



Brexit Explained: Article 50 bill

What's happened?

In January, the Supreme Court upheld the ruling of the High Court that Royal Prerogative was not sufficient to allow the Prime Minister to trigger [Article 50](#) and that an Act of Parliament was required. In response, the Government introduced a bill to give the Prime Minister the power to notify the European Council of the UK's intention to withdraw from the European Union (EU), which is now making its way through Parliament.

What is the 'European Union (Notification of Withdrawal) Bill'?

The bill was published on 26 January 2017, and is very brief – [read it in full](#). It has one operative clause which, if passed, creates a power that provides the Prime Minister with the legal authority to trigger Article 50 and begin the process of taking the UK out of the EU.

Does this mean the Prime Minister cannot meet her end-March deadline?

The Government proposed a timetable which would see the bill passing through the House of Commons by 8 February, with five days scheduled for debate and discussion. The Government's proposal is for two days of debate at second reading and three days allotted to complete committee stage, report stage (if necessary) and third reading.

After the Commons, the bill will go to the House of Lords. The February recess (10-17 February) means that the Government's proposed timetable for the bill does not begin until 20 February, with two days for a second reading debate. The Lords have then scheduled three days the following week for the completion of committee stage, report and third reading.

Successful passage of the bill against this schedule would allow the Prime Minister to notify the European Commission of the UK's intention to withdraw by early March.

If the bill is amended to add any requirements for the Government to fulfil before it triggers Article 50, they would need to be satisfied by 30 March in order for the bill to gain Royal Assent in time to meet the end of March deadline.

Could the Commons block Brexit?

There is likely to be some opposition in the Commons to the bill – [the SNP](#) have suggested that their 54 MPs will vote against the bill, as have the Liberal Democrats. But as the Government has a majority – albeit a narrow one of just 14 – in the Commons, and [Jeremy Corbyn](#) has said that Labour will back the bill, it is likely to get through the Commons.

The Prime Minister promised that Parliament will have another chance to make its views heard on Brexit, when it votes on the final deal, though, as [we have argued](#), it may be presented with a choice between the deal the Government has negotiated and the UK leaving the EU with no deal.

Could the Lords block Brexit?

The position of the Lords is less clear, not least because some will argue that the Conservative manifesto contained a commitment to remain in the Single Market (which the [Prime Minister is clear](#) she wants to leave). This means it is not covered by the Salisbury Convention, whereby the Lords refrain from voting down manifesto commitments.

In practice, the Lords will raise a lot of issues – but ultimately will be reluctant to stand in the way of the Government’s implementation of the referendum outcome.

Could Parliament amend the bill?

Amendments must be relevant to the subject matter or ‘scope’ of the bill. The scope of the Article 50 Bill is relatively narrow which will limit the sorts of amendments that are permissible.

Who decides whether to allow an amendment?

It depends on how the bill is scrutinised. In the Commons, decisions about whether amendments are ‘in order’ and the grouping of amendments for debate are made by whoever is chairing proceedings.

Because of its constitutional significance, the Article 50 bill is being considered in ‘committee of the whole House’ rather than by a smaller group of MPs. This means that one of the deputy speakers (the Chairman of Ways and Means, currently Rt Hon Lindsay Hoyle MP) will be in the Chair and responsible for decisions.

At report stage, if there is one (and there won’t be if the bill emerges from committee without amendments) the Speaker will be responsible. In both cases, they will be advised by parliamentary officials.

In the Lords, there are far fewer procedural rules about amendments, although they still have to be relevant to the legislation. Each amendment is called and decided in turn (according to where it falls in the bill). The only exception is if an amendment has been pre-empted by another previously agreed by the House of Lords.

What about Scotland, Wales and Northern Ireland?

The Supreme Court unanimously ruled that the UK Government does not need the consent of the devolved legislatures to trigger Article 50. This means that the Scottish Parliament and Northern Ireland and Welsh Assemblies will have no veto over triggering Article 50, though the [Prime Minister speech](#) has promised that the devolved governments will have “full engagement” in the process of Brexit.

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