



SUPPLEMENT TO THE VOTES AND PROCEEDINGS

Tuesday 21 November 2017

COMMITTEE OF THE WHOLE HOUSE PROCEEDINGS

EUROPEAN UNION (WITHDRAWAL) BILL

[THIRD 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Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.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.

European Union (Withdrawal) Bill, *continued*

NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 5 OR SCHEDULE 1, CLAUSE 5, SCHEDULE 1

Mr Chris Leslie
Mr Pat McFadden
Chuka Umunna
Paul Farrelly
Mr David Lammy
Ian Murray

Stephen Doughty
Catherine McKinnell
Angela Smith
Stephen Kinnock
Chris Bryant
Neil Coyle

Kate Green
Helen Hayes
Rushanara Ali
Ann Coffey
Mike Gapes
Stephen Timms

Kerry McCarthy
Mr Ben Bradshaw
Stella Creasy
Catherine West
Martin Whitfield
Lady Hermon

Withdrawn after debate **NC16**

To move the following Clause—

“Charter of Fundamental Rights – Government Report

- (1) Within one month of Royal Assent of this Act, HM Government shall lay a report before both Houses of Parliament reviewing the implications of removing the Charter of Fundamental Rights from domestic law after exit day as set out in section 5(4) of this Act.
 - (2) The report under subsection (1) shall set out the policy of Her Majesty’s Government specifically in relation to the fundamental rights of—
 - (a) dignity, the right to life, to freedom from torture, slavery, the death penalty, eugenic practices and human cloning,
 - (b) freedoms, the right to liberty, personal integrity, privacy, protection of personal data, marriage, thought, religion, expression, assembly, education, work, property and asylum,
 - (c) equality, the right to equality before the law, prohibition of all discrimination including on basis of disability, age and sexual orientation, cultural, religious and linguistic diversity, the rights of children and the elderly,
 - (d) solidarity, the right to fair working conditions, protection against unjustified dismissal, and access to health care, social and housing assistance,
 - (e) citizens’ rights, the rights of citizens such as the right to vote in elections and to move freely, the right to good administration, to access documents and to petition Parliament, and
 - (f) justice, the right to an effective remedy, a fair trial, to the presumption of innocence, the principle of legality, non-retrospectivity and double jeopardy.”
-

European Union (Withdrawal) Bill, *continued*

Tom Brake
Stephen Kinnock
Wera Hobhouse
Tim Farron

Not called NC78

To move the following Clause—

“Consequences of leaving the European Union: equality

- (1) This section comes into force when the power under section 14 to appoint exit day for the purposes of this Act is first exercised.
 - (2) The purpose of this section is to ensure that the withdrawal of the United Kingdom from the European Union does not diminish protection for equality in the law of the United Kingdom.
 - (3) All individuals are equal before the law and have the right to the equal protection and benefit of the law.
 - (4) All individuals have a right not to be discriminated against by any public authority on any grounds including sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.
 - (5) The following provisions of the Human Rights Act 1998 apply in relation to the rights conferred by subsections (3) and (4) as they apply in relation to Convention rights within the meaning of that Act—
 - (a) section 3 (interpretation of legislation);
 - (b) section 4 (declaration of incompatibility);
 - (c) section 5 (right of Crown to intervene);
 - (d) section 6 (acts of public authorities);
 - (e) section 7 (proceedings);
 - (f) section 8 (judicial remedies);
 - (g) section 9 (judicial acts);
 - (h) section 10 (power to take remedial action);
 - (i) section 11 (safeguard for existing human rights); and
 - (j) section 19 (statements of compatibility).
 - (6) A court or tribunal must have regard to any relevant decisions of the European Court of Human Rights in considering—
 - (a) the application of this section generally, and
 - (b) in particular, the meaning of discrimination for the purposes of this section.”
-

European Union (Withdrawal) Bill, *continued*

Ellie Reeves
 Tonia Antoniazzi
 Seema Malhotra
 Julie Elliott
 Ian Murray
 Catherine West

Mike Amesbury	Thelma Walker	Mr David Lammy
Jess Phillips	Jo Swinson	Caroline Lucas
Chris Stephens	Liz Kendall	Alison McGovern
Rushanara Ali	Martin Whitfield	Mr Paul Sweeney
Jo Platt	Gerard Killen	Sarah Jones
Laura Smith	Helen Hayes	Kerry McCarthy
Daniel Zeichner	Gareth Snell	Tracy Brabin
Preet Kaur Gill	Kate Green	Stella Creasy
Sarah Champion	Ms Harriet Harman	Mrs Angela Eagle
Lucy Powell	Maria Eagle	Rosie Cooper
Hugh Gaffney	Ruth George	James Frith
Mrs Madeline Moon	Bambos Charalambous	George Howarth
Stephen Gethins	Rosie Duffield	Anna McMorrin
Rupa Huq	Ruth Cadbury	Darren Jones
Mr Roger Godsiff		

Negated on division **NC79**

To move the following Clause—

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

- (1) Notwithstanding the provisions of section 5(1), 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.
- (2) Notwithstanding the provisions of section 5(1) and having reported to both Houses of Parliament, HM Government is bound to consider whether it should incorporate amended provisions or definitions into UK law, in order to ensure that the rights of workers and employees in the UK are no less favourable than they would have been had the UK remained a member of the EU or EEA beyond exit day.
- (3) Such circumstances arising in section 2(2)(d) include but are not limited to—
 - (a) any future EU Directives relating to family-friendly employment rights; including but not limited to rights for pregnant workers and employees, and those returning from maternity leave,
 - (b) any future EU Directives relating to gender equality,
 - (c) the proposed Directive of the European Parliament and of the Council on work-life balance for parents and carers.
- (4) Reports presented under subsection (1) must include—
 - (i) an assessment of how such amendments to UK law would have impacted sex equality in the UK had the UK remained a member of the EU or EEA beyond exit day and

European Union (Withdrawal) Bill, continued

- (ii) an assessment of how a failure to implement amended provisions or definitions in UK law will impact the ability of families to combine work and care in the UK and gender equality in the UK.”

Mr Dominic Grieve
Robert Neill
Steve McCabe
Antoinette Sandbach
Anna Soubry
Nicky Morgan

Wera Hobhouse
Ann Coffey
Lady Hermon

Tim Farron
Mike Gapes
Stephen Hammond

Paul Farrelly
Mr Jonathan Djanogly

Not called 297

Clause 5, page 3, line 11, leave out “or rule of law”

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

Catherine West
Vernon Coaker
Lady Hermon

Mike Gapes
Paul Farrelly
Ms Harriet Harman

Mr David Lammy
Ann Coffey

Not called 285

Clause 5, page 3, line 12, after “exit day” insert “as appointed for the purposes of this section (see subsection (5A))”

Mr Dominic Grieve
Robert Neill
Steve McCabe
Antoinette Sandbach
Anna Soubry
Nicky Morgan

Wera Hobhouse
Ann Coffey
Stephen Hammond

Tim Farron
Mike Gapes

Paul Farrelly
Lady Hermon

Not called 298

Clause 5, page 3, line 15, leave out “or rule of law”

European Union (Withdrawal) Bill, *continued*

Mr Dominic Grieve
Robert Neill
Steve McCabe
Catherine West
Antoinette Sandbach
Anna Soubry

Nicky Morgan
Paul Farrelly
Lady Hermon

Wera Hobhouse
Ann Coffey
Stephen Hammond

Tim Farron
Mike Gapes

Not called 299

Clause 5, page 3, line 17, leave out “or rule of law”

Mr Dominic Grieve
Mr Kenneth Clarke
Nicky Morgan
Anna Soubry
Antoinette Sandbach
Stephen Hammond

Dr Sarah Wollaston
Tom Brake
Ian Blackford
Paul Farrelly
Patrick Grady
Peter Grant
Stephen Doughty
Catherine McKinnell
Mr Ben Bradshaw
Mr George Howarth
Ann Coffey
Jamie Stone
Mr Gavin Shuker
Dr Philippa Whitford
Hywel Williams

Jeremy Lefroy
Sir Vince Cable
Chuka Umunna
Joanna Cherry
Stephen Gethins
Ian Murray
Mike Gapes
Heidi Allen
Angela Smith
Daniel Zeichner
Seema Malhotra
Rushanara Ali
Norman Lamb
Wera Hobhouse
Martin Whitfield

Robert Neill
Mr Alistair Carmichael
Caroline Lucas
Ms Harriet Harman
Kirsty Blackman
Liz Kendall
Kerry McCarthy
Helen Hayes
Mr David Lammy
Stephen Kinnock
Catherine West
Lady Hermon
Kate Green
Tulip Siddiq
Stephen Timms

Not called 8

Clause 5, page 3, line 20, leave out subsections (4) and (5).

European Union (Withdrawal) Bill, *continued*

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

Valerie Vaz
Chuka Umunna
Mr Ben Bradshaw
Caroline Lucas
Ms Harriet Harman
Kate Green
Helen Hayes
Rushanara Ali
Steve McCabe
Jamie Stone
Martin Whitfield
Stephen Timms

Mr Chris Leslie
Neil Coyle
Stephen Doughty
Paul Farrelly
Ian Murray
Kerry McCarthy
Angela Smith
Stella Creasy
Seema Malhotra
Wera Hobhouse
Geraint Davies
Lady Hermon

Mike Gapes
Peter Kyle
Mr Pat McFadden
Mr David Lammy
Liz Kendall
Catherine McKinnell
Stephen Kinnock
Ann Coffey
Catherine West
Tulip Siddiq
Vernon Coaker

Negatived on division **46**

Clause 5, page 3, line 20, leave out subsection (4)

Stephen Timms
Daniel Zeichner
Tom Brake
Sir Vince Cable
Jo Swinson
Sir Edward Davey

Ian Murray
Norman Lamb
Ann Coffey
Drew Hendry
Lady Hermon

Mike Gapes
Wera Hobhouse
Mr Chris Leslie
Peter Grant
Robert Neill

Mr David Lammy
Martin Whitfield
Darren Jones
Ian C. Lucas

Not called **151**

Clause 5, page 3, line 26, at end insert—

“(5A) Within three months of the commencement of this section, the Secretary of State must lay before Parliament regulations to create a fundamental right to the protection of personal data.

(5B) A statutory instrument containing regulations under subsection (5A) may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.”

 European Union (Withdrawal) Bill, *continued*

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

Ian Murray
 Mr David Lammy
 Paul Farrelly

Seema Malhotra
 Martin Whitfield
 Ann Coffey

Mike Gapes
 Vernon Coaker
 Ms Harriet Harman
Not called **286**

Clause 5, page 3, line 26, at end insert—

“(5A) The exit day appointed (in accordance with section 14 and paragraph 13 of Schedule 7) for the purposes of this section must not be before the end of any transitional period agreed under Article 50 of the Treaty on the Functioning of the European Union.”

Clause agreed to.

Mr Dominic Grieve
 Mr Kenneth Clarke
 Nicky Morgan
 Anna Soubry
 Antoinette Sandbach
 Stephen Hammond

Dr Sarah Wollaston
 Chuka Umunna
 Joanna Cherry
 Liz Kendall
 Kerry McCarthy
 Mr Ben Bradshaw
 Mr David Lammy
 Tom Brake
 Sir Edward Davey
 Seema Malhotra
 Layla Moran
 Kate Green
 Hywel Williams

Jeremy Lefroy
 Caroline Lucas
 Ms Harriet Harman
 Stephen Doughty
 Catherine McKinnell
 Angela Smith
 Stella Creasy
 Sir Vince Cable
 Ann Coffey
 Jamie Stone
 Lady Hermon
 Wera Hobhouse
 Martin Whitfield

Robert Neill
 Paul Farrelly
 Ian Murray
 Mike Gapes
 Helen Hayes
 Stephen Kinnock
 Mr George Howarth
 Jo Swinson
 Susan Elan Jones
 Chris Bryant
 Mr Gavin Shuker
 Tulip Siddiq
 Stephen Timms
Not called **10**

Schedule 1, page 15, line 5, leave out paragraphs 1 to 3

European Union (Withdrawal) Bill, *continued*

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

Catherine McKinnell
 Ms Angela Eagle
 Mrs Madeleine Moon
 Mr David Lammy
 Susan Elan Jones
 Mike Gapes
 Martin Whitfield
 Norman Lamb
 Tim Farron

Stella Creasy
 Ian Murray
 Helen Hayes
 Stephen Kinnock
 Seema Malhotra
 Wera Hobhouse
 Paul Farrelly
 Angus Brendan MacNeil
 Stephen Timms

Ms Karen Buck
 Stephen Doughty
 Angela Smith
 Ann Coffey
 Chris Bryant
 Tulip Siddiq
 Patrick Grady
 Tom Brake
 Layla Moran

Not called 101

Schedule 1, page 15, line 17, leave out paragraph 2 and insert—

- “2 (1) Any general principle of EU law will remain part of domestic law on or after exit day if—
- (a) it was recognised as a general principle of EU law by the European Court in a case decided before exit day (whether or not as an essential part of the decision in the case);
 - (b) it was recognised as a general principle of EU law in the EU Treaties immediately before exit day;
 - (c) it was recognised as a general principle of EU law by any direct EU legislation (as defined in section 3(2) of this Act) operative immediately before exit day; or
 - (d) it was recognised as a general principle of EU law by an EU directive that was in force immediately before exit day.
- (2) Without prejudice to the generality of sub-paragraph (1), the principles set out in Article 191 of the Treaty on the Functioning of the European Union shall be considered to be general principles for the purposes of that sub-paragraph.”

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

Martin Whitfield
 Mike Gapes

Vernon Coaker
 Ms Harriet Harman

Ann Coffey

Negated on division 336

Schedule 1, page 15, line 17, leave out paragraphs 2 and 3 and insert—

- “2A (1) Any general principle of EU law will remain part of domestic law on or after exit day if—
- (a) it was recognised as a general principle of EU law by the European Court in a case decided before exit day (whether or not as an essential part of the decision in the case);
 - (b) it was recognised as a general principle of EU law in the EU Treaties immediately before exit day;
 - (c) it was recognised as a general principle of EU law by any direct EU legislation (as defined in section 3(2) of this Act) operative immediately before exit day; or

European Union (Withdrawal) Bill, *continued*

- (d) it was recognised as a general principle of EU law by an EU directive that was in force immediately before exit day.
- 2B Without prejudice to the generality of paragraph 2A, the principles set out in Article 191 of the Treaty on the Functioning of the European Union shall be considered to be general principles for the purposes of that paragraph.
- 2C For the purposes of paragraphs 1A and 1B the exit day appointed must be the same day as is appointed for section 5(1) of this Act and must not be before the end of any transitional period agreed under Article 50 of the Treaty on the Functioning of the European Union.”

Kerry McCarthy
 Caroline Lucas
 Ian Murray
 Mary Creagh
 Mr Ben Bradshaw
 Darren Jones

Ruth Cadbury
 Ms Karen Buck
 Mrs Madeleine Moon
 Stephen Kinnock
 Chris Bryant
 Wera Hobhouse
 Patrick Grady
 Stephen Timms

Catherine McKinnell
 Ms Angela Eagle
 Helen Hayes
 Ann Coffey
 Mike Gapes
 Martin Whitfield
 Angus Brendan MacNeil
 Layla Moran

Stella Creasy
 Stephen Doughty
 Mr David Lammy
 Jamie Stone
 Angela Smith
 Paul Farrelly
 Tim Farron

Not called **105**

Schedule 1, page 15, line 21, leave out paragraph 3

Mr Chris Leslie
 Neil Coyle
 Peter Kyle
 Mr Ben Bradshaw
 Stephen Doughty
 Tom Brake

Sir Vince Cable
 Paul Farrelly
 Mike Gapes
 Helen Hayes
 Stephen Kinnock
 Chris Bryant
 Catherine McKinnell
 Wera Hobhouse
 Lady Hermon

Mr Alistair Carmichael
 Mr David Lammy
 Caroline Lucas
 Angela Smith
 Ann Coffey
 Martin Whitfield
 Norman Lamb
 Tim Farron

Kerry McCarthy
 Ian Murray
 Layla Moran
 Stella Creasy
 Jamie Stone
 Patrick Grady
 Angus Brendan MacNeil
 Stephen Timms

Not called **62**

Schedule 1, page 15, line 28, leave out paragraph 4

 European Union (Withdrawal) Bill, *continued*

Mary Creagh
 Mike Gapes
 Neil Coyle
 Maria Eagle
 Helen Hayes
 Mr David Lammy

Ian Murray
 Angela Smith
 Kerry McCarthy

Seema Malhotra
 Martin Whitfield

Chris Bryant
 Paul Farrelly

Negatived on division **139**

Schedule 1, page 15, line 29, at end insert “except in relation to anything occurring before that day”.

Mrs Cheryl Gillan

Not called **302**

Schedule 1, page 15, line 29, at end insert—

“except in relation to anything occurring before that day.

(2) “Anything occurring before that day” in sub-paragraph (1) shall be taken to mean any action commenced before or after exit day in relation to any act before exit day.”

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

Martin Whitfield
 Mike Gapes

Vernon Coaker
 Ms Harriet Harman

Ann Coffey

Not called **335**

Schedule 1, page 15, line 29, at end insert—

“, except in cases whereby the breach of Community law took place on or before exit day.

4A For the purposes of paragraph 4 the exit day appointed must not be before the end of any transitional period agreed under Article 50 of the Treaty on the Functioning of the European Union.”

Tom Brake
 Sir Vince Cable
 Mr Alistair Carmichael
 Tim Farron
 Wera Hobhouse
 Layla Moran

Jo Swinson

Jamie Stone

Not called **126**

Schedule 1, page 15, line 32, after “Rights” insert “or”

European Union (Withdrawal) Bill, *continued*

Tom Brake
Sir Vince Cable
Mr Alistair Carmichael
Tim Farron
Wera Hobhouse
Layla Moran

Jo Swinson

Jamie Stone

Schedule 1, page 15, line 33, leave out “or the rule in *Francovich*” *Not called* 127

Mr Dominic Grieve
Mr Kenneth Clarke
Nicky Morgan
Anna Soubry
Antoinette Sandbach
Stephen Hammond

Dr Sarah Wollaston
Chuka Umunna
Joanna Cherry
Liz Kendall
Kerry McCarthy
Mr Ben Bradshaw
Rushanara Ali
Mr George Howarth
Jo Swinson
Susan Elan Jones
Catherine West
Layla Moran
Kate Green
Martin Whitfield

Jeremy Lefroy
Caroline Lucas
Ms Harriet Harman
Stephen Doughty
Catherine McKinnell
Angela Smith
Mr David Lammy
Tom Brake
Sir Edward Davey
Steve McCabe
Jamie Stone
Lady Hermon
Wera Hobhouse
Martyn Day

Robert Neill
Paul Farrelly
Ian Murray
Mike Gapes
Helen Hayes
Stephen Kinnock
Stella Creasy
Sir Vince Cable
Ann Coffey
Seema Malhotra
Chris Bryant
Mr Gavin Shuker
Tulip Siddiq
Mr Jonathan Djanogly
Not called 9

Page 15, line 2, leave out Schedule 1

Schedule agreed to on division.

Progress reported.
