

## **Snap election: Conservatives seek stronger mandate for Brexit negotiations**

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Prime Minister Theresa May has proposed a snap general election for 8 June 2017. She believes the UK has a 'one-off' chance to hold an election while the EU agrees its Brexit negotiating position and before the detailed Brexit talks begin. The House of Commons will vote on the proposal on 19 April 2017 with a two-thirds majority needed to secure an early election under the Fixed Term Parliaments Act 2011. Legal experts believe the Conservative Party's mandate for a hard Brexit will depend upon the strength of their manifesto, and on whether it includes plans to leave the Single Market and Customs Union. Others suggest there is potential for a 'softening' of anti-EU rhetoric during the election campaign, which could have a detrimental effect on the UK's Brexit negotiating position. Despite previously ruling out an election before 2020, Ms May said: 'It was with reluctance that I decided the country needs this election...it is necessary to secure the strong and stable leadership the country needs to see us through Brexit and beyond.' She added: 'Every vote for the Conservatives will make me stronger when I negotiate for Britain with the prime ministers, presidents and chancellors of the European Union.'

### **Conservative mandate will depend on manifesto**

University of Leicester professor, Adam Cygan, said the Conservative Party's mandate to push for a hard Brexit will largely depend on the contents of its manifesto. Cygan notes that if the Conservatives include as a policy withdrawal from the Single Market and Customs Union, and they are elected, then they will have a clear mandate to follow through. However, he adds: 'It may be the case that this is seen as unpopular and that the public when faced with a clear prospect are unwilling to support this.'

Covington partner, Lisa Peets said: 'An increased majority gives the Prime Minister greater flexibility to push for a harder or a softer Brexit, depending on what she actually wants'. She added: 'A healthy majority helps May show the EU that she can deliver on her negotiating promises and also helps her more credibly push the 'no deal is better than a bad deal' position...should that prove necessary.'

Meanwhile, Stuart Thomson from Bircham Dyson Bell argues that if there is a softening of 'anti-European rhetoric' from the parties during the election campaign in order to appeal to the wider electorate, this could have the opposite effect to the one Ms May intends: 'It could embolden the EU and give its negotiators added impetus.'

### **EU27 will follow election with interest**

DLA Piper partner Jeroen Jansen believes the 27 EU Member States and EU Institutions will follow the election decision and subsequent events with great interest: 'This interest is mainly due to the fact that these elections are expected to delay the proper start of the Brexit negotiations, creating additional uncertainty and limit the time of any future UK government to conclude the negotiations in the set timeframe of two years.'

Stuart Thomson adds that the UK election is just one of a series taking place across Europe in 2017, each of which could impact on the Brexit negotiations: 'If Le Pen wins in France it is not entirely clear why the UK needs a general election when the very future of Europe will be of more pressing importance.'

Jeroen Jansen also notes that one question being asked in Brussels is: 'What will happen if a party or a coalition of parties win the UK election on a ticket of 'stay' or—as it would have to be labelled— 'Breversal'?'

### **Large majority will ease the process**

Eversheds Sutherland partner, Ros Kellaway points out that the Great Repeal Bill will require a huge legislative effort to translate 40 years' worth of EU legislation into UK law, but 'a larger majority will clearly ease the process: 'A stronger majority will also give a mandate for the Brexit model that has been put forward by the government, involving exit from the customs union and the single market.'

### **The effect on business**

Institute of Directors director general, Stephen Martin believes UK businesses must get used to regular political upheaval: 'This election must be used as a chance to properly debate what leaving the EU means for the long-term future of the UK, including how we continue to bring in the skills employers need.'

Martin adds: 'While Brexit will inevitably dominate the campaign, there are also much wider questions that need to be addressed on the changing nature of business and work, automation and our ageing society.'

Further reading on this subject is available in PSL Public Law. For instance:

- [Parliament and devolution—overview](#)
- [Fixed-term Parliaments Act 2011—a refresher](#)
- [Parliamentary elections, dissolution and summoning of Parliament](#)

For the latest updates on Brexit, see: [Brexit timeline](#).

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