

## **Written evidence submitted by Matthew Smalley (FTP0015)**

My name is Matthew Smalley; I take an interest in the UK constitution, and I would urge the Committee to give particular consideration to two points, regarding the assumptions behind the proposed repeal of the Fixed-Term Parliaments Act.

### **POINT 1 - CONFIDENCE**

As the Committee will be aware, in January 2019 Prime Minister May lost the “meaningful vote” on her EU withdrawal agreement by an unprecedented margin, and went on to lose two further votes on the agreement.

It is often assumed that, had the Fixed-Term Parliaments Act not been enacted, these votes would have been deemed votes of confidence, and a government defeat would have resulted in May calling a general election.

Prior to the passage of the FTPA, general elections were effectively called at the discretion of the Prime Minister (subsequent to the possibilities, which the Committee has been discussing, of the monarch refusing a Dissolution in fringe cases). A strong convention existed whereby, if the Prime Minister declared a certain vote to be a matter of confidence, and subsequently lost that vote, they would be honour-bound to call an election.

The point I would press on the Committee is that the Prime Minister made the choice of whether or not to declare a matter one of confidence. Despite common misconceptions, this was effectively not altered by the FTPA: prior to the meaningful vote, Prime Minister May could have declared that if she lost, she would move for an early election under the FTPA. The Opposition were, at the time, ostensibly prepared to allow an election; such a threat from May would have been credible.

Instead, Prime Minister May explicitly separated the issue of confidence from the meaningful vote - she went out of her way to provide for an explicit confidence motion to be moved, and defeated, the day after meaningful vote 1. Had the governing party wanted an election to break the deadlock, they could have achieved that by abstaining on the confidence motion; they chose not to do so.

I therefore suggest that **the FTPA did not prevent the government from declaring an issue to be one of confidence, whose defeat would lead to a call for election. The government’s choice to resist an election could have been made with or without the FTPA.** I would urge the Committee not to assume that the FTPA contributed to the deadlock of Jan-July 2019.

### **POINT TWO - LABOUR’S REFUSAL OF AN ELECTION IN AUTUMN 2019**

My second point is a quicker one, and is directed particularly to the Labour members of the Committee. The Labour 2019 manifesto promised repeal of the FTPA, and as I understand it this is still Labour's position.

In the unusual circumstances of autumn 2019, Labour, on multiple occasions, resisted FTPA motions for an early election on the grounds that the election period could have been so timetabled that Parliament would not have existed over Brexit day.

Presumably the Labour Party feels that its refusal to back such motions was the correct choice to make, but if the FTPA had not existed they would have had no opportunity to prevent an election.

I agree with Labour that there were good grounds for blocking an election under those particular circumstances and would ask them why they now feel that a future Opposition should not have the same power. While the circumstances were unusual, it is not impossible that it could happen again and that a Dissolution could take place over a crucial political date.

These are the two points that I would ask the Committee to consider - in summary, a) that the FTPA did not prevent Prime Minister May from seeking an election in response to the meaningful votes, and that the lack of an FTPA would not have forced her to seek an election; b) that Labour made a justified use of the FTPA to block an October election, but now seeks to repeal the legislation from which it benefited.

Thank you for your consideration.

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