

The fight for control is on, but it's not the one that ...

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In some ways I am not sure that there is much more to be added to what Dominic Grieve, the Tory MP, had to say on the EU Withdrawal Bill in the Evening Standard yesterday, w[here he noted that](#):

[W]orryingly, it seeks to confer powers on the Government to carry out Brexit in breach of our constitutional principles, in a manner that no sovereign Parliament should allow.

I wholeheartedly agree. [As Jolyon Maugham has noted](#):

The very first clause of that Bill says:

The European Communities Act 1972 is repealed on exit day.

And “exit day” is defined as “such day as a Minister of the Crown may by regulations appoint.”

Yep, that’s right. The government is proposing that a Minister gets to decide when our membership of the EU ends. And to make that decision without any Parliamentary control at all. None, zip, nada.

The consequence of Parliament agreeing to this clause is stark.

If talks do break down, it will be a Minister of the Crown — Boris Johnson, say — who has absolute unfettered discretion as to how to react. Parliament — our sovereign and democratically elected Parliament — will be completely sidelined from the most important decision our nation has made in recent times.

Giving unfettered power to a Minister, marginalising our Parliament, in respect of such an important decision is the very opposite of taking back control.

That's not the language a QC usually uses, but maybe it's appropriate to be as blunt as Jo is on this occasion; the issue may simply be too serious for anything else to be said.

The simple fact is whether any MP is pro or anti-Brexit does not matter. What does matter is that parliamentary sovereignty be maintained over an Executive who have proved themselves to have remarkably poor judgement on all issues to do with the EU. And this Bill as drafted does strip parliament of all power to deal with the biggest political issue of my lifetime. That is unacceptable and is why I would expect the Bill to fail.

I do not expect this Bill to fail in the Commons.

I think there is good chance it will run into enormous obstacles in the Lords where, I suspect, there will be the passion to fight it until the point where May has to create hundreds of new peers and so discredit our whole parliamentary system to get it through. The Lords would be right to take that risk though. Better to show that parliament is under complete threat from this Bill than simply acquiesce. The fight for control is, I hope, on, but it's not the one that the Brexiteers were expecting.