

The way forward if we are to recreate the basis for sou...

Published: January 13, 2026, 3:36 am

It is hard to say that the UK suffered a constitutional crisis last night when Theresa May's loss in the House of Commons was so widely predicted. Admittedly, the scale of it was not predicted, and was quite literally unprecedented, but that changes relatively little.

The reality is that a Prime Minister whose period in office has been identified by just one policy saw it resoundingly rejected and yet will, almost certainly, survive a vote of no-confidence today.

It is not her loss last night that represents the constitutional crisis. Rather, it is the fact that she will not be resigning and going to the country that represents that crisis, because it means that any semblance of Parliamentary accountability has apparently been lost in this country. That is the crisis.

The fact that the Leader of the Opposition has no apparent alternative plausible strategy to present to the House of Commons that might command a majority and so form the basis for an alternative government compounds this problem. But let's be clear; the UK's Parliamentary system was not designed for minority government and as such it has never been the expectation that the Leader of the Opposition should be in such a position without a general election to endorse their position.

What this, inevitably, means is that at some time, relatively soon, the UK must face a general election. In this context, soon may well mean before the year is out. I am, however, hopeful that it will not be yet. The very specific position that we are in suggests that there are other more immediate, and pressing, priorities for our political class to address.

That other priority is Brexit. That, and the fact that against the wishes of the combined opposition, and the sage advice of the House of Lords as expressed in many amendments, the government insisted on passing legislation last year that said that the UK must, come what may, leave the EU on 29 March 2019. This was, to understate my case, a gross error of judgement.

There are, of course, those who are seeking to exploit this error of judgement for their own ends. I suffered the usual frustration when watching Jacob Rees-Mogg suggest on television last night that the law is the law, and parliament cannot change it, and as a result suggest that a departure from the EU must take place in March, come what may. I am, of course, aware that there are Parliamentary conventions, including those that suggest an issue cannot be addressed twice in the same Parliamentary session on which, I think, Rees-Mogg is relying when making his suggestion. But, as one constitutional expert noted earlier in the day, when a constitution is based entirely on precedent the role of the Speaker, in particular, is to continually remake precedent to suit current need, as situations demand. The current situation most certainly imposes demand.

The first, and most pressing demand is the Parliament take control of its own affairs. We very clearly have a government in office, but not in power. There is a pressing need for leadership, and if the Leader of the Opposition cannot supply it because a vote of confidence cannot be won then another type of leadership must be sought. This must be that of the House as a whole, based on the idea of seeking to create national unity at a time of undoubted crisis, along [the lines that I suggested yesterday](#).

I am well aware that there are moves afoot to take action by early next week to amend the Standing Orders of the House of Commons to allow MPs outside the government to present legislation to Parliament. In other words, unless the government can show that it has a viable course of action to reflect the overall will of the people of this country to stay in some form of viable association with the EU after 29th March, then Parliament itself must take the steps to determine what that viable approach might be.

The absurd fact is that Theresa May hinted at the need for this in her comments immediately after losing the vote last night. She said then that the House had rejected a deal, but had not indicated what it wanted. Slightly unbelievably at this juncture, she indicated that she would now listen to other opinion. But what she did not say was that she would want that opinion tested in the House so that the policy could be determined by Parliament as a whole. It is this that Parliament must now let itself do.

Having first of all tested that there is no demand to leave on 29th March without an agreement with the EU, by permitting legislation to alter this date and extend Article 50 to be presented and passed by the House, the combined leadership of the MPs of the House of Commons, perhaps best represented by the select committee chairs, must then, working if appropriate with the Speaker, ensure that a series of motions may be put to the House to determine what course of action is most likely to win support amongst members.

It so happens that the policy that might win support in this process will, in my opinion, most likely reflect that of the country. Last night's chaos did, I suspect, quite accurately reflect the country's opinion. The country did not want May's deal. It did not also know what else it wanted. The vote reflected this reality. I happen to think as a consequence

that a series of votes in the House of Commons to determine what should be done next might well also fairly appropriately reflect sentiment in the country as a whole, or at least those parts of it which need to be tested in a second referendum. In other words, the options to be put on a ballot paper for final selection can be determined in this way. And, if the government refuses to cooperate in this process then I believe that the Commons has to overturn the government's wishes, and that is what it will do.

I accept, of course, that this is uncharted territory. I suspect that we have to go back to the era of the English Civil War to find anything that might act as precedent in this regard. But so what? Innovation is frequently the consequence of necessity, and we have a need for Parliament as a whole to take a lead at present.

These options that I describe are available. They can be delivered. They will show leadership. And if the EU is asked to extend Article 50 on the basis that the UK needs time to resolve its constitutional crises I have little doubt whatsoever that they will grant it, even if that requires that we participate in an election for the new members of the European Parliament in July. As the EU's leadership has made clear; overall they would rather that we stayed in, than were forced to leave.

It is my belief that once parliament has acted in the way that it should, as indicated here, over the next two or three weeks then it is beholden on those with wiser heads in the Commons to cooperate in the national interest if there is to be a general election. I do believe that all parties could, and should, cooperate in this process. I would not wish to exclude anyone. But what is required is a plan to reform Parliament; to provide us (by which I mean each of the nations of the UK) with constitutional certainty; and we need to agree the basis for a new relationship both between us as nation states and with Europe which will, almost certainly, involve some renegotiation of existing terms, even if we were to remain in membership. But that might require some common sense to prevail; a sense of the greater national interest to be realised, and a rejection of extremist hard-lines that have become an unfortunate feature of current Parliamentary activity so that a solid basis for government can be recreated, since that has now been lost.

I am aware that I do, quite often, and blog posts stating that I live in hope. I have to do so again. I do not have any wild expectation. But, I can hope. And on this occasion, we all need to.