Beaconsfield) (Con): Viewing this situation objectively, I do not believe that there is any constitutional impropriety whatsoever in what the House is being asked to do this afternoon. It simply does not arise. The truth is that we have a flexible constitution. I rather agree with my right hon. Friend that one often wants more time, but it is precisely when one faces an emergency that the flexibility of the constitution becomes most desirable, and I cannot alter the fact that the emergency exists. With that in mind, I would hope that he would appreciate that there is nothing improper in what the House is doing. In fact, it is only since a recent date in this House's history that we have been fettered by the Government's almost total control of the Order Paper.

John Redwood: Again, I fear that my right hon. Friend did not listen carefully. I never suggested any impropriety. I said that we wished to proceed in an orderly manner, which Mr Speaker will ensure that we can do, and that there are occasions on which we need to change our procedures or modify our Standing Orders. On this occasion, however, the case I want to make is that there are some fundamental issues that are worthy of rather longer time than is being offered in this business motion.

Sir Oliver Letwin: rose—

John Redwood: I would quite like to develop my argument, but I will give way to my right hon. Friend.

Sir Oliver Letwin: I am grateful to my right hon. Friend for giving way. I rather agree that it would be desirable to have longer to discuss these things, although, as my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) just said, I am not suggesting any impropriety. Nevertheless, there is innovation here, and it would be nice to have longer.

Is not the fundamental difference between us that my right hon. Friend the Member for Wokingham (John Redwood) thinks—I know he genuinely thinks this, and he has thought about it a lot—that leaving on Thursday week without a deal is not an emergency, whereas many of us who support this motion think, rightly or wrongly, that leaving on Thursday week is an emergency? Is that not the real difference between us?

John Redwood: We are going beyond the business of the House motion, but of course it is not an emergency. We have had two years and nine months to prepare for it, and the Government have assured us that they are ready to leave without an agreement, if necessary. More than half the public now think it is the right thing to do, but that is a matter of substance and not a matter of the business of the House motion.

I will briefly mention three elements that give the Government an advantage so that they can claim to be the Government and behave as the Government, if they have the wit and the votes to do so—of course, they need to keep enough votes enough of the time to fulfil their role.

The first element is control of the Order Paper. Of course, the Government should not have complete control of the Order Paper and, by convention, they agree with the Opposition on providing Opposition days, which they must do, and allow the Opposition to debate the things they wish to debate, either in their own time or in Government time. If the Government do not do that, things can break down and become a matter of controversy, and the public may side with the Opposition, so the Government have to behave in a sensible way through the usual channels on business.

By tradition, for many years now, the Government set a Queen's Speech programme of legislation, which is meant to be a coherent and consistent programme—and under a good Government it is—that reflects what they have persuaded the electors to vote for, because they have more seats than anyone else in the House. The programme is presented by Her Majesty, usually annually—we are in a strange Parliament because we only do Brexit, so there was no need for a new annual speech because this Parliament has been on groundhog day for two years and nine months.

As someone who used to be interested in this subject, I actually want to go on and talk about some of the other subjects in which I am interested. I would like this done. By convention, we have an annual Queen's Speech in which the Government present what they think is a coherent programme of legislation that fits into how they are trying to govern the country, and then it is up to Parliament to rip it apart, amend it, improve it, say that bits of it are not acceptable and try to influence the future programme.

Andrea Leadsom (Leader of the House): My right hon. Friend is making some good points, and I add that not only would the House usually have much more time to consider a Bill of such constitutional significance but, of course, the Bill would, previously to coming before the House, go before a committee consisting of the business managers, the Law Officers, the territorial Ministers and many others to test both the policy and the handling plan. There would be significant cross-House engagement, and it is for that reason that, in this Session alone, 43 Bills have received Royal Assent. I completely agree with him that due process is incredibly important.

John Redwood: I am grateful to my right hon. Friend.

The second big issue that is relevant to this business of the House motion is that, traditionally, only a Minister may move a money resolution in support of legislation that requires the expenditure of public funds. Again, there is very good reason for this, because the Government have to be responsible for the Budget, and they normally understand that, if they want to spend more, they have to raise more through taxes or borrowing. The Government are responsible for both sides of the account.

Again, the House can criticise, refuse to agree or try to get the Government to shift their position, but it is the Government who are financially responsible to the markets and for all the other reporting that has to be done. This proposal could have very significant financial consequences indeed, because staying in the European Union is an extremely expensive thing to do, and I think it would need a money resolution, which should be moved by

a Minister of the Crown.

Sir William Cash: (Stone) (Con): I intend to raise a point of order on this question but, as my right hon. Friend is the first person to mention it, he may be interested to know that I have already prepared a comprehensive note on the question of a money resolution. It would cost UK taxpayers some £36 billion if our contributions are extended for up to two years, which is a vast sum of money. I have written a paper for Mr Speaker and others explaining why I believe a money resolution is required, and at least 50 Members have backed my letter to Mr Speaker on this question. That will come up later.

John Redwood: I am grateful to my hon. Friend for that. Again, it is important to have it on the record in this debate for the House's consideration that we are dealing with things that could have precedents with wide ramifications that go way beyond the next few days and whether we leave in accordance with the views of the British people or not.

The final of my three points is perhaps even more relevant to this particular proposal: it is tradition that the Government have vested in them Crown prerogative, and the Prime Minister and Ministers act on behalf of the Crown in all international negotiations. That is not just our view, important though that is, in this House of Commons; while we still remain subject to the superior law of Brussels, it is also the law of Brussels. The Brussels authorities—the European Union—do not wish to negotiate with groups of MPs. They wish to negotiate with the UK Government, because it is the UK Government who are the signatory to the treaty and the UK Government who have sought the agreement of the EU to our withdrawal—or indeed to our automatic withdrawal under article 50 should no agreement be reached.

Kate Hoey (Vauxhall) (Lab): Does it concern the right hon. Gentleman that so many groups of MPs, ex-Prime Ministers and so on—not official Select Committees, which might have gone to the EU to see Michel Barnier and others—seem to have been trotting over to see the European Union as though they are almost negotiating on behalf of this Parliament and almost advising Michel Barnier as to what to do to make sure we end up either not having a Brexit or having a very soft Brexit? Does that not worry him?

John Redwood: It worries me, but I am a freedom-loving young man and I think that people will do what they want to do; I do not want to stop MPs expressing their views and going to talk to people with whom we are trying to negotiate. I also have a right to a view on it and I agree with the hon. Lady that if those MPs went there with the express intention of delaying or sabotaging Brexit—if they went there to weaken the pretty feeble position the Government had already adopted in the negotiations in order to make it more difficult for us to get any kind of agreement that I could agree to—that is a matter of grave regret. That will be judged by the British people in subsequent elections. It is not for me to make the misery of those MPs greater; they will need to answer to their constituents about that.

Sir William Cash: When I was talking about the money resolution, I ought to have mentioned that it is not just me who has made these submissions; I

understand that a Minister has also made representations. I just want to confirm, on the record, that it is not just Back Benchers doing this, but the Government, because a Minister has told me that he has raised them.

John Redwood: I am pleased the Government have made that representation, as it adds force to the case I was making.

On this Crown prerogative point, the EU position and the internationally agreed position is that only the Government can formally represent and negotiate on behalf of the UK. So one of my problems, which I raised directly with my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), is how far can this House go in instructing and controlling the negotiation? He gave me a sensible answer, saying that the House was not going to try to say that there had to be a delay, because he fully understood my point that that is ultimately in the EU's gift. As I pointed out, it is in this House's gift to insist on a Minister seeking a delay. He rightly added that it is in this House's gift to decide whether to accept any delay should the EU grant it, but the central point is that, assuming this House wanted a delay, most of the power rests with the EU. As we saw the last time a needless delay was sought and granted, quite a long delay—to 30 June—was requested, but the effective delay turned out to be only until 12 April.

The point I am making is that we do not want to take time debating something that misleads people. A lot of people outside this House think that today we are debating a Bill that will require and achieve a delay, whereas it cannot possibly guarantee to do that. People must also understand that even if this House reaches an agreement with my right hon. Friend the Prime Minister, she may not end up with anything like that which the House was seeking.

The hon. Member for Bath (Wera Hobhouse), who has disappeared, said that she had discovered that we could do anything. I have to disabuse her of that notion in two ways. First, even this House and all Members of Parliament—sometimes the public do not understand this—have to obey the law. Our advantage is that we can change the law if enough of us wish to do so.

Secondly, the hon. Lady also has to understand that great though this House can be once we are out of the European Union, and powerful though it is even still within the European Union, there are a lot of things for which it cannot sensibly legislate. Let us suppose that all working people would like it to rain on Mondays and Tuesdays, and be sunny on Saturdays and Sundays. That would be very convenient and an extremely popular law to pass, but there is no point in passing such a law, because even this House does not control the weather. I feel the same about the European Union.

There is absolutely no point in this House legislating for how the EU should respond, what its conduct should be or what laws it should pass—although they are a matter of great interest to me and many others—because we have absolutely no power over it. Indeed, that was at heart of the referendum campaign. What the SNP never accepts when it uses our phrase, “take back control”, is that the control that we wish to take back is all those mighty powers granted to the European Union, which the SNP is relaxed about. As soon as the Executive here wants any power to behave as a normal Government,

however, the SNP says that that is unacceptable and Parliament needs to take it back.

I hope that the House will consider the business motion carefully, that more will come to my view—this is too little time to discuss such fundamental issues—and that they will agree with me that the big issues are to do with our future procedures and with the balance between the Executive and Parliament. I am one who often criticises the Executive, but I do not want to go too far this afternoon so that all government is in effect impossible. They must retain control of the agenda and of the money.

An evenly split Commons

Yesterday the Commons by a majority of one on the Speaker's casting vote rejected the idea that we need another day of indicative votes. The last time we did this we were only offered Remain options and rejected them all.

Then it voted by a majority of one to approve a bill requiring the government to ask for an unspecified delay in Brexit. In so doing the Commons showed its contempt for the referendum and for the clear feeling in the country that they want Brexit over. Parliament and the EU has wasted three years now from the decision. They tell us they have prepared for a no deal exit. It is time to just get on with it.

There is no good reason for a delay. There is no obvious compromise between Leave and Remain. For 47 years we have lived with Remain with nothing offered to us who wanted out. You are either in or out. Many successful countries who trade a lot with the EU are out.

Timetable to Brexit?

The next few days will once again be important in settling whether we leave the EU or delay it again.

According to the EU's timetable the UK government would need to send a letter on Friday of this week requesting a further delay, as the EU needs two working days to consider it before the European Council on April 10th. The letter would need to set out how long a delay the government was seeking, and for what purpose. The context is the EU's clear statements that it will not re-open negotiations on the Withdrawal Agreement, and that the UK has to sign the Withdrawal Treaty and implement it in UK law to be able to enter talks

about a so called future partnership agreement. Mrs May's idea of a close and wide ranging partnership, or the ideas of a customs union, Common market 2.0 and other close alignments would only be feasible if the UK has signed the Withdrawal Treaty.

The added complication driving the current timetable is the European Parliamentary election. April 12th is the last date for the UK to set up an election to that body. The UK would be required by EU Treaty law to elect new MEPs if its EU membership is going to extend beyond May 22nd, the date of the election. There is a reluctance on both sides of the Channel to allow this for obvious political reasons.

The EU has said it would only consider a long extension if the UK promised a second referendum or a General election. They have no wish to renegotiate the Agreement, which is take it or leave it.

Mrs May's statement was unacceptable. There must be no more delay. Labour's policy of trying to stay in the Customs Union is against the Conservative Manifesto and all Mrs May's promises to date. She did not take no deal off the table in her address to the nation but let it be briefed she will take it off for her talks with Labour. It cannot be taken off the agenda as it is the default position. It is also the preference of a majority of Conservative MPs and of most Leave voters. Mrs May could only get her Agreement through if Mr Corbyn promises to vote for it and to vote for the subsequent legislation to implement it, as the DUP and many Conservatives will not vote for the Agreement with a Customs Union and single market laws added on to it.

50 shades of delay

Remain leaning MPs dream of all kinds of delay. Some would accept a short delay, hoping it would lead to another short delay. Some want a long delay. Opposition MPs want a delay for a General election or a second referendum. It is difficult to see the Conservative party in Parliament voting for either a General election or a second referendum. A small number of Conservative MPs want a delay effectively for a renegotiation which the EU has not offered. In the recent free vote on delay 200 Conservative MPs refused to back the Prime Minister's short delay until April 12th, which passed on Opposition votes.

Parliament's indicative votes about a different future from either leaving without the Withdrawal Agreement or leaving with it imply negotiation of a delay. The problem with this approach is that the things they want relate to the second part of the negotiation with the EU as defined by the EU. The EU has made clear the UK has to sign the Withdrawal Treaty. Parliament has three times rejected before such talks take place.

The wish of a lot of MPs to have a customs union relationship could only happen after signing the Withdrawal Agreement which they rightly refuse to

do. The EU has said they would consider a long delay as long as the UK participates in the European elections in May. This is a very uninviting prospect for either of the two main political parties, who could expect a strong challenge from pro Brexit parties angry at the delay.

Yesterday Parliament was offered just four choices for the future, as the number of propositions was whittled down. Because it is a Remain dominated Parliament there was no Brexit option left to choose from. Leaving without signing the Withdrawal Agreement was removed and my preference for a WTO/Free Trade offer exit was not available either. We had a Customs union proposal. We were offered a plan to create Common Market 2.0 with a customs union and single market membership, implying freedom of movement, some financial contributions and acceptance of single market laws. We had a motion to require a confirmatory public vote for any exit plan, which would mean a referendum running any final deal against staying in, with no proper Brexit option on the ballot paper. There was finally a motion to secure a delay or failing that to revoke our notice to leave.

The government should have asked all Conservatives to vote against all four options, which all pro Leave MPs were willing to do. All four were against the Conservative Manifesto of 2017. It was good to see there was a majority against all of these ways of stopping Brexit. The Cabinet should take note and agree our exit on 12 April without the Withdrawal Agreement.

No more delay

Cabinet must get on with our departure on April 12. There is a clear majority of Conservative MPs against any delay. So offer a free trade deal and leave. A fourth vote may not be allowed and is unlikely to give a different answer.