

Votes next week

Another Groundhog week looms, when Remain MPs who cannot accept the verdict of the Peoples Vote have another go at derailing Brexit.

We know that the first vote will be a reprise of the Withdrawal Agreement. Unless there is a great breakthrough in negotiations with the EU this weekend with the removal of the backstop provision, the government is likely to find plenty of rebels against its three line whip and the proposal will be defeated once again.

The government has not yet offered Conservative MPs guidance on how to vote should there be subsequent votes next week about keeping no deal on the table, and a possible delay to exit. Maybe they hope that by creating uncertainty about their intentions they will maximise pressure to vote for the Agreement. I do not see this working.

The government should whip its MPs to vote against taking no deal off the table. As the Prime Minister has regularly explained, you can only take no deal away by agreeing a deal. As others have explained, the right to leave without signing an Agreement is the main pressure point we have on the EU to try to get a better agreement.

The government should also whip its MPs to oppose any attempt to delay Brexit. The Prime Minister has told us all many times that we are leaving the EU on 29 March. She also told us at the election and for many months thereafter that no deal is better than a bad deal, showing she was prepared to leave without a deal if necessary.

Some think the government could lose both of these votes. Both are clearly winnable if the government puts the effort in. There are Labour MPs who would be very reluctant to vote for a delay given the strength of feeling in their constituencies pro Leave, and given the promises Labour made in their Manifesto to back Brexit. It would be perverse if Parliament voted for delay given the pledges made by most MPs in the election, and given the support of the government with their DUP allies. It would place Parliament at loggerheads with the 17.4 m majority in the referendum and leave many MPs trying to explain why they had switched from their position to get elected that they supported leaving. If they now said that they wanted to delay it probably with a view to second referendum or to delay for a long time in the hope that people would change their minds, they would need to agree delay with the Eu and change our legislation.

Were Parliament to vote against no deal and against the Agreement it would have voted a contradiction. In that circumstance the government should proceed to exit in accordance with the legislation Parliament has already passed. The legislation takes precedence over a subsequent motion.

If a group of MPs try to legislate for delay they will find it difficult. It would need the government to back them to give a serious chance of

success. The issue would be enforceability without government agreement. Parliament could legislate to say it must not rain tomorrow, but it would have no meaning and would be unenforceable. Delay requires the agreement of the EU as well as of the UK government. If the UK government is against delay they could claim they could not negotiate one sensibly. The only way to ensure delay would be to bring the government down and replace it with one that does want delay. The courts are unlikely to uphold a case against Ministers over such a political issue which can only be resolved by Parliament.