

Five options if UK rejects May deal

May likely to lose 'meaningful vote' in parliament

by Charles Grant in London

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UK Prime Minister Theresa May has clinched her deal with the European Union and persuaded most of her cabinet to support it. She is more likely than not to survive any immediate leadership challenge; it suits a lot of Conservative members of parliament to keep May in place until she has delivered Brexit. But after EU leaders sign off the deal at a summit on 25 November, May has promised the House of Commons a 'meaningful vote'. That is likely to be held in early December, and it is hard to see how she can win it.

If May falls, the Conservative party would need to condense its process for choosing a leader, normally a couple of months, into a few weeks, given the urgency of Brexit. But the arrival of a new leader would not change the parliamentary arithmetic of the Brexit deal.

If parliament votes against the deal, there are just five possible outcomes.

First, the default option is for the UK to leave the EU without a deal. This could come in the form of a managed 'no deal', whereby the two sides acknowledge the UK's inability to ratify a withdrawal agreement, at least in the near future, but take steps to avoid the worst sorts of disruption.

But this could also turn out acrimonious, with the UK paying no money and the EU rejecting 'mini-deals' on aviation, citizens' rights and so on. This seems improbable, since those responsible for the chaos would become unpopular with voters. If that outcome loomed, both sides would probably try to continue negotiating to find an alternative.

Option two is that parliament urges the government to go back to the EU and achieve a better deal. Because the EU wants to encourage parliament to vote for May's deal, it says it would not agree to reopening the Brexit package. The EU certainly means that when it comes to the withdrawal agreement, which is a treaty. But it might agree to revise the political declaration, which is non-binding and covers the future relationship. If the UK shifts its red lines, the EU could agree to a political declaration outlining a closer future relationship.

The third option is that, if there is a blockage and the UK appears to be drifting towards a no deal Brexit, a general election could become attractive. The opposition Labour leadership would like this, believing it could win. Some Conservative MPs want to avoid an election, in case they lose their seats. Many others would be dismayed at the thought of an election potentially making Labour leader Jeremy Corbyn prime minister. But the prospect of no deal also horrifies many Conservatives, and if it loomed some would favour an election as a means of preventing that outcome.

An election would shake up the parliamentary arithmetic and perhaps enable a deal to pass. But if the voters returned a similar parliament, MPs could still reject May's deal, whether or not she remained prime minister. The possible arrival of a Labour government would be significant. Such a government would, at the least, seek a significantly softer Brexit, and could perhaps seek to hold a new referendum.

The fourth option is a so-called People's Vote, or second referendum. The case for this is that when Britons voted in June 2016 they had a choice between the EU they knew and a never-defined Brexit. Now they know the reality of the deal that is available, and it is in many respects less attractive than the one they were promised. The case against a People's Vote is that electors made a clear decision in June 2016, that a second referendum would be horribly divisive, and that the result – whichever way it went – would probably be close and thus fail to settle the issue definitively.

The fifth and final option is that, faced with no deal, MPs put aside their scruples and vote for May's deal, in what they consider to be the national interest.

Options two, three and four – renegotiating with the EU, a general election, or a People's Vote – would require some extension of Article 50, to give the UK more time to sort itself out. May has said firmly that the government will not request an extension, but she could always change her mind. Any EU decision to extend Article 50 would require unanimity among the 27 member governments. The EU would be reluctant

to take such a step, particularly beyond mid-May 2019, because of the European elections later that month. Britain's seats in the European Parliament have already been reallocated and it would be legally complicated to keep the UK in the EU beyond the elections.

Renegotiation of the political declaration would probably require just a short extension. But if the UK wanted to hold a general election or a referendum, the prolongation would need to be for several months. If the EU perceived the request as frivolous, for example for the Conservative party to find a new leader with a new plan, it would probably say no. But if the request was seen as serious – the purpose being to hold an election or referendum that might stop Brexit – EU leaders would probably agree. Virtually all of them would be happy to see Brexit reversed.

Charles Grant is Director of the Centre for European Reform. This is an abridged version of an article first published by the CER on [16 November](#).