

## We're in a fight for sound government - and May ...

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I never expected to witness events like yesterday. Or come to that, those still to come. It was simply unimaginable during the years of my political edification (and so those of many senior parliamentarians) that there would be a day when the prime minister would admit she could not pass the only legislation that defined her government, and then lose control of the House of Commons and, despite that not only remain in office but do that with the very clear intention of defying the right of parliament, and so the people of this country who they represent, to have the legislation that they might want. This is an exercise in contempt for the due processes that have underpinned the way that the UK has been governed for so long that to a certain degree I have to agree with Bill Cash, and say that this is a dangerous precedent. But it is dangerous precisely because May willed it into existence and it is taking extraordinary steps to curtail her abuse of power.

So let's get the record straight: I am delighted MPs voted as they did last night. And despite being very fatigued I had to stay up until I knew what they had done.

Now let's move on and consider next steps. If Letwin uses an alternative vote or single transferable vote system the will of parliament can be determined on this issue. I suspect a multi-stage AV system, so preferences can be expressed when it is known what has been excluded, might produce the best outcome. In other words, within hours, and with little debate required because all sides already know the issues involved, parliament could do what May has consistently prevented, which is to express its will on what course of action it wishes to pursue. I am clear, my desire is revocation, followed by a People's Vote, and then soft Brexits. I will not express which in order: I do not know what will be offered.

My suspicion is I will not get what I would want. This is the UK, and compromise is what we used to do. I suspect a soft Brexit, most likely Norway++, will be the chosen option. It makes little sense to do that: you might as well stay in the EU in my opinion. And it removes none of the threat to the integrity of the UK: Scotland would still have every reason to leave (if it has not already). But that's where I think the choice will end up and I can see every reason for that. No one will be very happy. That's the foundation of

all successful compromises.

But will the government then pay any attention? This is the real question. And the evidence is that they will not. May has already virtually said so. So has Liam Fox, and Stephen Barclay (not that a man who can vote against a motion he has just appealed for support for has any moral authority). What May clearly intends to do is carry on with her own plan (if it can be called that) of offering her deal until time runs out. She will simply hold parliament in contempt and will it to do anything about it.

What she knows is that the Tories will not vote for a no-confidence motion.

What she also knows is that convention says that the government promotes legislation.

She what she hopes is that she can simply defy parliament until 12 April and then get no deal by default. The ERG will support her.

And constitutional experts say that this is the likely outcome.

I do not claim to be a constitutional expert. I am just an observer of these things over many years. But I will go back to my opening comment. There I noted that I had never expected to witness events like these. And my suggestion is that in our unwritten constitution if the Prime Minister acts as May is doing - which is outside any norm ever previously known - in an environment where the Fixed Term Parliament Act creates the need for new precedents - then to say matters will proceed as past convention dictates is simply wrong. I am quite sure Bercow will also think that. And he will permit past convention to be broken to permit the will of parliament to be legislated.

There are at least three ways to do this. Parliament can vote to suspend standing orders again to let this happen.

Or a procedural process could be used to introduce a Bill. There are a number of options, I think. For example a presentation bill could be upgraded for debate. <https://www.parliament.uk/site-information/glossary/presentation-bills/>.

Or the Lords could rush a bill through and then the Commons could pick it up. That is entirely possible.

In other words, I do not agree that there is no way to get round May. Precedent is Bercow's to make. Bill Cash will just have to be offended. Parliament has to rule. That is what democracy requires. Everything else is secondary, including the wishes of a prime minister whose judgment is now so impaired that her wishes have to be ignored. This is a fight for the future of sound government itself. I only hope MPs are up to it.