Wednesday 13 December 2017

COMMITTEE OF THE WHOLE HOUSE

PROCEEDINGS

EUROPEAN UNION (WITHDRAWAL) BILL

[SEVENTH 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Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.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 9, CLAUSE 9, NEW CLAUSES
AND NEW SCHEDULES RELATING TO CLAUSE 16 OR SCHEDULE 7, CLAUSE 16,
SCHEDULE 7, CLAUSE 17

NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 9, CLAUSE 9

Yvette Cooper
Ms Harriet Harman
Norman Lamb
Nicky Morgan
Robert Neill
Mary Creagh
Rachel Reeves
Joanna Cherry
Paul Farrelly
Ian Murray
Mr David Lammy
Liz Kendall
“Implementing the withdrawal agreement

(1) No powers to make regulations under this Act may be used for the purposes of implementing the withdrawal agreement.

(2) The Secretary of State must lay a report before Parliament detailing how the withdrawal agreement will be implemented, including any proposed primary legislation.”

“Arrangements for withdrawing from the EU

Notwithstanding any powers granted under this Act, no Minister of the Crown may agree to the arrangements for the withdrawal of the United Kingdom from the European Union referred to in Article 50(2) of the Treaty on European Union until Royal Assent is granted to an Act of Parliament—

(a) authorising the Minister to agree to an exit day to be specified in the Act,

(b) authorising the Minister to agree to those arrangements that will apply after exit day, the arrangements to be specified in the Act.”
To move the following Clause—

“Publication of the Withdrawal Agreement

The powers for Ministers set out in section 9 shall not come into force unless and until a final withdrawal agreement made between the United Kingdom and the European Union has been published and copies placed in the Libraries of the House of Commons and the House of Lords.”

To move the following Clause—

“Parliamentary vote on withdrawal from European Economic Area

The requirement of this section is that each House of Parliament has passed a resolution in the following terms—

That this House supports the United Kingdom’s withdrawal from the European Economic Area.”
To move the following Clause—

“Status of Irish citizens in the United Kingdom

Before making any regulations under section 9, the Minister shall commit to making available to Irish citizens lawfully resident in the United Kingdom after exit day any status, rights and entitlements available to Irish citizens before exit day, inclusive of and in addition to their status, rights and entitlements as EU citizens.”

To move the following Clause—

“Provisions of the Good Friday Agreement

Before making any regulations under section 9, the Minister shall commit to maintaining the provisions of the Good Friday Agreement and subsequent Agreements agreed between the United Kingdom and Ireland since 1998, including—

(a) the free movement of people, goods and services on the island of Ireland,
(b) citizenship rights,
(c) the preservation of institutions set up relating to strands 1, 2 and 3 of the Good Friday Agreement,
(d) human rights and equality,
(e) the principle of consent,
(f) the status of the Irish language, and
(g) a Bill of Rights.”
European Union (Withdrawal) Bill, continued

Jeremy Corbyn
Mr Nicholas Brown
Keir Starmer
Jenny Chapman
Matthew Pennycook
Paul Blomfield
Vernon Coaker
Tulip Siddiq
Mr David Lammy

Paul Farrelly
Ms Harriet Harman
Diana Johnson
Mike Gapes
Helen Hayes

Not called  NC66

To move the following Clause—

“Parliamentary approval for the outcome of negotiations with the European Union

No exit day may be appointed under this Act until the terms of the United Kingdom’s withdrawal from the European Union, including leaving the EU without an agreement, have been approved by both Houses of Parliament.”

Stephen Gethins
Paul Farrelly
Helen Hayes

Not called  NC68

To move the following Clause—

“Terms of withdrawal: approval by Parliament

(1) The Government shall not conclude any agreement on terms of withdrawal from the European Union, or on the UK’s future relationship with the European Union, until those terms have been approved by resolution in both Houses of Parliament.

(2) Approval by resolution of both Houses of Parliament must be sought no later than three months before exit day.”
“United Kingdom withdrawal from the EU

(1) Subsection (2) applies if either of the conditions in subsection (3) or (4) is met.

(2) The Prime Minister must seek an agreement with the EU on one or more of the following—

(a) extending the negotiations beyond the two-year period specified in Article 50 of the Treaty on European Union; or

(b) agreeing that negotiations over the final terms of the United Kingdom’s withdrawal from the EU may take place during a negotiated transitional arrangement which broadly reflect current arrangements and which begins immediately after the Article 50 notice period expires and the EU treaties cease to apply to the UK; or

(c) any other course of action in relation to the negotiations (with the EU over the withdrawal of the United Kingdom) which has been approved in accordance with this section by a resolution of the House of Commons.

(3) The condition in this subsection is that no Article 50 withdrawal agreement has been reached between the United Kingdom and the EU by 31 October 2018.

(4) The condition in this subsection is that an Article 50 withdrawal agreement has been reached between the United Kingdom and the EU but the proposed terms of withdrawal have not been approved by resolutions of both Houses of Parliament by 28 February 2019.

(5) Nothing in this section may be amended by regulations made under any provision of this Act.”
To move the following Clause—

“Implementing the withdrawal agreement (No. 2)

(1) No powers to make regulations under this Act may be used for the purposes of implementing the withdrawal agreement.

(2) The Secretary of State must lay a report before Parliament detailing how implementing the withdrawal agreement will be achieved through primary legislation.

(3) For the purposes of subsection (1) and (2), “implementing the withdrawal agreement” may include any necessary provision for a transitional period after the exit day appointed for section 1 of this Act.

(4) For the purposes of subsection (1) and (2), “implementing the withdrawal agreement” must include any necessary provision to ensure that any citizens of any EU Member State who are lawfully resident in the UK on any day before exit day can continue to be lawfully resident after exit day on terms no less favorable than they currently enjoy.”

Clause 9, page 6, line 43, leave out “appropriate” and insert “necessary”
Clause 9, page 6, line 45, at end insert “, subject to the prior enactment of a statute by Parliament approving the final terms of withdrawal of the United Kingdom from the European Union.”

Hywel Williams
Liz Saville Roberts
Jonathan Edwards
Ben Lake

Clause 9, page 6, line 45, at end insert “, subject to—
(a) the prior enactment of a statute by Parliament, and
(b) an affirmative resolution passed by the National Assembly for Wales, the Scottish Parliament and the Northern Ireland Assembly, approving the final terms of withdrawal of the United Kingdom from the European Union.”

Stephen Kinnock
Hywel Williams

Clause 9, page 6, line 45, at end insert—
“( ) But the power in subsection (1) may not be exercised to make provision for Wales to the extent that that provision would be within the devolved competence of the Welsh Ministers for the purposes of Part 2 of Schedule 2.”

Caroline Lucas
Tulip Siddiq

Clause 9, page 7, line 1, leave out subsection (2).
European Union (Withdrawal) Bill, continued

Clause 9, page 7, line 2, leave out “(including modifying this Act)” and insert “except modifying this Act, the Parliament Acts 1911 and 1949 and any Act granted Royal Assent in the session of Parliament in which this Act is passed”

Clause 9, page 7, line 2, leave out ‘(including modifying this Act)’ and insert ‘, apart from amending or modifying this Act’

Clause 9, page 7, line 2, leave out “including” and insert “but not”
Robert Neill
Stephen Hammond
Wes Streeting

Clause 9, page 7, line 2, at end insert—
“( ) Regulations under this section may, notwithstanding sections 1 and 5(1), make provision to replicate, for such an implementation period as is provided for in the withdrawal agreement, any aspect of the operation of EU law in the United Kingdom.”

Tom Brake
Sir Vince Cable
Mr Alistair Carmichael
Angela Smith
Mary Creagh
Jamie Stone

Mike Gapes
Layla Moran
Wera Hobhouse

Clause 9, page 7, line 5, at end insert—
“(bc) amend or repeal the Northern Ireland Act 1998 (except with the intention of preserving the effects of the Belfast Agreement of 10 April 1998 after exit day).”

Tom Brake
Peter Grant
Hywel Williams
Dr Philippa Whitford
Stephen Kinnock
Tim Farron

Caroline Lucas

Clause 9, page 7, line 6, leave out “or”

Tom Brake
Peter Grant
Hywel Williams
Dr Philippa Whitford
Stephen Kinnock
Tim Farron

Caroline Lucas

Clause 9, page 7, line 7, after “revoke”, insert “, or otherwise modify the effect of,”
Clause 9, page 7, line 8, at end insert—
“(e) make any provision, unless the Minister considers that the conditions in subsection (3B) where relevant are satisfied in relation to that provision.

(3A) Those conditions are that—
(a) the policy objective intended to be secured by the provision could not be secured by non-legislative means;
(b) the effect of the provision is proportionate to the policy objective;
(c) the provision, taken as a whole, strikes a fair balance between the public interest and the interests of any person adversely affected by it;
(d) the provision does not remove any necessary protection;
(e) the provision does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise;
(f) the provision is not of constitutional significance”
Clause 9, page 7, line 8, at end insert—

“(e) remove or reduce any protections currently conferred upon individuals, groups or the natural environment,

(f) prevent any person from continuing to exercise a right that they can currently exercise,

(g) amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under that Act.”

Not called 27

Clause 9, page 7, line 8, at end insert—

“(e) limit the scope or weaken standards of environmental protection.”

Not called 98

Clause 9, page 7, line 8, at end insert—

“(e) amend, repeal or revoke any legal right derived from EU law and operative in UK law immediately before 30 March 2019.”

Not called 115

Clause 9, page 7, line 8, at end insert—

“(e) remove, reduce or otherwise amend the rights of any citizen of an EU Member State who was lawfully resident in the UK on any day before 30 March 2019.”

Not called 142
Clause 9, page 7, line 8, at end insert—

“(e) make any provision which is not compliant with the United Nations Convention on the Rights of the Child.”

Ian Blackford
Patrick Grady
Stuart C. McDonald
Joanna Cherry
Angela Crawley
Martyn Day

Douglas Chapman

Clause 9, page 7, line 8, at end insert—

“(e) amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under it.”

Ian Blackford
Patrick Grady
Stuart C. McDonald
Joanna Cherry
Wera Hobhouse
Martyn Day

Douglas Chapman

Clause 9, page 7, line 8, at end insert—

“(e) remove, reduce or otherwise limit the rights of EU citizens resident in the UK.”
European Union (Withdrawal) Bill, continued

Clause 9, page 7, line 8, at end insert—
“(e) make provision which, in the opinion of the Minister, could pose a threat to national security.”

Clause 9, page 7, line 8, at end insert “, or
(e) modify the Government of Wales Act 2006.”

Clause 9, page 7, line 8, at end insert “, or
(e) amend, repeal or revoke, or otherwise modify the effect of, any other law relating to equality or human rights.”.

Clause 9, page 7, line 8, at end insert—
“(3A) No regulations may be made under this section unless the terms of the withdrawal agreement have been approved by both Houses of Parliament.”
Clause 9, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until the requirement of section (Parliamentary vote on withdrawal from European Economic Area) have been met.”

Clause 9, page 7, line 8, at end insert—

“(3A) The consent of the Scottish Ministers is required before any provision is made in regulations under this section that modifies the Scotland Act 1998.

(3B) The consent of the Welsh Ministers is required before any provision is made in regulations under this section that modifies the Government of Wales Act 2006.”

Clause 9, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the UK should continue to be a member of the European Union’s Political and Security Committee after exit day.”
European Union (Withdrawal) Bill, continued

should continue to be a signatory to all agreements signed through the European Union’s Common Foreign and Security Policy.”

Clause 9, page 7, line 8, at end insert—
“(3A) No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the UK should continue to be a member of the European Union’s Foreign Affairs Council.”

Clause 9, page 7, line 8, at end insert—
“(3A) No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the UK should continue to be a member of the European Bank for Reconstruction and Development.”

Clause 9, page 7, line 8, at end insert—
“(3A) No regulations may be made under this section until the Chancellor of the Exchequer has laid before Parliament an assessment of the impact of the UK leaving the EU single market on the forecast to the UK’s public finances.”

Clause 9, page 7, line 8, at end insert—
“(3A) No regulations may be made under this section until the Chancellor of the Exchequer has laid before Parliament an assessment of the impact of exiting the EU single market on levels of GDP growth.

(3B) Any assessment under subsection (3A) shall set out an assessment of the impact of exiting the EU single market on levels of GDP growth in—
(a) Scotland,
(b) Northern Ireland,
(c) England, and
European Union (Withdrawal) Bill, continued

(d) Wales.”

Ian Blackford
Patrick Grady
Kirsty Blackman
Dr Philippa Whitford
Martyn Day
Douglas Chapman

Clause 9, page 7, line 8, at end insert—
“(3A) No regulations may be made under this section until the Chancellor of the Exchequer has laid before Parliament an assessment of the impact of ending freedom of movement on the UK’s public finances.”

Ian Blackford
Patrick Grady
Kirsty Blackman
Martyn Day
Douglas Chapman

Clause 9, page 7, line 8, at end insert—
“(3A) No regulations may be made under this section until the Chancellor of the Exchequer has laid before Parliament an assessment of the broadened responsibilities of the UK Treasury following the UK’s withdrawal from the EU.”

Mr Edward Vaizey
Rachel Reeves
Layla Moran
Robert Neill
Seema Malhotra
Catherine West

Dr Philippa Whitford
Chuka Umunna
Mrs Madeleine Moon
Darren Jones
Mr Chris Leslie
Stephen Kinnock
Chris Bryant
Gavin Shuker
Ian Murray
Vernon Coaker
Neil Coyle
Mr Ben Bradshaw
Maria Eagle
Angela Smith
Ruth Smeeth
Mr George Howarth
Anna Soubry
Martin Whitfield

Drew Hendry
Stella Creasy
Stephen Doughty
Mr David Lammy
Wes Streeting
Emma Reynolds
Ruth Cadbury
Pat McFadden
Rushanara Ali
Alison McGovern
Liz Kendall
Heidi Alexander
Sir Kevin Barron
Mr Adrian Bailey
Shabana Mahmood
Catherine McKinnell
Nicky Morgan
Martyn Day

Albert Owen
Peter Kyle
Mike Gapes
Kate Green
Tulip Siddiq
Kerry McCarthy
Phil Wilson
Ann Coffey
Luciana Berger
John Woodcock
Anna Turley
Gareth Snell
Julie Elliott
Daniel Zeichner
Ms Angela Eagle
Mary Creagh
Carol Monaghan
Paul Farrelly
Clause 9, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until—

(a) the Government has laid before Parliament a strategy for maintaining those protections, safeguards, programmes for participation in nuclear research and development, and trading or other arrangements which will lapse as a result of the UK’s withdrawal from membership of, and participation in, the European Atomic Energy Community (Euratom), and

(b) the strategy has been approved by both Houses of Parliament.”

Clause 9, page 7, line 9, at end insert “or until the withdrawal agreement has been published and legislation proposed in the 2017 Gracious Speech in relation to customs, trade, immigration, fisheries, agriculture, nuclear safeguards and international sanctions has been published.”
European Union (Withdrawal) Bill,

Clause 9, page 7, line 9, at end insert—
“(5) Regulations under this section will lapse two years after exit day.”

Clause 9, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has signed an agreement with the EU guaranteeing that the UK will remain a permanent member of the EU Single Market.”

Clause 9, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until such time as the terms of the withdrawal agreement have been approved by a Ratification Referendum, giving...
voters the options of supporting the terms of the withdrawal agreement, or remaining in the EU.”

Caroline Lucas
Liz Saville Roberts
Mr David Lammy
Seema Malhotra
Peter Grant
Stephen Gethins

Mike Gapes
Dr Philippa Whitford
Wera Hobhouse

Helen Hayes

Clause 9, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until such time as the Government has signed an agreement with the EU that maintains and guarantees the existing rights of EU citizens living in the UK, and UK citizens living elsewhere in the EU, as of 29 March 2019.”

Conor McGinn
Mike Gapes
Wera Hobhouse
Vernon Coaker
Stephen Timms

Clause 9, page 7, line 9, at end insert—
“(5) No regulations may be made under this section unless the requirement in section [Status of Irish citizens in the United Kingdom] has been satisfied.”

Conor McGinn
Mike Gapes
Wera Hobhouse
Vernon Coaker
Stephen Timms

Clause 9, page 7, line 9, at end insert—
“(5) No regulations may be made under this section unless the requirement in section [Provisions of the Good Friday Agreement] has been satisfied.”

Stephen Gethins
Stephen Doughty
Ian Murray
Hywel Williams
Jo Swinson
Caroline Lucas

Ian Blackford
Mr Alistair Carmichael
Tom Brake
Stephen Kinnock
Ann Coffey
Susan Elan Jones
Jamie Stone
Mike Gapes
Mrs Madeleine Moon
Wera Hobhouse
Martin Whitfield
Martyn Day

Clause 9, page 7, line 9, at end insert—
“(5) The consent of the Scottish Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved
European Union (Withdrawal) Bill, continued

competence of the Scottish Ministers within the meaning given in paragraph 18 of Schedule 2.

(6) The consent of the Welsh Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Welsh Ministers within the meaning given in paragraph 19 of Schedule 2.”

Ian Blackford
Patrick Grady
Kirsty Blackman
Alan Brown
Stewart Malcolm McDonald
Martyn Day
Douglas Chapman

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for the UK to retain access to the EU’s Emissions Trading System markets after withdrawal from the EU.”

Ian Blackford
Patrick Grady
Kirsty Blackman
Martyn Day
Douglas Chapman

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for the UK’s continued participation in the North Seas Countries’ Offshore Grid Initiative after withdrawal from the EU.”

Ian Blackford
Patrick Grady
Kirsty Blackman
Martyn Day
Douglas Chapman

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Chancellor of the Exchequer has published a statement setting out a strategy for retaining access to the European Investment Bank.”

Ian Blackford
Patrick Grady
Kirsty Blackman
Martyn Day
Douglas Chapman

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Chancellor of the Exchequer has published a statement setting out a strategy for retaining membership of the European Investment Fund.”
European Union (Withdrawal) Bill, continued

Clause 9, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking the maintenance of UK membership of the European Food Safety Authority on existing terms after withdrawal from the EU.”

Clause 9, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking the preservation of reciprocal healthcare agreements on existing terms as under social security coordination regulations 883/2004 and 987/2009 after the UK’s withdrawal from the EU.

(6) Any changes to regulations in subsection (5) shall only be made after—
(a) the House of Commons has passed a resolution approving changes to regulations mentioned in subsection (5),
(b) the Scottish Parliament has passed a resolution approving changes to regulations mentioned in subsection (5),
(c) the National Assembly of Wales has passed a resolution approving changes to regulations mentioned in subsection (5), and
(d) the Northern Ireland Assembly has passed a resolution approving changes to regulations mentioned in subsection (5).”

Clause 9, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Medicines Agency on existing terms after withdrawal from the EU.”
European Union (Withdrawal) Bill, continued

Patrick Grady
Chris Stephens
Deidre Brock
Ronnie Cowan
Dr Philippa Whitford
Wera Hobhouse

Martyn Day Douglas Chapman

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Agency for Safety and Health at Work after withdrawal from the EU.”

Not called 243

Dr Philippa Whitford
Patrick Grady
Carol Monaghan
Wera Hobhouse
Martyn Day
Douglas Chapman

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Chemicals Agency after withdrawal from the EU.”

Not called 244

Alan Brown
Hannah Bardell
Patrick Grady
Deidre Brock
Dr Philippa Whitford
Wera Hobhouse

Martyn Day Douglas Chapman

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Aviation Safety Agency on existing terms after withdrawal from the EU.”

Not called 245

Alan Brown
Hannah Bardell
Patrick Grady
Deidre Brock
Dr Philippa Whitford
Wera Hobhouse

Martyn Day Douglas Chapman

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Aviation Safety Agency on existing terms after withdrawal from the EU.”

Not called 246
European Union (Withdrawal) Bill, continued

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to retain UK membership of the European Maritime Safety Agency on existing terms after withdrawal from the EU.”

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to retain UK membership of ERASMUS on existing terms after withdrawal from the EU.”

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain access for the UK to reciprocal roaming charge agreements on existing terms as under Regulation 2017/920, after withdrawal from the EU.”
Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to retain UK membership of Creative Europe on existing terms after withdrawal from the EU.”

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has made a formal request to President of the European Council that the UK continues membership of the European Union Agency for Fundamental Rights after withdrawal from the EU.”

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has published a strategy for reaching an agreement with the EU to enable the UK to have continued access to Passenger Name Records after withdrawal from the EU.”

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have access to the Schengen Information System after withdrawal from the EU.”
European Union (Withdrawal) Bill, continued

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have continued access to the European Arrest Warrant.”

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have membership of EUROPOL.”

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have membership of EUROJUST.”

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have access to the European Criminal Records Information system with the EU.”
European Union (Withdrawal) Bill, continued

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have access to the Prüm Council decisions relating to fingerprint and DNA exchange with the EU.”

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have access to the False and Authentic Documents Online (“FADO”) internet-based image archiving system.”

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to participate in the Convention on Mutual Assistance and Cooperation between Customs Administrations of 1997 (“Naples II Convention”).”

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have access to the EU Intelligence Analysis Centre.”
Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before both Houses of Parliament setting out a strategy for ensuring that lawyers registered to practise in England, Wales, Northern Ireland and Scotland shall not lose their right of audience at the European Court after the UK’s withdrawal from the EU.”

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before both Houses of Parliament setting out a strategy for ensuring that lawyers from England, Wales, Northern Ireland and Scotland shall not lose their status of legal profession privilege concerning communications with regard to proceedings before the European Court, after the UK’s withdrawal from the EU.”

Clause 9, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before both Houses of Parliament an agreement with the Scottish Government for the freedom of movement of EU citizens in Scotland to continue after exit day.”
European Union (Withdrawal) Bill, continued

Clause 9, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid a report before both Houses of Parliament setting out a strategy for continued participation by the United Kingdom in the common European Asylum System.”

Clause 9, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for a food standards framework after withdrawal from the EU.”

Clause 9, page 7, line 9, at end insert—
“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out plans that seek to secure continued clinical trials agreements as under EU Regulation 536/2014 after the UK’s withdrawal from the EU.”

Valerie Vaz
Norman Lamb
Mary Creagh
Mr David Lammy
Stephen Doughty
Stephen Kinnock
Yvette Cooper
Mr Chris Leslie
Rachel Reeves
Ian Murray
Helen Hayes
Mr George Howarth
Ms Harriet Harman
Caroline Lucas
Paul Farrelly
Catherine McKinnell
Angela Smith
Ann Coffey

Not called 276
Not called 343
Not called 351
European Union (Withdrawal) Bill, continued

Seema Malhotra Jamie Stone Mike Gapes
Wera Hobhouse Martin Whitfield Vernon Coaker
Paul Farrelly Neil Coyle Diana Johnson

Page 6, line 41, leave out Clause 9

Clause, as amended, agreed to.

NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 16 OR SCHEDULE 7,
CLAUSE 16, SCHEDULE 7, CLAUSE 17

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

Valerie Vaz Paul Farrelly Mr David Lammy
Ian Murray Catherine McKinnell Helen Hayes
Stephen Kinnock Ann Coffey Seema Malhotra
Chris Bryant Mike Gapes Hugh Gaffney
Martin Whitfield Vernon Coaker Tulip Siddiq
Stephen Timms Ms Harriet Harman Diana Johnson
Helen Goodman Melanie Onn

Negatived on division NC1

To move the following Clause—

“Scrutiny Committee

(1) For the purposes of this Act ‘a scrutiny committee’ refers to either—
   (a) the House of Lords Secondary Legislation Scrutiny Committee, or
   (b) a Committee of the House of Commons which is established to perform
       the specific functions assigned to a scrutiny committee in this Act.

(2) The scrutiny committee referred to in subsection (1)(b) shall be chaired by a
    Member who is—
    (a) of the same Party as the Official Opposition, and
    (b) elected by the whole House.”
European Union (Withdrawal) Bill, continued

Mr Chris Leslie
Chuka Umunna
Neil Coyle
Peter Kyle
Mr Ben Bradshaw
Stephen Doughty

Mr Pat McFadden
Ian Murray
Angela Smith
Jo Swinson
Ann Coffey
Tulip Siddiq

Paul Farrelly
Catherine McKinnell
Tom Brake
Sir Edward Davey
Mike Gapes
Martin Whitfield

Mr David Lammy
Helen Hayes
Sir Vince Cable
Stephen Kinnock
Layla Moran
Stephen Timms

Not called NC6

To move the following Clause—

“Government proposals for Parliamentary scrutiny
Within one month of Royal Assent of this Act the Leader of the House of Commons shall publish proposals for improved scrutiny of delegated legislation and regulations that result from this Act.”

Mr Chris Leslie
Chuka Umunna
Neil Coyle
Peter Kyle
Mr Ben Bradshaw
Stephen Doughty

Paul Farrelly
Catherine McKinnell
Stella Creasy
Jo Swinson
Ann Coffey
Martin Whitfield

Mr David Lammy
Helen Hayes
Tom Brake
Sir Edward Davey
Mike Gapes
Tulip Siddiq

Ian Murray
Angela Smith
Sir Vince Cable
Stephen Kinnock
Layla Moran
Stephen Timms

Not called NC7

To move the following Clause—

“Consultation
The Government shall follow the principles set out in the Cabinet Office Code of Practice in respect of public consultation in advance of regulations being made under powers granted by this Act.”
To move the following Clause—

“Social, employment and environmental protection

Any rights, protections, liabilities, obligations, powers, remedies and procedures which exist immediately before exit day in the fields of—

(a) social and employment law, and

(b) environmental law

will not be amended through any regulations made to deal with deficiencies or withdrawal unless approved by a resolution of each House of Parliament or by Act of Parliament”

To move the following Clause—

“Scrutiny of statutory instruments

(1) A Parliamentary Committee shall determine the form and duration of parliamentary and public scrutiny for every statutory instrument proposed to be made under this Act.

(2) Where the relevant Committee decides that the statutory instrument will be subject to enhanced parliamentary scrutiny the Committee shall have the power—

(a) to require a draft of the proposed statutory instrument be laid before Parliament;
European Union (Withdrawal) Bill, continued

(b) to require the relevant Minister to provide further evidence or explanation as to the purpose and necessity of the proposed instrument;
(c) to make recommendations to the relevant Minister in relation to the text of the draft statutory instrument;
(d) to recommend to the House that “no further proceedings be taken” in relation to the draft statutory instrument.

(3) Where an instrument is subject to enhanced scrutiny, the relevant Minister must have regard to any recommendations made by the Parliamentary Committee pursuant to subparagraph (c) above before laying a revised draft instrument before each House of Parliament.

(4) Where an instrument is subject to public consultation, the relevant Minister must have regard to the results of the consultation before laying a revised draft instrument before each House of Parliament or making a Written Statement explaining why no revision is necessary.”

______________________________
Stephen Doughty
Stella Creasy
Kate Green
Daniel Zeichner
Ann Coffey
Mike Gapes
Mr David Lammy
Gareth Thomas
Tulip Siddiq
Helen Hayes
Not called NC57

To move the following Clause—

“Citizens’ Jury on Brexit Negotiations

(1) A citizens’ jury shall be established to enable UK citizens to be consulted on the progress of negotiations between the UK and the EU on the withdrawal of the UK from the EU, and the approach outlined in UK Government White Papers.

(2) The citizens’ jury shall in total be composed of exactly 1501 persons.

(3) Members of the citizens’ jury shall be randomly selected by means of eligibility from UK citizens on the current electoral register as registered on the date of this Act receiving Royal Assent, with allocation across the nine UK Government Regions, Scotland, Wales and Northern Ireland weighted by population, and a stratification plan, with the aim of securing a group of people who are broadly representative demographically of the UK electorate across characteristics including whether they voted Leave or Remain.

(4) The jury will be broken down into individual sittings for each of the nine UK Government Regions in England, as well as Scotland, Wales and Northern Ireland.

(5) The sittings will be for no more than 72 hours at a time, facilitated by independent facilitators, and if required, by electing fore-people from within their number.

(6) Membership of the jury will be subject to the same regulations and exceptions as a regular jury, but membership can be declined without penalty.

(7) The citizens’ jury will be able to require Ministerial and official representatives of the UK Government and the Devolved Administrations to give testimony to them to inform their work, and to have the power to invite other witnesses to give evidence as required.
European Union (Withdrawal) Bill, continued

(8) The citizens’ jury shall publish reports setting out their conclusions on the negotiations and UK Government White Papers.

(9) The first report from the citizens’ jury shall be published within two months of this Act receiving Royal Assent, and subsequent reports shall be published at intervals of no more than two months.

(10) Costs incurred by the citizens’ jury shall be met by the Exchequer.”

Clause agreed to.

Mr Chris Leslie
Ian Murray
Helen Hayes
Mr Ben Bradshaw
Angela Smith
Mr David Lammy

Mr George Howarth    Ann Coffey    Jamie Stone
Chris Bryant    Mike Gapes    Wera Hobhouse
Martin Whitfield    Paul Farrelly    Neil Coyle
Stephen Timms

Schedule 7, page 39, line 13, leave out sub-paragraphs (1) to (3) and insert—

“(1) If a Minister considers it appropriate to proceed with the making of regulations under section 7, the Minister shall lay before Parliament—
(a) draft regulations,
(b) an explanatory document and
(c) a declaration under sub-paragraph (3).

(2) The explanatory document must—
(a) introduce and explain the amendment made to retained EU law by each proposed regulation, and
(b) set out the reason why each such amendment is necessary (or, in the case where the Minister is unable to make a statement of necessity under sub-paragraph (3)(a), the reason why each such amendment is nevertheless considered appropriate).

(3) The declaration required in sub-paragraph (1) must either—
(a) state that, in the Minister’s view, the provisions of the draft regulations do not exceed what is necessary to prevent, remedy or mitigate any deficiency in retained EU law arising from the withdrawal of the United Kingdom from the EU (a “statement of necessity”); or
(b) include a statement to the effect that although the Minister is unable to make a statement of necessity the Government nevertheless proposes to exercise the power to make the regulations in the form of the draft.

(4) Subject as follows, if after the expiry of the 21-day period a joint committee of both Houses of Parliament appointed to consider draft regulations under this Schedule (“the joint committee”) has not reported to both Houses a resolution in respect of the draft regulations laid under sub-paragraph (1), the Minister may proceed to make a statutory instrument in the form of the draft regulations.

(5) A statutory instrument containing regulations under sub-paragraph (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
(6) The procedure in sub-paragraphs (7) to (9) shall apply to the proposal for the draft regulations instead of the procedure in sub-paragraph (4) if—
(a) either House of Parliament so resolves within the 21-day period,
(b) the joint committee so recommends within the 21-day period and neither House by resolution rejects the recommendation within that period, or
(c) the draft regulations contain provision to—
   (i) establish a public authority in the United Kingdom,
   (ii) provide for any function of an EU entity or public authority in a member State to be exercisable instead by a public authority in the United Kingdom established by regulations under section 7, 8 or 9 or Schedule 2,
   (iii) provides for any function of an EU entity or public authority in a member State of making an instrument of a legislative character to be exercisable instead by a public authority in the United Kingdom,
   (iv) imposes, or otherwise relates to, a fee in respect of a function exercisable by a public authority in the United Kingdom,
   (v) creates, or widens the scope of, a criminal offence, or
   (vi) creates or amends a power to legislate.

(7) The Minister must have regard to—
(a) any representations,
(b) any resolution of either House of Parliament, and
(c) any recommendations of a committee of either House of Parliament charged with reporting on the proposal for the draft regulations, made during the 60-day period with regard to the draft regulations.

(8) If after the expiry of the 60-day period the draft regulations are approved by a resolution of each House of Parliament, the Minister may make regulations in the form of the draft.

(9) If after the expiry of the 60-day period the Minister wishes to proceed with the draft regulations but with material changes, the Minister may lay before Parliament—
(a) revised draft regulations, and
(b) a statement giving a summary of the changes proposed.

(10) If the revised draft regulations are approved by a resolution of each House of Parliament, the Minister may make regulations in the terms of the revised draft.

(11) For the purposes of sub-paragraphs (1) to (10) regulations are made in the terms of draft regulations or revised draft regulations if they contain no material change to their provisions.

(12) In sub-paragraphs (1) to (10), references to the “21-day” and “60-day” periods in relation to any draft regulations are to the periods of 21 and 60 days beginning with the day on which the draft regulations were laid before Parliament.

(13) For the purposes of sub-paragraph (12), no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than four days.”
Scrutiny procedure: introductory

1 A statutory instrument containing regulations under section 7 may not be made by a Minister of the Crown unless it complies with the procedures in this Part.

Determination of scrutiny procedure

2 (1) The explanatory document laid with a statutory instrument or draft statutory instrument containing regulations under section 7 must contain a recommendation by the Minister as to which of the following should apply in relation to the making of an order pursuant to the draft order—

(a) the negative resolution procedure;
(b) the affirmative resolution procedure;
(c) the super-affirmative procedure.

(2) The explanatory document must give reasons for the Minister’s recommendation.

(3) Where the Minister’s recommendation is that the negative resolution procedure should apply, that procedure shall apply unless, within the 30-day period—

(a) either House of Parliament requires that the super-affirmative procedure shall apply, in which case that procedure shall apply; or
(b) in a case not falling within paragraph (a), either House of Parliament requires that the affirmative resolution procedure shall apply, in which case that procedure shall apply.

(4) Where the Minister’s recommendation is that the affirmative resolution should apply, that procedure shall apply unless, within the 30-day period, either House of Parliament requires that the super-affirmative resolution procedure shall apply, in which case the super-affirmative resolution procedure shall apply.

(5) Where the Minister’s recommendation is that the super-affirmative procedure should apply, that procedure shall apply.

(6) For the purposes of this paragraph a House of Parliament shall be taken to have required a procedure within the 30-day period if—

(a) that House resolves within that period that that procedure shall apply; or
(b) in a case not falling within paragraph (a), a committee of that House charged with reporting on the draft order has recommended within that period that that procedure shall apply and the House has not by resolution rejected that recommendation within that period.
Super-affirmative procedure

3 (1) for the purposes of this Part of this Schedule, the “super-affirmative resolution procedure” is as follows.

(2) The Minister must have regard to—
   (a) any representations,
   (b) any resolution of either House of Parliament, and
   (c) any recommendations of a committee of either House of Parliament charged with reporting on the draft order, made during the 60-day period with regard to the draft order.

(3) If, after the expiry of the 60-day period, the Minister wishes to make an order in the terms of the draft, he or she must lay before Parliament a statement—
   (a) stating whether any representations were made; and
   (b) if any representations were so made, giving details of them.

(4) The Minister may after the laying of such a statement make an order in the terms of the draft if it is approved by a resolution of each House of Parliament.

(5) However, a committee of either House charged with reporting on the draft order may, at any time after the laying of a statement under sub-paragraph (3) and before the draft order is approved by that House under sub-paragraph (4), recommend under this subparagraph that no further proceedings be taken in relation to the draft order.

(6) Where a recommendation is made by a committee of either House under sub-paragraph (5) in relation to a draft statutory instrument, no proceedings may be taken in relation to the draft statutory instrument in that House unless the recommendation is, in the same Session, rejected by resolution of that House.

(7) If, after the expiry of the 60-day period, the Minister wishes to make an order consisting of a version of the draft statutory instrument with material changes, he or she must lay before Parliament—
   (a) a revised draft statutory instrument; and
   (b) a statement giving details of—
      (i) any representations made; and
      (ii) the revisions proposed.

(8) The Minister may after laying a revised draft statutory instrument and statement under sub-paragraph (7) make regulations in the terms of the revised statutory instrument if it is approved by a resolution of each House of Parliament.

(9) However, a committee of either House charged with reporting on the revised draft statutory instrument may, at any time after the revised draft statutory is laid under sub-paragraph (7) and before it is approved by that House under sub-paragraph (8), recommend under this sub-paragraph that no further proceedings be taken in relation to the revised draft statutory instrument.

(10) Where a recommendation is made by a committee of either House under sub-paragraph (9) in relation to a revised draft statutory instrument, no proceedings may be taken in relation to the revised draft statutory instrument in that House under subsection (8) unless the recommendation is, in the same Session, rejected by resolution of that House.

(11) In this Part—
   (a) the “30-day period” means the period of 30 days beginning with the day on which the draft statutory instrument was laid before Parliament;
European Union (Withdrawal) Bill, continued

(b) the “60-day period” means the period of 60 days beginning with the day on which the draft statutory instrument was laid before Parliament;

c) the “affirmative resolution procedure” has the same meaning as in section 17 of the Legislative and Regulatory Reform Act 2006;

d) the “negative resolution procedure” has the same meaning as in section 16 of the Legislative and Regulatory Reform Act 2006.”

Chris Bryant
Ian Murray
Helen Hayes
Mr Ben Bradshaw
Mr David Lammy
Ann Coffey

Jamie Stone
Mike Gapes
Wera Hobhouse

Martin Whitfield

Not called 20

Schedule 7, page 39, line 13, leave out “which contain provisions falling with sub-paragraph (2).”

Ian Blackford
Peter Grant
Joanna Cherry
Patrick Grady
Martyn Day
Douglas Chapman

Not called 216

Schedule 7, page 39, line 14, after “unless” insert—

“(a) the Minister laying the instrument has made a declaration that the instrument does no more than necessary to prevent, remedy or mitigate—

(i) any failure of retained EU law to operate effectively, or

(ii) any other deficiency in retained EU law arising from the withdrawal of the United Kingdom from the EU, and

(b) ”.

Chris Bryant
Ian Murray
Helen Hayes
Mr Ben Bradshaw
Mr David Lammy
Ann Coffey

Jamie Stone
Mike Gapes
Wera Hobhouse

Martin Whitfield
Neil Coyle

Not called 21

Schedule 7, page 39, line 17, leave out sub-paragraphs (2) and (3)
European Union (Withdrawal) Bill, continued

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

Valerie Vaz
Mr David Lammy
Stephen Kinnock
Seema Malhotra
Wera Hobhouse
Paul Farrelly
Diana Johnson

Caroline Lucas
Ian Murray
Mr George Howarth
Jamie Stone
Martin Whitfield
Stephen Timms
Helen Goodman

Paul Farrelly
Helen Hayes
Steve McCabe
Mike Gapes
Vernon Coaker
Ms Harriet Harman
Melanie Onn

Not called 33

Schedule 7, page 39, line 17, after “if” insert “a scrutiny committee determines that”

Valerie Vaz
Mr David Lammy
Catherine McKinnell
Seema Malhotra
Wera Hobhouse
Paul Farrelly
Helen Goodman

Caroline Lucas
Ms Harriet Harman
Helen Hayes
Jamie Stone
Martin Whitfield
Stephen Timms
Diana Johnson

Paul Farrelly
Ian Murray
Stephen Kinnock
Mike Gapes
Vernon Coaker
Ms Harriet Harman
Melanie Onn

Not called 34

Schedule 7, page 39, line 29, at end insert—
“(g) is otherwise of sufficient policy interest to merit the application of sub-paragraph (1).”

Ian Blackford
Patrick Grady
Drew Hendry
Joanna Cherry
Martyrn Day
Douglas Chapman

Not called 226

Schedule 7, page 39, line 29, at end insert—
“(g) makes changes to the application of the 2012 Energy Efficiency Directive in the UK.”
European Union (Withdrawal) Bill, continued

Ian Blackford
Patrick Grady
Chris Stephens
Joanna Cherry
Mhairi Black
Martyn Day

Douglas Chapman

Schedule 7, page 39, line 29, at end insert—
“(g) makes changes to EU-derived domestic legislation concerning the rights of workers in the UK.”

Ian Blackford
Patrick Grady
Neil Gray
Chris Stephens
Kirsty Blackman
Angela Crawley

Joanna Cherry
Dr Philippa Whitford
Martyn Day

Schedule 7, page 39, line 29, at end insert—
“(g) makes changes to EU-derived domestic legislation concerning rights for disabled people in the UK.”

Ian Blackford
Patrick Grady
Neil Gray
Chris Stephens
Kirsty Blackman
Angela Crawley

Joanna Cherry
Dr Philippa Whitford
Martyn Day

Schedule 7, page 39, line 29, at end insert—
“(g) makes changes to EU-derived domestic legislation concerning annual leave rights,
(h) makes changes to EU-derived domestic legislation concerning agency worker rights,
(i) makes changes to EU-derived domestic legislation concerning part-time worker rights,
(j) makes changes to EU-derived domestic legislation concerning fixed-term worker rights,
(k) makes changes to EU-derived domestic legislation concerning work-based health and safety obligations,
(l) makes changes to EU-derived legislation concerning state-guaranteed payments upon an employer’s insolvency,
(m) makes changes to EU-derived domestic legislation concerning collective redundancy rights,
(n) makes changes to EU-derived domestic legislation concerning terms and conditions of employment rights,
European Union (Withdrawal) Bill, continued

(o) makes changes to EU-derived domestic legislation concerning posted worker rights,

(p) makes changes to EU-derived domestic legislation concerning paternity, maternity and parental leave rights,

(q) makes changes to EU-derived domestic legislation concerning protection of employment upon the transfer of a business, or

(r) makes changes to EU-derived domestic legislation concerning anti-discrimination.”

Ian Blackford
Patrick Grady
Stuart C. McDonald
Joanna Cherry
Martyn Day
Douglas Chapman

Not called 265

Schedule 7, page 39, line 29, at end insert—
“(g) defines “failure to operate efficiently” under section 7(1A).”

Mr Dominic Grieve
John Penrose
Mr Kenneth Clarke
Nicky Morgan
Anna Soubry

Robert Neill Dr Sarah Wollaston Caroline Lucas Ian Murray Kerry McCarthy Helen Hayes Mr David Lammy Tom Brake Sir Edward Davey Mrs Madeleine Moon Mr Barry Sheerman Jamie Stone Mike Gapes Lady Hermon Kate Green Martin Whitfield Paul Farrelly
Jeremy Lefroy Tom Tugendhat Paul Masterton Liz Kendall Catherine McKinnell Mr Ben Bradshaw Stella Creasy Sir Vince Cable Stephen Kinnock Ruth Cadbury Seema Malhotra Tommy Sheppard Rushanara Ali Wera Hobhouse Albert Owen Darren Jones

Not called 3

Schedule 7, page 39, line 30, leave out sub-paragraphs (3) to (10) and insert—
“(3) A Minister of the Crown must not make an Order under (1) and (2) above or any other Order to which this Schedule applies, unless—

(a) a draft Order and explanatory document has been laid before Parliament in accordance with paragraph 1A; and

(b) in the case of any Order which can be made other than solely by a resolution of each House of Parliament, the Order is made as determined under paragraph 1B in accordance in accordance with—

(i) the negative resolution procedure (see paragraph 1C); or

(ii) the affirmative resolution procedure (see paragraph 1D); or
European Union (Withdrawal) Bill, continued

c) it is declared in the Order that it appears to the person making it that because of the urgency of the matter, it is necessary to make the Order without a draft being so approved (see paragraph 1E).

Draft Order and Explanatory document laid before Parliament

1A (1) If the minister considers it appropriate to proceed with the making of an Order under this Part, he must lay before Parliament—
(a) a draft of the Order, together with
(b) an explanatory document.
(2) The explanatory document must—
(a) explain under which power or powers in this Part the provision contained in the Order is made;
(b) introduce and give reasons for the provision;
(c) explain why the Minister considers that—
   (i) in the case of an Order under section 7, include, so far as appropriate, an assessment of the extent to which the provision made by the Order would prevent, remedy or mitigate—
      (a) any failure of retained EU law to operate effectively; or
      (b) any other deficiency in retained EU law arising from the withdrawal of the United Kingdom from the EU,
   (ii) in the case of an Order under section 8, include, so far as appropriate, an assessment of the extent to which the provision made by the Order would prevent or remedy any breach, arising from the withdrawal of the United Kingdom from the EU, of the international obligations of the United Kingdom,
   (iii) in the case of an Order under section 9, include, so far as appropriate, an assessment of the extent to which implementation of the withdrawal agreement should be in force on or before exit day.
(d) identify and give reasons for—
   (i) any functions of legislating conferred by the Order; and
   (ii) the procedural requirements attaching to the exercise of those functions.

Determination of Parliamentary procedure

1B (1) The explanatory document laid with a draft Order under paragraph 1A must contain a recommendation by the Minister as to which of the following should apply in relation to the making of an Order pursuant to the draft Order—
(a) the negative resolution procedure (see paragraph 1C); or
(b) the affirmative resolution procedure (see paragraph 1D).
(2) The explanatory document must give reasons for the Minister’s recommendation.
(3) Where the Minister’s recommendation is that the negative resolution procedure should apply, that procedure shall apply unless, within the 20-day period either House of Parliament requires that the affirmative resolution procedure shall apply, in which case that procedure shall apply.
(4) For the purposes of this paragraph a House of Parliament shall be taken to have required a procedure within the 20-day period if—
Committee of the whole House Proceedings: 13 December 2017

European Union (Withdrawal) Bill, continued

(a) that House resolves within that period that that procedure shall apply; or

(b) in a case not falling within sub paragraph (4)(a), a committee of that House charged with reporting on the draft Order has recommended within that period that that procedure should apply and the House has not by resolution rejected that recommendation within that period.

(5) In this section the “20-day period” means the period of 20 days beginning with the day on which the draft Order was laid before Parliament under paragraph 1A.

Negative resolution procedure

1C (1) For the purposes of this Part, the “negative resolution procedure” in relation to the making of an Order pursuant to a draft order laid under paragraph 1A is as follows.

(2) The Minister may make an order in the terms of the draft Order subject to the following provisions of this paragraph.

(3) The Minister may not make an order in the terms of the draft Order if either House of Parliament so resolves within the 40-day period.

(4) For the purposes of this paragraph an Order is made in the terms of a draft Order if it contains no material changes to the provisions of the draft Order.

(5) In this paragraph the “40-day period” means the period of 40 days beginning with the day on which the draft Order was laid before Parliament under paragraph 1A.

Affirmative resolution procedure

1D (1) For the purposes of this Part the “affirmative resolution procedure” in relation to the making of an Order pursuant to a draft Order laid under paragraph 1A is as follows.

(2) The Minister must have regard to—

(a) any representations,

(b) any resolution of either House of Parliament, and

(c) any recommendations of a committee of either House of Parliament charged with reporting on the draft Order, made during the 40-day period with regard to the draft Order.

(3) If, after the expiry of the 40-day period, the minister wishes to make an Order in the terms of the draft, he must lay before Parliament a statement—

(a) stating whether any representations were made under sub-paragraph (2)(a); and

(b) if any representations were so made, giving details of them.

(4) The Minister may after the laying of such a statement make an Order in the terms of the draft if it is approved by a resolution of each House of Parliament.

(5) If, after the expiry of the 40-day period, the Minister wishes to make an Order consisting of a version of the draft Order with material changes, he must lay before Parliament—

(a) a revised draft Order; and

(b) a statement giving details of—

(i) any representations made under sub-paragraph (2)(a); and

(ii) the revisions proposed.

(6) The Minister may after laying a revised draft Order and statement under sub-paragraph (5) make an Order in the terms of the revised draft if it is approved by a resolution of each House of Parliament.
European Union (Withdrawal) Bill, continued

(7) For the purposes of sub-paragraphs (4) an Order is made in the terms of a draft Order if it contains no material changes to the provisions of the draft Order.

(8) In this paragraph the “40-day period” has the meaning given by paragraph 4(5)(a).

Procedure in urgent cases

1E (1) If an Order is made without being approved in draft, the person making it must lay it before Parliament, accompanied by the required information, after it is made.

(2) If, at the end of the period of one month beginning with the day on which the original Order was made, a resolution has not been passed by each House approving the original or replacement Order, the Order ceases to have effect.

(3) For the purposes of sub-paragraph (1), “required information” means—
   (a) a statement of the reasons for proceeding under paragraph 1E; and
   (b) an explanatory document, as set out in paragraph 1A (2).”

Mr Chris Leslie
Mr Ben Bradshaw
Ian Murray
Jamie Stone
Mike Gapes
Wera Hobhouse

Schedule 7, page 39, line 30, leave out sub-paragraph (3).

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

Valerie Vaz
Mr David Lammy
Kerry McCarthy
Stephen Kinnock
Jamie Stone
Wera Hobhouse
Paul Farrelly
Melanie Onn

Caroline Lucas
Ms Harriet Harman
Catherine McKinnell
Ann Coffey
Mike Gapes
Martin Whitfield
Diana Johnson

Paul Farrelly
Ian Murray
Helen Hayes
Seema Malhotra
Angela Smith
Vernon Coaker
Helen Goodman

Not called 67

Schedule 7, page 39, line 33, at end insert “, unless a scrutiny committee determines that the instrument is of such significant policy interest that it ought to be subject to approval of each House with a procedure that allows for amendment.”

Not called 35
Committee of the whole House Proceedings: 13 December 2017

European Union (Withdrawal) Bill, continued

Mary Creagh
Mike Gapes
Mr David Lammy
Wera Hobhouse
Kerry McCarthy

Not called 293

Schedule 7, page 39, line 33, at end insert—
“(3A) Regulations appointing any exit day may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.”

Mr Charles Walker
Mr Ranil Jayawardena
Dan Carden
David Linden
Mr William Wragg
Bambos Charalambous

Agreed to 392

Schedule 7, page 39, line 33, at end insert—
“( ) See paragraph 2A for restrictions on the choice of procedure under sub-paragraph (3).”

Stephen Kinnock
Hywel Williams

Not called 328

Schedule 7, page 39, line 42, leave out sub-paragraphs (6) and (7).

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

Not called 130

Schedule 7, page 40, line 23, leave out sub-paragraphs (2) to (4) and insert—
“(2) The procedure provided for in paragraphs 1 to 3 of this Part in respect of the Houses of Parliament applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable to the regulations concerned.”
European Union (Withdrawal) Bill, continued

Mr Dominic Grieve
John Penrose
Mr Kenneth Clarke
Nicky Morgan
Anna Soubry
Stephen Hammond

Antoinette Sandbach          Robert Neill          Jeremy Lefroy
Vicky Ford                  Dr Sarah Wollaston    Tom Tugendhat
Chuka Umunna                Paul Masterton       Ian Murray
Caroline Lucas              Catherine McKinnell    Stephen Doughty
Heidi Allen                 Helen Hayes           Mr Ben Bradshaw
Angela Smith                Mr David Lammy        Stella Creasy
Mr George Howarth           Tom Brake            Sir Vince Cable
Jo Swinson                  Sir Edward Davey      Stephen Kinnock
Ann Coffey                  Steve McCabe          Jamie Stone
Mike Gapes                  Layla Moran          Lady Hermon
Mr Gavin Shuker             Norman Lamb           Kate Green
Wera Hobhouse               Martin Whitfield      Paul Farrelly
Kerry McCarthy

Not called  4

Schedule 7, page 40, line 32, leave out from “is” to end of line 34 and insert “subject to the rules set out in paragraphs 1 to 1E above.”

Stephen Kinnock
Hywel Williams

Not called 329

Schedule 7, page 41, line 15, leave out sub-paragraphs (10) and (11).

Mr Charles Walker
Mr Ranil Jayawardena
Dan Carden
David Linden
Mr William Wragg
Bambos Charalambous

Agreed to  393

Schedule 7, page 42, line 4, at end insert—

“Parliamentary committee to sift certain regulations involving Minister of the Crown

2A (1) Sub-paragraph (2) applies if a Minister of the Crown who is to make a statutory instrument to which paragraph 1(3) applies is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) The Minister may not make the instrument so that it is subject to that procedure unless—

(a) condition 1 is met, and

(b) either condition 2 or 3 is met.

(3) Condition 1 is that a Minister of the Crown—

(a) has made a statement in writing to the effect that in the Minister’s opinion the instrument should be subject to annulment in pursuance of a resolution of either House of Parliament, and
European Union (Withdrawal) Bill, continued

(b) has laid before the House of Commons—
   (i) a draft of the instrument, and
   (ii) a memorandum setting out the statement and the reasons for
        the Minister’s opinion.

(4) Condition 2 is that a committee of the House of Commons charged with doing
    so has made a recommendation as to the appropriate procedure for the
    instrument.

(5) Condition 3 is that the period of 10 sitting days beginning with the first sitting
    day after the day on which the draft instrument was laid before the House of
    Commons as mentioned in sub-paragraph (3) has ended without any
    recommendation being made as mentioned in sub-paragraph (4).

(6) In sub-paragraph (5) “sitting day” means a day on which the House of
    Commons sits.

(7) Nothing in this paragraph prevents a Minister of the Crown from deciding at
    any time before a statutory instrument to which paragraph 1(3) applies is made
    that another procedure should apply in relation to the instrument (whether
    under paragraph 1(3) or 3).

(8) Section 6(1) of the Statutory Instruments Act 1946 (alternative procedure for
    certain instruments laid in draft before Parliament) does not apply in relation
    to any statutory instrument to which this paragraph applies.”

Schedule 7, page 42, line 17, at end insert—

“(3A) A Minister cannot make a declaration under sub-paragraph (2) unless they
    have satisfied themselves that they have sufficiently consulted—
    (a) relevant public authorities,
    (b) businesses,
    (c) people, and
    (d) other organisations
    who are likely to be affected by the instrument.”
Schedule 7, page 42, line 31, at end insert—

“(7) For the purposes of this paragraph “urgent” has the same meaning as “emergency” in Section 1 of the Civil Contingencies Act 2004.”

(8) Paragraph 2A does not apply in relation to the instrument if the instrument contains a declaration that the Minister is of the opinion that, by reason of urgency, it is necessary to make the regulations without meeting the requirements of that paragraph.”
European Union (Withdrawal) Bill, continued

Schedule 7, page 43, line 15, at end insert—
“(g) is otherwise of sufficient policy interest to merit the application of sub-
paragraph (1)”

Schedule 7, page 43, line 19, at end insert “or if the Government has not provided
time on the floor of the House for a debate and vote on a prayer against the statutory
instrument signed by the Leader of the Opposition or 80 Members of the House of
Commons.”

Schedule 7, page 43, line 19, at end insert “unless a scrutiny committee
determines that the instrument is of such significant policy interest that it ought to be
subject to approval of each House with a procedure that allows for amendment.”
European Union (Withdrawal) Bill, continued

Agreed to 395

Schedule 7, page 43, line 19, at end insert—
“( ) See paragraph 10A for restrictions on the choice of procedure under sub-paragraph (3).”

Not called 51

Schedule 7, page 43, line 26, leave out paragraph 6
European Union (Withdrawal) Bill, continued

Schedule 7, page 43, line 30, leave out sub-paragraph (2)

Not called 24

Schedule 7, page 43, line 30, after “if” insert “a scrutiny committee determines that”

Not called 39

Schedule 7, page 43, line 43, at end insert—
“(h) is otherwise of sufficient policy interest to merit the application of sub-paragraph (1).”

Not called 40
European Union (Withdrawal) Bill, continued

Schedule 7, page 43, line 47, at end insert “, unless a scrutiny committee determines that the instrument if of such significant policy interest that it ought to be subject to approval of each House with a procedure that allows for amendment.”

Agreed to 396

Schedule 7, page 44, line 5, at end insert—

“Amendment of definition of “law relating to equality or human rights”

6A A statutory instrument containing regulations of a Minister of the Crown under section 14(7) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.”
Schedule 7, page 44, line 37, after “section 17(5)” insert “, other than regulations to appoint an exit day;”

Schedule 7, page 45, line 5, after “section 17(5)” insert “, other than regulations to appoint an exit day;”

“A10A Any regulations made by virtue of this Act by an entity other than a Minister of the Crown are subject to the same scrutiny (affirmative or negative) procedure as would be applied to those regulations if they were made by a Minister of the Crown.”

Parliamentary committee to sift certain regulations involving Minister of the Crown

10A (1) Sub-paragraph (2) applies if a Minister of the Crown who is to make a statutory instrument to which paragraph 5(3) or 6(3) applies is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) The Minister may not make the instrument so that it is subject to that procedure unless—

(a) condition 1 is met, and

(b) either condition 2 or 3 is met.

(3) Condition 1 is that a Minister of the Crown—
European Union (Withdrawal) Bill, continued

(a) has made a statement in writing to the effect that in the Minister’s opinion the instrument should be subject to annulment in pursuance of a resolution of either House of Parliament, and

(b) has laid before the House of Commons—
   (i) a draft of the instrument, and
   (ii) a memorandum setting out the statement and the reasons for the Minister’s opinion.

(4) Condition 2 is that a committee of the House of Commons charged with doing so has made a recommendation as to the appropriate procedure for the instrument.

(5) Condition 3 is that the period of 10 sitting days beginning with the first sitting day after the day on which the draft instrument was laid before the House of Commons as mentioned in sub-paragraph (3) has ended without any recommendation being made as mentioned in sub-paragraph (4).

(6) In sub-paragraph (5) “sitting day” means a day on which the House of Commons sits.

(7) Nothing in this paragraph prevents a Minister of the Crown from deciding at any time before a statutory instrument to which paragraph 5(3) or 6(3) applies is made that another procedure should apply in relation to the instrument (whether under that paragraph or paragraph 11).

(8) Section 6(1) of the Statutory Instruments Act 1946 (alternative procedure for certain instruments laid in draft before Parliament) does not apply in relation to any statutory instrument to which this paragraph applies.”

Mr Chris Leslie
Chuka Umunna
Neil Coyle
Peter Kyle
Mr Ben Bradshaw
Stephen Doughty

Caroline Lucas
Ian Murray
Angela Smith
Jamie Stone
Tulip Siddiq
Paul Farrelly
Catherine McKinnell
Stella Creasy
Mike Gapes
Martin Whitfield
Mr David Lammy
Helen Hayes
Ann Coffey
Wera Hobhouse
Stephen Timms

Not called 58

Schedule 7, page 45, line 23, leave out “urgency” and insert “emergency”

Mr Charles Walker
Mr Ranil Jayawardena
Dan Carden
David Linden
Mr William Wragg
Bambos Charalambous

Agreed to 398

Schedule 7, page 45, line 40, at end insert—

“(7) Sub-paragraph (8) applies to a statutory instrument to which paragraph 5(3) or 6(3) applies where the Minister of the Crown who is to make the instrument is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.”
European Union (Withdrawal) Bill, continued

(8) Paragraph 10A does not apply in relation to the instrument if the instrument contains a declaration that the Minister is of the opinion that, by reason of urgency, it is necessary to make the regulations without meeting the requirements of that paragraph.”

Schedule 7, page 45, line 40, at end insert—

“Scrutiny of regulations made by Welsh Ministers

11A (1) A statutory instrument containing regulations under this Act of the Welsh Ministers must be made in accordance with the procedures from time to time set out in the Standing Orders of the National Assembly for Wales for the scrutiny of regulations under this Act.

(2) Sub-paragraph (1) applies to statutory instruments made by the Welsh Ministers acting alone and to statutory instruments made by the Welsh Ministers acting jointly with a Minister of the Crown.

(3) The Standing Orders of the National Assembly for Wales may set out different procedures for the making of different statutory instruments or for different categories of statutory instruments under this Act and, for the avoidance of doubt, may empower the Assembly or a committee of the Assembly to decide which of those procedures is to apply to an instrument or category of instruments.

(4) For the purposes of section 11A of the Statutory Instruments Act 1946, and any other provisions of that Act referred to in that section, the provisions set out from time to time in the Standing Orders of the National Assembly for Wales for the scrutiny of regulations under this Act shall be deemed to be provisions of an Act.”

Schedule 7, page 46, line 18, at end insert—

“12A Any power to make regulations under this Act may not be exercised by a Minister of the Crown until 14 days after the Minister has circulated a draft of the regulations to the citizens’ jury appointed under section [Citizens’ jury on Brexit negotiations].

Schedule 7, page 46, line 29, at end insert—

“14A Any power to make regulations in this Act relating to the oil and gas sector may not be made without —
European Union (Withdrawal) Bill, continued

(a) consultation, and
(b) an impact assessment, a copy of which must be laid before Parliament.”

Secretary David Davis

Agreed to

Schedule 7, page 47, line 26, at end insert—

“Explanatory statements for certain powers: appropriateness, equalities etc.

(1) This paragraph applies where a statutory instrument containing regulations under section 7, 8 or 9, or a draft of such an instrument, is to be laid before each House of Parliament.

(2) Before the instrument or draft is laid, the relevant Minister must make a statement to the effect that in the Minister’s opinion the instrument or draft does no more than is appropriate.

(3) Before the instrument or draft is laid, the relevant Minister must make a statement—

(a) as to whether the instrument or draft amends, repeals or revokes any provision of equalities legislation, and
(b) if it does, explaining the effect of each such amendment, repeal or revocation.

(4) Before the instrument or draft is laid, the relevant Minister must make a statement to the effect that, in relation to the instrument or draft, the Minister has, so far as required to do so by equalities legislation, had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.

(5) Before the instrument or draft is laid, the relevant Minister must make a statement otherwise explaining—

(a) the instrument or draft,
(b) the reasons for it,
(c) the law before exit day which is relevant to it, and
(d) its effect (if any) on retained EU law.

(6) If the relevant Minister fails to make a statement required by sub-paragraph (2), (3), (4) or (5) before the instrument or draft is laid, a Minister of the Crown must make a statement explaining why the relevant Minister has failed to do so.

(7) A statement under sub-paragraph (2), (3), (4), (5) or (6) must be made in writing and be published in such manner as the Minister making it considers appropriate.

(8) For the purposes of this paragraph, where an instrument or draft is laid before each House of Parliament on different days, the earlier day is to be taken as the day on which it is laid before both Houses.

(9) This paragraph does not apply in relation to any laying before each House of Parliament of an instrument or draft instrument where an equivalent draft instrument (ignoring any differences relating to procedure) has previously been laid before both Houses.

(10) In this paragraph—

“equalities legislation” means the Equality Act 2006, the Equality Act 2010 or any subordinate legislation made under either of those Acts;
“the relevant Minister” means the Minister of the Crown who makes, or is to make, the instrument.”
European Union (Withdrawal) Bill, continued

Schedule 7, page 48, line 14, leave out sub-paragraph (4).

Schedule, as amended, agreed to.

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

Valerie Vaz
Ms Harriet Harman
Helen Hayes
Ann Coffey
Wera Hobhouse
Vernon Coaker

Paul Farrelly
Ian Murray
Stephen Kinnock
Jamie Stone
Hugh Gaffney
Helen Goodman

Mr David Lammy
Stephen Doughty
Stella Creasy
Mike Gapes
Martin Whitfield
Melanie Onn

Not called 331

Clause 17, page 14, line 7, leave out “appropriate” and insert “necessary”

Secretary David Davis

Clause 17, page 14, line 8, leave out “or the appointment of” and insert “(including its operation in connection with)”

Agreed to 383
Clause 17, page 14, line 9, at end insert—

“(... But the power in subsections (1) and (3) may not be exercised to make provision for Wales to the extent that that provision would be within the devolved competence of the Welsh Ministers for the purposes of Part 2 of Schedule 2.”

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

Catherine McKinnell
Ms Angela Eagle
Mrs Madeleine Moon
Mr David Lammy
Wera Hobhouse
Patrick Grady

Stella Creasy
Ian Murray
Helen Hayes
Ann Coffey
Martin Whitfield
Stephen Timms

Ms Karen Buck
Stephen Doughty
Angela Smith
Mike Gapes
Paul Farrelly

Clause 17, page 14, line 13, at end insert—

“(8) Regulations under this section may not limit the scope or weaken standards of environmental protection.”

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

Catherine McKinnell
Ms Angela Eagle
Mrs Madeleine Moon
Ann Coffey
Martin Whitfield

Stella Creasy
Ian Murray
Helen Hayes
Mike Gapes
Paul Farrelly

Ms Karen Buck
Stephen Doughty
Mr David Lammy
Wera Hobhouse
Patrick Grady

Clause 17, page 14, line 13, at end insert—

“(8) No regulations may be made under this section after the end of the period of two years beginning with exit day.”

Mary Creagh
Mike Gapes
Kerry McCarthy

Clause 17, page 14, line 13, at end insert—

“(8) No regulations may be made under this section after the end of the period of two years beginning with exit day.

(9) Regulations made under this section may not amend or repeal retained EU law.”
European Union (Withdrawal) Bill, continued

Clause 17, page 14, line 13, at end insert—
“(8) Regulations under subsection (1) or (5) may not amend, repeal or revoke, or otherwise modify the effect of, any law relating to equality or human rights.”

Page 13, line 33, leave out Clause 17

Clause, as amended, agreed to.

NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 8, CLAUSE 8

Mr Chris Leslie
Paul Farrelly
Mr David Lammy
Ian Murray
Kerry McCarthy
Catherine McKinnell
Stephen Doughty
Angela Smith
Mary Creagh
Mike Gapes
Stephen Timms
Helen Hayes
Stella Creasy
Ann Coffey
Martin Whitfield
Mr Ben Bradshaw
Mr George Howarth
Seema Malhotra
Neil Coyle

To move the following Clause—

“International treaties and agreements

The Secretary of State shall, within one month of Royal Assent of this Act, publish an assessment of each of the international treaties, agreements and obligations that will be affected, require amendment or require renegotiation as a result of this Act, including an assessment of where the powers in section 8 may need to be used.”
“EEA Agreement

(1) No Minister may, under this Act, notify the withdrawal of the United Kingdom from the EEA Agreement, whether under Article 127 of that Agreement or otherwise.

(2) Regulations under this Act may not make any provision that would constitute a breach of the United Kingdom’s obligations under the EEA Agreement.

(3) Regulations under this Act may not amend or repeal subsection (1) or (2).”
To move the following Clause—


(1) On exit day and on any day afterwards, a public authority must act in a way which is compatible with—

(a) Part I of the United Nations Convention on the Rights of the Child, and

(b) the Optional Protocols of the UNCRC to which the UK is a signatory state.

(2) So far as it is possible to do so, on exit day and on any day afterwards, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with—

(a) Part I of the United Nations Convention on the Rights of the Child, and

(b) the Optional Protocols of the UNCRC to which the UK is a signatory state.

(3) On exit day and on any day afterwards, a Minister of the Crown must, when exercising any function relating to children, have due regard to the requirements of—

(a) Part I of the United Nations Convention on the Rights of the Child, and

(b) the Optional Protocols of the UNCRC to which the UK is a signatory state.

(4) A Minister of Crown shall undertake and publish a Child Rights Impact Assessment if the function relating to children under subsection (3) entails any of the following—

(a) formulation of a provision to be included in an enactment,

(b) formulation of a new policy, guidance or statement of practice, or

(c) change or review of an existing policy guidance or statement of practice.”
European Union (Withdrawal) Bill, continued

Seema Malhotra  Mr David Lammy  Layla Moran
Martin Whitfield  Vernon Coaker  Paul Farrelly
Neil Coyle  Stephen Timms  Diana Johnson
Not called  NC36

To move the following Clause—

“United Nations Convention on the Rights of the Child (No. 2)

(1) On exit day and on any day afterwards, a public authority must act in a way which is compatible with—
   (a) Part I of the United Nations Convention on the Rights of the Child, and
   (b) the Optional Protocols of the UNCRC to which the UK is a signatory state.

(2) So far as it is possible to do so, on exit day and on any day afterwards, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with—
   (a) Part I of the United Nations Convention on the Rights of the Child, and
   (b) the Optional Protocols of the UNCRC to which the UK is a signatory state.

(3) On exit day and on any day afterwards, a Minister of the Crown must, when exercising any function relating to children, have due regard to the requirements of—
   (a) Part I of the United Nations Convention on the Rights of the Child, and
   (b) the Optional Protocols of the UNCRC to which the UK is a signatory state.”

Clause 8, page 6, line 28, leave out “appropriate” and insert “necessary”

Tom Brake  Sir Vince Cable  Mr Alistair Carmichael
Angela Smith  Mary Creagh  Jamie Stone

Layla Moran  Wera Hobhouse  Tim Farron
Not called  205

Clause 8, page 6, line 30, at end insert “including the Belfast Agreement of 10 April 1998.”
European Union (Withdrawal) Bill, continued

Jeremy Corbyn  
Mr Nicholas Brown  
Keir Starmer  
Owen Smith  
Jenny Chapman  
Matthew Pennycook  
Paul Blomfield  
Ms Harriet Harman  
Not called 346

Clause 8, page 6, line 30, at end insert “including those arising under the British-Irish Agreement 1998”

Stephen Kinnock  
Hywel Williams

Not called 314

Clause 8, page 6, line 30, at end insert—
“( ) But the power in subsection (1) may not be exercised to make provision for Wales to the extent that that provision would be within the devolved competence of the Welsh Ministers for the purposes of Part 2 of Schedule 2.”

Caroline Lucas

Not called 110

Clause 8, page 6, line 31, leave out subsection (2)

Jeremy Corbyn  
Mr Nicholas Brown  
Keir Starmer  
Jenny Chapman  
Matthew Pennycook  
Paul Blomfield  
Valerie Vaz  
Mr David Lammy  
Catherine McKinnell  
Mary Creagh  
Mike Gapes  
Vernon Coaker  
Caroline Lucas  
Ms Harriet Harman  
Helen Hayes  
Ann Coffey  
Wera Hobhouse  
Helen Goodman  
Paul Farrelly  
Ian Murray  
Stephen Kinnock  
Jamie Stone  
Martin Whitfield  
Melanie Onn  
Not called 31

Clause 8, page 6, line 32, at end insert “, apart from amending or modifying this Act”

Jeremy Corbyn  
Mr Nicholas Brown  
Keir Starmer  
Jenny Chapman  
Matthew Pennycook  
Paul Blomfield  
Vernon Coaker  
Mr David Lammy  
Paul Farrelly  
Diana Johnson  
Ms Harriet Harman  
Not called 345

Clause 8, page 6, line 32, at end insert—
“(2A) Regulations under subsection (1) may, in particular, include regulations to match or exceed World Health Organisation air quality standards.”
Clause 8, page 6, line 35, at end insert—

“(bc) amend or repeal the Northern Ireland Act 1998 (except with the intention of preserving the effects of the Belfast Agreement of 10 April 1998 after exit day).”

Clause 8, page 6, line 36, leave out “or”

Clause 8, page 6, line 37, after “revoke”, insert “, or otherwise modify the effect of,”

Clause 8, page 6, line 38, at end insert “, or
(e) modify the Scotland Act 1998 or the Government of Wales Act 2006.”
European Union (Withdrawal) Bill, continued

Clause 8, page 6, line 38, at end insert “, or

(e) modify the Government of Wales Act 2006.”

Clause 8, page 6, line 38, at end insert “, or

(e) amend, repeal or revoke, or otherwise modify the effect of, any other law relating to equality or human rights.”.

Clause 8, page 6, line 38, at end insert—

“(e) make any provision, unless the Minister considers that the conditions in subsection (3A) where relevant are satisfied in relation to that provision.

(3A) Those conditions are that—

(a) the policy objective intended to be secured by the provision could not be secured by non-legislative means;
(b) the effect of the provision is proportionate to the policy objective;
(c) the provision, taken as a whole, strikes a fair balance between the public interest and the interests of any person adversely affected by it;
(d) the provision does not remove any necessary protection;
(e) the provision does not prevent any person from exercising any right or freedom which that person might reasonably expect to continue to exercise;
(f) the provision is not of constitutional significance”
Clause 8, page 6, line 38, at end insert—

“(e) remove or reduce any protections currently conferred upon individuals, groups or the natural environment,

(f) prevent any person from continuing to exercise a right that they can currently exercise,

(g) amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under that Act.”

Not called 97

Clause 8, page 6, line 38, at end insert—

“(e) limit the scope or weaken standards of environmental protection.”

Not called 111

Clause 8, page 6, line 38, at end insert—

“(e) amend, repeal or revoke any legal right derived from EU law and operative in UK law immediately before 30 March 2019.”
European Union (Withdrawal) Bill, continued

Clause 8, page 6, line 38, at end insert—
“(e) amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under it.”

Clause 8, page 6, line 38, at end insert—
“(e) remove, reduce or otherwise limit the rights of EU citizens resident in the UK.”

Clause 8, page 6, line 38, at end insert—
“(e) make provision which, in the opinion of the Minister, could pose a threat to national security.”

Clause 8, page 6, line 38, at end insert—
“(e) impose or increase taxation”
European Union (Withdrawal) Bill, continued

Clause 8, page 6, line 38, at end insert—
“(e) be incompatible with the British-Irish Agreement 1998 and the Multi-party agreement (the Belfast / Good Friday Agreement) to which it gives effect, including—

(i) the preservation of institutions set up relating to strands 1, 2 and 3 of the Good Friday Agreement,

(ii) human rights and equality,

(iii) the principle of consent, and

(iv) citizenship rights.”

Clause 8, page 6, line 38, at end insert—
“(e) confer a power to legislate (other than a power to make rules of procedure for a court or tribunal).”

Clause 8, page 6, line 40, at end insert—
“(5) The consent of the Scottish Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Scottish Ministers within the meaning given in paragraph 18 of Schedule 2.

(6) The consent of the Welsh Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Welsh Ministers within the meaning given in paragraph 19 of Schedule 2.”
Clause 8, page 6, line 40, at end insert—

“(5) Any power to make, confirm or approve subordinate legislation conferred or modified under this Act and its schedules must be used, and may only be used, insofar as is necessary to ensure that standards of equalities, environmental protection and employment protection, and consumer standards will continue to remain in all respects equivalent to those extant in the EU.

(6) In particular, no agreement relating to international trade or investment with the EU or with a third-party state or states shall be made that permits or requires standards of equalities, environmental protection and employment protection, and consumer standards to fall below those extant in the EU at the time.”

Clause agreed to.

Progress reported.