

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

BETWEEN:

THE QUEEN
on the application of
GINA MILLER

Claimant

- and -

THE PRIME MINISTER

Defendant

-and-

(1) BARONESS CHAKRABARTI, CBE, PC
(2) THE COUNSEL GENERAL FOR WALES

Interveners

THIRD EXHIBIT TO THE WITNESS STATEMENT OF JONATHAN GUY JONES
DATED 2 SEPTEMBER 2019

This is the exhibit marked "Exhibit JGJ/3" exhibited to the witness statement of Jonathan Guy Jones dated 2 September 2019.

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Minutes

COPY NO

CABINET

Minutes of a Meeting of the Cabinet
by conference call on

WEDNESDAY 28th August 2019
At 1005 AM

P R E S E N T

The Rt Hon Boris Johnson MP
Prime Minister

The Rt Hon Sajid Javid MP
Chancellor of the Exchequer

Rt Hon Dominic Raab MP
Secretary of State for Foreign and Commonwealth
Affairs and First Secretary of State

The Rt Hon Priti Patel MP
Secretary of State for the Home Department

The Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster

The Rt Hon Robert Buckland QC MP
Lord Chancellor and Secretary of State for Justice

The Rt Hon Stephen Barclay MP
Secretary of State for Exiting the European Union

The Rt Hon Matt Hancock MP
Secretary of State for Health and Social Care

The Rt Hon Andrea Leadsom MP
Secretary of State for Business, Energy and
Industrial Strategy

The Rt Hon Elizabeth Truss MP
Secretary of State for International Trade and
President of the Board of Trade

The Rt Hon Amber Rudd MP
Secretary of State for Work and Pensions and
Minister for Women and Equalities

The Rt Hon Gavin Williamson CBE MP
Secretary of State for Education

The Rt Hon Theresa Villiers MP
Secretary of State for Environment, Food and
Rural Affairs

The Rt Hon Robert Jenrick MP
Secretary of State for Housing, Communities and
Local Government

The Rt Hon Grant Shapps MP
Secretary of State for Transport

The Rt Hon Julian Smith MP
Secretary of State for Northern Ireland

The Rt Hon Alister Jack MP
Secretary of State for Scotland

The Rt Hon Nicky Morgan MP
Secretary of State for Digital, Culture, Media and
Sport

The Rt Hon Alok Sharma MP
Secretary of State for International Development

James Cleverly MP
Minister without Portfolio and Party Chair

ALSO PRESENT

The Rt Hon Rishi Sunak MP
Chief Secretary to the Treasury

The Rt Hon Geoffrey Cox QC MP
Attorney General

The Rt Hon Kwasi Kwarteng MP
Minister of State (for Energy), Department for Business, Energy and Industrial Strategy

The Rt Hon Oliver Dowden CBE MP
Paymaster General and Minister for the Cabinet Office

The Rt Hon Jake Berry MP
Minister of State, Cabinet Office and Ministry of Housing, Communities and Local Government

The Rt Hon Jo Johnson MP
Minister of State (Universities), Department for Business, Energy and Industrial Strategy
and Department for Education

The Rt Hon Brandon Lewis MP
Minister of State (for Security), Home Office

Secretariat

Sir Mark Sedwill
H MacNamara
J Key
T Rowland

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OFFICIAL - SENSITIVE

Parliamentary Business

THE PRIME MINISTER said that he was grateful to colleagues for joining the call. It was important that they were brought up to speed on decisions that had been taken. Exiting the EU on 31 October was the first priority of the Government. However, as he had made clear in his first speech as Prime Minister, the Government could not wait until after 31 October to demonstrate it was delivering on its domestic agenda. The following week, the Chancellor would set out the Government's priorities in the Spending Review. This would be an important moment but it alone was not sufficient. The current parliamentary session had been longer than any for the previous 400 years; it should be brought to an end so that the Government could set out its new legislative priorities including on violent crime, the National Health Service, investment in infrastructure, including full-fibre broadband, and other measures to ensure that the UK was a high-productivity economy.

Continuing, THE PRIME MINISTER said that he had just spoken to Her Majesty the Queen to request that the session should end on a date between 9 and 12 September, with a Queen's Speech on Monday 14 October. This timetable gave Parliament ample time to debate Brexit in the period before the October European Council on 17-18 October, and again in the run up to the UK's departure date on 31 October. It was important to emphasise that this decision to prorogue Parliament for a Queen's Speech was not driven by Brexit considerations: it was about pursuing an exciting and dynamic legislative programme to take forward the Government's agenda.

[Another Minister Said]

It was important to be clear that the timetable for prorogation did not conflict with the statutory responsibilities under the Northern Ireland (Executive Formation) Act 2019 (NIEF Act 2019). The new timetable would impact on the sitting days available to pass the Northern Ireland Budget Bill and potentially put at risk the ability to pass the necessary legislation relating to decision-making powers in a no deal scenario. This would be a significant decision for the future of Northern Ireland.

[Redacted text block]

In discussion the following points were made:

- a) the Prime Minister's plan demonstrated strong leadership and would allow the Government to outline a dynamic, forward-looking legislative agenda. The change of direction and new mood set by the Prime Minister was noticeable internationally as well as at home;
- b) any messaging should emphasise that the plan for a Queen's Speech was not intended to reduce parliamentary scrutiny or minimise Parliament's opportunity to make clear its views on Brexit. Parliament had already had significant opportunity to debate Brexit and would still have remaining parliamentary time to do so before 31 October. Likewise, it was crucial that parliamentary colleagues understood that the Government was still seeking a deal and that this plan would allow time for the Withdrawal Agreement to be approved by Parliament if a deal was agreed at the European Council on 17/18 October. Therefore, any suggestion that Government was using this as a tactic to frustrate Parliament should be rebutted;
- c) the number of sitting days had not been substantially reduced, because for the majority of the time that Parliament would be prorogued it would ordinarily be Recess for party conferences. Until relatively recently Parliament did not sit in September at all. Parliamentary colleagues should be made aware of this. Previous precedent after a change of Prime Minister was also relevant: for example, Gordon Brown had ended the session relatively quickly after taking office as Prime Minister. Q&A should be prepared along these lines;
- d) the terrain between now and October would be rocky. Although there had been longer periods of prorogation in the past, they were exceptional. Parliament would not normally be prorogued for a longer period than one to two weeks. It should be explained why in this case the period was significantly longer. The Government would be attacked for this decision, but it would be manageable;
- e) the Queen's Speech would be an excellent opportunity for the Government to set out its agenda and to bring a divided country back together. It would be a key moment for the Government to demonstrate its support in Parliament. The business managers

should consider carefully the number of days for debate on the Queen's Speech in the context of other pressures. There should be time allowed for other Exit-related parliamentary business, including a Meaningful Vote if required, before 31 October;

- f) it was important that the messaging did not appear to pit the Government against MPs, especially if there was a prospect of an early General Election. A number of MPs had previously experienced abuse for positions they had taken on Brexit, and the Government should play its part in guarding against this;
- g) it was clear there had been a shift in the mood of the EU in response to the Government's strategy. The Government had had more impact with the EU in the preceding six weeks than in the whole of the previous year;
- h) consideration should be given to the prioritisation of preferential trade deals and the way that they were put together so that less developed economies were not disadvantaged; especially given the potential opportunities for growth.

Responding, THE PRIME MINISTER said that he appreciated the sensitivities and complexities of the situation in Northern Ireland. It was not clear that the answer for Northern Ireland was more time. If anything, this should give further impetus to the push to restore the Northern Ireland Executive. He would speak to the leader of the Democratic Unionist Party to emphasise this point.

Continuing, THE PRIME MINISTER said that it was vital to persuade and enthuse parliamentary colleagues to get behind the Government's plan. The EU were likely to hold out for Parliament to block Brexit while they thought that was possible. The UK would only be able to negotiate a better deal by showing the EU a united front, including in Parliament. Two messages had landed with the EU: that the UK wanted a deal and was prepared to work hard to get one; but also that the Government was prepared to leave without one if necessary. There had been absolute clarity with the EU about the aspects of the current Withdrawal Agreement that were unacceptable. The backstop was fundamentally undemocratic. It bound the UK into EU laws over which it had no say and tilted the balance of the Good Friday Agreement away from the UK by giving Dublin a greater say over matters in Northern Ireland.

Concluding, THE PRIME MINISTER said that progress with the EU

should not be exaggerated, but it was substantial. Whilst there was a good chance that a deal could be secured, there was also a high chance that it could not. Success would require a united and determined approach. Everyone joining the Government had done so on the understanding that the UK might have to leave the EU without a deal. There were no plans for an early General Election. This would not be right for the British people: they had faced an awful lot of electoral events in recent years. They wanted the Government to deliver Brexit and a strong domestic agenda.

The Cabinet:

] - took note