

## Brexit and Parliamentary Process

### What we know or can assume about the timetable

Date	Brexit Process	UK Parliamentary process
29 March 2017	<b>Prime Minister Theresa May triggered Article 50</b>	
31 March 2017	<b>European Council President Donald Tusk will issue draft guidelines for the negotiations within 48 hours of Article 50 being triggered</b>	<p><b>Government departments may publish initial consultations and White Papers to inform the drafting of key Brexit Bills tackling immigration, tax, agriculture, trade and customs regimes, fisheries, data protection and sanctions.</b></p> <p>If departments stick to consultation guidelines, 12 weeks should be allowed for interested parties to respond. Starting the consultation process in March would allow more Bills to be introduced shortly after the Queen's Speech.</p>
Early April 2017	<b>European Commission, the EU's executive body, have drafted a more detailed mandate for the negotiations</b> (widely leaked)	
April 2017	<p><b>The Council of the EU, representing member states' governments, will meet to discuss and agree the more detailed mandate.</b></p> <p>Those guidelines will then be sent back to the European Commission, who will draw up a detailed plan for how those negotiating aims can be achieved. These will take the form of 'Council directives' which will need to be signed off by the European Council.</p> <p>This process is expected to take between four and six weeks, and so the timetable has already been condensed.</p>	



22 April

### Purdah began

As Cabinet Office guidance<sup>1</sup> points out, it is “customary for Ministers to observe discretion in initiating any new action of a continuing or long-term character”, and “decisions on matters of policy on which a new Government might be expected to want the opportunity to take a different view from the present Government should be postponed...provided that such postponement would not be detrimental to the national interest”.

Dealing specifically with EU and International Business, the guidance is that this should “continue as normal during the period of the general election, including business relating to exiting the European Union” and that “Ministers will be entitled to attend meetings of the Council of Ministers...and to pursue government policy”, although they “should observe discretion on new initiatives and before stating new positions or making new commitments”. **This is clearly easier to do early on in the negotiating process, then towards the end – another argument in favour of calling a snap general election.**

This caveat, provides some room for the Government to continue to engage in negotiations.

As an aside, there is one tricky feature - special advisers wishing to take part in the General Election campaign have to resign their appointments<sup>2</sup>, and would no longer

<sup>1</sup> Cabinet Office, [General Election Guidance 2015](#)

<sup>2</sup> <https://www.gov.uk/government/publications/election-guidance-for-civil-servants/general-election-2017-guidance-for-civil-servants#special-advisers>



		have preferential access to papers and officials. This could mean some important decisions being taken on who needs to remain behind to help with Brexit and who needs to help manage the campaign.
29 April 2017	<p><b>The European Council, consisting of the heads of state or government of the member states, in an EU 27 format (without the UK), will publish guidelines for the negotiations<sup>3</sup> - the Brexit Directives.</b></p> <p>The guidelines will include principles and general positions for the negotiations. They will update these guidelines in the course of the negotiations, as necessary<sup>4</sup>.</p> <p>(It's worth noting that this will fall between the first and second round of French elections).</p>	
Before 3 May 2017		<p><b>House of Commons Procedure Committee likely to publish a legacy report providing guidance as to how its work into the "Delegated powers in the 'Great Repeal Bill'" will be taken forward. Clerks anticipate that this work will resume properly in September.</b></p> <p>Parliament already struggles to scrutinise more than a small proportion of secondary legislation and will "face an unprecedented challenge in scrutinising secondary legislation [required] under the 'Great Repeal Bill'.</p> <p>It is estimated that there are nearly 20,000 EU legislative acts in force. Many are directives, regulations, decisions and international</p>

<sup>3</sup> Institute for Government, "[Brexit Explained: the EU's role in Brexit negotiations](#)"

<sup>4</sup> <http://www.consilium.europa.eu/en/policies/eu-uk-after-referendum/>



		<p>agreements but at least 5,000 EU regulations are currently directly applicable to the UK as a member state<sup>5</sup>.</p> <p>Much must be resolved as to how the process can be handled and what the appropriate level of scrutiny will be, and how to manage “the massive transfer of legislative competence from Parliament to Government”<sup>6</sup>.</p>
3 May 2017		<b>Parliament likely to be dissolved</b>
May 2017	<b>European Commission can begin negotiations</b>	
8 June 2017		<b>General Election</b>
w/c 19 June 2017		<p><b>Queen’s Speech announces Great Repeal Bill</b></p> <p>Using the model of the 2001 General Election – which was on 7 June – we would expect the Queen’s Speech to follow two weeks after the General Election in the w/c 19<sup>th</sup> June. An official date has not yet been announced (as of 24.04.17).</p> <p>The Government has said that it will include the Great Repeal Bill in the Queen’s Speech.</p>
Late June 2017		<p><b>Possible First Reading of the Great Repeal Bill</b></p> <p>This is the earliest the Bill could be introduced.</p> <p>Even if the bill is relatively short, with much left to secondary legislation, the scrutiny process is likely to be extensive.</p>

<sup>5</sup> House of Lords Select Committee on the Constitution, [The ‘Great Repeal Bill’ and delegated powers](#)

<sup>6</sup> House of Lords Select Committee on the Constitution, [The ‘Great Repeal Bill’ and delegated powers](#) (p17, p47)



		<p>To predict the passage of the Bill we need to look not only at the usual pattern for major pieces of legislation, but also for similar Bills and the EC/EU Treaty Bills are the most likely model.</p> <p>Of the six Bills since 1973 that have been linked to EC/EU Treaties, the quickest made it through all its parliamentary stages in 186 days (Lisbon), 4 took around 250 days and Maastricht took 440 days. Based on this I think it will take at least 8 months [See end note for further detail].</p> <p>The Nice Treaty Bill also gives us a model for a Bill introduced immediately after a June Queen's Speech – it had its 1R in June 2001, a couple of weeks later its 2R and a programming motion, went to Committee of the Whole House and Report stage just before the summer recess, then returned to the Lords in October, and completed its passage in February 2002.</p> <p>At least seven additional bills must also be introduced over the next 12 months. They are likely to follow the pattern for major Bills, and again between 9 and 12 months would not be unusual.</p> <p>Parliamentary business managers will need to work hard to fit in the Brexit bills alongside any necessary domestic legislation, and negotiations are currently underway between the business managers, No.10, and the government departments putting in bids for legislative slots.</p>
w/c 10 July 2017		<p><b>Likely date for nominations for chairs of the select committees including the chair of the Committee for Exiting the</b></p>



		<p><b>European Union.</b></p> <p>The Standing Orders of the House of Commons set out a process that is likely to take at least six weeks to complete.</p> <p>Party leaders have two weeks from the Queen’s Speech to agree which parties will chair which committees, and then 14 days are required before the ballot, when MPs vote on nominations<sup>7</sup>.</p> <p>Results are likely to be announced following a ballot the w/c 17 July.</p> <p>Once that is done individual parties will hold their own internal elections to decide who will represent the party on each committee, the House then votes on the final list.</p>
July 2017		<p><b>Possible Second Reading and Committee of the Whole House for Great Repeal Bill.</b></p> <p>One of the benefits of a new parliament is that the Government will have much more freedom to allocate time to the Great Reform Bill - there will be no leftover bills restricting the time available.</p> <p>As a result, once the Bill is introduced it could progress quite fast, although it is likely that some of the Committee Stage will slip into the autumn.</p>
Mid-July 2017		<p><b>Select Committee membership announced</b></p> <p>(See earlier for further detail)</p> <p>In 2015 the General Election on 6 May, was followed by a Queen’s</p>

<sup>7</sup> [Standing Orders - 2016 - February 2016](#)



		<p>Speech on 25 May. It was however almost two months (8 July) before the Select Committees were fully functional.</p> <p>We therefore face a situation in which the Great Repeal Bill – which will rely so much on secondary legislation – may be debated at a time when the Committee examining how secondary legislation should be handled, has not yet been reformed nor published its work. This puts Parliament further behind the curve.</p>
July – September 2017		<p><b>Consultations on key Brexit Bills</b></p> <p>Government departments cannot open new consultations during Purdah, which means there will be a backlog of consultations to inform the drafting of key Brexit Bills tackling immigration, tax, agriculture, trade and customs regimes, fisheries, data protection and sanctions.</p> <p>If departments stick to consultation guidelines, 12 weeks should be allowed for interested parties to respond. Making good use of the summer and conference recess will therefore be essential.</p>
Early September 2017		<p><b>The earliest likely date for the House of Commons Procedure Committee to publish its report on “Delegated powers in the ‘Great Repeal Bill’”</b></p> <p>When the inquiry was announced, the Committee had hoped its work would inform much of the debate relating to the Great Repeal Bill. With the need to reform post General Election, there is now a significant risk that the report will be obsolete if the Committee does not act fast.</p>
14 September –		<b>Conference recess</b>



9 October 2017		(Date is predicted)
October / early November 2017		<p><b>Great Repeal Bill completes its progress through the House of Commons (Committee, Report Stage and Third Reading)</b></p> <p><b>Scrutiny of the Great Repeal Bill gets under way in the House of Lords</b></p> <p>Again using the Treaty of Nice as a possible template, we could expect the Bill to enter the Lords in mid- to late October.</p> <p>The Lords is much stricter on proper intervals between the different stages and, although these can be waived, they provide a good basis for predicting specific stages.</p>
November 2017		<b>Great Repeal Bill enters Committee of the Whole House in the House of Lords</b>
December 2017 - January 2018		<b>Report Stage and Third Reading in the House of Lords for the Great Repeal Bill</b>
February 2018		<b>Royal Assent for the Great Repeal Bill</b>
October 2018	<p><b>Date by which EU's chief Brexit negotiator, Michel Barnier wants to wrap up negotiations on the terms of Britain's exit from the Union.</b></p> <p>This is to allow time for approval by the EU Council, European Parliament and the UK Parliament within the two-year time frame.</p> <p>Negotiations can be extended if all 27 countries agree, and by October it should become clear if this will be</p>	





	necessary.	
Between October 2018 – March 2019	<b>Agreement sought from the EU Council and European Parliament.</b>	<p><b>Parliament to vote on the proposed deal</b></p> <p>Theresa May has said that MPs will be allowed to vote on any proposed deal <i>before</i> it is put to the European Parliament.</p>
October 2018		<b>Further consultations on secondary legislation (my prediction)</b>
December 2018		<b>Departmental consultations on secondary legislation need to be brought to a close (my prediction)</b>
w/c 14 February 2019		<p><b>Deadline for all secondary legislation, enabled by the Great Repeal Bill, to be laid before Parliament (my prediction)</b></p> <p>It is understood that the Great Repeal Bill will probably include “very wide powers to make subordinate legislation: to allow for different potential outcomes from the negotiations and generally for the widespread nature of the required changes” [Sir Stephen Laws QC, former First Parliamentary Counsel].</p> <p>The vast majority of statutory instruments are usually subject to ‘negative resolution’ – this means that unless they are opposed in Parliament they automatically become law after 40 days. Given the sheer number of statutory instruments likely to be required it would be unwise for Government to allow many of them to be subject to “affirmative resolution” i.e. to require approval by both Houses.</p> <p>On that assumption, and on the basis</p>



		<p>that Parliament will still break for a recess for the Easter half term, then parliamentary regulations will require all secondary legislation to be laid by mid-February.</p> <p>Fail to meet this deadline and there could be a very awkward period when numerous sectors are left in limbo and unregulated.</p>
29 March 2019	<b>If no agreement and no agreement to extend negotiations, the EU treaties will cease to apply to the UK on the two year anniversary of Article 50 being triggered.</b>	
April 2019	<b>Formal exit from the EU, following ratification of Brexit</b>	<p><b>Formal exit from the EU, following ratification of Brexit</b></p> <p>For continuity and certainty, the Great Repeal Act – repealing the European Communities Act 1982 and incorporating European Union law into domestic law “wherever practical” – must come into force alongside relevant statutory instruments.</p> <p>Parties have a year to prepare for a General Election</p>
30 March 2020		<p><b>Dissolution of Parliament</b></p> <p>Dated based on the Electoral Registration and Administration Act 2013 which requires 25 days between Parliament being dissolved and a general election. This excludes Saturdays, Sundays, Good Friday (10 April 2020) and other bank holidays, such as Easter Monday (13 April 2020) and May Day (4 May 2020). In addition, any day appointed for public thanksgiving or mourning would also be ignored.</p>
7 May 2020		<b>Next General Election</b>



<sup>i</sup> With thanks to the [House of Commons Library, EU Treaty change: the parliamentary process of bills](#)

Bill	1R House of Commons	Royal Assent	Parliamentary time spent	No. of divisions	Time to complete passage
EU (Amendment) Bill 2008 (Treaty of Lisbon)	17.12.2007	19.06.2008	25 days	122	186 days
EC (Amendment) Bill 2001-02 (Treaty of Nice)	21.06.2001	26.02.2002	11 days	4	251 days
EC (Amendment) Bill 1997-98 (Treaty of Amsterdam)	30.10.1997	11.06.1998	16 days	5	225 days
EC (Amendment) Bill 1992-93 (Maastricht)	07.05.1992	20.07.1993	41 days	88	440 days
EC (Amendment) Bill 1985-86 (Single European Act)	27.03.1986	07.11.1986	12 days	10	226 days
European Communities Bill 1971-72	25.01.72	17.10.1972	39 days	102	267 days

