AM: One big question. Is the government still in control of the country and the House of Commons? The Brexit Secretary, Steve Barclay is with me now.

First of all is this national emergency, as one of your colleagues has said?

SB: Well it is a crisis, because parliament is trying to take over the government. It’s got amendments down for Monday evening to take over the order paper of the House of Commons. That will be constitutionally unprecedented and a very serious risk to Brexit itself. And we should not lose sight of the fact that this was the biggest vote in our country’s history. 17.4 million people voted to leave and it is incumbent on parliament to act on the manifesto commitment both main parties gave to deliver on that referendum result.

AM: Nothing like this has ever happened in my lifetime and I don’t think since the 17th century. It is an extraordinary moment in our story. For people watching can I ask a very simple question. Who is in charge?

SB: Well the government and the Prime Minister is in charge.

AM: Really?

SB: and that is what we have negotiated through a deal. And if you actually look at the Withdrawal Agreement there is actually very little disagreement. It’s the only offer on the table from the European Union. It safeguards the 3 million citizen’s rights, of EU citizens in the UK. It respects our legal obligations. It protects Northern Ireland in terms of a hard border. The big debate in parliament is on the future, and what we need to do is get the Withdrawal Agreement delivered, that is the key priority.
AM: You’ve seen all the front pages today. Has anyone had a conversation with you in which they’ve said, it’s time to remove the Prime Minister?

SB: No.

AM: Nobody has said that to you?

SB: I think what was clear from what Iain Duncan Smith said on the programme earlier and what Ken Clarke says in the papers this morning, and I think most people would accept that both Iain Duncan Smith and Ken Clarke reflect a wide spectrum of views on Europe. And both said that a change of leadership at the moment would be a massive distraction and what we should be focusing on is how we deliver on what we committed to in the manifesto which was to respect the referendum result.

AM: Iain Duncan Smith said that when Cabinet Ministers do this kind of thing if they’re sitting around the table tomorrow, they should be sacked. Do you agree?

SB: Well, there’s a lot of emotion in the newspapers today.

AM: But do you agree if they do this?

SB: But what it is, it’s about the logic. Well if people break collective responsibility then obviously that is an issue for the Prime Minister and it’s for the Prime Minister to determine who is in her Cabinet. But one needs to strip away the emotion and look at the logic and the logic is that if a amendment goes through parliament, and last time it was only won by the government by two votes, if an amendment goes through where parliament takes control of the order paper, then that leaves open the door to parliament then legislating to take no deal off the table. And that is something that Brexiteers like me would see as a massive risk to Brexit, because if Brexiteers and parliament votes against the deal and also votes to take no deal off the table, then the only option is to then have European parliamentary elections. And I think for your viewers, three years after they voted to leave the European Union, to ask them to then vote for members of the European Parliament will be a huge affront to democracy.
AM: Here’s the real question. If indicative votes so called go ahead next week, whether under the control of the government or under control of MPs directly, if those votes go ahead with a range of possible options for the future of Britain, is the government bound by those, or not?

SB: Well the key question you say is ‘if,’ because we need to see how the vote goes.

AM: Yes, but I need to know the answer to that question.

SB: Well firstly we need to see if it does go ahead because I think the implications of that are so severe constitutionally that it will be a serious question for Members of Parliament whether they want to go ...

AM: It will be, but this is a really really important moment for the country and you really need to start to answer questions if I may say so, about this kind of thing. If the Commons takes control or if there are indicative votes, under the control of the Cabinet and the Commons votes for a different outcome, is the government bound by that or not?

SB: So the process will be that we will have an all day debate on Monday ahead of that vote. Now if that vote goes through and the House of Commons does take control of the Order Paper, then under the process there will be then be indicative votes on Wednesday.

AM: Exactly.

SB: Now it will be for the government then to decide on the timing as to whether it brings back a meaningful vote, either ahead of that or after that, and obviously that will be shaped by the debate on Monday and by the result of that vote.

AM: But if the Commons votes for some so called softer Brexit, votes for a customs union, alignment with the single market, whatever it might be, some kind of compromise vote in the House of Commons and then comes back to the government and says this is what the Commons can agree, the House of Commons can
finally agree and unite around one thing. Does the government simply ignore that or do you then honour the vote of the House of Commons?

SB: Well we’d have to look at what was voted on because obviously we need to see if it passes –

AM: So you might ignore the vote of the House of Commons in those circumstances?

SB: Well the vote itself would potentially collide with fundamental commitments the government has given in their manifesto. And so one of the key issues there is you potentially have parliament instructing the government to do something which is directly counter to what it was elected to deliver. Counter to what is in its manifesto.

AM: So what do you do?

SB: Well firstly we -

AM: Forgive my frustration. It’s a very straight forward question. What do you do?

SB: Well that vote of itself would not be binding, but obviously as we –

AM: Ah! So it would not be binding. You could ignore the vote of the House of Commons on an indicative vote?

SB: Well potentially it would collide as I say with the manifesto. We would need to see that. But what would potentially be opened by the process is also whether then parliament would go on to legislate to enforce for example taking no deal -

AM: That suggests the entire process is meaningless.

SB: No it doesn’t. What I’m saying –

AM: If you’re going to ignore it it’s meaningless.

SB: Well we need to see whether it goes through. What I’m saying is a motion of its – I’m stating the legal position – is that it is indicative –

AM: Well it’s constitutional and political position too. All across the continent, all around the country people have shouted at the House of Commons for goodness sake stop saying what you’re
against and tell us what you are for. If in these votes next week
the House of Commons does finally say what it is for and the
government then ignores that, then the process is literally
meaningless.

SB: No, because what parliament has done is vote for a number of
contradictory things, so we would need to untangle that. But
ultimately at its logical conclusion the risk of a General Election
increases because you potentially have a situation where
parliament is instructing the Executive to do something that is
counter to what it was elected to do. But the issue is, the legal
position –

AM: Let me be very clear and as fair as I possibly can. You are
saying there are two constitutional principles colliding here.
SB: Indeed.

AM: One is that there’s an elected government with its agenda,
and the other is that the House of Commons has voted for
something that the elected government doesn’t agree with. And
you think in those circumstances the only option is a General
Election?

SB: Well no, that’s not what I’m saying. What I’m saying is there
is a constitutional collision if parliament is instructing a
government to do something that is fundamentally against what it
has been elected to do. Now the legal position is, the clue’s in the
name it’s indicative votes. It is not of itself binding. Part of the
question would be is whether then parliament would seek to
legislate and use the Order Book to give enforce, so it maybe -

AN: Which they could do if they’d taken control.

SB: So there’s a question over that, but potentially. Now in that
instance parliament would in essence have been saying we are
legislating to take no deal off the table, but we are also not voting
for the deal. Well the only consequence of that would be European
Parliamentary elections, and I think for many in the Conservative
Party, but in parliament as a whole, that would run directly
counter to what people stood in the manifesto. And incidentally,
Andrew what the Labour Party themselves stood in their manifesto saying they would respect the referendum result. And such a vote would obviously be counter to their own manifesto.

AM: One thing the House of Commons could very easily do is to say we believe in the so called softer Brexit and that is where we want our future relationship to go and hand that back to the government. That’s not no deal, that’s not a referendum, that is a clear proposal. In those circumstances, as Brexit Secretary, do you take that idea back to Brussels and talk to them about it or not?

SB: Well look, the problem is parliament has voted against that option previously so all we’ve seen in parliament is constantly Members of Parliament voting against all the options and not uniting. And I come back to the fact that the best way of giving force to the referendum result is the deal that the Prime Minister has negotiated, because it gives control of our borders, it protects citizens’ rights and it respects our legal obligations. And what we’re really getting into is a debate on the phase 2 of the negotiations what happens under the Political Declaration, not what is in the Withdrawal Agreement which is what the key issue is in order that we can leave.

AM: Can you tell us now who actually decides how this indicative vote process goes ahead? Is it going to be Ministers or is it going to be MPs?

SB: Well, under the amendments - again there’s a series of amendments so we’ll need to play through in parliament and see which amendments firstly are taken by the Speaker. It’s the Speaker’s decision as to which amendments are selected. Then it’s a question of which amendments are successful or not. Last time they were defeated. There’s a question mark over whether this time. And then it will be as to what is set out in those amendments. So it’s a question of having the debate on Monday,
ANDREW MARR, STEPHEN BARCLAY, BREXIT SECRETARY

seeing how the votes happen and obviously a decision will be taken as the result of that.

AM: The Prime Minister has had by I think general consensus, an absolutely bloody week and the worst moment seems to be that speech on Wednesday where she said that 'MPs were navel gazing, they were playing political games. The British people deserve better than what the House has given them so far.' Do you think that was an adroit or sensible thing for her to say at that point?

SB: I think on a human level up and down the country people can sense the frustration that the Prime Minister feels after two and a half years of negotiating in the national interest to secure a deal.

AM: So she said it in a mood of anger?
SB: Well I think the Prime Minister has frustrations. I think many people watching this programme have frustrations. Many businesses want the certainty of backing this deal and getting on with their businesses and I think the frustration she was expressing is one that's shared by many people watching this programme. We have a deal. It's the only deal on the table. The EU have been unequivocal that there is not another option. There are various things being debated in parliament, such as around a customs union, all come with a Withdrawal Agreement, whatever option is chosen and I think the frustration the Prime Minister was expressing was one that many people watching the show also feel.

AM: But here we have a Prime Minister saying, I have the people at my back and then attacking MPs as letting down the country. Anna Soubry shortly after that found that she could not go home at the weekend because there was advice from the police, 'I had a really nasty death threat that was sent to our house.' This is what we are reduced to in our politics. Many other MPs are facing the same. Do you not think the Prime Minister bears some
responsibility for the level of hatred and aggression directed at MPs right across the House?

SB: Well I think all of us condemn any aspect of aggression and I think it’s –
AM: Condemning is relatively easy. I’m asking you who is responsible for stoking it?
SB: Well I think there’s a huge amount of emotion in this debate. I don’t think this is an issue that’s just arisen this week. Many of these concerns have been coming for some time and I think it’s beholden on all of us as part of this debate, to do all we can to lower the temperature and to focus on the issues rather than the emotions. And I think the key issue is the only deal on the table from the European Union is the one the Prime Minister has negotiated. That is the only one that will deliver on the referendum result. And I think what people up and down the country and in particular the business community are asking for, is for the certainty of getting this deal over the line.

AM: And do you think it helped that she made that speech?
SB: Well I think she was expressing her frustration. I think what we’ll see in the week ahead is Members of Parliament – and you saw this in Iain Duncan Smith’s comments I thought – is looking again at the deal on the table and the risk to Brexit if that deal is not backed. And I think what Iain said is the sort of question many other Members of Parliament will be thinking about in the coming days.

AM: Nobody quite knows what all those voters – the 17.4 million people who voted for Brexit actually thought they were voting for. How many of them really thought it was outside the customs union, or whatever. Nobody knows exactly what they voted for. What’s the real argument against having another referendum?
A million people marched in London for it, huge numbers of people, 5 million people or more have already signed a petition for revoking it. This is a really big movement.

SB: Well I think what matters is the 17.4 million at the ballot box. It is the important the march yesterday and I think we should take note of that and it’s part of our democratic process that people have the right to protest, the right to march. But ultimately in our democracy the way people express their will is at the ballot box and I think it is beholden on parliament to deliver that.

AM: I’m talking about ballot boxes. Ballot boxes on the referendum.

SB: Well we had a clear message to the British public by David Cameron and the government at the time to say what you decide will be acted on. And parliamentarians themselves, many of whom promised to respect the result, stood on a manifesto commitment in both the Labour and Conservative parties to deliver on that result are now seeking to revoke it. And I think that would undermine trust in our democracy. We do need to respect the referendum result and that means delivering on the vote we had in 2016.

AM; Again and again people like you talk about the majority and quite rightly, and ignore completely the views of the 48%. You’ve done nothing at all to reach out to them, nothing at all to make it easier for them.

SB: Quite the opposite. The reason the Prime Minister’s deal has had difficulty going through parliament is it is not pure enough for some who say, as you allude to, all 17.4 million people voted for a WTO exit. I was one of the Brexiteers, I supported leaving. I wasn’t voting to not have a trade deal with our largest trading partner. So we have some people in parliament saying on the one hand it’s not pure enough, and then we have others saying that they would respect the referendum result and then doing everything they can to undermine it. And the deal the Prime
Minister has negotiated is one that delivers a balanced Brexit. One that gives us control of our borders, but also protects jobs.

AM: We’ve had the list many times already. Can I just ask you very directly, does the third meaningful vote come back this week after the indicative votes?
SB: Well what we’ve said is we will bring it back when we’re confident we have the numbers. There’s no point bringing that back before. We’re taking soundings –
AM: So you don’t know at this stage?
SB: well we’re continuing to take soundings and those are ongoing today and in the coming days.

AM: Now you have said that a long delay to Brexit would be completely intolerable. If that happens as a result of these meaningful votes do you resign as Brexit Secretary?
SB: Well what I’ve said to my constituents, 70% who voted to leave, the idea of going back to them three years after that decision and asking them to vote in European Parliamentary elections, I think is intolerable. Now I think –
AM: So you resign, yes or no?
SB: I don’t think we will get to that point, because I think parliament –
AM: But if you do would you then go?
SB: - would intervene in terms of some colleagues before that point.

Ends