SUPPLEMENT TO THE VOTES AND PROCEEDINGS

Wednesday 15 November 2017
COMMITTEE OF THE WHOLE HOUSE
PROCEEDINGS

EUROPEAN UNION (WITHDRAWAL) BILL
[SECOND DAY]

GLOSSARY

This document shows the fate of each clause, schedule, amendment and new clause.

The following terms are used:

Agreed to: agreed without a vote.
Agreed to on division: agreed following a vote.
Negatived: rejected without a vote.
Negatived on division: rejected following a vote.
Not called: debated in a group of amendments, but not put to a decision.
Not moved: not debated or put to a decision.
Question proposed: debate underway but not concluded.
Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.
Not selected: not chosen for debate by the Chair.

NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 2, CLAUSE 2
NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 3, CLAUSE 3
NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 4, CLAUSE 4

NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 2, CLAUSE 2

Jeremy Corbyn
Mr Nicholas Brown
Keir Starmer
Jenny Chapman
Matthew Pennycook
Paul Blomfield

Valerie Vaz    Caroline Lucas    Paul Farrelly
Mr David Lammy
Kerry McCarthy
Helen Hayes
Susan Elan Jones
Chris Bryant
Hugh Gaffney
Mr George Howarth
Mike Gapes
Ms Harriet Harman
Catherine McKinnell
Stephen Kinnock
Seema Malhotra
Angela Smith
Martin Whitfield
Vernon Coaker
Stephen Timms
Ian Murray
Stephen Doughty
Stella Creasy
Catherine West
Tulip Siddiq
Geraint Davies
Ann Coffey

To move the following Clause—

"Retaining Enhanced Protection"

Regulations provided for by Acts of Parliament other than this Act may not be used by Ministers of the Crown to amend or modify retained EU law in the following areas—

(a) employment entitlement, rights and protections;
(b) equality entitlements, rights and protections;
(c) health and safety entitlement, rights and protections;
(d) fundamental rights as defined in the EU Charter of Fundamental Rights.”

Mr Chris Leslie
Mr David Lammy
Ian Murray
Mike Gapes
Helen Hayes
Mr Ben Bradshaw

Stephen Kinnock
Dr Philippa Whitford
Martyn Day
Ann Coffey

Chris Bryant
Tulip Siddiq
Paul Farrelly

Angela Smith
Martin Whitfield
Neil Coyle

"Provisions relating to the EU or the EEA in respect of EU-derived domestic legislation"

HM Government shall make arrangements to report to both Houses of Parliament whenever circumstances arising in section 2(2)(d) would otherwise have amended provisions or definitions in UK law had the UK remained a member of the EU or EEA beyond exit day.”
Committee of the whole House Proceedings: 15 November 2017

European Union (Withdrawal) Bill, continued

Kerry McCarthy
Caroline Lucas
Mike Gapes
Mary Creagh
Mr Ben Bradshaw
Darren Jones

Kerry McCarthy
Caroline Lucas
Mike Gapes
Mary Creagh
Mr Ben Bradshaw
Darren Jones

Ruth Cadbury Catherine McKinnell Stella Creasy
Ms Karen Buck Ms Angela Eagle Ian Murray
Stephen Doughty Mrs Madeleine Moon Helen Hayes
Mr Kenneth Clarke Rushanara Ali Mr David Lammy
Stephen Kinnock Ann Coffey Seema Malhotra
Chris Bryant Susan Elan Jones Martin Whitfield
Paul Farrelly Patrick Grady Tom Brake
Wera Hobhouse Tim Farron Stephen Timms

Negatived on division NC25

To move the following Clause—

“Treatment of retained law

(1) Following the commencement of this Act, no modification may be made to retained EU law save by primary legislation, or by subordinate legislation made under this Act.

(2) By regulation, the Minister may establish a Schedule listing technical provisions of retained EU law that may be amended by subordinate legislation.

(3) Regulations made under subsection (2) will be subject to an enhanced scrutiny procedure including consultation with the public and relevant stakeholders.

(4) Regulations may only be made under subsection (2) to the extent that they will have no detrimental impact on the UK environment.

(5) Delegated powers may only be used to modify provisions of retained EU law listed in any Schedule made under subsection (2) to the extent that such modification will not limit the scope or weaken standards of environmental protection.”

Frank Field
Ruth Smeeth
Mr Ronnie Campbell
Gareth Snell
Kelvin Hopkins
Gordon Henderson

Kate Hoey

Not called NC50

To move the following Clause—

“Continuing validity in the United Kingdom of European Union law

(1) The European Communities Act 1972 shall continue to have effect in the United Kingdom after the date on which the United Kingdom leaves the European Union as if the United Kingdom continued to be bound by the Treaties.

(2) Accordingly all such rights, powers, liabilities, obligations and restrictions created or arising by or under the Treaties, and all such remedies as provided for by or under the Treaties, as in accordance with the Treaties are without further
enactment given legal effect or used in the United Kingdom shall continue to be recognised and available in law, and be enforced, allowed and followed accordingly.

(3) Subsections (1) and (2) do not apply to any primary legislation passed by Parliament coming into force after the date of exit from the European Union which includes a provision to the effect that that Act, or specified provisions of that Act, have effect notwithstanding the provisions of section (Continuing validity in the United Kingdom of European Union law)(1) and (2) of the European Union (Withdrawal) Act 2017.”

Frank Field  
Ruth Smeeth  
Mr Ronnie Campbell  
Gareth Snell  
Kelvin Hopkins  
Gordon Henderson  
Kate Hoey

Not called NC51

To move the following Clause—

“Duty of review of European Union law

(1) The Prime Minister must lay before Parliament within six months of the date of the United Kingdom leaving the European Union, and at least once a year thereafter, a review of all European Union legislation and decisions still applicable to the United Kingdom, with proposals for re-enactment, replacement or repeal by the United Kingdom Parliament of any provisions of European Union law, with or without modification, as United Kingdom legislation.

(2) The House of Commons may appoint or designate one or more select committees to consider any report under subsection (1).”

Mr Dominic Grieve  
Tom Brake  
Sir Vince Cable  
Jo Swinson  
Sir Edward Davey  
Robert Neill  
Seema Malhotra  
Lady Hermon  
Mr David Lammy  
Antoinette Sandbach  
Layla Moran  
Anna Soubry
European Union (Withdrawal) Bill, continued

To move the following Clause—

“Treatment of retained law (No. 2)

(1) Following the day on which this Act is passed, no modification may be made to retained EU law except by primary legislation, or by subordinate legislation made under this Act.

(2) The Secretary of State must by regulations establish a schedule listing technical provisions of retained EU law that may be amended by subordinate legislation.

(3) Subordinate legislation to which subsection (2) applies must be subject to an enhanced scrutiny procedure, to be established by regulations made by the Secretary of State after approval in draft by both Houses of Parliament, which must include consultation with the public and relevant stakeholders.

(4) Delegated powers may be used only to modify provisions of retained EU law listed in any Schedule made under subsection (2) to the extent that such modification will not limit the scope or weaken standards of equalities, environmental and employment protection, and consumer standards.”

To move the following Clause—

“Retaining Enhanced Protection (No. 2)

Regulations provided for by Acts of Parliament other than this Act may not be used by Ministers of the Crown to amend, repeal or modify retained EU law in the following areas—

(a) employment entitlement, rights and protection;
(b) equality entitlements, rights and protection;
(c) health and safety entitlement, rights and protection;
(d) consumer standards; and
(e) environmental standards and protection.”
European Union (Withdrawal) Bill, continued

Clause 2, page 1, line 12, after “passed” insert “and commenced,”

Not called 200

Clause 2, page 1, line 19, at end insert “or any enactment to which subsection (2A) applies.

“(2A) This subsection applies to any enactment of the United Kingdom Parliament which—

(a) applies to Wales and does not relate to matters specified in Schedule 7A to the Government of Wales Act 2006,
(b) applies to Scotland and does not relate to matters specified in Schedule 5 to the Scotland Act 1998,
(c) applies to Northern Ireland and does not relate to matters specified in Schedules 2 or 3 to the Northern Ireland Act 1998.”

Not called 87

Clause 2, page 1, line 19, at end insert—

“(2A) For the purposes of this Act, any EU-derived domestic legislation has effect in domestic law immediately before exit day if—

(a) in the case of anything which shall apply or be operative from a particular date, applies or is operative before exit day, or
(b) in any other case, it has been commenced and is in force immediately before exit day.”

Clause agreed to.
Hywel Williams
Liz Saville Roberts
Jonathan Edwards
Ben Lake
Martyn Day
Douglas Chapman

Clause 3, page 2, leave out lines 13 to 22

Robert Neill
Stephen Hammond
Wes Streeting

Clause 3, page 2, line 22, at end insert—

“(2A) A Minister of the Crown may by regulations provide for prospective EU legislation to form part of domestic law as it has effect in EU law, from the time at which it begins to apply or from some later time.

(2B) In subsection (2A) “prospective EU legislation” means—

(a) an EU regulation which is adopted, notified or in force immediately before exit day, or

(b) EU tertiary legislation made under retained EU law, so far as it is not operative immediately before exit day.

(2C) A statutory instrument containing regulations under subsection (2A) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Clause agreed to.

Caroline Lucas
Kerry McCarthy
Tom Brake
Liz Saville Roberts
Jim Fitzpatrick
Helen Hayes

Angela Smith
Stephen Gethins
Jo Swinson
Mike Gapes

Patrick Grady
Daniel Zeichner
Sir Edward Davey
Layla Moran

Peter Grant
Sir Vince Cable
Seema Malhotra
Dr Philippa Whitford
European Union (Withdrawal) Bill, continued

To move the following Clause—

“EU Protocol on animal sentience
Obligations and rights contained within the EU Protocol on animal sentience set out in Article 13 of Title II of the Lisbon Treaty shall be recognised and available in domestic law on and after exit day, and shall be enforced and followed accordingly.”

Not called NC60

To move the following Clause—

“Retention of principles of EU environmental law
(1) On and after exit day the environmental principles of European Union law become principles of United Kingdom law in accordance with this section.
(2) The “environmental principles of EU law” are the principles set out in Article 191 of the Treaty on the Functioning of the European Union (the precautionary principle; the principle that preventive action should be taken; the principle that environmental damage should as a priority be rectified at source and that the polluter should pay).
(3) A court or tribunal interpreting or applying an enactment must, so far as it is possible to do so, construe or apply the enactment in a manner that is compatible with the environmental principles of EU law.
(4) A public authority must, in the exercise of its functions, have regard to the environmental principles of EU law.”
To move the following Clause—

“Environmental protection: principles under Article 191 of TFEU

(1) Principles contained in Article 191 of TFEU in relation to environmental protection and listed in subsection (2) shall continue to be recognised and applied on and after exit day.

(2) The principles are—

(a) the precautionary principle as it relates to the environment,
(b) the principle that preventive action should be taken to avert environmental damage,
(c) the principle that environmental damage should as a priority be rectified at source, and
(d) the principle that the polluter should pay.”

Kerry McCarthy
Caroline Lucas
Mary Creagh
Mr Ben Bradshaw
Darren Jones
Ruth Cadbury

Catherine McKinnell    Stella Creasy    Ms Karen Buck
Ms Angela Eagle        Ian Murray       Stephen Doughty
Mrs Madeleine Moon     Helen Hayes     Angela Smith
Mr David Lammy         Ann Coffey      Seema Malhotra
Mike Gapes             Tulip Siddiq    Martin Whitfield
Paul Farrelly          Patrick Grady   Ann Coffey
Angus Brendan MacNeil  Wera Hobhouse  Tim Farron

Clause 4, page 2, line 45, leave out sub-paragraph (b)
Clause 4, page 2, line 47, at end insert—

“(1A) Rights, powers, liabilities, obligations, restrictions, remedies and procedures under subsection (1) shall include directly effective rights contained in the following Articles of, and Protocols to, the Treaty on the Functioning of the European Union—

<table>
<thead>
<tr>
<th>Right/Provision</th>
<th>Article No.</th>
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<tr>
<td>Non-discrimination on ground of nationality</td>
<td>Article 18</td>
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<td>Citizenship rights</td>
<td>Article 20 (except article 20(2)(c))</td>
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<td>Rights of movement and residence deriving from EU citizenship</td>
<td>Article 21(1)</td>
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<td>Establishes customs union, prohibition of customs duties, common external tariff</td>
<td>Article 28</td>
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<tr>
<td>Prohibition on customs duties</td>
<td>Article 30</td>
</tr>
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<td>Prohibition on quantitative restrictions on imports</td>
<td>Article 34</td>
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<tr>
<td>Prohibition on quantitative restrictions on exports</td>
<td>Article 35</td>
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<tr>
<td>Exception to quantitative restrictions</td>
<td>Article 36</td>
</tr>
<tr>
<td>Prohibition on discrimination regarding the conditions under which goods are procured</td>
<td>Article 37(1) and (2)</td>
</tr>
<tr>
<td>Free movement of workers</td>
<td>Article 45(1), (2) and (3)</td>
</tr>
<tr>
<td>Freedom of establishment</td>
<td>Article 49</td>
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<tr>
<td>Freedom to provide services</td>
<td>Article 56</td>
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<tr>
<td>Services</td>
<td>Article 57</td>
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<tr>
<td>Free movement of capital</td>
<td>Article 63</td>
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<tr>
<td>Competition</td>
<td>Article 101(1)</td>
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<tr>
<td>Abuse of a dominant position</td>
<td>Article 102</td>
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<td>Public undertakings</td>
<td>Article 106(1) and (2)</td>
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<tr>
<td>State aid</td>
<td>Article 107(1)</td>
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</tbody>
</table>
European Union (Withdrawal) Bill, continued

<table>
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<th>Commission consideration of plans re: state aid</th>
<th>Article 108(3)</th>
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</thead>
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<td>Internal taxation</td>
<td>Article 110</td>
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<td>Non-discrimination in indirect taxes</td>
<td>Articles 111 to 113</td>
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<tr>
<td>Economic co-operation</td>
<td>Articles 120 to 126</td>
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<td>Equal pay</td>
<td>Article 157</td>
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<tr>
<td>European Investment Bank (EIB)</td>
<td>Article 308 (first and second sub-paragraphs)</td>
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<tr>
<td>Combating fraud on the EU</td>
<td>Article 325(1) and (2)</td>
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<td>Disclosure of information and national security</td>
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<tr>
<td>EIB</td>
<td>Protocol 5 - Articles 3, 4, 5, 7(1), 13, 15, 18(4), 19(1) and (2), 20(2), 23(1) and (4), 26, 27 (second and third sub-paragraphs)</td>
</tr>
<tr>
<td>Privileges and immunities of the EIB</td>
<td>Protocol 7 - Article 21</td>
</tr>
</tbody>
</table>

Clause 4, page 2, line 47, at end insert—
“(1A) Rights, powers, liabilities, obligations, restrictions, remedies and procedures under subsection (1) shall include directly effective rights and obligations contained in the United Nations Convention on the Rights of the Child.”

Kate Green
Ann Coffey
Rushanara Ali
Mr Chris Leslie
Stella Creasy
Mrs Madeleine Moon

Angela Smith Heidi Alexander Stephen Doughty
Tulip Siddiq Helen Hayes Chuka Umunna
Catherine McKinnell Mike Gapes Jo Swinson
Caroline Lucas Mr Barry Sheerman Lisa Nandy
Tom Brake Sir Vince Cable Ian Murray
Sir Edward Davey Stephen Kinnock
Seema Malhotra Catherine West Jamie Stone
Chris Bryant Mr David Lammy Layla Moran
Wera Hobhouse Martin Whitfield Paul Farrelly
Stephen Timms

Not called 148
Clause 4, page 3, line 4, leave out paragraph (b)

Clause 4, page 3, line 9, at end insert—

“(4) Where, following the United Kingdom’s exit from the EU, no specific provision has been made in respect of an aspect of EU law applying to the UK or any part of the United Kingdom immediately prior to the United Kingdom’s exit from the EU, that aspect of EU law shall continue to be effective and enforceable in the United Kingdom with equivalent scope, purpose and effect as immediately before exit day.

(5) Where, following the United Kingdom’s exit from the EU, retained EU law is found to incorrectly or incompletely transpose the requirements of EU legislation in force on exit day, a Minister of the Crown shall make regulations made subject to an enhanced scrutiny procedure so as to ensure full transposition of the EU legislation.”

Clause agreed to.

Progress reported.