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Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.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.
Mr Chris Leslie
Mr Pat McFadden
Chuka Umunna
Paul Farrelly
Mr David Lammy
Ian Murray

Stephen Doughty    Kate Green    Kerry McCarthy
Catherine McKinell Helen Hayes    Mr Ben Bradshaw
Angela Smith       Rushanara Ali  Stella Creasy
Stephen Kinnock    Ann Coffey    Catherine West
Chris Bryant       Mike Gapes    Martin Whitfield
Neil Coyle         Stephen Timms 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Withdrawn after debate  NC16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.”
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.”
“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.”

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

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

Clause 5, page 3, line 15, leave out “or rule of law”
Clause 5, page 3, line 17, leave out “or rule of law”

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

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

Mr David Lammy
Martin Whitfield
Darren Jones
Ian C. Lucas

Not called

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.”
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.
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.”

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.”

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

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<td>Lady Hermon</td>
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Schedule 1, page 15, line 28, leave out paragraph 4

Not called 105

Not called 62
Committee of the whole House Proceedings: 21 November 2017

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

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 302

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

Jo Swinson

Not called 127

Schedule 1, page 15, line 33, leave out “or the rule in Francovich”

Page 15, line 2, leave out Schedule 1

Schedule agreed to on division.

Progress reported.