



In Focus

European Union (Notification of Withdrawal) Bill: Summary of Commons Second Reading Debate

Introduction

The [European Union \(Notification of Withdrawal\) Bill](#) was introduced in the House of Commons on 26 January 2017 and received its second reading on 31 January and 1 February 2017. The Bill would give the Prime Minister power to notify the European Council of the UK's intention to withdraw from the European Union, under the process set out in Article 50 of the Treaty on European Union. This briefing summarises the second reading proceedings in the House of Commons. The Bill was given its second reading by a majority of 384, and its remaining Commons stages are scheduled to take place on 6 to 8 February 2017. The Bill's second reading in the House of Lords is scheduled for 20 February 2017. For background information about the Bill, see House of Lords Library, [European Union \(Notification of Withdrawal\) Bill](#) (30 January 2017) (a concise five-page briefing) and House of Commons Library, [European Union \(Notification of Withdrawal\) Bill](#) (30 January 2017) (a more detailed 50-page briefing).

During the first day of the second reading debate, MPs from all sides of the House questioned the Government about when it would publish the white paper that had been promised by Theresa May at Prime Minister's Questions on 25 January 2017.¹ Mrs May announced on 1 February, before the second day's debate on the Bill began, that the white paper would be published the following day.² On 2 February 2017, the Government published its white paper, [The United Kingdom's Exit From, and New Partnership With, the European Union](#).

Commons Second Reading Debate

Opening the debate, David Davis, Secretary of State for Exiting the European Union, said that the Bill responded directly to the Supreme Court judgment of 24 January 2017; it was not about whether or how the UK should leave the EU, but “simply about Parliament empowering the Government to implement a decision already made—a point of no return already passed”.³ He said that the “democratic mandate is clear” and reminded the House that it had already passed a motion in December 2016 which supported the triggering of Article 50 by 31 March 2017.

Anticipating points raised by the Scottish National Party's (SNP) amendment to the second reading motion, Mr Davis said that the Prime Minister had set out a “bold and ambitious vision for the UK” and the Government had outlined its twelve objectives for the withdrawal negotiations.⁴ Mr Davis pledged to continue to work with the devolved administrations “to make sure that the voices of Scotland, Wales and Northern Ireland continue to be heard in the negotiation process”, but he pointed out that “the devolved legislatures do not have a veto on the UK's decision to withdraw from the European Union”, and suggested that the British people would “view dimly any attempt to halt [the Bill's] progress”.⁵ He promised that both Houses of Parliament would have a vote on the deal the Government negotiated

with the EU before it came into force, and that ministers would continue to provide regular updates to Parliament. He also said that it would be for Parliament to “determine any changes to our domestic legislation in the national interest” after the Great Repeal Bill shifted the *acquis communautaire* (the body of EU law) into domestic law on the UK’s departure from the EU. On guaranteeing the rights of UK citizens living in the EU and vice versa, Mr Davis said this was one of the Prime Minister’s objectives, and the Government was ready to reach a deal straight away “if other countries agree”.⁶ He made clear his position that there must be “no attempts to remain inside the EU, no attempts to re-join it through the back door, and no second referendum”.⁷ Noting that Parliament had “voted to give the people the chance to determine our future in a referendum”, he called upon MPs to “trust the people” by supporting the Bill.⁸

Responding for the Opposition, Keir Starmer, Shadow Secretary of State for Exiting the European Union, acknowledged that “for the Labour Party, this is a very difficult Bill”.⁹ He described Labour as a “fiercely internationalist” and “pro-European” party that believed in international cooperation and collaboration, and said this was why Labour had campaigned to remain in the EU. Although he said it was a “difficult decision” as one third of Labour MPs represented constituencies that had voted ‘remain’ in the referendum, he argued that “as democrats, we in the Labour Party have to accept the result”. It therefore followed, he said, that “the Prime Minister should not be blocked from starting the Article 50 negotiations”.

Mr Starmer said this did not mean, however, that the Prime Minister could “do as she likes without restraint”; he argued that she was “accountable to the House, and that accountability will be vital on the uncertain journey that lies ahead”.¹⁰ For this reason, Labour had tabled “important” amendments “intended to establish a number of key principles that the Government must seek to negotiate during the process”, such as full tariff and impediment-free access to the single market, “robust and regular” parliamentary scrutiny, regular consultation with the devolved administrations, giving the Commons “the first say, not the last say, on the deal proposed at the end of the Article 50 negotiations”, and supporting workplace rights and environmental standards.¹¹ He also called on the Prime Minister to “act unilaterally to give assurance to EU nationals living in this country” about their future legal status. He warned that the Bill did not give the Prime Minister a “blank cheque”, and that any change to the domestic law on immigration, tax, employment, consumer protection or the environment could only be made through Parliament.¹²

Stephen Gethins, the SNP Spokesperson on Europe, moved an amendment which would have declined to give the Bill a second reading for the following reasons:

[...] the Government has set out no provision for effective consultation with the devolved administrations on implementing Article 50, has yet to publish a white paper detailing the Government’s policy proposals, has refused to give a guarantee on the position of EU nationals in the UK, has left unanswered a range of detailed questions covering many policy areas about the full implications of withdrawal from the single market and has provided no assurance that a future parliamentary vote will be anything other than irrelevant, as withdrawal from the European Union follows two years after the invoking of Article 50 if agreement is not reached in the forthcoming negotiations, unless they are prolonged by unanimity.¹³

Mr Gethins described it as a “disgrace” that the Government had not published a white paper setting out its detailed Brexit plans “nearly a year after the referendum”.¹⁴ With regard to consultation of the devolved administrations, Mr Gethins claimed that although the Secretary of State “says a great deal about listening”, he himself had “not seen anything that has changed so far from all this listening that has been going on”.¹⁵ He commended the plans published by the Scottish and Welsh governments, setting out “compromise” arrangements which would allow “a future of continuing progress and prosperity whereby we maintain a close relationship with our partners in Europe”.¹⁶ He maintained that voting in

favour of the Bill and against the SNP amendment would be “a backward and damaging step, and an act of constitutional and economic sabotage”.¹⁷ On the second day of debate, Alex Salmond (SNP MP for Gordon) declared that the SNP would “not allow this non-vision—this act of madness from this House” to take Scotland out of its “1,000-year history as a European nation”. He argued that if it was possible, as the Prime Minister had said, for there to be a “frictionless border” in Ireland, the same arrangement could exist in Scotland, and that the Prime Minister “has it within her power and capacity to accept the Scottish Government’s compromise proposals and allow Scotland as a nation to retain its trading place in the European context”.¹⁸

Nick Clegg, the Liberal Democrat Spokesperson for Exiting the European Union, spoke of his “growing sense of anger” at what he considered to be the Government’s “deliberate distortion” of the mandate received from the British people in the referendum.¹⁹ He said that the referendum gave the Government a mandate to “pull the United Kingdom out of the European Union”, but not “to threaten to turn our country into some tawdry, low-regulation, low-tax, cowboy economy”. He argued that the people should have their say in a second referendum “when we finally know what Brexit means in substance, rather than in utopian promise”. He therefore believed that MPs had “not a choice but a duty” to vote against the Bill, not to stop Brexit but to “urge the Government to go back to the drawing board and to come back to this House with a more sensible and moderate approach to Brexit”.²⁰ Tim Farron, the Liberal Democrat Leader, made a similar case on the second day of debate, arguing that “voting for departure is not the same as voting for a destination”.²¹ He questioned how anyone could “pretend that this undiscussed, unwritten, un-negotiated deal in any way has the backing of the British people”. Mr Farron maintained that a second referendum was “the only way to hold the Government to account for the monumental decisions they will have to take over the next few years”.

Nigel Dodds, Leader of the Democratic Unionist Party (DUP) at Westminster, said that although Northern Ireland had voted in favour of remaining in the EU, he could “think of nothing that would be more calculated to undermine the Union between Northern Ireland and the rest of the United Kingdom than for Northern Ireland to be able to thwart the will of the people of the United Kingdom as a whole”.²² In contrast, Margaret Ritchie (Social Democratic and Labour Party (SDLP) MP for South Down) said that leaving the EU “poses huge questions for the principles of the Good Friday Agreement” which she said had been “built on our continued membership of the European Union”.²³ She was concerned about the effect on “the border on the island of Ireland, and for our economy”. She maintained that “Northern Ireland’s place in the EU should be a decision for Northern Ireland alone”.

Hywel Williams, Leader of Plaid Cymru at Westminster, warned that leaving the EU had “profound implications for the constitutional set-up in the United Kingdom itself”, and for that reason he called for “the fullest possible debate”. He emphasised that his priority was “Wales’s national interests”, which he said meant “prioritising the economy” and “ensuring full and unfettered access to our important European markets”.²⁴

Caroline Lucas (Green Party MP for Brighton, Pavilion) argued that the Prime Minister had “no mandate for the extreme Brexit she is pursuing”.²⁵ She felt that there was “no contradiction” between respecting the outcome of the referendum and withholding consent to trigger Article 50 “when the kind of Brexit that has been set out is so profoundly damaging to the people of this country, and when it is being pursued in profoundly undemocratic ways”.

The chairs of the two European Union committees in the House of Commons expressed differing views about the benefits of EU membership, but both indicated they would support the Bill. Sir William Cash (Conservative MP for Stone), chair of the European Scrutiny Committee, described the referendum as “a massive peaceful revolution by consent, of historic proportions”, and said that the Bill “at last endorses that revolution”.²⁶ In his view, “those who vote against the Bill will be voting against the referendum”, which had been “fought to unshackle the United Kingdom from increasingly undemocratic

European government”.²⁷ Hilary Benn (Labour MP for Leeds Central), chair of the Exiting the European Union Committee, expressed regret that the UK was leaving the European Union, but argued that Parliament had “a responsibility to respect the outcome of the referendum, however much some of us might disagree with it”, and that voting for the Bill was “the democratic thing to do”.²⁸ He suggested that the Government had had to be “pushed, cajoled and prodded at every stage into giving Parliament its proper role”, and called on it to recognise that “Parliament should not be a bystander but a participant in what is probably the most complex and significant negotiation that this country has ever faced”.²⁹

On the Conservative benches, some MPs expressed whole-hearted support for the Bill. John Redwood (Conservative MP for Wokingham) maintained that “the thing that most motivated all those voters for leave was that they wanted the sovereignty of this Parliament to be restored”.³⁰ He said that this was “what the Bill allows us to do by our exiting the European Union, and then making our own decisions about our laws, our money and our borders”. He called on MPs to support the Bill and “vote to make the once and future sovereign Parliament of the UK sovereign again”.³¹ Jacob Rees-Mogg (Conservative MP for North East Somerset) celebrated the fact that “on 23 June, the people voted that parliamentary sovereignty would be restored to this House”.³² He said that the Bill would simply implement that “noble, brave and glorious decision that the people made”, and any amendments to it were “flotsam and jetsam designed to obstruct the will of the British people”.³³ Sir Gerald Howarth (Conservative MP for Aldershot) said it was “patronising” to suggest, as some had done in the debate, that “the public were not told that a leave vote would require us to leave the single market”.³⁴ He made the case that “recovering control of our borders” and “a return of sovereignty”, which were both “at the heart of the debate”, were “completely incompatible” with membership of the single market.

Other Conservative MPs expressed their intention to vote for the Bill although they had campaigned for the ‘remain’ side in the referendum. For example, Anna Soubry (Conservative MP for Broxtowe) said that it was “with a heavy heart” and against her “long-held belief that the interests of the country are better served by our being a member of the European Union” that she would support the Bill, but that in supporting the legislation establishing the referendum, she had “agreed to be bound by the result”.³⁵ George Osborne, the former Chancellor of the Exchequer, said that although he had campaigned passionately for ‘remain’, he was not prepared to “vote against the majority verdict of the largest democratic exercise in British history” as doing so would “risk putting Parliament against people, provoking a deep constitutional crisis in our country and alienating people who already feel alienated”.³⁶ However, he warned that “we cannot assume that the British public gave a set of answers to the questions we now face as a Parliament”, and suggested that there would have to be “lively debates” about issues such as free trade, immigration and state aid.³⁷

The former Chancellor of the Exchequer, Kenneth Clarke, was the only Conservative MP to vote against the Bill.³⁸ He made the case that EU membership had “restored us to our national self-confidence and [given] us a political role in the world”, as well as bringing economic benefits.³⁹ He argued that the question of EU membership, “with hundreds of complex issues wrapped up in it” had been “particularly unsuitable” for a binary referendum. He suggested that the idea that “countries throughout the world are queuing up to give us trading advantages and access to their markets that we were never able to achieve as part of the European Union” was a “wonderland”.⁴⁰

While many MPs on the Labour benches expressed similar views to those of Keir Starmer and Hilary Benn, others spoke in the debate to explain their decision to vote against the Bill in spite of the Party’s three-line whip to support it. Meg Hillier (Labour MP for Hackney South and Shoreditch) was one of the backbench Labour MPs who tabled a reasoned amendment declining to give the Bill a second reading.⁴¹ (This amendment was not selected for debate or voted on.) She said she would vote against the Bill because she could not “walk blindly through a lobby to trigger a process without a shred of detail from the Government”, there being “no real guarantee of parliamentary oversight”, “not a word of succour for EU citizens resident in the UK” and “no answer about how the many regulations that will need to be

transposed into our law will be dealt with”.⁴² Tulip Siddiq (Labour MP for Hampstead and Kilburn) explained that she had reluctantly resigned her shadow ministerial role to vote against triggering Article 50 because if she supported the Bill, she would be “abandoning my duty to my constituents, who have overwhelmingly and unwaveringly made the point that they do not want to leave the EU—75 percent voted to remain”.⁴³ In contrast, Kate Hoey (Labour MP for Vauxhall), a former co-chair of the Labour Leave movement, said that she would be “wholeheartedly” voting to trigger Article 50, and although the borough in which her constituency is situated had voted ‘remain’, she emphasised that “this was a United Kingdom referendum, not a constituency or borough-based referendum”.⁴⁴ She described as “patronising” those who argued that people “who voted to leave did not understand what it meant”, suggesting that such attitudes were “part of the reason why many people voted to leave—they were fed up of being treated as if they knew nothing and as if those in power knew more than them”.⁴⁵

Winding up the debate for the Opposition, Jenny Chapman, Shadow Minister for Exiting the European Union, repeated that the Labour Party would table amendments to the Bill to enable the House to have proper scrutiny, to publish regular reports, to allow British MPs the same oversight as Members of the European Parliament, and to secure the position of EU nationals living in the UK “as a matter of urgency”.⁴⁶ She said that the Labour Party would “not neglect its duty to challenge the Government when we think they are getting Brexit wrong” and warned that if the Prime Minister and her negotiators “fail to achieve a deal worthy of our country”, they would not achieve the consent of the House.⁴⁷ David Jones, Minister of State at the Department for Exiting the European Union, concluded the debate by saying that the Bill was “the most straightforward Bill possible”, “necessary to implement the referendum result and respect the judgment of the Supreme Court”.⁴⁸ He declared it was “positively not a vehicle for determining the terms of the broader negotiations that will follow”. He urged MPs to “trust the people” and commended the Bill to the House.⁴⁹

Divisions

The House divided on the SNP’s reasoned amendment to deny the Bill its second reading. The amendment was defeated by 336 votes to 100, a majority of 236.⁵⁰ Four other reasoned amendments to decline to give the Bill its second reading were tabled by Caroline Lucas (Green Party) and others; a group of Labour backbenchers; the Liberal Democrats; and Hywel Williams (Plaid Cymru) and others.⁵¹ None of these amendments was selected for debate or voted on.

The Bill was given its second reading by 498 votes to 114, a majority of 384.⁵² Of the MPs who voted, the Conservatives (with the exception of Kenneth Clarke), the DUP, the Ulster Unionist Party and UKIP voted in favour of the Bill. The SNP, the Liberal Democrats, the SDLP, Plaid Cymru and the Green Party voted against it. Despite the Party’s three-line whip to support the Bill, Labour’s vote was split, with 167 Labour MPs voting in favour of the Bill and 47 voting against it.

There was also a division on the programme motion, which allocated three days (6, 7 and 8 February 2017) for the Bill’s committee stage and third reading. The programme motion was agreed to by 329 votes to 112, a majority of 217.⁵³

¹ [HC Hansard, 25 January 2017, col 286.](#)

² [HC Hansard, 1 February 2017, col 1019.](#)

³ [HC Hansard, 31 January 2017, col 818.](#)

⁴ [ibid., col 821.](#)

⁵ [ibid., cols 821–2.](#)

⁶ [ibid., col 823.](#)

7 [ibid.](#)
8 [ibid, col 824.](#)
9 [ibid.](#)
10 [ibid, cols 824–5.](#)
11 [ibid, col 825.](#)
12 [ibid, col 826.](#)
13 [ibid, col 832.](#)
14 [ibid, col 833.](#)
15 [ibid, col 834.](#)
16 [ibid, col 835.](#)
17 [ibid, col 836.](#)
18 [HC Hansard, 1 February 2017, col 1038.](#)
19 [HC Hansard, 31 January 2017, col 843.](#)
20 [ibid, col 844.](#)
21 [HC Hansard, 1 February 2017, col 1046.](#)
22 [ibid, col 1049.](#)
23 [HC Hansard, 31 January 2017, col 974.](#)
24 [ibid, col 977.](#)
25 [ibid, col 936.](#)
26 [ibid.](#)
27 [ibid, col 838.](#)
28 [ibid, cols 838–9.](#)
29 [ibid, cols 839–40.](#)
30 [ibid, col 854.](#)
31 [ibid.](#)
32 [ibid, col 908.](#)
33 [ibid, col 909.](#)
34 [HC Hansard, 1 February 2017, cols 1050–1.](#)
35 [ibid, col 849.](#)
36 [ibid, col 1034.](#)
37 [ibid, cols 1034–6.](#)
38 [ibid, cols 1136–40.](#)
39 [HC Hansard, 31 January 2017, cols 828–9.](#)
40 [ibid, col 831.](#)
41 House of Commons, [Order Paper](#), 31 January 2017.
42 [HC Hansard, 31 January 2017, col 862.](#)
43 [HC Hansard, 1 February 2017, col 1062.](#)
44 [HC Hansard, 31 January 2017, col 851.](#)
45 [ibid, cols 851–2.](#)
46 [HC Hansard, 1 February 2017, col 1127.](#)
47 [ibid, col 1128.](#)
48 [ibid, col 1129.](#)
49 [ibid, col 1132.](#)
50 [ibid, cols 1133–5.](#)
51 House of Commons, [Order Paper](#), 31 January 2017.
52 [HC Hansard, 1 February 2017, cols 1136–40.](#)
53 [ibid, cols 1142–4.](#)

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