



## Brexit snapshot

The following is a brief, continuously updated summary of the Brexit story, looking backwards and forwards and at where we are now ...

### How we got here

A referendum on the UK's membership of the EU was announced in the government's [Queen's Speech on 27 May 2015<sup>i</sup>](#) and took place on 23 June 2016. A slim majority (51.9%) voted to leave the EU. Following a vote in parliament, the UK [notified the EU<sup>ii</sup>](#) on 29 March 2017 of its intention to leave under [Article 50 of the Treaty on European Union<sup>iii</sup>](#) (TEU). This means in effect that the UK will depart on 29 March 2019 at 11pm UK time (Exit Day) unless the EU is asked, and agrees, to postpone Brexit, or the Article 50 notice is withdrawn, cancelling Brexit altogether.

Negotiations on the UK's withdrawal initially resulted [in a joint report<sup>iv</sup>](#), in which UK agreed among other things that there would be no "hard border" between Northern Ireland and the Republic of Ireland border after Brexit (para 49). The report was followed in February/March 2018 by a draft Withdrawal Agreement, which has now been finalised and agreed, subject to necessary political approvals (see below). This:

- effectively extends the UK's membership of the EU to 31 December 2020 (the Transition or Implementation Period) or to a date as late as the end of 2022, if need be
- ensures a degree of continuity beyond that, to avoid a 'cliff edge'
- contains a 'backstop' arrangement (in a Protocol on Ireland) keeping the UK in a bare-bones customs union with the EU for an indefinite period. Northern Ireland will be more closely bound to the EU, again on an indefinite basis, to ensure that no "hard border" needs to be erected in Ireland.

Subject to all this, the planned long-term relationship between the UK and EU is outlined in a (non-binding) Political Declaration accompanying the Withdrawal Agreement, with the detail being left for negotiations after Exit Day.

In the meantime, the UK has passed the [European Union \(Withdrawal\) Act 2018<sup>v</sup>](#) (EUWA), the main purpose of which is to copy EU law into domestic law, to the extent that the former is 'operative' in the UK before Exit Day (section 3) - or at the end of the Transition Period, if the Withdrawal Agreement is ratified and EUWA amended to take account of that (see below).

The government is also publishing a slew of Statutory Instruments to facilitate Brexit.

## Where we are now

The [Withdrawal Agreement and accompanying Political Declaration](#)<sup>vi</sup> have been agreed in principle by the UK and EU. However, they were [rejected by the UK's House of Commons](#)<sup>vii</sup> on 15 January 2019, despite the UK Prime Minister having obtained [formal assurances from the EU](#)<sup>viii</sup> regarding the controversial backstop. The Labour Party immediately called a vote of no confidence in the government, which the government won the following day. Further votes of no confidence may follow.

The government has been meeting with party leaders and other leading parliamentarians to discuss the options available, and has announced that attempts will be made in the next few days to renegotiate the Withdrawal Agreement and Political Declaration. A vote in the House of Commons on the result of those negotiations, and alternative ways forward, will take place on 29 January. One of the options that will be voted on at that point is a second referendum (see below). If the Withdrawal Agreement and Political Declaration are ultimately approved in some form, a European Union (Withdrawal Agreement) Bill will need to be passed, reflecting the agreed terms. At that point the Withdrawal Agreement will be ratified and become legally binding (see our Brexit Timeline for an overview of the procedure).

Meanwhile the Court of Justice of the EU has [ruled](#)<sup>ix</sup> that the UK can withdraw its Article 50 notice unilaterally and continue its membership of the EU on current terms. The government was also forced in December to disclose [unfavourable legal advice from the Attorney General](#)<sup>x</sup> concerning the backstop (he says that it might never end) and MPs have [won a separate vote](#)<sup>xi</sup> increasing their influence over what happens as Brexit approaches.

Since little time remains, and the outcome of the Brexit process is uncertain, the UK, EU and foreign governments have been stepping up preparations for the alternative: a 'no-deal' Brexit - see, for example, [this page of technical notices](#)<sup>xii</sup> that have been issued by the UK government, and the Commission's own [Contingency Action Plan](#)<sup>xiii</sup> and [press release](#)<sup>xiv</sup> published on 13 November 2018. France has [recently activated](#)<sup>xv</sup> a 50 million Euro plan to prepare ports and airports for a no-deal scenario.

In practice, no-deal may involve a series of mini-deals being done with the EU and/or with national governments, before or after Exit Day. Together with unilateral contingency measures, these mini-deals should ensure that urgent practical and legal matters are taken care of in the short term, although there may be severe disruption to start with.

## Where next?

In addition to the uncertainty referred to above, a political campaign has been underway for some time for a further referendum (or '[People's Vote](#)<sup>xvi</sup>'). However, it is unclear what options the public would be asked to choose between, and a referendum would anyway take time to organise, requiring Exit Day to be postponed with the unanimous consent of the European Council. Time is so short now that a postponement of Exit Day (also known as an 'Article 50 extension') may be needed in any event.

Another possibility is that the prospect of no-deal may lead to further votes of no confidence in the House of Commons and to an alternative government with or without an early general election, although the Fixed Term Parliaments Act 2011 [limits the circumstances in which that can happen](#)<sup>xvii</sup>. Again, how an election would affect the Brexit timetable is far from clear.

A third event that could blow Brexit off course, or in an unexpected direction, is a change of Prime Minister. Conservative members of parliament [voted in support of Theresa May as leader of their party on 12 December 2018](#)<sup>xviii</sup>, but a substantial minority (117 out of 317) voted against, and they are likely to obstruct her plans for Brexit in the weeks and months to come. It is not clear that her position is sustainable in the short term, although her leadership cannot be formally challenged again under Conservative Party rules until December 2019.

## If you need to know more ...

For key dates in the Brexit process, assuming that Withdrawal Agreement and accompanying Political Declaration are eventually approved by the UK parliament, see our Brexit Timeline, and for other possibilities, our flowchart: The Way Forward.

For an overview of the Withdrawal Agreement and Political Declaration, as well as what the alternative versions of Brexit called Norway Plus (or Common Market 2.0) and no-deal would involve, see: How Brexit Works. This also explains how votes of no confidence work, and the issues surrounding a second referendum.

22 January 2019

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<sup>i</sup> BBC., (2015). Queen's Speech 2015: EU referendum, tax freeze and right-to-buy [online] *BBC News*. [Viewed 04 December 2018]. Available from: <https://www.bbc.co.uk/news/uk-politics-32894214>

<sup>ii</sup> BBC., (2017). Brexit: The UK's letter triggering Article 50 [online] *BBC News*. [Viewed 04 December 2018]. Available from: <https://www.bbc.co.uk/news/uk-politics-39431070>

<sup>iii</sup> *Treaty On European Union And The Treaty On The Functioning Of The European Union*, (26 October 2012). [Online]. 2012/C 326/01. [Accessed 04 December 2018]. Available from: <http://eur-lex.europa.eu/>.

<sup>iv</sup> European Commission. (2017). *Joint report from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union*. [Online] [Accessed on 04 December 2018]. Available from: <https://ec.europa.eu/>

<sup>v</sup> *European Union (Withdrawal) Act 2018*. (c.16). [Online] London: The Stationery Office. [04 December 2018]. Available from: <http://www.legislation.gov.uk/ukpga/2018/16/contents/enacted>

<sup>vi</sup> Department for Exiting the European Union. (2018). *Withdrawal Agreement and Political Declaration laid before Parliament following political agreement*. London: The Stationery Office. [Accessed 04 December 2018]. Available from: <https://www.gov.uk/>

<sup>vii</sup> BBC., (2019). Brexit: Theresa May's deal is voted down in historic Commons defeat. [Viewed 16 January 2019]. Available from: <https://www.bbc.co.uk/news/uk-politics-46885828>

<sup>viii</sup> Department for Exiting the European Union. (2019). Exchange of letters between the UK and EU on the Northern Ireland backstop [14 January 2019]. Available from: <https://www.bbc.co.uk/news/uk-politics-46567096>

<sup>ix</sup> Court of Justice of the European Union. (2018). *Advocate General Campos Sánchez-Bordona proposes that the Court of Justice should declare that Article 50 TEU allows the unilateral revocation of the notification of the intention to withdraw from the EU*. [Press Release]. [Accessed 04 December 2018]. Available from: <https://curia.europa.eu>

<sup>x</sup> Department for Exiting the European Union. (2018). *Exiting the EU: Publication of Legal Advice*. London: The Stationery Officer. [Accessed 18 December 2018] Available from: <https://www.gov.uk/>

<sup>xi</sup> BBC., (2018). Theresa May suffers three Brexit defeats in Commons. [online] *BBC News* [viewed 18 December 2018]. Available from: <https://www.bbc.co.uk/news/uk-politics-46446694>

<sup>xii</sup> Department for Exiting the European Union. (2018). *How to prepare if the UK leaves the EU with no deal*. [Online]. [Accessed 04 December 2018]. Available from: <https://www.gov.uk/government/collections/how-to-prepare-if-the-uk-leaves-the-eu-with-no-deal>

<sup>xiii</sup> European Commission. (2018). *Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019: a Contingency Action Plan*. [Online]. [Accessed 04 December 2018]. Available from: [https://ec.europa.eu/info/publications/communication-preparing-withdrawal-united-kingdom-european-union-30-march-2019-contingency-action-plan-13-11-2018\\_en](https://ec.europa.eu/info/publications/communication-preparing-withdrawal-united-kingdom-european-union-30-march-2019-contingency-action-plan-13-11-2018_en)

<sup>xiv</sup> European Commission. (2018). *Brexit: European Commission intensifies preparedness work and outlines contingency action plan in the event of a no deal scenario with the UK*. [Press Release]. [Accessed 04 December 2018]. Available from: [http://europa.eu/rapid/press-release\\_IP-18-6403\\_en.htm](http://europa.eu/rapid/press-release_IP-18-6403_en.htm)

<sup>xv</sup> BBC., (2019). Brexit: France activates its no-deal plan. [Viewed 18 January 2019]. Available from: <https://www.bbc.co.uk/news/world-europe-46906046>

<sup>xvi</sup> People's Vote. (2018). *We demand a People's Vote*. [Online]. [Accessed 04 December 2018]. Available from: <https://www.peoples-vote.uk/>

<sup>xvii</sup> House of Commons Library. (2017). *Fixed-term Parliaments Act 2011*. [Online]. [Accessed 04 December 2018]. Available from: <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06111>

<sup>xviii</sup> BBC., (2018) Theresa May survives confidence vote of Tory MPs [Online] *BBC News* [Accessed 18 December 2018] Available from: <https://www.bbc.co.uk/news/uk-politics-46547246>

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