

## The Benn Act <sup>[1]</sup>



MPs have passed the EU Withdrawal (No.2) Act, known as the ‘Benn Act’, which would force the government to act to stop a no-deal Brexit on 31 October.

### **What does the EU Withdrawal (No.2) Act - the Benn Act - say?** <sup>[2]</sup>

The aim of the EU Withdrawal (No.2) Act is to require the prime minister to ask the EU for an extension to the Article 50 negotiating period, to avoid a no-deal Brexit on 31 October.

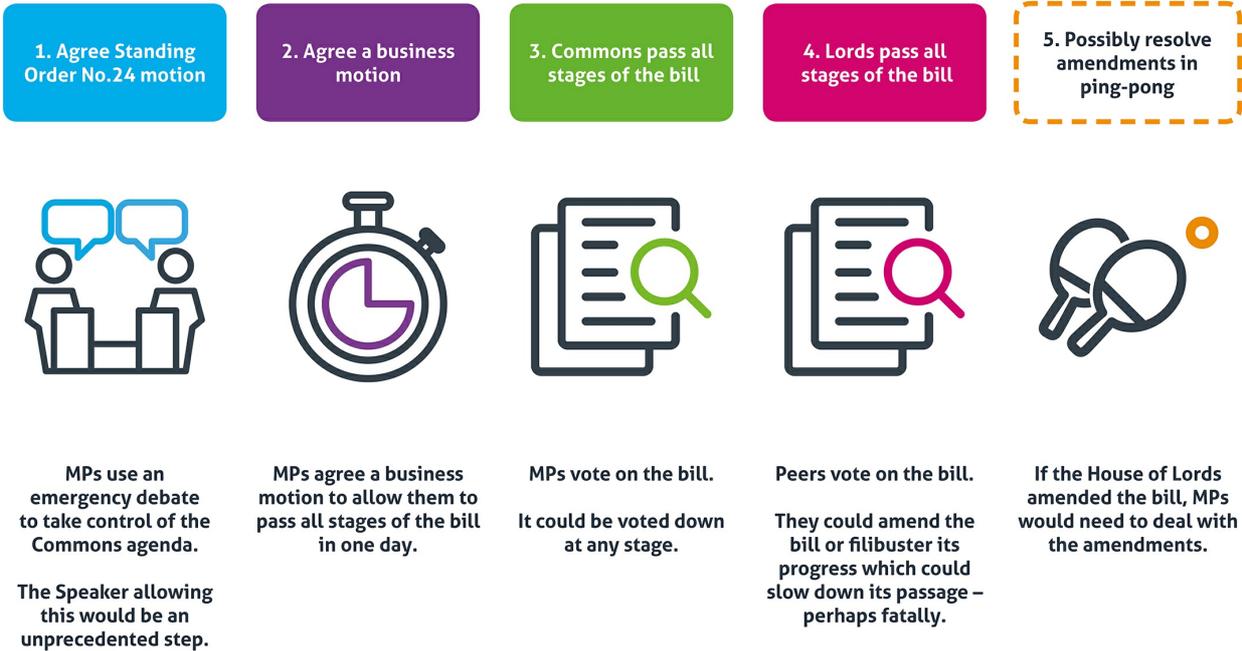
To do this the bill says:

1. If MPs haven’t approved a deal in a meaningful vote <sup>[3]</sup>, or approved leaving the EU without a deal by 19 October, then the prime minister must send a letter (specifically worded in the Act) to the president of the European Council which seeks an extension to Article 50 <sup>[4]</sup> until 31 January 2020. If the EU agrees to the date, then the prime minister should also agree.
2. If the EU proposes an alternative date, then the prime minister should agree to it, unless MPs do not vote for a motion – within two days – which approves the date suggested by the EU.
3. The Act does not stop the prime minister from agreeing an extension to Article 50 himself.
4. If an extension is agreed, then the Act requires the secretary of state for exiting the EU to publish a report on progress made on negotiations by 30 November 2019. MPs would then have five days to vote on an amendable motion to approve the report. If MPs don’t pass the motion approving the report – or the motion is amended – the secretary of state is required to publish a further report by 10 January 2020.
5. The Act requires the secretary of state to publish further reports every 28 calendar days from 7 February 2020 until the UK reaches a deal with the EU – or the House of Commons decides it doesn’t need to.
6. The Act amends the EU Withdrawal Act 2018 to say that ministers “must” amend the date of exit by statutory instrument, rather than “may” amend the date of exit.

### **How did MPs pass the Benn Act?** <sup>[5]</sup>

The route to passing this legislation involved a three-step process.

1. MPs passed a Standing Order No. 24 motion (an emergency debate <sup>[6]</sup> motion) on 3 September to take control of the order paper the following day. It included provisions which allowed the bill to go through all Commons stages on 4 September.
2. Peers voted to timetable the passage of the bill in the House of Lords so that they could pass it on 5 and 6 September.
3. The bill received Royal Assent on 9 September.



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- [2] [http://twitter.com/intent/tweet?text=What%20does%20the%20EU%20Withdrawal%20\(No.2\)%20Act%20%E2%80%93%20the%20Benn%20Act%20%E2%80%93%20say%3F](http://twitter.com/intent/tweet?text=What%20does%20the%20EU%20Withdrawal%20(No.2)%20Act%20%E2%80%93%20the%20Benn%20Act%20%E2%80%93%20say%3F)
- [3] <https://www.instituteforgovernment.org.uk/explainers/parliament-meaningful-vote-brexite>
- [4] <https://www.instituteforgovernment.org.uk/explainers/article-50-options>
- [5] <http://twitter.com/intent/tweet?text=How%20did%20MPs%20pass%20the%20Benn%20Act%3F>
- [6] <https://www.instituteforgovernment.org.uk/explainers/emergency-debates>