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Prorogation of Parliament

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Summary

Prorogation is the means (otherwise than by dissolution) by which a Parliamentary session is brought to an end.

Prerogative power

It is a prerogative power exercised by the Crown on the advice of the Privy Council. In practice this process has been a formality in the UK for more than a century: the Government of the day advises the Crown to prorogue and that request is acquiesced to.

Prorogation has both immediate and wider constitutional effects. The former effects are relevant to all circumstances in which Parliament is prorogued. The less immediate effects typically take on a greater significance when the period of prorogation is longer.

Immediate effects of prorogation

Prorogation brings to an end the proceedings in both Houses for the current Parliamentary session. Unless specific provision is made (e.g. in the Standing Orders to “carry-over” bills) no business of a previous Parliamentary session may be carried over into the next session.

The motions set down and orders made for business to be considered on future days all fall at Prorogation, as do notices of EDMs and unanswered Parliamentary questions. Select committee inquiries continue, though no committee may meet during Prorogation; statutory periods for Parliamentary consideration of secondary legislation are suspended over Prorogation, but the legislation itself does not fall.

A new Parliamentary session can provide procedural opportunities to revisit matters where legislation was unable to progress in a previous session. For example, if the House of Lords withheld its consent for a bill, a new session enables a UK Government commanding the confidence of the Commons to reintroduce the legislation in question. Provided that a year has elapsed since Commons second reading, the legislation may then reach the statute book notwithstanding Lords opposition.¹

Wider effects of prorogation

A prolonged prorogation reduces the influence of Parliament over the way the country is governed. While Parliament is prorogued, MPs and Peers cannot formally debate government policy and legislation, submit parliamentary questions for response by government departments, scrutinise government activity through parliamentary committees or introduce legislation of their own.

The Government can continue to make delegated legislation and bring it into force, and to exercise its other prerogative powers. The main limitations on what the Government can do during prorogation are that it cannot pass primary legislation and it cannot secure approval for further supply (i.e. public money for government spending).

Long prorogations (or requests for them) can give rise to fundamental questions about whether the Government of the day still commands the confidence of the House of Commons and therefore whether it can legitimately continue to govern.

Length of prorogation in the UK

The typical recent duration of a UK Parliament’s prorogation has been very short. Since the 1980s prorogation has rarely lasted longer than two weeks (and, between sessions

¹ [s. 2 Parliament Act 1911](#) (as amended)

during a Parliament, has typically lasted less than a week). It has always led either to the dissolution of the current Parliament (prior to a General Election) or the start of a new Parliamentary session.

International examples of prorogation

In other Westminster systems and in recent years, prorogation has occasionally been a more controversial issue. In both Canada and Australia, federal and state Governments have requested prorogations for what might be thought explicitly “political” purposes.

In those circumstances, there has arisen a fundamental constitutional question about the relationship between the Premier and the representative of the Crown (if not the Crown itself): whether the latter must always follow the advice of the former. While the answer to this question has depended in part on the specific constitutional arrangements of the country in question, international examples have nevertheless illustrated the competing constitutional interests at stake in all Westminster systems, including that of the UK.

Prorogation and Brexit

Prorogation has been raised in two specific contexts in the Brexit debate.

Firstly it has been mentioned as a mechanism by which the Government could seek to get around the “same question” rule in relation to approval of the Withdrawal Agreement. In general, once the Commons has taken a decision on a question, the same, or substantially the same, question may not be proposed again in that session. A new session would have allowed the Government to revisit approval for the Withdrawal Agreement, the Commons having rejected two versions of the negotiated Withdrawal Agreement and framework for the future relationship and explicitly rejected the Withdrawal Agreement in its own right in the 2017-19 Parliamentary session.

Secondly, a long prorogation has been mooted as an option to deliver a “no-deal” Brexit. The premise of such an idea is that MPs opposed to leaving without a deal could not then use Parliamentary procedure or legislation to frustrate that outcome if it were to become Government policy. This is possible because the default position in EU law is that the UK leaves the EU on 31 October 2019 without a deal unless:

- a Withdrawal Agreement is ratified;
- a further extension of Article 50 is secured (which requires both the European Council and the UK Government to agree to it); or
- the United Kingdom revokes its notification of intent to withdraw.

A long prorogation has been defended by its advocates as a means of “honouring the referendum result” from June 2016. However, critics of such an approach maintain that a Prime Minister embarking on such a strategy would do so in defiance of the elected House of Commons, unnecessarily bring the Crown into a political dispute, and undermine the role of Parliament in the UK’s constitutional and democratic arrangements.

Prorogation being a prerogative power, there is no obvious **legal** mechanism by which Parliament could prevent its exercise otherwise than by passing legislation to constrain it. Parliament has legislated to constrain or replace the prerogative in the past. For instance, whereas previously the dissolution of Parliament prior to a General Election was an exclusively prerogative power, the calling of an election is now governed by the [Fixed-term Parliaments Act 2011](#).

1. Background

1.1 The length of a Parliament

Under [section 1](#) of the [Fixed-term Parliaments Act 2011](#), the longest a Parliament can sit (i.e. without a fresh General Election) is five years.

Box 1: The default date of the next General Election poll

Section 1(3) of the *Fixed-term Parliaments Act* provides that:

The polling day for each subsequent parliamentary general election is to be the first Thursday in May in the fifth calendar year following that in which the polling day for the previous parliamentary general election fell.

- A General Election last took place on Thursday 8 June 2017. Therefore, the next polling day is (by legal default) Thursday 5 May 2022.

Section 1(4) provides that, if an early General Election has taken place before the first Thursday in May in the relevant calendar year, the next General Election should take place in the fourth calendar year following that election, rather than the fifth.

- If an early General Election were (for instance) to take place in March 2020, the next polling day, by default, would be Thursday 2 May 2024; not Thursday 1 May 2025.

In exceptional circumstances, the Prime Minister can delay the default poll date by up to two months. The necessary order must be approved by both Houses of Parliament (i.e. the "[affirmative procedure](#)" must be used). The Prime Minister must additionally make a statement of reasons for the delay.²

Early General Elections can be brought about in one of two ways under [section 2](#) of the [2011 Act](#). Either the statutory "no-confidence" process is completed, or an enhanced majority of MPs vote for early dissolution.

1.2 Proclamations by the Crown

When there is to be a General Election, the Crown makes at least one and sometimes two key "proclamations" (by Order in Council).

- Firstly, if an early General Election is to occur, the Crown appoints the date for the poll on the recommendation of the Prime Minister. This date replaces what was otherwise the default date.
- Secondly, following every dissolution, the Crown will summon the new Parliament. The Crown will appoint the first day on which Parliament is to meet following a General Election.

1.3 Dissolution of Parliament

A Parliament is "dissolved" by automatic operation of the statute at the beginning of the 25th working day before the appointed day for a General Election poll.³

In the case of an early General Election, a short period may be allocated for "[wash-up](#)". This period, typically not exceeding one week, allows incomplete Parliamentary business to be more effectively disposed-of before dissolution. This might allow, for instance, all or part of Bills currently progressing through Parliament to gain Royal Assent, rather than being lost completely on dissolution.⁴

² [s. 1\(5-7\) Fixed-term Parliaments Act 2011](#)

³ Commons Library Briefing Paper, [Dissolution of Parliament](#), SN05085, 27 April 2017

⁴ Commons Library Briefing Paper, [Wash-up](#), SN05398, 25 March 2010

1.4 A Parliament is divided into sessions

Although “a Parliament” sits for up to five years, it typically does not do so continuously. Instead each Parliament is subdivided into “sessions”.

Length of a session

The length of a session is determined by the point at which Parliament is either dissolved or prorogued. Although Governments may indicate in advance how long they intend a session to last, this is not a constitutionally binding commitment. A session may be ended early or last for longer than was initially intended.

In modern times, sessions typically operate on an annual basis. There are notable exceptions.

- Shortly after the 2010 General Election, the Coalition Government announced the first session would last longer than usual: for two calendar years. Previously sessions would typically begin in November. It was thought desirable for sessions to begin in May in light of the [Fixed-term Parliaments Act](#) and elections happening (by default) in early May.
- At the beginning of the 2017 Parliament, the Government indicated that it intended the first session to last for two years. The justification given was the additional legislative pressure brought about by Brexit.

The beginning of a Parliamentary session

Each session starts with the [State Opening of Parliament](#) during which a [Queen’s Speech](#) is delivered. The Government takes this opportunity to set out its legislative programme. Passing the Queen’s Speech at the start of a session is essential for any Government. Without the confidence of the House of Commons, it lacks the authority to govern.

The first session of a Parliament

Following the dissolution of the previous Parliament, the Crown issues a proclamation summoning the new Parliament to meet on a date after the General Election has taken place. Unless further prorogued, Parliament will meet on that date.

The first session differs from the others in several key respects, as certain preliminary business takes place before the State Opening of Parliament. The House of Commons chooses its Speaker at its first sitting, and its choice is formally approved by a Royal Commission acting on behalf of the Queen. MPs and Peers must then “swear-in” by taking the oath or affirmation of allegiance.

In the first session of a Parliament the House of Commons must also elect Deputy Speakers and Chairs and members of select committees. However, this typically happens in the days and weeks following the State Opening of Parliament.

2. Prorogation

2.1 What is it?

The end of a Parliamentary session brought about otherwise than by dissolution is called “prorogation”. Normally in the United Kingdom, prorogation is a formality. One Parliamentary session will end, and, unless there is an intervening General Election, the next is expected to start very soon thereafter.

“Prorogation” should not be confused with “[dissolution](#)” (when a Parliament is brought to an end and a General Election takes place). Nor should it be confused with “[adjournment](#)”, where a House does not sit for a period of time but where Parliamentary business can otherwise continue as before.

Neither House can be “[recalled](#)” when Parliament is prorogued: this can only be done when the House in question is adjourned.

2.2 Under what/whose authority is it done?

The prorogation of Parliament is a prerogative act, exercised by the Crown on the advice of the Privy Council. In practice, this advice is given by Ministers of the Crown.

Whether the Crown must always follow Ministerial advice in the context of prorogation is contested but has not, in modern times, been tested in the United Kingdom.

In other Westminster systems the prorogation power has been explicitly understood as a “reserve power”: that is, a power reserved to the head of state which may be exercised without approval by another branch of government. Although advice is taken from the relevant Premier, it need not be followed, and has not necessarily been.

Were a UK Government to lose (or were to appear to be about to lose) the confidence of the Commons, it is not clear whether prorogation advice from Ministers would automatically be followed. This question has not been tested in the UK in modern times but was tested in Canada (in late 2008).

2.3 For how long is Parliament prorogued?

The length of prorogation is determined by the Crown’s proclamation. As the [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#) explains:

Parliament is always prorogued to a definite day.⁵

Advice will have been given by Ministers on that question before any proclamation is made. In the last 40 years Parliament has never been prorogued for longer than three weeks: in most cases it has been prorogued for only a week or less.

⁵ [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), para 2.13

8 Prorogation of Parliament

In the past, prorogation lasted longer: in 1854, for example, Queen Victoria prorogued Parliament for slightly more than two months. This was not uncommon practice at that time but is now highly unusual.

There are three circumstances under which a prorogued Parliament may next meet otherwise than on the date specified in the Crown's proclamation:

- Firstly, the Crown may issue a further proclamation so as to revise the date on which a period of prorogation ends, or to prorogue Parliament from the point at which it would otherwise stand summoned following a dissolution.⁶ This can be done either to postpone the meeting of Parliament or to accelerate it.⁷
- Secondly, certain statutes require Parliament to meet notwithstanding the fact it may be adjourned or prorogued. The [Reserve Forces Act 1996](#) requires Parliament to meet within five days of reserve forces being called out on permanent service.⁸ The [Civil Contingencies Act 2004](#) has a similar provision for when emergency regulations are made.⁹
- Thirdly, if the monarch dies, Parliament must immediately sit, even if it stands prorogued at the time.¹⁰ Special arrangements exist to postpone polling day by a fortnight and to postpone the first meeting of a new Parliament if, at the time of the demise of the Crown, Parliament has been dissolved for a General Election.¹¹

Box 2: Length of the “period of prorogation”

The period between prorogation and either a new session or dissolution is typically short in modern times. This reflects the formality and uncontroversial nature of when and why the relevant sessions have been brought to an end.

Year	“Period” of prorogation	Notes
2017	6 days	Parliament dissolved
2016	5 days	New session
2015	3 days	Parliament dissolved
2014	20 days	New session. Prorogation overlapped with European Parliamentary elections and (de facto) Whitsun recess.
2013	12 days	New session
2012	7 days	New session
2010	3 days	Parliament dissolved

⁶ [The Prorogation Act 1867](#) makes specific arrangements for prorogation in the context of dissolution. It provides for (further) prorogation to be given effect to by proclamation alone, avoiding the appointment of a commission in the Crown's absence.

⁷ Erskine May, *The Law, Privileges, Proceedings and Usage of Parliament*, 2019, para 8.10

⁸ [s. 68\(10\) Reserve Forces Act 1996](#)

⁹ [s. 28 Civil Contingencies Act 2004](#)

¹⁰ [s. 5 Succession to the Crown Act 1707](#)

¹¹ [s. 20 Representation of the People Act 1985](#)

2.4 How is prorogation effected?

Parliament is prorogued either “by commission” (on which see below) or in certain circumstances by Crown “proclamation” alone. All recent Orders in Council providing for the prorogation of Parliament have done so by commission following a proclamation. The last time the Crown prorogued Parliament in person (rather than by commission) was 1854, when Queen Victoria addressed both Houses in the Lords.¹²

Box 3: Recent examples of prorogation

Prorogation leads to one of two outcomes. Either the Government brings forward a new Queen’s Speech, marking the start of a new session, or prorogation is interrupted by or ends concurrently with the dissolution of Parliament. These two different scenarios are explained below.

Prorogation between sessions in 2016

The 2015-16 Parliamentary session was ended by prorogation. On Wednesday 4 May 2016 Her Majesty in Council made the following Order:

It is this day ordered by Her Majesty in Council that the Parliament be prorogued on a day no earlier than Wednesday the 11th day of May and no later than Friday the 13th day of May 2016 to Wednesday the 18th day of May 2016, to be then holden for the despatch of divers urgent and important affairs, and that the Right Honourable the Lord High Chancellor of Great Britain do cause a Commission to be prepared and issued in the usual manner for proroguing the Parliament accordingly.

The 2015-16 session was in fact prorogued on Thursday 12 May 2016. The 2016-17 session commenced on Wednesday 18 May 2016 with a new Queen’s Speech.

Prorogation prior to dissolution in 2017

Following the Commons resolution that an early General Election should take place ([adopted on Wednesday 19 April](#)) Her Majesty made two Orders in Council on Tuesday 25 April 2017.

The first appointed the date of the poll on which the General Election was to take place (Thursday 8 June 2017). Since Parliament automatically dissolves 25 working days before then, Parliament was therefore set to dissolve on Wednesday 3 May 2017. The Order said:

It is this day ordered by Her Majesty in Council that the Right Honourable the Lord High Chancellor of Great Britain do cause the Great Seal of the Realm to be affixed to a Proclamation of this day’s date appointing Thursday 8th June 2017 as the polling day for the general election of the next Parliament.

The second Order in Council provided for the prorogation of Parliament that took place from Thursday 27 April 2017 until Tuesday 2 May 2017. It is not uncommon for Parliament to prorogue for a short period before dissolution, but neither is it required. This second Order in Council said:

It is this day ordered by Her Majesty in Council that the Parliament be prorogued on a day no earlier than Thursday the 27th day of April and no later than Friday the 28th day of April 2017 to Tuesday the 2nd day of May 2017, to be then beholden for the despatch of divers urgent and important affairs, and that the Right Honourable the Lord High Chancellor of Great Britain do cause a Commission to be prepared and issued in the usual manner for proroguing the Parliament accordingly.

The Cabinet Manual explains that it not modern practice for Parliament to be dissolved while it is still sitting. At every election since 1970, save for the 2001 General Election, a short period of prorogation has preceded dissolution.¹³

¹² [HL Deb 12 August 1854 Vol 135 c1549](#)

¹³ [Cabinet Manual](#), 2011, paras 2.24-2.25

2.5 Prorogation by commission

This section explains what happens when Parliament is prorogued by commission.

A proclamation is first issued

Prorogation by commission typically follows a proclamation made by Order in Council. Under current practice, the proclamation:

- is made several sitting days in advance of prorogation itself;
- identifies a range of days within which Parliament may be prorogued; and
- specifies the date on which a “period” of prorogation would end.

Royal Assent for Bills

If there are Bills awaiting Royal Assent at the time of prorogation, Her Majesty (or her Commission) will first signify Royal Assent for them.¹⁴

2.6 The prorogation ceremony

Assuming that Her Majesty does not in fact attend in person, her Royal Commission enters the House of Lords Chamber. One of the Commissioners opens by saying the following:

My Lords, it not being convenient for Her Majesty personally to be present here this day, she has been pleased to cause a Commission under the Great Seal to be prepared for proroguing this present Parliament.

At this point, [Black Rod](#) is instructed to summon the House of Commons. Once they are in attendance, the Royal Commission and representatives of the Commons, including the Speaker, the Clerk and the Serjeant at Arms, ceremonially greet each other: the Lords doff their hats and the Members and officials of the Commons bow in return.

The official command of the Queen appointing her Royal Commission is read by the Reading Clerk from a piece of parchment. If any Bills await Royal Assent, the Clerk of the Crown then announces from the Opposition side of the table the name of each Act that is to be passed.

As each Act is announced, the Clerk of the Parliament turns to face MPs, declaring 'La Reyne le veult' - Norman French for 'The Queen wishes it.' This ceremony signifies Royal Assent for each bill. After all bills have passed Royal Assent, the Leader of the House reads a speech from the Queen reviewing the past session.

As with the Queen's Speech at [State Opening](#), this is written by the Government and reviews the legislation and achievements of the Government over the past session.

Parliament is then officially prorogued. After the prorogation ceremony, the Commons return to the Chamber for a final formal proceeding. The Speaker, from the Clerk of the House's seat at the Table, announces any

¹⁴ [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), Appendix G.

Acts that have received Royal Assent and then repeats the speech delivered in the Lords. Members present in the Chamber leave via the Table and shake the hand of the Speaker on departing.

2.7 Immediate effects of prorogation

The prorogation of Parliament has several immediate effects.

Suspension of Parliamentary business

The effect of prorogation is immediately to suspend all business, including Committee proceedings, until Parliament has been summoned again for a new session.¹⁵ Ongoing Parliamentary proceedings, by default, are quashed, meaning that (for example) outstanding parliamentary questions do not then have to be answered and future business on the Order Paper is cleared.

However, certain business is only suspended for the period of prorogation and may resume when the next session begins. This applies to the inquiries of and reporting by Select Committees, for example.

Certain proceedings in Parliament are undertaken as a result of statutory obligations (e.g. the laying in draft of certain statutory instruments). If an instrument has been laid in draft in one session (but not yet approved), it would not need to be laid again in the next session before a vote could be taken to approve it.

Commons impeachment proceedings are not quashed by prorogation.

Carry-over of Public Bills

In certain circumstances bills can be carried-over or otherwise revived in the following session if a relevant motion is approved by the House in which the bill is being considered.

Public bills can be the subject of a “carry-over motion” Such a motion must be approved by the House.¹⁶

The [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#) says the following of carry-over bills:

In the Lords:

- eligibility of bills for carry-over is settled by informal discussion through the usual channels;
- bills are carried over by *ad hoc* motions;
- a Commons bill carried over in the Commons is treated in the same way as any other bill brought from the Commons;
- a bill that has been carried over falls if it does not reach the statute book by the end of the session following that in which it was introduced.¹⁷

Suspension and revival of other Bills

¹⁵ Erskine May, para 8.6

¹⁶ [Standing Order No. 80A](#)

¹⁷ [Companion to the Standing Orders and Guide to the Proceedings of the House of Lords](#), para 8.09

Private and hybrid bills can be subject to “suspension” or “revival” motions across sessions.¹⁸ Erskine May (*Parliamentary Practice*) notes:

Suspension or revival motions are not always agreed to by the House; and the Chairman is generally unwilling to entertain an application for a suspension motion where a bill originating in the Commons has not received a second reading by the end of a normal session.¹⁹

Breaking deadlock on Bills

The [Parliament Act 1911](#) (as amended by the [Parliament Act 1949](#)) allows the House of Commons to override the House of Lords if it has not consented to a public bill in certain circumstances.²⁰ One of the procedural conditions for this override is that the Commons must have approved the bill in consecutive sessions.²¹ Proroguing Parliament to bring about a new session can thereby facilitate the passage of such a bill, as long as 12 months have elapsed between the second reading of the bill in the Commons and its second presentation to the Lords.

2.8 Wider effects of prorogation

Prorogation’s impact is not confined to the Parliamentary business of the previous session. The period of prorogation itself has notable features worthy of consideration.

Neither House of Parliament sits

During prorogation Parliament does not meet. This means that legislation cannot be considered or introduced by MPs and Peers. Debates in the Chambers or in Westminster Hall are not held, written and oral parliamentary questions cannot be asked, and Committees do not carry-out their usual business of inquiries and evidence-taking.

This temporary suspension of activity is not normally significant, as a new session typically begins shortly thereafter. For a longer prorogation, however, this suspension of activity weakens the ability of Parliamentarians to hold the Government to account.

Governments can still make secondary legislation

Even while Parliament is prorogued, the Government can exercise its delegated powers through the making of statutory instruments.

Certain law-making powers do not require active Parliamentary approval before an instrument can be made. This includes any power to make regulations “subject to annulment” (i.e. under the [negative procedure](#)).

- There is a statutory duty to lay a statutory instrument once it has been made in this way. That laying would take place when the next Parliamentary session begins. The statutory period during which MPs (and Peers) could pray to annul the instrument runs from the point at which the instrument is **laid** rather than when it

¹⁸ [Standing Orders 188A and 188B](#)

¹⁹ Erskine May, para 45.37

²⁰ Commons Library Briefing Paper, [The Parliament Acts](#), SN00675, 25 February 2016

²¹ [s. 2 Parliament Act 1911](#)

is **made**.²² Scrutiny therefore would be delayed, rather than prevented outright. In the interim, however, the delegated legislation could have full force and effect.

Instruments may also be made under the “made affirmative” procedure, whereby it can take effect immediately but will lapse after a specified statutory period in the absence of Parliamentary approval.

- The [Taxation \(Cross-border Trade\) Act 2018](#) (for example) allows the Government to make regulations about VAT and customs duties using the made affirmative procedure, which could have effect for up to 60 days without Parliamentary approval.²³

Supply and estimates issues

To spend public money, the Government must secure Parliamentary approval on an annual basis. This involves, among other things, the approval for its [supply estimates](#) and for a [Supply and Appropriation Bill](#). A vote on the main estimates for a financial year typically takes place by early August and supplementary estimates are to be agreed no later than March.²⁴ Without approval for the main estimates, a Government would run-out of supply mid-way through a year, since the [votes on account](#) only authorise about 45% of annual Government expenditure in advance.

While a Parliament is prorogued, these key votes cannot take place. This has practical implications for a Government’s continuing authority to govern (hence the phrase “confidence and supply” is often used to describe arrangements under which smaller parties agree to support minority governments).

Anne Twomey, Professor of Constitutional Law at the University of Sydney, has suggested that the risk of insufficient supply has an important bearing on whether and for how long prorogation should be granted if sought. She argues (emphasis added):

Supply must not be allowed to run out while Parliament is dissolved or prorogued. This is for the practical purpose of maintaining the economic well-being of the polity and preventing financial hardship of its citizens. However, it is also consistent with constitutional principle. Just as rejection of supply or its reduction is taken as evidence of a lack of confidence in the government, so can deliberate failure to face Parliament to achieve the passage of supply be regarded as a failure of responsibility to Parliament. **In both cases, the responsibility of ministers is in question and needs to be determined on the floor of the House. Refusal to prorogue in such circumstances aids responsibility by allowing Parliament to decide whether it will grant supply to the government.** It is certainly a less drastic way of dealing with a supply crisis than the dismissal of a government.²⁵

²² [s. 5\(1\) Statutory Instruments Act 1946](#)

²³ [s. 52 Taxation \(Cross-border Trade\) Act 2018](#)

²⁴ Written evidence to the Procedure Committee’s inquiry into Scrutiny of the Government’s Supply Estimates, [Supplementary memorandum by the Clerk Assistant on behalf of the House of Commons Service](#), 14 September 2016

²⁵ Anne Twomey, *The Veiled Sceptre: Reserved powers and Heads of State in Westminster Systems*, 2018, p. 605

3. Notable cases of prorogation

Prorogation has, for most practical purposes, been an uncontroversial formality of the UK constitution in modern times. Even as early as 1867 it was described by the then Lord Chancellor as “an idle ceremony, and one which sometimes produced inconvenience.”²⁶ However, there are notable examples where the timing of prorogation has, or has alleged to have been, influenced by political considerations, both in the UK and in other Westminster systems (though primarily Australia and Canada).

Anne Twomey, Professor of Constitutional Law at the University of Sydney, recently published a comprehensive book on the reserve powers of heads of state in Westminster systems, part of which has a comparative focus on prorogation.²⁷ The examples provided below are (mostly) derived from her observations.

3.1 When confidence is in question

With regard to prerogative powers, the Crown (or its representative) is normally expected to act on the advice of Ministers. In Westminster systems, the government is drawn from and accountable to the legislature and can only legitimately govern to the extent that it commands the confidence of the (lower) House. This expectation upholds the democratic principles of responsible and representative government.

This expectation poses difficulties, however, when the Government either has lost, or is expected imminently to lose, the confidence of the (lower) House. The status of a premier’s advice to the Crown may in those circumstances be questioned. This is especially likely where the exercise of prerogative powers would have a direct bearing on the ability of the legislature (a) to conduct important or essential Parliamentary business; and/or (b) to determine questions of confidence.

There are no modern examples of a UK Prime Minister asking the Crown to prorogue Parliament against the wishes of the Commons where confidence is absent or in question. There is, however, a recent example from Canada which may inform the debate in the UK.

Avoiding a no-confidence motion (Canada 2008)

Following Canada’s federal elections in 2008, Stephen Harper formed a minority administration and had recently secured the confidence of the House of Commons in the Canadian equivalent of a Queen’s Speech.

Within weeks, however, the two main opposition parties (the Liberals and New Democratic Party) had reached an agreement and wished to form an alternative coalition government. This would, they had agreed, be supported by a confidence and supply arrangement with the Bloc Québécois. A motion of no confidence in the Government was tabled.

²⁶ [HL Deb 18 July 1867 Vol 188 c1661](#)

²⁷ Anne Twomey, *The Veiled Sceptre: Reserved powers and Heads of State in Westminster Systems*, Chapter 8

Rather than face the (then likely) defeat on a vote of no confidence, Stephen Harper asked the Governor General to prorogue Parliament. The arguments made in favour of this prorogation included that:

- the Government had not formally lost the confidence of the House, the House's confidence in the Government had recently been explicitly confirmed, and the Governor General should therefore follow the advice of the Prime Minister;
- the opposition pact was fragile and would not form a stable government if the Prime Minister were to resign in favour of it;
- there had, mere weeks prior to these events, been a federal election: holding another so soon afterwards would not have been in the interests of responsible government; and
- there would, in any case, be another opportunity for confidence in the government to be tested when it brought forward the budget on return from any period of prorogation.

The contrary arguments were that:

- in Canada prorogation is a "reserve power": while the Governor General takes advice from the Prime Minister on the exercise of such powers, she is not bound to follow it, especially not where confidence is absent or in question;
- a Prime Minister who is about to lose a vote of confidence should not be able to deprive the legislature of a reasonable opportunity to debate the matter: for him even to make the request was an undemocratic abuse of power;
- under Canada's constitutional arrangements a temporary loss of confidence in the Government could be remedied without a cast-iron requirement for either the Government to resign or another election to be held; and
- whatever the Prime Minister's or Governor General's assessment of the viability or stability of an alternative Government, that is not a reason in isolation to disregard or prevent the expression of the lack of confidence the House may have in the incumbent administration.

In the event the Governor General acceded to the Prime Minister's request for a prorogation but on the understanding that a budget would be brought forward shortly after the prorogation had elapsed. Crucially, the Governor General took into account, but did not consider herself to be bound by, the advice given by the Prime Minister in this particular context.

As events transpired, the political accord between the opposition parties did not last during the period of prorogation. The Harper administration successfully passed its budget and continued in office.

3.2 Breaking Parliamentary "deadlock"

One relatively common example of a "political" use of prorogation is to break Parliamentary deadlock, especially in bicameral systems of Government where the upper House resists the passage of legislation

initiated by the Government in the lower House. The precise purpose of prorogation may vary depending on a country's own constitutional arrangements.

Generally speaking, however, the fact of prorogation and the convening of a new Parliamentary session may:

- circumvent restrictions imposed by a Parliament's rules or standing orders (such as the "same-question rule" in the UK's House of Commons); and/or
- help a Government to meet statutory or constitutional conditions for
 - passing legislation against the wishes of the upper House (e.g. under the [Parliament Act 1911](#)); or
 - triggering an election or other democratic process (e.g. a double-dissolution election in Australia).

Anne Twomey, Professor of Constitutional Law at the University of Sydney, argues that prorogation in this context "is consistent with the principle of responsible government". This is because:

[in those cases] prorogation facilitates, rather than prevents, the sitting of Parliament and the accountability of Ministers to the Houses.²⁸

What follows are four examples of prorogation being used to try to break Parliamentary deadlock.

UK bicameral "deadlock" – Parliament Bill (1948)

One of the most politically significant uses of prorogation in the UK was in September and October 1948. There was an ongoing dispute between the House of Commons and the House of Lords about proposed legislation to amend the [Parliament Act 1911](#).

What was the dispute about?

Under that Act, the Commons could secure Royal Assent for a Public Bill without the consent of the House of Lords. It could do so if:

- the Commons had approved the Bill in three successive sessions; and
- at least two years had passed between the Commons second reading for the Bill in the first session and the completion of Commons stages in the third session.

The Government of the day wished to make it easier to pass primary legislation that lacked Lords support. It proposed to do this by reducing the above requirements to from three to two successive sessions and from two years to one year respectively.

Why did the Government seek to prorogue?

The *Parliament Bill* received its second reading in the House of Commons on [11 November 1947](#) and went on to complete all of its

²⁸ Twomey, p. 615

Commons stages. However, the House of Lords, on [9 June 1948](#), declined to give the Bill its second reading.

The Government decided that it would avail itself of the procedure *in* the [1911 Act](#) to pass their Bill *amending* the [1911 Act](#). In order more quickly to meet the requirement that the Commons approves the Bill in three successive sessions, the Government announced it would hold a short session between September and October 1948.²⁹ When the Government informed the Lords of its intentions, the Marquess of Salisbury remarked, on behalf of the opposition:

I need not say that I am sorry—as no doubt [the Leader of the House] is—that the Government should have thought it necessary to embark upon this extra Session. We feel that the business might very properly have been concluded without that. But that is the Government's affair, not ours.³⁰

The outcome

Parliament was first prorogued by commission [on 13 September 1948](#) and a King's Speech was delivered [on 14 September 1948](#). The Commons had ten sitting days (the Lords only five) before Parliament was again prorogued by commission on [25 October 1948](#). A further King's Speech was made on [26 October 1948](#).

The period of prorogation in those instances was unusually short by the standards of the UK Parliament (being just one day on both occasions). The second [Parliament Act](#) eventually received Royal Assent in December 1949, just over two years after it first passed second reading in the House of Commons.

Australian bicameral “deadlocks”

Federal deadlock (2016)

In March 2016, then Prime Minister of Australia Malcolm Turnbull wrote to the Governor-General Sir Peter Cosgrove to ask him to prorogue the federal Parliament of Australia.³¹

Turnbull's intention was to compel the Senate (its upper House) to reconsider two bills that had become deadlocked between the upper and lower Houses. Were either of the bills to be rejected by the Senate a second time, the condition in [section 57](#) of the [Australian Constitution](#) would be met. This brings about a special dissolution of both the House and Senate. Not holding a majority in the Senate, the Government was unable to force it to reconsider the bills otherwise than by prorogation.

The Senate rejected the “ABCC bills” a second time, triggering the 2016 Australian “double dissolution” election. Such an election is particularly notable because the entire Senate faces re-election at the same time, rather than on a staggered cycle as is the default.

Following the 2016 federal election, the bills in question were reintroduced and passed in an amended form.

²⁹ [HL Deb 24 June 1948 Vol 156 c1221-1222](#)

³⁰ *Ibid.*

³¹ [Letter from Malcolm Turnbull to Governor-General Sir Peter Cosgrove](#), 21 March 2016

Western Australia (1907)

The upper House in Western Australia repeatedly rejected proposals on land tax reform proposed by Premier Newton Moore. A dissolution was sought but refused by the Governor. The Premier sought to resign, only for that also to be rejected. He then sought a prorogation to enable the proposal to be reintroduced to the upper House, which was granted.

Victoria (1867)

In another instance of legislative deadlock, the Victoria Premier sought and was initially refused a prorogation by the Governor. On resigning, the Leader of the Opposition was invited to form a Government but was unable to do so. This led to the withdrawal of the Premier's resignation and the prorogation being granted to allow the proposal to be sent back to the Legislative Council.³²

3.3 In advance of an election

General position in the UK

Even before the [Fixed-term Parliaments Act 2011](#), the UK had a statutory fixed period between the date of dissolution of a Parliament and the date on which a General Election poll must take place (then 17 working days).³³ If the intention was to have a longer period between the end of a Parliamentary session and polling day, this typically would be achieved by a period of prorogation before the proclamation to dissolve one Parliament and to summon another.

In 2010, Parliament was prorogued from Thursday 8 April until Monday 12 April whereupon dissolution was proclaimed. Among other things, this enabled the General Election to take place on a Thursday (as had been usual practice in the UK even before the [Fixed-term Parliaments Act](#) created a presumption in favour of it).

New South Wales (1994)

In other jurisdictions, pre-dissolution prorogation has (sometimes) lasted considerably longer than is the norm in the UK. New South Wales, having a fixed-term Parliamentary session, had state elections scheduled for March 1995. The minority Government of the day sought and secured a prorogation in December 1994, some three months before those elections were to take place.

This request was acquiesced to despite the fact that the legislature had specifically resolved that it should continue to sit into 1995 to carry-out any necessary business that might arise.³⁴

Although the rules and conventions concerning prorogation are not identical in different Westminster systems, this example is instructive because the Governor exercised the power by following the advice of the Premier and not the explicit wishes of the legislature.

³² Twomey, pp. 614-615

³³ [Schedule 1 \(repealed\) Representation of the People Act 1983](#)

³⁴ Twomey, p. 614

3.4 Parliamentary scrutiny

Where the Government does command the confidence of the (lower House of the) legislature, the Crown or its representative has, in the UK, Canada and Australia, generally followed the advice of Ministers on the question of prorogation. This has been the case even where it has been, or has been perceived to have been, used to resist or prevent scrutiny of Government activity.

Twomey draws a distinction between, on the one hand, the deliberate termination of parliamentary inquiries concerned with corruption or illegality by prorogation (which might be thought improper or abusive) and on the other hand the use of prorogation to obtain a “timing advantage or to avoid embarrassment prior to an election”.

The former might be thought an abuse of prorogation to be resisted, whereas the latter may be considered “insufficiently damaging to fundamental constitutional principles to justify the refusal of advice to prorogue.”³⁵

Cash for Questions (1997)

The UK Parliament was prorogued for just under three weeks before being formally dissolved ahead of the 1997 General Election. At the time, the Opposition parties argued that there should instead have been an adjournment, to allow the select committees to continue their functions in the intervening period.

They objected that prorogation would prevent the Standards and Privileges Committee from publishing (before the General Election) a report from Sir Gordon Downey (the Parliamentary Commissioner for Standards) in relation to allegations of “cash-for-questions” in the House of Commons.³⁶

The effect of prorogation was to delay the publication of [the Committee’s report](#) until later that year: after the General Election had taken place.

Canada’s Afghan Detainees Inquiry (2009)

A Parliamentary committee in Canada was conducting an inquiry into the Canadian Government’s alleged awareness and/or complicity in the abusive treatment of detainees in Afghanistan. The Government and opposition MPs were in an ongoing dispute about the extent to which certain documents should be disclosed to Parliament.

In December 2009 Stephen Harper sought a prorogation of just over two months, ostensibly to consult more widely about his Government’s impending budget. However, opposition MPs complained the effect of prorogation was to limit the powers and functionality of the Afghan detainees inquiry. The Canadian Parliament’s committees could not compel testimony or grant immunity to those giving evidence except as

³⁵ Twomey, p. 610

³⁶ Anthony Bevins, [Major denies sleaze report cover-up](#), *The Independent*, 20 March 1997

part of a formal inquiry. Evidence continued to be taken informally, but without the participation of Conservative MPs.

Twomey notes that, in contrast to the 2008 prorogation in Canada, the Governor General was more straightforwardly expected to follow the advice of the Prime Minister in this instance because there was no question of confidence impacting the capacity of his Government to continue.³⁷ Whatever the merits of a prorogation in those circumstances, it was seen (in the context of the Canadian constitution) as a matter of judgment for the Prime Minister to request and the Governor General to acquiesce.

South Australia (2005) and New South Wales (2010)

Two different state Governments in Australia were accused of making use of prorogation to inhibit the progress of inquiries being undertaken by their upper Houses in the run-up to elections. The Governments asserted that the committees could not sit following prorogation, whereas the upper Houses maintained that they could.

The disputes meant that, although the committees continued to sit, there was legal uncertainty as to whether parliamentary privilege applied to their proceedings. This made it more difficult to secure the appearance of witnesses or the production of certain documents.³⁸

³⁷ Twomey, p. 610

³⁸ Twomey, pp.611-612

4. Prorogation and Brexit

The question of prorogation has arisen in two contexts related to Brexit.

Firstly, it has arisen in the context of the “same question rule”: the expectation that the House of Commons will not address the same or substantially the same question as one it has already decided in the same Parliamentary session.

Secondly, it has arisen as a suggested mechanism by which a Government could deliver a policy of a “no-deal exit” from the EU on 31 October 2019, and to frustrate any Parliamentary efforts to avert such an outcome.

4.1 The “same question” rule and key Brexit votes

The rules of the House

Erskine May (*Parliamentary Practice*) provides:

Matters already decided during the same session

A motion or an amendment which is the same, in substance, as a question which has been decided during a session may not be brought forward again during that same session.¹ Since 1994 this rule has been applied so that, in the case of ten-minute rule motions under Standing Order No 23, refusal by the House of leave to introduce a bill should be treated as the rejection of that bill at a substantive stage, with the effect that a bill with the same or a very similar long title could not be presented again in the same session. Attempts have been made to evade this rule by raising again, with verbal alterations, the essential portions of motions which have been negatived. Whether the second motion is substantially the same as the first is finally a matter for the judgment of the Chair. The same rule has been applied to an amendment renewing a motion which had been already negatived. Some motions, however, have been framed with sufficient ingenuity to avoid the rule. On rare occasions where the House has been offered a series of alternative proposals for its consideration, an order was made specifically directing the Chair to put the questions on later motions notwithstanding any decision of the House on earlier motions.

However, a question which has not been definitely decided may be raised again. Thus, a motion or amendment which has been withdrawn, or on which the Chair has declared the question not decided when it appeared that fewer than 40 Members had taken part in a division, or for some other reason, may be repeated. In such cases a Member may speak again on the second occasion. Where a certain course in relation to the procedure of the House has been rejected on a particular day, it may be revived on a subsequent day.³⁹

³⁹ Erskine May, para 20.12

Relevance to the “Meaningful Vote” process

This practice of the House matters in the context of the “Meaningful Vote” process.⁴⁰ This is a statutory process whereby, to ratify a Withdrawal Agreement with the EU, the UK Government has to (among other things) secure Commons support for the key components of its deal. The “Meaningful Vote” requires approval for both the negotiated withdrawal agreement and the framework for the future relationship.

In October 2018, Hilary Benn (Chair of the Exiting the EU Committee) asked Sir David Natzler (then Clerk of the House) whether more than one attempt could be made at securing Commons approval:

Q3089 Chair: ... if [the Government] were to be defeated [on a meaningful vote], say in December, could the Government come back in March, procedurally, and have another go?

Sir David Natzler: That is a hypothetical question, and you will know there is a general rule against being asked to decide again on the same question in the same Session, but that rule is not designed to obstruct the will of the House. If it plainly was the will of the House, there are ways in which that could happen, yes. That is partly because the words might be the same but the underlying reality would, self-evidently, be different, not least because there might have been a change in either the negotiated withdrawal agreement or in the framework for the future relationship. If it was a different document, obviously there would be a different motion. I do not know; I would not want to speculate. If it was exactly the same document and they came back three months later for another bite, I do not think the procedures of the House are designed to obstruct the necessary business of Government in that way in such a crucial thing. I hope that is helpful.

Q3090 Chair: Would it require a business of the House motion to sort that out?

Sir David Natzler: I hope not. I think it could be done, notwithstanding the practice of the House against reconsideration of a motion in the same Session. That would not be necessary unless, as I say, not only was the motion the same but the underlying political reality was the same, so that nothing had changed in the intervening months in what was being put to the House, in substance.

Q3091 Chair: The thing that would have changed is we would be about to leave with no agreement in those circumstances, but I am not expecting you to comment on that. That would be a change in political circumstances, but it is helpful to know it would not be an absolute bar to bringing it back.

Sir David Natzler: I think it is unlikely, and I do not want to speculate on various things the chair might do, but the chair is there to facilitate the business of the House, not to operate a series of strange theological rules, with no disrespect to theology. They are there for a purpose, and it is the purpose that has to be looked at.

Chair: It will be a great comfort to all Members to know that.⁴¹

⁴⁰ Commons Library Briefing Paper, [A User’s Guide to the Meaningful Vote](#), 18/8424, 25 October 2018

⁴¹ [Oral evidence to the Exiting the EU Committee](#), HC 372, 31 October 2018

There were two distinct attempts to secure approval in a “Meaningful Vote”. The House [rejected the deal](#) by a margin of 230 votes on 15 January 2019. It then [rejected a revised deal including a supplementary set of negotiated documents](#) on 12 March 2019, by a margin of 149 votes.

Obstacles to a third attempt

On Monday 18 March, [the Speaker made a statement concerning the “same question” rule of the House of Commons](#).⁴² He explained that any motion in connection with the UK’s withdrawal from the EU must not be “substantially the same” as any question previously decided in the same session. In the context of a further “Meaningful Vote” he explained this meant the Government could not seek approval on substantially the same basis as it had done on 12 March.

[In supplementary remarks on Wednesday 27 March](#), the Speaker said:

I understand that the Government may be thinking of bringing meaningful vote 3 before the House either tomorrow, or even on Friday, if the House opts to sit that day. Therefore, in order that there should be no misunderstanding, I wish to make it clear that I do expect the Government to meet the test of change. They should not seek to circumvent my ruling by means of tabling either a “notwithstanding” motion or a paving motion. The Table Office has been instructed that no such motions will be accepted.⁴³

In practice, this meant it would have been difficult for the Government to table a third “Meaningful Vote” approving merely the same components of the existing negotiated “deal”. There would need to be a material change to the Withdrawal Agreement and/or the Political Declaration.⁴⁴ This obstacle would have remained **even if** a majority of MPs supported the idea of passing a “paving motion” first to disapply the “same question” rule.

What impact would prorogation have had?

Had the Government wished, it could have asked the Crown to prorogue Parliament to bring about a new session. The 2017-19 session has (in any case) lasted significantly longer than most others in recent Parliamentary history.⁴⁵

The “same question” rule does not prevent a motion or bill, rejected in a previous Parliamentary session, from being revisited in a subsequent session.

⁴² [HC Deb 18 March 2019 Vol 656 cc775-792](#)

⁴³ [HC Deb 27 March 2019 Vol 657 c370](#)

⁴⁴ The vote held on [29 March 2019](#) seeking approval only for the Withdrawal Agreement was not as such a “Meaningful Vote”. The Government only sought political approval for its negotiated treaty (the Withdrawal Agreement) and not the future framework (as the statute would have required). In any case the motion was defeated in the Commons by a margin of 48 votes.

⁴⁵ Commons Library Insight, [Is this the longest parliamentary session ever?](#), 10 May 2019

4.2 Facilitating a “no-deal” exit

It has been suggested, at various points in the Brexit process, that a Prime Minister could and/or should ask the Crown to prorogue Parliament to facilitate a so-called “no-deal exit”.⁴⁶ The current legal default position in EU law is that, on 31 October 2019, the UK leaves the EU without a deal. This legal default is only departed from if:

- a Withdrawal Agreement is ratified before then;
- Article 50 is further extended by a unanimous decision of the European Council in agreement with the UK Government; or
- the UK unilaterally revokes its notification under Article 50.

Were Parliament to be prorogued, and for as long as it was so, MPs would not be able to:

- ratify a Withdrawal Agreement;
- compel the Government to seek a further extension; or
- legislate to (compel the Government to) revoke its notification under Article 50.

MPs would also be unable to:

- trigger an early General Election under the [Fixed-term Parliaments Act](#); or
- demonstrate that the Commons had lost confidence in the Government but would have confidence in an alternative Government under a different Prime Minister.

Parliamentary opposition to “no-deal” exit

A majority of MPs have expressed opposition to the prospect of the UK leaving without a deal.⁴⁷ Many have taken steps in Parliament to try to mitigate the risk of it happening “by omission”.

The [EU \(Withdrawal\) Act 2019](#) (the so-called “[Cooper-Letwin Bill](#)”) was a legislative initiative of those opposed to leaving without a deal (or at any rate, those opposed to doing so on 12 April). The 12 April deadline in EU law had been approaching and the Commons (still) had not approved the Government’s negotiated Withdrawal Agreement.

The legislation ultimately compelled the Prime Minister to seek an extension of Article 50 beyond that 12 April deadline. The Prime Minister requested an extension until 30 June but ultimately agreed to an extension until 31 October 2019.

Opponents of extension

A significant number of Government backbenchers opposed the proposal to extend Article 50 beyond the European Parliamentary elections. They consider a prolonged extension to be incompatible with, or an attempt to frustrate, the referendum result from 23 June 2016. Some MPs have also been critical of the unusual mechanisms used by

⁴⁶ See e.g. John Finnis QC, [Only one option remains with Brexit – prorogue Parliament and allow us out of the EU with no-deal](#), *Daily Telegraph*, 1 April 2019

⁴⁷ See most recently [HC Deb 13 March 2019 Vol 656 cc460-463](#)

opponents of no-deal in Parliament. Sir William Cash, for instance, described the Cooper-Letwin Bill as a “constitutional outrage”.⁴⁸

By contrast, proponents of the *EU (Withdrawal) Act 2019* have maintained that, while legislation passed in the face of explicit Government opposition was unusual, it was a defensible course of action in the particular context and was done in a way that was consistent with the rules of Parliamentary procedure.

Relevance of prorogation

The arguments for contemplating a long prorogation

Some MPs and commentators have endorsed, or reportedly refused to rule-out, a long prorogation being used to prevent Parliament from resisting a no-deal exit on 31 October 2019.⁴⁹ Arguments in favour of this include:

- Firstly, Parliament has already expressed its legislative intention: it approved leaving whether with or without a deal. It did so by authorising notification under Article 50 and then by legislating (through the [EU \(Withdrawal\) Act 2018](#)) for domestic law in the event of a no-deal exit. Subsequent expressions of opinion by Commons resolutions cannot override those statutory commitments.
- Secondly, since the Government still has the confidence of the House of Commons ([as last explicitly expressed on 16 January 2019](#)), the Crown must acquiesce to any request to prorogue. To do otherwise would mean that the Crown is involving itself in the political process. This would undermine the principle of responsible government.
- Thirdly, if MPs seek to use unconventional procedural means to block a no-deal exit, prorogation is a legitimate constitutional strategy to implement the will of the people in the referendum.

The arguments against a long prorogation

Several arguments are made against seeking a long prorogation:

- Firstly, a Government seeking a long prorogation, in order to deliver a no-deal exit from the EU, would be going against the explicit wishes of a majority of MPs. They have voted against no-deal on several occasions in the House of Commons. Even if not expressed through legislation, the frustration of that preference by eliminating all legislative and scrutiny activity for several months could be viewed as democratically unacceptable.
- Secondly, if a future Prime Minister explicitly endorsed leaving without a deal, it would represent a significant shift of policy from that on which the Government was elected. A no-deal exit delivered by prorogation would be one in respect of which key legislation like the *Trade, Agriculture, Fisheries and Immigration Bills* fail to pass. Such a no-deal exit would be more uncertain than what advocates refer to as a “managed no-deal” outcome.

⁴⁸ [HC Deb 8 April 2019 Vol 658 c119](#)

⁴⁹ James Blitz, [Can the next PM close parliament to get a no-deal Brexit?](#), *Financial Times*, 6 June 2019

It could be argued that it must at least be doubted, and should first be tested, whether the Government still commands the confidence of the House, before a prolonged prorogation should be entertained.

- Thirdly, in the absence of a clear statement of confidence in the Government, it cannot be said with certainty whether the Crown would follow the prorogation advice of the Prime Minister. The very act of asking the Crown to acquiesce to a lengthy prorogation involves the constitutional monarch in a profoundly political question, which ought properly to be resolved by Parliamentary means.

Speaker's remarks of 6 June 2019

[On 6 June 2019](#) the question of whether the Government would rule out a long prorogation was raised several times at Business Questions. This prompted the Speaker of the House to say the following from the Chair:

One thing we all know, because I have said it myself several times... is that Parliament will not be evacuated from the centre stage of the decision-making process on this important matter. That is simply not going to happen; it is so blindingly obvious that it almost does not need to be stated—but apparently it does and therefore I have done.⁵⁰

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