

European Union Withdrawal (No 3) Bill 2019

An Act to make provision about the circumstances in which the Speaker of the House of Commons and the Lord Speaker would be required to revoke the notice of intention to withdraw from the EU issued under article 50 of the Treaty of the European Union on 29 March 2017; to set out circumstances in which a further notice of withdrawal may be issued; to make provision for the European Communities Act 1972 to remain in force; and to make financial provision as may be required.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

Overview

1. (1) This Act gives effect to the rights, freedoms and legitimate interests of the electorate of the United Kingdom by:
 - (a) setting out the circumstances in which the Speaker of the House of Commons and the Lord Speaker are empowered and required to revoke any notice served under Article 50 TEU and the consequences of such revocation;
 - (b) setting out the circumstances in which the Prime Minister may make a further notification of intention to withdraw from the European Union in the event that there is a majority for doing so following an advisory referendum.

- (2) Nothing in this Act detracts from any motions, timetable or other provision pursuant to the Fixed Term Parliaments Act 2011 or otherwise which may be made in connection with a parliamentary general election.

Part 1: The withdrawal of notice under article 50 TEU

Introductory

2. Interpretation of Part 1

(1) This section has effect for the interpretation of this Part.

(2) "TEU" means the Treaty on European Union.

(3) "TFEU" means the Treaty on the Functioning of the European Union.

(4) A reference to a treaty which amends TEU or TFEU includes a reference to-

(a) a treaty resulting from the application of Article 48(2) to (5) of TEU (ordinary revision procedure);

(b) an agreement under Article 49 of TEU (admission of new members).

(5) "the Council" means the Council of the European Union.

(6) "the notice of intention to withdraw" means the notice served on the President of the Council by the Prime Minister of the United Kingdom on 29 March 2017 which set out the United Kingdom's intention to withdraw from the European Union.

(7) The "revocation notice" means a notice served in accordance with the terms of sections 4 and 5 of this Act.

3. (1) Section 4 of this Act shall have effect unless on or before midday on 31 October 2019 either condition A or condition B of this Part is met.

(2) Condition A is that:

a. the United Kingdom government has secured a withdrawal agreement with the European Union; and

b. a motion of both Houses of Parliament has been passed approving the terms of such a withdrawal agreement with the European Union under article 50(2) TEU.

(3) Condition B is that:

a. the United Kingdom government has been offered a further extension of the deadline for leaving the European Union by the Council;

- b. a motion of both Houses of Parliament has been passed approving the extension and the terms of the extension (if any); and
- c. the Prime Minister has written to the President of the Council accepting the extension and the terms of the extension (if any).

4. (1) Unless Condition A or Condition B in section 3 has been fulfilled, the Speaker of the House of Commons and the Lord Speaker, acting jointly, shall be empowered and required to serve a revocation notice in accordance with the terms of section 5, whereupon the notice of intention to withdraw served on 29 March 2017 shall be treated as having been withdrawn for all purposes, and the United Kingdom shall remain a member of the European Union until exit day as amended by section 4(2) below.

(2) The term “exit day” as defined in section 20 of the European Union (Withdrawal) Act 2018 shall be amended to provide “*such date as the United Kingdom shall have exited the European Union following the conclusion of an agreement with the European Union under article 50 TEU or the lawful expiry of a notice under article 50 TEU which has not been revoked under the terms of the European Union Act 2019, whichever shall be the later*”.

5. (1) The revocation notice under this Part shall take the form of a letter from the Speaker of the House of Commons and the Lord Speaker to the President of the European Council indicating that the United Kingdom has decided to revoke its notice of intention to withdraw pursuant to its constitutional requirements and intends to remain a member of the European Union for the time being.

(2) The revocation notice must be served on the President of the European Council before 11pm on 31 October 2019.

(3) The revocation notice may be served by any means which brings it to the attention of the President of the European Council.

(4) In the event that a revocation notice is served, the European Communities Act 1972 shall remain in force until exit day as amended by section 4(2) above.

Part 2 Provisions relating to the service of future notice under article 50 TEU.

6. (1) At any time after service of the revocation notice, the Prime Minister may serve a further notice on the European Union under article 50 TEU if either Condition A or B in this Part is met.

7. (1) Condition A is that:

- a. The United Kingdom government agrees the principle proposed terms with the European Union which will apply to arrangements for the withdrawal of the United Kingdom (“the Proposed Withdrawal Agreement”);
- b. A referendum has been held in accordance with the terms of the Political Parties Elections and Referendums Act 2000 on the question of whether the United Kingdom should exit the European Union upon the terms of the Proposed Withdrawal Agreement or should remain a member of the European Union; and
- c. A majority of persons voting in any such referendum support the United Kingdom exiting the European Union upon the terms of the Proposed Withdrawal Agreement.

(2) Condition B is that:

- a. A referendum has been held in accordance with the terms of the Political Parties Elections and Referendums Act 2000 on the question of whether the United Kingdom should exit the European Union without having concluded a Proposed Withdrawal Agreement or should remain a member of the European Union; and

- b. A majority of persons voting in any such referendum support the United Kingdom exiting the European Union without having concluded a Proposed Withdrawal Agreement.

Part 3 – Final provisions and short title

Financial provisions

8. (1) There is to be paid out of money provided by Parliament any increase attributable to this Act in the sums payable under any other Act out of money so provided.

(2) There is to be charged on and paid out of the Consolidated Fund any increase attributable to this Act in the sums charged on and paid out of that Fund under any other Act.

Extent

9. This Act extends to the whole of the United Kingdom.
10. This Act binds the Crown.

Commencement

11. (1) This Act comes into force on the day on which this Act is passed.

Short title

12. This Act may be cited as the European Union (Withdrawal)(No 3) Act 2019.