

Mid Brexit: One man's view

November 2017

We are sleepwalking into Brexit chaos. Unless a second referendum is held as soon as possible we could be facing a triple whammy of:

1. no deal;
2. a general election; and
3. a late realisation that a second referendum is required.

all at the same time in early 2019.

David Davis and his colleagues are deluding themselves and deceiving the country when they pretend that they can negotiate a deal that will be rubber stamped by Parliament. The important point that we must all understand is that the approval of Parliament, as enshrined in an Act of Parliament, will be necessary to change the law of the land to incorporate 'the deal' because any deal necessarily involves changing the law (see the [Gina Miller case](#)).

While many in the UK may not appreciate this, one can be certain that EU officials understand it and it is likely to shape a twin EU objective of only agreeing a deal which is expensive for the UK and which acts as a deterrent to other member countries – with an overarching objective of inducing the UK to reconsider its leave decision.

In some 15 months' time, to avoid the political humiliation of not having been able to negotiate a deal, the government will put the best deal that is on offer to the House of Commons. It is reasonable to believe it will be unpalatable.

The Labour Party and other 'remain' MPs are unlikely to endorse a bad deal. The Government will need to call an election (which it is likely to lose) or hold a late second referendum or both. The country will be in a mess as the clock ticks down to March 2019, when, absent an

agreement to postpone the leaving date, it will leave without a deal and with little or inadequate preparation.

To avoid a chaotic outcome a new Government is likely to agree with the EU an extension of the leaving date to allow for a second referendum. All the Labour Party has to do to win an election is to offer the country a second referendum – it will have wide support.

Remainers may view such an outcome as an acceptable one. But if a 'stay' referendum result is delivered towards the end of 2019, the UK will have suffered political and economic turmoil for nearly four years.

This can be avoided or shortened. The Government should accept that it needs the House of Commons on its side and is unlikely to get an acceptable deal without a second referendum. The question or box ticking exercise can be simple such as to tick one of the following:



OR



If the majority tick the second box then the EU, the House of Commons and the country at large will understand the strength of the electoral will and we are more likely to get a sensible deal from the EU. Consider how much stronger the negotiating hand of David Davis et al will be. The Government should organise a second referendum immediately.

And if the majority tick the first box we can all get on with our lives without Brexit.

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Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.

