



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Monday 11 September 2017

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 1 to 136 and NC1 to NC29

COMMITTEE OF THE WHOLE HOUSE

EUROPEAN UNION (WITHDRAWAL) BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the House [11 September 2017].

The arrangement shown below is provisional and is subject to change.

NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 1, CLAUSE 1

Mr Chris Leslie

NC13

★ To move the following Clause—

“Customs duties

A Minister of the Crown may not make regulations to appoint exit day until Royal Assent is granted to an Act of Parliament making provision for the substitution of section 5 (customs duties) of the European Communities Act 1972 with provisions that shall allow the United Kingdom to remain a member of the EU common customs tariff and common commercial policy.”

Member’s explanatory statement

This new clause would ensure that provisions allowing the UK to remain a member of the Customs

European Union (Withdrawal) Bill, *continued*

Union, as currently set out in section 5 of the European Communities Act 1972 but set to be repealed by section 1 of this Act, will be enacted ahead of exit day.

Mr Chris Leslie
Mike Gapes
Neil Coyle
Peter Kyle
Mr Ben Bradshaw
Liz Kendall

Stephen Doughty

53

- ★ Clause 1, page 1, line 3, at beginning insert “Subject to ratification by both Houses of Parliament of a new Treaty between the European Union and the United Kingdom,”
- Member’s explanatory statement***
- This amendment would ensure that the United Kingdom does not repeal the European Communities Act 1972 and exit the European Union unless and until a new Treaty establishing a future relationship between the UK and EU has been agreed and ratified by Parliament.*

Mr Chris Leslie
Stephen Timms
Mike Gapes
Mr Chuka Umunna
Neil Coyle
Stephen Gethins

Peter Kyle

Mr Ben Bradshaw

Stephen Doughty

63

- ★ Clause 1, page 1, line 3, after “1972”, insert “, except for section 5 of and Schedule 2 to that Act,”
- Member’s explanatory statement***
- This amendment would ensure that the existing legal framework for customs duties and the Customs Union common external tariff framework would continue to be in effect after exit day.*

Ian Blackford

69

- ★ Clause 1, page 1, line 3, at end insert “, if the requirement in subsection (2) is met.
- (2) The European Communities Act 1972 shall only be repealed under subsection (1) if an agreement has been reached with the European Council that failure by the Parliament of the United Kingdom to approve the terms of exit for the UK will result in the maintenance of UK membership on existing terms.”

Hywel Williams
Liz Saville Roberts
Jonathan Edwards
Ben Lake

78

- ★ Clause 1, page 1, line 3, at end insert—

European Union (Withdrawal) Bill, continued

“(2) Regulations under section 19(2) bringing into force subsection (1) may not be made until the Prime Minister is satisfied that an agreement has been reached for the United Kingdom to remain a member of the EEA and of the Customs Union.”

Member’s explanatory statement

This amendment makes the repeal of the European Communities Act 1972 on exit day conditional on the Prime Minister reaching an agreement for the United Kingdom to remain a member of the EEA and Customs Union.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards
Ben Lake

79

★ Clause 1, page 1, line 3, at end insert—

“(2) Regulations under section 19(2) bringing into force subsection (1) may not be made until the Prime Minister is satisfied that resolutions have been passed by the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly signifying consent to the commencement of subsection (1).”

Member’s explanatory statement

This amendment makes the repeal of the European Communities Act 1972 on exit day conditional on the Prime Minister gaining consent from the devolved legislatures.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards
Ben Lake

80

★ Clause 1, page 1, line 3, at end insert—

“(2) Regulations under section 19(2) bringing into force subsection (1) may not be made until the Secretary of State lays a report before—

(a) Parliament, and

(b) the National Assembly for Wales

outlining the effect of the United Kingdom’s withdrawal from the EU on the National Assembly for Wales’s block grant.”

Member’s explanatory statement

This amendment would require the UK Government to lay a report before the National Assembly for Wales outlining the effect of the UK’s withdrawal from the EU on Welsh finances, before exercising the power under section 1. This would allow for scrutiny of the Leave Campaign’s promise to maintain current levels of EU funding for Wales.

NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 6, CLAUSE 6

Mr Chris Leslie

NC14

★ To move the following Clause—

“Interpretation of retained EU law during transitional period

Within one month of Royal Assent of this Act the Secretary of State shall lay a report before Parliament setting out how the interpretation of retained EU law provisions in section 6 shall operate in the event of a transitional period being

European Union (Withdrawal) Bill, *continued*

agreed between the United Kingdom and the European Union ahead of the implementation of a withdrawal agreement.”

Member’s explanatory statement

This new clause would ensure that Ministers must set out in detail how the provisions in clause 6 would apply during a transitional period before the United Kingdom fully implements a withdrawal agreement.

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

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

Mr Chris Leslie

NC15

★ To move the following Clause—

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

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

Member’s explanatory statement

This new clause would ensure that Parliament is informed of changes in EU and EEA provisions that might have amended UK law if the UK had remained a member of those institutions beyond exit day.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards
Ben Lake

87

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

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

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

Member’s explanatory statement

This amendment alters the definition of EU retained law so as only to include reserved areas of legislation. This will allow the National Assembly for Wales and the other devolved

European Union (Withdrawal) Bill, continued

administrations to legislate on areas of EU derived law which fall under devolved competency for themselves.

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

Mr Chris Leslie

NC12

★ 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”

Member’s explanatory statement

This new Clause would ensure that social, employment and environmental laws cannot be changed by the order-making powers delegated to Ministers without a vote in Parliament.

Kerry McCarthy

93

★ Clause 4, page 2, line 45, leave out sub-paragraph (b)

Member’s explanatory statement

The test set out at Clause 4(1)(a), that such rights are available in domestic law immediately before exit day, is sufficient for those rights to continue to be available following the UK’s exit from the EU.

Ian Blackford

70

★ Clause 4, page 2, line 47, at end insert—

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

Non-discrimination on ground of nationality	Article 18
Citizenship rights	Article 20 (except article 20(2)(c))
Rights of movement and residence deriving from EU citizenship	Article 21(1)

European Union (Withdrawal) Bill, *continued*

Establishes customs union, prohibition of customs duties, common external tariff	Article 28
Prohibition on customs duties	Article 30
Prohibition on quantitative restrictions on imports	Article 34
Prohibition on quantitative restrictions on exports	Article 35
Exception to quantitative restrictions	Article 36
Prohibition on discrimination regarding the conditions under which goods are procured	Article 37(1) and (2)
Free movement of workers	Article 45(1), (2) and (3)
Freedom of establishment	Article 49
Freedom to provide services	Article 56
Services	Article 57
Free movement of capital	Article 63
Competition	Article 101(1)
Abuse of a dominant position	Article 102
Public undertakings	Article 106(1) and (2)
State aid	Article 107(1)
Commission consideration of plans re: state aid	Article 108(3)
Internal taxation	Article 110
Non-discrimination in indirect taxes	Articles 111 to 113
Economic co-operation	Articles 120 to 126
Equal pay	Article 157
European Investment Bank (EIB)	Article 308 (first and second subparagraphs)
Combating fraud on the EU	Article 325(1) and (2)
Disclosure of information and national security	Article 346
EIB	Protocol 5 - Articles 3, 4, 5, 7(1), 13, 15, 18(4), 19(1) and (2), 20(2), 23(1) and (4), 26, 27 (second and third subparagraphs)
Privileges and immunities of the EIB	Protocol 7 - Article 21"

 European Union (Withdrawal) Bill, *continued*

Kerry McCarthy

94

- ★ Clause 4, page 3, line 4, leave out paragraph (b)

Member's explanatory statement

Clause 4(2)(b) excludes rights arising under EU directives which are not recognised by the courts. This Amendment would remove Clause 4(2)(b) so that rights arising under EU directives (but not yet adjudicated on by the courts) are protected and continue to be available in UK courts.

Kerry McCarthy

95

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

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

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

Member's explanatory statement

New subsection (4) deals with a situation where the UK has incorrectly implemented a directive. In cases of incorrect implementation, reliance on the EU directive may still be necessary. New subsection (5) ensures that where the UK has not correctly or completely implemented EU law, prior to exit day, there will be a statutory obligation on Ministers to modify UK law to ensure that the relevant EU legislation is correctly and fully implemented.

 NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 5 OR SCHEDULE 1, CLAUSE 5, SCHEDULE 1
Mr Chris Leslie
Mr Pat McFadden

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

European Union (Withdrawal) Bill, *continued*

- 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) citizen's 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."

Member's explanatory statement

This new clause would require Ministers to produce a report reviewing in full the implications of removing from UK law the Charter of Fundamental Rights – and the rights for UK citizens which it has help to guarantee.

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

Valerie Vaz
Chuka Umunna
Mr Ben Bradshaw
Caroline Lucas

Mr Chris Leslie
Neil Coyle
Stephen Doughty

Mike Gapes
Peter Kyle
Mr Pat McFadden

46

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

Member's explanatory statement

This amendment would remove the exclusion of the Charter of Fundamental Rights from retained EU law.

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

Dr Sarah Wollaston
Tom Brake
Ian Blackford

Jeremy Lefroy
Sir Vince Cable

Robert Neill
Mr Alistair Carmichael

8

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

Member's explanatory statement

To allow the Charter of Fundamental rights to continue to apply domestically in the interpretation and application of retained EU law.

 European Union (Withdrawal) Bill, *continued*

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

Dr Sarah Wollaston

Jeremy Lefroy

Robert Neill

9

- ★ Schedule 1, page 15, line 2, leave out Schedule 1

Member's explanatory statement

To allow challenges to be brought to retained EU law on the grounds that it is in breach of general principles of EU law and to allow damages to be awarded for any proven breach of such a principle.

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

Dr Sarah Wollaston

Jeremy Lefroy

Robert Neill

14

- ★ Schedule 1, page 15, line 4, leave out paragraphs 1 to 3.

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

Dr Sarah Wollaston

Jeremy Lefroy

Robert Neill

10

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

Member's explanatory statement

To allow challenges to be brought to retained EU law on the grounds that it is in breach of general principles of EU law.

Kerry McCarthy

101

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

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

European Union (Withdrawal) Bill, *continued*

- (2) Without prejudice to the generality of sub-paragraph (1), the principle 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.”

Member’s explanatory statement

This amendment clarifies that all the existing principles of EU law will be retained within domestic law whether they originate in the case law of the European Court, the EU treaties, direct EU legislation or EU directives. It also makes clear that the key environmental law principles in Article 191 of the Treaty are retained.

Kerry McCarthy

105

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

Member’s explanatory statement

This amendment leave out paragraph 3, thus retaining the right of action in domestic law in relation to general principles of EU law.

Tom Brake

Sir Vince Cable

Mr Alistair Carmichael

125

- ★ Schedule 1, page 15, leave out lines 27 to 29

Member’s explanatory statement

This amendment would retain the right in domestic law to damages in accordance with the rule in Francovich under which in some circumstances the Government must compensate individuals for damage that they have suffered suffer as a result of serious breaches of EU law.

Mr Chris Leslie

Neil Coyle

Peter Kyle

Mr Ben Bradshaw

Stephen Doughty

Kerry McCarthy

62

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

Member’s explanatory statement

This amendment would remove the proposal to end rights in UK domestic law after exit day in relation to damages in accordance with the rule in Francovich.

Tom Brake

Sir Vince Cable

Mr Alistair Carmichael

126

- ★ Schedule 1, page 15, line 33, after “law” insert “or”

Member’s explanatory statement

This amendment is consequential on amendment 125.

 European Union (Withdrawal) Bill, *continued*

Tom Brake
 Sir Vince Cable
 Mr Alistair Carmichael

127

- ★ Schedule 1, page 15, line 33, leave out “or the rule in Francovich”
Member’s explanatory statement
This amendment is consequential on amendment 125.

 NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 11 OR SCHEDULE 3,
 CLAUSE 11, SCHEDULE 3

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

Valerie Vaz

42

- ★ Clause 11, page 7, line 16, leave out subsections (1) to (3) and insert—
- “(1) In section 29(2)(d) of the Scotland Act 1998 (no competence for Scottish Parliament to legislate incompatibly with EU law), omit “or with EU law”.
 - (2) In section 108A(2)(e) of the Government of Wales Act 2006 (no competence for National Assembly for Wales to legislate incompatibly with EU law), omit “or with EU law”.
 - (3) In section 6(2)(d) of the Northern Ireland Act (no competency for the Assembly to legislate incompatibly with EU law), omit “is incompatible with EU law.”
- Member’s explanatory statement*
This amendment removes the Bill’s proposed restrictions on the ability of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly to legislate on devolved matters.

Tom Brake
 Sir Vince Cable
 Mr Alistair Carmichael

132

- ★ Clause 11, page 7, line 19, leave out from “law)” to end of line 29 and insert “omit or with EU law”
Member’s explanatory statement
This amendment is intended to remove the proposed bar on the Scottish Parliament legislating inconsistently with EU law after exit day.

Hywel Williams
 Liz Saville Roberts
 Jonathan Edwards
 Ben Lake

90

- ★ Clause 11, page 7, leave out lines 22 to 29 and insert—

European Union (Withdrawal) Bill, *continued*

“(4A) An Act of the Scottish Parliament cannot modify, or confer power by subordinate legislation to modify, retained EU law which relates to matters specified in Schedule 5 to the Scotland Act 1998.”

Member’s explanatory statement

This amendment would remove the restrictions on the Scottish Parliament modifying retained EU law except in relation to matters that are reserved.

Ian Blackford

72

★ Clause 11, page 7, line 28, at end insert—

“(3A) This section shall not come into effect until—

- (a) the Scottish Parliament has passed a resolution approving the provisions in subsection (1);
- (b) the National Assembly for Wales has passed a resolution approving the provisions in subsection (2); and
- (c) the Northern Ireland Assembly has passed a resolution approving the provisions in subsection (3).”

Tom Brake
Sir Vince Cable
Mr Alistair Carmichael

133

★ Clause 11, page 7, line 33, leave out from “law)” to end of line 7 on page 8 and insert “omit or with EU law”

Member’s explanatory statement

This amendment is intended to remove the proposed bar on the National Assembly for Wales legislating inconsistently with EU law.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards
Ben Lake

91

★ Clause 11, page 7, leave out from line 36 to the end of line 7 on page 8 and insert—

“(8) An Act of the Assembly cannot modify, or confer power by subordinate legislation to modify, retained EU law which relates to matters specified in Schedule 7A to the Government of Wales Act 2006.”

Member’s explanatory statement

This amendment would remove the restrictions on the National Assembly for Wales modifying retained EU law except in relation to matters that are reserved.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards
Ben Lake

92

★ Clause 11, page 8, leave out lines 14 to 28 and insert—

“(8) An Act of the Assembly cannot modify, or confer power by subordinate legislation to modify, retained EU law which relates to matters specified in Schedules 2 or 3 to the Northern Ireland Act 1998.”

Member’s explanatory statement

This amendment would remove the restrictions on the Northern Ireland Assembly modifying retained EU law except in relation to matters that are reserved.

 European Union (Withdrawal) Bill, *continued*

Tom Brake
 Sir Vince Cable
 Mr Alistair Carmichael

134

- ★ Clause 11, page 9, line 33, leave out from “Assembly)” to end of line 28 and insert “omit subsection 2(d)”

Member’s explanatory statement

This amendment is intended to remove the proposed bar on the Northern Ireland Assembly legislating inconsistently with EU law.

 NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 10 OR SCHEDULE 2,
 CLAUSE 10, SCHEDULE 2

Tom Brake
 Sir Vince Cable
 Mr Alistair Carmichael

135

- ★ Schedule 2, page 20, line 18, leave out paragraph 10

Member’s explanatory statement

This amendment is intended to remove the proposed restriction in the Bill on devolved authorities modifying retained direct EU legislation etc.

Caroline Lucas

119

- ★ Schedule 2, page 22, line 15, leave out “two years beginning with exit day” and insert “12 months beginning with 30 March 2019”

Member’s explanatory statement

This amendment would restrict the use of the delegated powers granted to Ministers in clause 8 to a period of 12 months after 29 March 2019.

Tom Brake
 Sir Vince Cable
 Mr Alistair Carmichael

136

- ★ Schedule 2, page 22, line 25, leave out paragraph 15

Member’s explanatory statement

This amendment is intended to remove the proposed restriction in the Bill on devolved authorities modifying retained direct EU legislation etc.

 NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 12 OR SCHEDULE 4,
 CLAUSE 12, SCHEDULE 4

Mr Chris Leslie
 Mr Pat McFadden

NC17

- ★ To move the following Clause—

European Union (Withdrawal) Bill, *continued***“Withdrawal Agreement Payment to the European Union**

Nothing in section 12 of this Act shall be taken to permit a Minister of the Crown, government department or devolved authority to pay out of money provided by Parliament expenditure in relation to a settlement in respect of the making of a withdrawal agreement with the European Union unless a draft of the instrument authorising that payment has been laid before, and approved by a resolution of the House of Commons.”

Member’s explanatory statement

This new clause would ensure that the financial provision made in section 12 of this Act does not allow the Government to make a payment in settlement of the UK’s withdrawal from the European Union as part of a withdrawal agreement or new Treaty unless it has been expressly approved by the House of Commons.

Mr Chris Leslie
Mike Gapes
Neil Coyle
Peter Kyle
Mr Ben Bradshaw
Liz Kendall

Stephen Doughty

Mr Pat McFadden

54

★ Clause 12, page 9, line 4, at end insert—

“(5) No payment shall be made to the European Union or its member states in respect of the making of a withdrawal agreement or a new Treaty with the European Union or any new settlement relating to arrangements that are to be made after exit day unless a draft of the instrument authorising the payment has been laid before, and approved by a resolution of the House of Commons.”

Member’s explanatory statement

This amendment would ensure that there is a vote in the House of Commons to approve any settlement payment agreed by Ministers as a consequence of negotiations on a withdrawal agreement or new Treaty with the European Union.

NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 7, CLAUSE 7

Chris Leslie

NC18

★ To move the following Clause—

“Regulations to deal with deficiencies arising from withdrawal – Independent Report

Within one month of Royal Assent of this Act HM Government shall commission the publication of an Independent Report into the constitutional implications of the powers delegated to Ministers in section 7 of this Act and the implications these powers will have on the relationship between Parliament and the executive,

European Union (Withdrawal) Bill, continued

the rule of law and legal certainty, and the stability of the UK's territorial constitution."

Member's explanatory statement

This new clause would require the Government to commission an Independent Report into the constitutional implications of the wide-ranging powers to make regulations delegated to Ministers in Clause 7 of the Bill, in pursuance of the conclusions of the 3rd Report of the House of Lords Select Committee on the Constitution session 2017-19 (HL Paper 19) "European Union (Withdrawal) Bill: interim report"

Kerry McCarthy

NC24

- ★ To move the following Clause—

"Scope of delegated powers

Subject to sections 8 and 9 and paragraphs 13 and 21 of Schedule 2, 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 retained EU law continues to operate with equivalent scope, purpose and effect following the United Kingdom's exit from the EU."

Member's explanatory statement

The purpose of this amendment is to ensure that the powers to create secondary legislation given to ministers by the Bill can be used only in pursuit of the overall statutory purpose, namely to allow retained EU law to continue to operate effectively after exit day.

Kerry McCarthy

NC25

- ★ To move the following Clause—

"Treatment of retained law

- (1) Following the commencement of this Act, no modification may be made to retained EU law save by primary legislation, or by subordinate legislation made under this Act.
- (2) By regulation, the Minister may establish a Schedule listing technical provisions of retained EU law that may be amended by subordinate legislation.
- (3) Regulations made under subsection (2) will be subject to an enhanced scrutiny procedure including consultation with the public and relevant stakeholders.
- (4) Regulations may only be made under subsection (2) to the extent that they will have no detrimental impact on the UK environment.
- (5) Delegated powers may only be used to modify provisions of retained EU law listed in any Schedule made under subsection (2) to the extent that such modification will not limit the scope or weaken standards of environmental protection."

Member's explanatory statement

This new clause provides a mechanism for ministers to establish a list of technical provisions of

European Union (Withdrawal) Bill, *continued*

retained EU law that may be amended by subordinate legislation outside of the time restrictions of the Bill.

Kerry McCarthy

NC26

★ 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;
 - (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.”

Member’s explanatory statement

This new clause seeks to ensure that a Parliamentary Committee rather than ministers should decide what is the appropriate level of scrutiny for regulations made under the Act and that the Parliamentary Committee has the power to require enhanced scrutiny in relation to regulations that it considers to be particularly significant or contentious.

Kerry McCarthy

NC27

★ To move the following Clause—

“Institutional arrangements

- (1) Before exit day a Minister of the Crown must make provision that all powers and functions relating to the environment or environmental protection that were exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day which do not cease to have effect as a result of the withdrawal agreement (“relevant powers and functions”) will—

European Union (Withdrawal) Bill, *continued*

- (a) continue to be carried out by an EU entity or public authority;
 - (b) be carried out by an appropriate existing or newly established entity or public authority in the United Kingdom; or
 - (c) be carried out by an appropriate international entity or public authority.
- (2) For the purposes of this section, relevant powers and functions relating to the UK exercisable by an EU entity or public authority include, but are not limited to—
- (a) monitoring and measuring compliance with legal requirements,
 - (b) reviewing and reporting on compliance with legal requirements,
 - (c) enforcement of legal requirements,
 - (d) setting standards or targets,
 - (e) co-ordinating action,
 - (f) publicising information including regarding compliance with environmental standards.
- (3) Within 12 months of exit day, the Government shall consult on and bring forward proposals for the creation by primary legislation of—
- (a) a new independent body or bodies with powers and functions at least equivalent to those of EU entities and public authorities in Member States in relation to environment; and
 - (b) a new domestic framework for environmental protection and improvement.
- (4) Responsibility for any functions or obligations arising from retained EU law for which no specific provision has been made immediately after commencement of this Act will belong to the relevant Minister until such a time as specific provision for those functions or obligations has been made.”

Member's explanatory statement

This new clause requires the Government to establish new domestic governance proposals following the UK's exit from the EU and to ensure statutory and institutional basis for future environmental protection.

Mr Chris Leslie

- ★ Clause 7, page 5, line 4, leave out “appropriate” and insert “necessary”

65

Member's explanatory statement

This Amendment would reduce the wide discretion for using delegated legislation and limit it to those aspects which are unavoidable.

Mr Dominic Grieve
John Penrose

- ★ Clause 7, page 5, line 5, leave out from “effectively” to end of line 6 on page 6.

15

Yvette Cooper
Hilary Benn
Ms Harriet Harman

- ★ Clause 7, page 5, line 7, at end insert—

49

European Union (Withdrawal) Bill, *continued*

“(1A) Regulations under subsection (1) may be made so far as necessary to adapt the body of EU law to fit the UK’s domestic legal framework.”

Member’s explanatory statement

This amendment would place a general provision on the face of the Bill to the effect that the delegated powers granted by the Bill should be used only so far as necessary.

Tom Brake
Sir Vince Cable
Mr Alistair Carmichael

131

★ Clause 7, page 5, line 7, at end insert—

“(1A) A Minister of the Crown must by regulations make provision to maintain, preserve and protect the rights of any citizen of an EU member state who was lawfully resident in the UK immediately before exit day, and in particular to continue right to be their lawfully resident in the UK.”

Member’s explanatory statement

This Amendment is intended to preserve after exit day the rights, including residence rights, of EU citizens in the UK.

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

Antoinette Sandbach
Vicky Ford

Robert Neill
Dr Sarah Wollaston

Jeremy Lefroy
Tom Tugendhat

1

★ Clause 7, page 5, line 8, leave out “(but are not limited to)” and insert “and are limited to”

Member’s explanatory statement

To restrict the power of a Minister to make regulations to amend retained EU law to cases where the EU law is deficient in the way set out in the Bill.

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

56

★ Clause 7, page 5, line 8, leave out “(but are not limited to)”

Member’s explanatory statement

This amendment would remove the ambiguity in Clause 7 which sets out a definition of ‘deficiencies in retained EU law’ but allows Ministers significant latitude. By removing the qualifying phrase ‘but are not limited to’, subsection (2) becomes a more precise prescribed set of circumstances where Ministers may and may not make regulations.

European Union (Withdrawal) Bill, *continued*

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

Caroline Lucas

57

- ★ Clause 7, page 5, line 42, leave out sub-section (4)

Member's explanatory statement

This amendment would remove the scope for regulations to make provisions that could be made by an Act of Parliament.

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

Valerie Vaz

32

- ★ Clause 7, page 5, line 43, at end insert “, apart from amending or modifying this Act”

Member's explanatory statement

This amendment would remove the proposed capacity of Ministers in Clause 7 to modify and amend the Act itself via delegated powers.

Tom Brake
 Sir Vince Cable
 Mr Alistair Carmichael

121

- ★ Clause 7, page 5, line 44, leave out subsection (5) and insert—

“(5) No regulations may be made under this section which provide for the establishment of public authorities in the United Kingdom.

(6) Subsection (5) applies to but is not limited to—

- (a) Agency for the Cooperation of Energy Regulators (ACER),
- (b) Office of the Body of European Regulators for Electronic Communications (BEREC Office),
- (c) Community Plant Variety Office (CPVO),
- (d) European Border and Coast Guard Agency (Frontex),
- (e) European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA),
- (f) European Asylum Support Office (EASO),
- (g) European Aviation Safety Agency (EASA),
- (h) European Banking Authority (EBA),
- (i) European Centre for Disease Prevention and Control (ECDC),
- (j) European Chemicals Agency (ECHA),
- (k) European Environment Agency (EEA),
- (l) European Fisheries Control Agency (EFCA),
- (m) European Insurance and Occupational Pensions Authority (EIOPA),
- (n) European Maritime Safety Agency (EMSA),

European Union (Withdrawal) Bill, continued

- (o) European Medicines Agency (EMA),
- (p) European Monitoring Centre for Drugs and Drug Addiction (EMCDDA),
- (q) European Union Agency for Network and Information Security (ENISA),
- (r) European Police Office (Europol),
- (s) European Union Agency for Railways (ERA),
- (t) European Securities and Markets Authority (ESMA), and
- (u) European Union Intellectual Property Office (EUIPO).”

Member’s explanatory statement

This amendment ensures that the Government cannot establish new agencies using delegated legislation.

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

Mr Pat McFadden

61

- ★ Clause 7, page 6, line 3, leave out sub-paragraph (ii)

Member’s explanatory statement

This amendment would remove the ability of Ministers to replace or abolish public service functions currently undertaken by EU entities without making an alternative provision for those equivalent public services to continue domestically after exit day. Retaining the existing functions undertaken by the EU is an important principle that the part of this sub-clause could potentially undermine.

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

Dr Sarah Wollaston

Jeremy Lefroy

Robert Neill

5

- ★ Clause 7, page 6, line 3, leave out “abolished”

Member’s explanatory statement

To prevent the abolition by SI of a function currently carried out by an EU entity in the UK, as opposed to its replacement or modification.

Caroline Lucas

108

- ★ Clause 7, page 6, line 4, leave out paragraph (5)(b).

Member’s explanatory statement

This amendment seeks to prevent the establishment of new public bodies by means of secondary legislation only, as opposed to primary legislation.

Chris Bryant

17

- ★ Clause 7, page 6, line 6, at end insert—

European Union (Withdrawal) Bill, *continued*

- “(5A) Regulations under this section must be prefaced by a statement by the person making the regulations—
- (a) specifying the nature of the failure of retained European Union law to operate effectively or other deficiency arising from the withdrawal of the United Kingdom from the European Union in respect of which the regulations are made, and
 - (b) declaring that the person making the regulations—
 - (i) is satisfied that the conditions in section 7 are met,
 - (ii) is satisfied that the regulations contain only provision which is appropriate for the purpose of preventing, remedying or mitigating any failure to operate effectively or other deficiency in retained European Union law arising from the withdrawal of the United Kingdom from the European Union in respect of which the regulations are made,
 - (iii) is satisfied that the effect of the regulations is in due proportion to that failure to operate effectively or other deficiency in European Union retained law arising from the withdrawal of the United Kingdom from the European Union, and
 - (iv) is satisfied that the regulations are compatible with the Convention rights (within the meaning of section 1 of the Human Rights Act 1998 (c. 42)).”

Member’s explanatory statement

This amendment replicates the provisions in the Civil Contingencies Act 2004, which limit Ministers’ powers even in a time of declared emergency. They ensure that statutory instruments are proportionate and necessary.

Yvette Cooper
Hilary Benn
Ms Harriet Harman

48

- ★ Clause 7, page 6, line 6, at end insert—

- “(5A) But a Minister may not make provision under subsection (4), other than provision which merely restates an enactment, unless the Minister considers that the conditions in subsection (5B), where relevant, are satisfied in relation to that provision.
- (5B) These conditions are that—
- (a) the effect of the provision is proportionate to the policy objective,
 - (b) the provision does not remove any necessary protection, and
 - (c) 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.”

Member’s explanatory statement

This amendment is intended to prevent the regulation-making power from being used to remove necessary protections.

Kerry McCarthy

104

- ★ Clause 7, page 6, line 6, at end insert—

- “(5A) A public authority established under this section will be abolished after two years.”

Member’s explanatory statement

This amendment provides for any new public authority established under secondary legislation to be temporary.

 European Union (Withdrawal) Bill, *continued*

Tom Brake
 Sir Vince Cable
 Mr Alistair Carmichael

123

★ Clause 7, page 6, line 10, at end add—

“(ca) weaken, remove or replace any requirement of law in effect in the United Kingdom place immediately before exit day which, in the opinion of the Minister, was a requirement up to exit day of the United Kingdom’s membership of the customs union,”

Member’s explanatory statement

This amendment is intended to prevent the regulation-making powers being used to create barriers to the UK’s continued membership of the customs union.

Tom Brake
 Sir Vince Cable
 Mr Alistair Carmichael

124

★ Clause 7, page 6, line 10, at end add—

“(ca) weaken, remove or replace any requirement of law in effect in the United Kingdom place immediately before exit day which, in the opinion of the Minister, was a requirement up to exit day of the United Kingdom’s membership of the single market,”

Member’s explanatory statement

This amendment is intended to prevent the regulation-making powers being used to create barriers to the UK’s continued membership of the single market.

Hywel Williams
 Liz Saville Roberts
 Jonathan Edwards
 Ben Lake

89

★ Clause 7, page 6, line 11, at end insert—

“(da) apply to Wales unless they relate to matters specified in Schedule 7A to the Government of Wales Act 2006,
 (db) apply to Scotland unless they relate to matters specified in Schedule 5 to the Scotland Act 1998,
 (dc) apply to Northern Ireland unless they relate to matters specified in Schedules 2 or 3 to the Northern Ireland Act 1998.”

Member’s explanatory statement

This amendment prevents Ministers of the Crown from making regulations under the powers in Clause 7 that apply to Wales, Scotland or Northern Ireland other than in relation to reserved (or, in the case of Northern Ireland, excepted and reserved) matters.

Yvette Cooper
 Ms Harriet Harman
 Rachel Reeves

52

★ Clause 7, page 6, line 12, after “revoke” insert “the Equality Act 2010 or”

Member’s explanatory statement

This amendment would prevent regulations under the Bill being used to amend the Equality Act 2010.

European Union (Withdrawal) Bill, *continued*

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

Antoinette Sandbach
 Vicky Ford

Robert Neill
 Dr Sarah Wollaston

Jeremy Lefroy
 Tom Tugendhat

2

★ Clause 7, page 6, line 18, at end insert—

“(g) make any other provision, unless the Minister considers that the conditions in subsection (6A) where relevant are satisfied in relation to that provision.

(6A) 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”

Member’s explanatory statement

To narrow down the circumstances in which this power can be exercised.

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

Valerie Vaz

25

★ Clause 7, page 6, line 18, at end insert—

- “(g) remove or reduce any protections currently conferred upon individuals, groups or the natural environment,
- (h) prevent any person from continuing to exercise a right that they can currently exercise,
- (i) amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under that Act.”

Member’s explanatory statement

This amendment would prevent the Government’s using delegated powers under Clause 7 to reduce rights or protections.

Ian Blackford

73

★ Clause 7, page 6, line 18, at end insert—

- “(g) make changes to EU-derived domestic legislation concerning the rights of workers in the UK unless the Secretary of State has secured unanimous agreement from the Joint Ministerial Committee.”

 European Union (Withdrawal) Bill, *continued*

Kerry McCarthy

96

- ★ Clause 7, page 6, line 18, at end insert—

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

Member’s explanatory statement

This Amendment ensures that the power to make regulations in Clause 7 may not be exercised to reduce environmental protection.

Caroline Lucas

109

- ★ Clause 7, page 6, line 18, at end insert—

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

Member’s explanatory statement

This amendment seeks to prevent the delegated powers granted to Ministers by clause 7 being used to weaken or abolish existing EU-derived legal rights, such as those on workers’ rights, equality, and environmental protection.

Mr Dominic Grieve
John Penrose

16

- ★ Clause 7, page 6, line 21, leave out subsection (8).

Hywel Williams
Liz Saville Roberts
Jonathan Edwards
Ben Lake

88

- ★ Clause 7, page 6, line 26, at end insert—

“(9) Regulations may only be made under subsection (5)(a)(ii) if an impact assessment on the replacement, abolition or modification of the functions of EU entities is laid before each House of Parliament prior to them being made.”

Member’s explanatory statement

This amendment prevents Ministers of the Crown from being able to replace, abolish or modify the functions of EU Agencies without laying impact assessments on its effect before both Houses of Parliament.

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

NC3

- ★ To move the following Clause—

European Union (Withdrawal) Bill, *continued***“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.”

Member’s explanatory statement

This new clause is linked to the removal of Clause 9 and paragraph 6 of Schedule 7 in order to replace the proposed provision on power to implement withdrawal agreement with a duty to report to Parliament on how the Government proposes that the withdrawal agreement should be implemented.

Mr Chris Leslie
Mike Gapes
Chuka Umunna
Neil Coyle
Peter Kyle
Mr Ben Bradshaw

Liz Kendall

Stephen Doughty

NC4

- ★ To move the following Clause—

“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.”

Member’s explanatory statement

This new clause would ensure that a separate Act of Parliament would be required for Ministers to determine exit day and to set out the arrangements that will apply after exit day.

Chris Leslie

NC19

- ★ 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.”

Member’s explanatory statement

This new clause would ensure that the wide-ranging powers for Ministers to implement the

European Union (Withdrawal) Bill, *continued*

withdrawal agreement set out in Clause 9 of the Bill cannot come into force until the withdrawal agreement has been published.

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

Dr Sarah Wollaston

Jeremy Lefroy

Robert Neill

7

- ★ 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.”

Member’s explanatory statement

To require the final deal with the EU to be approved by statute passed by Parliament.

Caroline Lucas

114

- ★ Clause 9, page 7, line 1, leave out subsection (2).

Member’s explanatory statement

This amendment seeks to restrict the delegated powers granted to Ministers by Clause 9.

Chris Bryant

18

- ★ Clause 9, page 7, line 2, leave out “(including modifying this Act)” and insert “except this Act, the Parliament Acts 1911 and 1948 and any Act granted Royal Assent in this session of Parliament”

Member’s explanatory statement

This removes the power of Ministers to amend this Act, the Parliament Acts and any Act granted assent in this session of Parliament. It is necessary so as to safeguard the constitutional provisions in the Parliament Acts, such as the provision that a Parliament cannot last more than five years and the relative powers of the House of Lords.

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

Valerie Vaz

30

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

Member’s explanatory statement

This amendment would remove the proposed capacity of Ministers in Clause 9 to modify and amend the Act itself via delegated powers.

European Union (Withdrawal) Bill, *continued*

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

Mr Pat McFadden

59

- ★ Clause 9, page 7, line 2, leave out “including” and insert “but not”

Member’s explanatory statement

This amendment would prevent the Ministerial order making powers in Clause 9 being used to modify the European Union (Withdrawal) Act itself.

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

Dr Sarah Wollaston

Jeremy Lefroy

Robert Neill

13

- ★ 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”

Kerry McCarthy

98

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

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

Member’s explanatory statement

This Amendment ensures that the power to make regulations in Clause 8 may not be exercised to reduce environmental protection.

Caroline Lucas

115

- ★ 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.”

Member’s explanatory statement

This amendment seeks to prevent the delegated powers granted to Ministers by clause 9 being used

European Union (Withdrawal) Bill, *continued*

to weaken or abolish existing EU-derived legal rights, such as those on workers' rights, equality, and environmental protection.

Hilary Benn

47

- ★ 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.”

Tom Brake
 Sir Vince Cable
 Mr Alistair Carmichael

128

- ★ 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.”

Member's explanatory statement

This amendment makes the exercise of the power to make regulations implementing the withdrawal agreement contingent on the requirement for separate agreement on withdrawal from the European Economic Area of NC29.

Chris Bryant

19

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

Member's explanatory statement

Although the power conferred by this clause lapses on exit day, there is no sunset clause for the statutory instruments provided under it. This would make all such statutory instruments lapse two years after exit day and require the Government to introduce primary legislation if it wanted to keep them in force.

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

55

- ★ 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.”

Member's explanatory statement

This amendment would ensure that powers to Ministers to make regulations implementing the withdrawal agreement cannot be exercised until such time as the withdrawal agreement has been published along with the publication of associated legislative proposals on customs, trade, immigration, fisheries, agriculture, nuclear safeguards and international sanctions.

Ian Blackford

74

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

European Union (Withdrawal) Bill, continued

- “(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.”

Ian Blackford

75

- ★ 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 Customs Union.”

Caroline Lucas

116

- ★ 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.”

Member’s explanatory statement

This amendment seeks to ensure that Ministers cannot make and use secondary legislation for the purposes of implementing the withdrawal agreement until such time as that agreement has been approved by a Ratification Referendum.

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

Valerie Vaz
Norman Lamb

Yvette Cooper
Mr Chris Leslie

Ms Harriet Harman
Caroline Lucas

28

- ★ Page 6, line 41, leave out Clause 9

Member’s explanatory statement

This amendment would ensure that the withdrawal agreement is implemented through primary legislation.

*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

NC1

- ★ To move the following Clause—

European Union (Withdrawal) Bill, *continued*

“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.”

Member’s explanatory statement

This new clause establishes the principle that there shall be a Commons triage committee which works alongside the Lords Secondary Legislation Scrutiny Committee to determine the level of scrutiny each statutory instrument shall receive.

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

Valerie Vaz

NC2

★ To move the following Clause—

“Retaining Enhanced Protection

- (1) Regulations provided for by Acts of Parliament other than this Act may not be used by Ministers of the Crown to amend or modify retained EU law in the following areas—
 - (a) employment entitlement, rights and protections;
 - (b) equality entitlements, rights and protections;
 - (c) health and safety entitlement, rights and protections;
 - (d) fundamental rights as defined in the EU Charter of Fundamental Rights.”

Member’s explanatory statement

This new clause would prevent delegated powers from other Acts being used to alter workplace protections, equality provisions, health and safety regulations or fundamental rights.

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

Mr Pat McFadden

NC6

★ To move the following Clause—

European Union (Withdrawal) Bill, *continued***“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.”

Member’s explanatory statement

This new clause would require the Government to bring forward early proposals for the House of Commons to consider as changes to Standing Orders to reflect the scrutiny required as a result of changes to regulation and delegated legislation made by this Act.

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

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.”

Member’s explanatory statement

This new clause would commit Ministers to abiding by the existing Cabinet Office code of practice on consultations in respect of regulations to be made under the Bill.

Chris Leslie

68

- ★ Schedule 7, page 39, line 13, leave out from beginning to end of line 33 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

European Union (Withdrawal) Bill, *continued*

- 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.

European Union (Withdrawal) Bill, *continued*

- (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.”

Tom Brake
 Sir Vince Cable
 Mr Alistair Carmichael

129

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

“Scrutiny procedure: introductory

- 3 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

- 4 (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.

European Union (Withdrawal) Bill, *continued**Super-affirmative procedure*

- 5 (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 subparagraph (3) and before the draft order is approved by that House under subparagraph (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 subparagraph (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 subparagraph (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 subparagraph (7) and before it is approved by that House under subparagraph (8), recommend under this subparagraph 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 subparagraph (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.”

Member’s explanatory statement

This amendment would ensure Parliament has the power to determine, following recommendations by the Minister, which parliamentary procedure should be used to scrutinise statutory instruments containing regulations that deal with deficiencies arising from EU withdrawal. It also provides for use of the “super-affirmative resolution procedure” whereby a committee of either House can recommend that no further proceedings be taken in relation to a draft order, which can only be over-turned by a resolution of that House.

Chris Bryant

20

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

Member’s explanatory statement

This amendment is linked to amendment 21 and removes the provision that certain statutory instruments can be introduced under the negative resolution and requires all SIs made under Clause 7 to go through the affirmative route with a vote in both Houses. It means that the Government could not bypass Parliament by refusing to grant time for a debate on annulling an SI.

Chris Bryant

21

- ★ Schedule 7, page 39, line 17, leave out paragraphs (2) and (3)

Member’s explanatory statement

This amendment is linked to amendment 20 and removes the provision that certain statutory instruments can be introduced under the negative resolution and requires all SIs made under Clause 7 to go through the affirmative route with a vote in both Houses. It means that the Government could not bypass Parliament by refusing to grant time for a debate on annulling an SI.

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

Valerie Vaz

33

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

Member’s explanatory statement

This amendment together with amendments 34 and 35 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 7 of this Act, and that matters of policy interest will be subject to the approval of both Houses and to amendment.

European Union (Withdrawal) Bill, *continued*

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

Valerie Vaz

34

★ Schedule 7, page 39, line 29, at end insert—

“(g) is otherwise of sufficient policy interest to merit the application of subsection(1).”

Member’s explanatory statement

This amendment together with amendments 33 and 35 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 7 of this Act, and that matters of policy interest will be subject to the approval of both Houses and to amendment.

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

Antoinette Sandbach
Vicky Ford

Robert Neill
Dr Sarah Wollaston

Jeremy Lefroy
Tom Tugendhat

3

★ Schedule 7, page 39, line 30, leave out from beginning to the end of line 19 on page 40 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 with—
 - (i) the negative resolution procedure (see paragraph 1C); or
 - (ii) the affirmative resolution procedure (see paragraph 1D); or
- (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—

European Union (Withdrawal) Bill, *continued*

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

European Union (Withdrawal) Bill, *continued*

- (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.

European Union (Withdrawal) Bill, *continued*

- (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.
- (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).”

Member’s explanatory statement

To set up a triage and scrutiny system under the control of Parliament for determining how Statutory Instruments under Clause 7 of the Bill will be dealt with.

Mr Chris Leslie

67

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

Member’s explanatory statement

This amendment would facilitate the use of affirmative and super-affirmative procedures, other than for the transfer of functions of EU public bodies.

European Union (Withdrawal) Bill, *continued*

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

Valerie Vaz

35

- ★ Schedule 7, page 39, line 33, at end insert—

“(3A) 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.”

Member’s explanatory statement

This amendment together with amendments 33 and 34 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 7 of this Act, and that matters of policy interest will be subject to the approval of both Houses and to amendment.

Tom Brake
Sir Vince Cable
Mr Alistair Carmichael

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.”

Member’s explanatory statement

This amendment applies the procedures set out in Amendment above in respect of the UK Parliament for regulations made jointly by a Minister of the Crown acting jointly with a devolved authority.

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

Antoinette Sandbach
Vicky Ford

Robert Neill
Dr Sarah Wollaston

Jeremy Lefroy
Tom Tugendhat

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.”

Member’s explanatory statement

Consequential amendment to Amendment 3.

European Union (Withdrawal) Bill, *continued*

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

Valerie Vaz

36

- ★ Schedule 7, page 43, line 3, after “if” insert “a scrutiny committee determines that”
Member’s explanatory statement
This amendment together with amendments 37 and 38 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 8 of this Bill, and that matters of policy interest will be subject to the approval of both Houses and to amendment.

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

Valerie Vaz

37

- ★ Schedule 7, page 43, line 15, at end insert—
“(g) is otherwise of sufficient policy interest to merit the application of subsection (1)”
Member’s explanatory statement
This amendment together with amendments 36 and 38 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 8 of this Bill, and that matters of policy interest will be subject to the approval of both Houses and to amendment.

Chris Bryant

22

- ★ 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.”
Member’s explanatory statement
This would mean that if the Leader of the Opposition or 80 members of the House of Commons were to sign a prayer against an SI that was subject under Schedule 7 to the negative procedure, the Government would have to provide time for a debate and a vote on the floor of the House or lose the SI. At present there is no such provision in the House of Commons.

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

Valerie Vaz

38

- ★ Schedule 7, page 43, line 19, at end insert—

European Union (Withdrawal) Bill, *continued*

“(3A) 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.”

Member’s explanatory statement

This amendment together with amendments 36 and 37 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 8 of this Bill, and that matters of policy interest will be subject to the approval of both Houses and to amendment.

Yvette Cooper
Ms Harriet Harman
Norman Lamb

51

★ Schedule 7, page 43, line 26, leave out paragraph 6

Member’s explanatory statement

This amendment would remove from the Bill the proposed provision on power to implement withdrawal agreement through secondary legislation. It is linked to NC3.

Chris Bryant

23

★ Schedule 7, page 43, line 26, leave out “which contain provisions falling within sub-paragraph (2).”

Member’s explanatory statement

This amendment is linked to amendment 24 and removes the provision that certain statutory instruments can be introduced under the negative resolution and requires all SIs under Clause 9 to go through the affirmative route with a vote in both Houses. It means that the Government could not bypass Parliament by refusing to grant time for a debate on annulling an SI.

Chris Bryant

24

★ Schedule 7, page 43, line 30, leave out paragraphs (1) and (2)

Member’s explanatory statement

This amendment is linked to amendment 23 and removes the provision that certain statutory instruments can be introduced under the negative resolution and requires all SIs under Clause 9 to go through the affirmative route with a vote in both Houses. It means that the Government could not bypass Parliament by refusing to grant time for a debate on annulling an SI.

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

Valerie Vaz

39

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

Member’s explanatory statement

This amendment together with amendments 40 and 41 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 9 of this Bill, and that matters of policy interest will be subject to the approval of both Houses and to amendment.

 European Union (Withdrawal) Bill, *continued*

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

Valerie Vaz

40

- ★ Schedule 7, page 43, line 43, at end insert—

“(h) is otherwise of sufficient policy interest to merit the application of subsection(1).”

Member’s explanatory statement

This amendment together with amendments 39 and 41 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 9 of this Bill, and that matters of policy interest will be subject to the approval of both Houses and to amendment.

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

Valerie Vaz

41

- ★ 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.”

Member’s explanatory statement

This amendment together with amendments 39 and 40 would establish that it is for Parliament to decide which level of scrutiny a Statutory Instrument shall receive under Clause 9 of this Bill, and that matters of policy interest will be subject to the approval of both Houses and to amendment.

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

58

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

Member’s explanatory statement

This amendment would remove the wider latitude currently allowing Ministers to make regulations without Parliamentary approval “by reason of urgency” and instead only allow such executive action “by reason of emergency”. An emergency is a situation that poses an immediate risk to human health, life, property, or environment.

 European Union (Withdrawal) Bill, *continued*

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

Valerie Vaz

29

- ★ Clause 17, page 13, line 34, leave out subsections (1) to (3)

Member's explanatory statement

This amendment would remove a widely drawn delegated power, which covers anything that happens as a consequence of the Act.

Kerry McCarthy

99

- ★ 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.”

Member's explanatory statement

This Amendment ensures that the power to make regulations in Clause 17 may not be exercised to reduce environmental protection.

Kerry McCarthy

100

- ★ 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.”

Member's explanatory statement

This Amendment imposes the same restriction on the regulation making powers under Clause 17 as applies to other regulation powers in the Bill.

Caroline Lucas

118

- ★ Page 13, line 33, leave out Clause 17

Member's explanatory statement

This amendment would remove the powers granted to Ministers by clause 17, including the power to amend provisions in this Bill, once enacted, by means of delegated legislation only.

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

Chris Leslie

NC20

- ★ 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

European Union (Withdrawal) Bill, *continued*

result of this Act, including an assessment of where the powers in section 8 may need to be used.”

Member’s explanatory statement

This new clause would require Ministers to publish a full list and assessment of the implications of this Act on the many international treaties and agreements that the United Kingdom is party to and which may be impacted as a result of this Bill. The assessment would also have to set out those areas where Ministers anticipate the powers in clause 8 of this Bill may need to be used.

Heidi Alexander
Stephen Doughty

NC22

★ To move the following Clause—

“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).”
-

Tom Brake
Sir Vince Cable
Mr Alistair Carmichael

NC29

★ 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.”

Member’s explanatory statement

This new clause describes the requirement for each House of Parliament to agree to withdrawal from the European Economic Area and is linked to amendment 128 which makes the exercise of the power to make regulations implementing the withdrawal agreement contingent on such agreement.

European Union (Withdrawal) Bill, *continued*

Caroline Lucas

110

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

Member's explanatory statement

This amendment seeks to restrict the delegated powers granted to Ministers by Clause 8.

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

Valerie Vaz

31

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

Member's explanatory statement

This amendment would remove the proposed capacity of Ministers in Clause 8 to modify and amend the Act itself via delegated powers.

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

Dr Sarah Wollaston

Jeremy Lefroy

Robert Neill

12

- ★ 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”

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

Valerie Vaz

26

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

European Union (Withdrawal) Bill, continued

- “(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.”

Member’s explanatory statement

This amendment would prevent the Government’s using delegated powers under Clause 8 to reduce rights or protections.

Kerry McCarthy

97

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

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

Member’s explanatory statement

This Amendment ensures that the power to make regulations in Clause 8 may not be exercised to reduce environmental protection.

Caroline Lucas

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.”

Member’s explanatory statement

This amendment seeks to prevent the delegated powers granted to Ministers by clause 8 being used to weaken or abolish existing EU-derived legal rights, such as those on workers’ rights, equality, and environmental protection.

Caroline Lucas

112

- ★ Clause 8, page 6, line 40, leave out “two years beginning with exit day” and insert “12 months beginning with 30 March 2019”.

Member’s explanatory statement

This amendment would restrict the use of the delegated powers granted to Ministers in clause 8 to a period of 12 months after 29 March 2019.

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

Valerie Vaz

27

- ★ Clause 8, 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,

European Union (Withdrawal) Bill, *continued*

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

Member’s explanatory statement

This amendment would prevent the Government’s using delegated powers under Clause 9 to reduce rights or protections.

*NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 13 OR SCHEDULE 5,
CLAUSE 13, SCHEDULE 5*

Chris Leslie

NC21

- ★ To move the following Clause—

“Plain English summary of retained direct EU legislation

HM Government shall ensure that the publication of copies of retained direct EU legislation as set out in the provisions of section 13 and schedule 5 is accompanied wherever possible by a summarising explanatory document setting out in terms that are readily understandable the purpose and effect of that retained direct EU legislation.”

Member’s explanatory statement

This new clause would require Ministers to publish copies of retained direct EU legislation accompanied by ‘plain English’ and readily understandable summarising explanatory documents.

Ian Blackford

77

- ★ Clause 13, page 9, line 9, at end insert—

“(3) A Minister of the Crown may by regulations—

- (a) make provision enabling or requiring judicial notice to be taken of a relevant matter, or
- (b) provide for the admissibility in any legal proceedings of specified evidence of—
 - (i) a relevant matter, or
 - (ii) instruments or documents issued by or in the custody of an EU entity.”

Ian Blackford

76

- ★ Schedule 5, page 37, leave out paragraph 4
-

European Union (Withdrawal) Bill, continued

NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 14 OR SCHEDULE 6, CLAUSE 14, SCHEDULE 6, REMAINING NEW CLAUSES, REMAINING NEW SCHEDULES, CLAUSE 15, SCHEDULES 8 AND 9, CLAUSES 18 AND 19, REMAINING PROCEEDINGS ON THE BILL

NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 14 OR SCHEDULE 6, CLAUSE 14, SCHEDULE 6

Mr Chris Leslie
Mike Gapes
Chuka Umunna
Neil Coyle
Peter Kyle
Mr Ben Bradshaw

Stephen Doughty

NC5

★ To move the following Clause—

“New EU-UK Treaty to be ratified prior to exit day

Ministers shall not bring forward regulations to appoint ‘exit day’ unless both Houses of Parliament have ratified, by Act of Parliament, a new Treaty between the United Kingdom and the European Union which is due to take effect immediately upon the United Kingdom’s repeal of the European Communities Act 1972.”

Member’s explanatory statement

This new clause would ensure that Parliament has ratified successor arrangements for a future relationship and Treaty between the EU and UK before ‘exit day’ can be appointed by Ministers.

Caroline Lucas

117

★ Clause 14, page 10, line 25, leave out “such day as a Minister of the Crown may by regulations appoint (and see subsection (2))” and insert “29 March 2019”.

Member’s explanatory statement

This amendment seeks to ensure that time limits on the use of delegated powers granted to Ministers in the Bill are fixed as starting on 29 March 2019, the expiry of the two-year Article 50 negotiation period.

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

Valerie Vaz

43

★ Clause 14, page 10, line 25, leave out “a Minister of the Crown may by regulations” and insert “Parliament may by a majority approval in both Houses”

Member’s explanatory statement

This amendment together with amendments 44 and 45 would empower Parliament to control the

European Union (Withdrawal) Bill, *continued*

length and basic terms of transitional arrangements, and would allow Parliament to start the clock on the sunset clauses within the Bill.

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

Dr Sarah Wollaston

Jeremy Lefroy

Robert Neill

6

- ★ Clause 14, page 10, line 26, at end insert “but exit day must be the same day for the purposes of every provision of this Act.”

Member’s explanatory statement

To prevent the creation of different exit days for different parts of the Act by SI.

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

Valerie Vaz

44

- ★ Clause 14, page 11, line 25, leave out “a Minister of the Crown” and insert “Parliament”

Member’s explanatory statement

This amendment together with amendments 43 and 45 would empower Parliament to control the length and basic terms of transitional arrangements, and would allow Parliament to start the clock on the sunset clauses within the Bill.

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

Valerie Vaz

45

- ★ Clause 14, page 11, line 30, leave out “a Minister of the Crown” and insert “Parliament”

Member’s explanatory statement

This amendment together with amendments 43 and 44 would empower Parliament to control the length and basic terms of transitional arrangements, and would allow Parliament to start the clock on the sunset clauses within the Bill.

European Union (Withdrawal) Bill, *continued**AND 9, CLAUSES 18 AND 19, REMAINING PROCEEDINGS ON THE BILL*

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

NC8

★ To move the following Clause—

“Committee of the Regions

Her Majesty’s Government shall—

- (a) maintain a full consultative role for local authorities throughout the process of withdrawal from the European Union, in due time and in an appropriate way in the planning and decision-making processes for all matters which concern them, and
- (b) provide for a formal mechanism in domestic law fully to replicate the advisory role conferred on local authorities via membership of the European Union Committee of the Regions.”

Member’s explanatory statement

This new clause would ensure that the current consultative role that UK local government currently have via the EU Committee of the Regions would be replicated in the UK after exit day.

Mr Chris Leslie
 Stephen Timms
 Mike Gapes
 Mr Chuka Umunna
 Neil Coyle
 Peter Kyle

Mr Ben Bradshaw

Stephen Doughty

NC9

★ To move the following Clause—

“European Economic Area

The United Kingdom shall, after exit day, remain a member of the European Economic Area as set out in the European Economic Area Act 1993, and the provisions in Part 2 of Schedule 8 relating to the United Kingdom’s membership of the EEA shall not take effect until such time as Ministers have published a White Paper assessing the costs and benefits for the UK economy of remaining a member of the European Economic Area after exit day.”

Member’s explanatory statement

This new Clause would ensure that the UK can remain a member of the European Economic Area until such time as Ministers publish a specific assessment in the form of a White Paper setting out the costs and benefits for the UK of remaining a member after exit day.

 European Union (Withdrawal) Bill, *continued*

Mr Chris Leslie
 Stephen Timms
 Mike Gapes
 Mr Chuka Umunna
 Neil Coyle
 Peter Kyle

Mr Ben Bradshaw

Stephen Doughty

NC10

★ To move the following Clause—

“Transitional arrangements

Her Majesty’s Government shall, in pursuit of a new relationship between the United Kingdom and European Union after exit day, seek to negotiate and agree transitional arrangements with the European Union of sufficient duration to allow—

- (a) the conclusion and coming into force of new trade agreements replicating as closely as possible all those trade agreements currently applying to the UK by virtue of its membership of the EU before exit day;
- (b) an associate membership of the EU Single Market so that the regulatory settlement existing between the UK and EU before exit day can continue for the duration of transitional arrangements, which shall be not less than two years after exit day.”

Member’s explanatory statement

This new Clause would require the UK Government to seek transitional arrangements that would allow existing trade agreements which currently apply to the UK to be negotiated and continued for the circumstances applying after the UK has exited the EU, and would seek transitional arrangements including an associate membership of the EU Single Market for not less than two years following exit day.

Mr Chris Leslie
 Stephen Timms
 Mike Gapes
 Mr Chuka Umunna
 Neil Coyle
 Peter Kyle

Mr Ben Bradshaw

Stephen Doughty

NC11

★ To move the following Clause—

“Ongoing regulatory requirements

After exit day the Secretary of State shall continue to assess all EU regulations, decisions and tertiary legislation and publish a report to both Houses of Parliament assessing the costs and benefits of each regulation and directive and whether HM Government should consider it expedient to propose a similar reform to UK domestic legislation in order to secure an ongoing regulatory alignment between the UK and the EU going forward.”

Member’s explanatory statement

After exit day the European Union is likely to continue to produce legislation, regulations and

European Union (Withdrawal) Bill, *continued*

decisions that would have applied to the United Kingdom if we had remained a member of the EU. This new clause would require Ministers to publish an assessment of new and developing EU laws and regulations and whether there would be benefits or costs for the UK in adopting similar legal changes to UK domestic legislation with a view to maintaining regulatory alignment with the EU as far as possible.

Heidi Alexander
Stephen Doughty

NC23

★ To move the following Clause—

“EFTA membership

The Secretary of State shall, no later than six months after this Act has gained Royal Assent, lay a report before Parliament setting out an assessment of whether it would be in the interests of the United Kingdom to join the European Free Trade Association (EFTA) and, if so, whether it should remain a party to the EEA Agreement as a member of EFTA.”

Kerry McCarthy

NC28

★ To move the following Clause—

“General Environmental Principles

- (1) In carrying out their duties and functions arising by virtue of this act, public authorities must have regard to and apply the principles set out in this section.
- (2) Any duty or function conferred on a public authority must be construed and have effect in a way that is compatible with the principles in this section and the aim of achieving a high level of environmental protection and improvement of the quality of the environment.
- (3) The principles in this section are—
 - (a) the need to promote sustainable development in the UK and overseas;
 - (b) the need to contribute to preserving, protecting and improving the environment;
 - (c) the need to contribute to prudent and rational utilisation of natural resources;
 - (d) the need to promote measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change;
 - (e) the precautionary principle as it relates to the environment;
 - (f) the principle that preventive action should be taken to avert environmental damage;
 - (g) the principle that environmental damage should as a priority be rectified at source;
 - (h) the polluter pays principle;

European Union (Withdrawal) Bill, *continued*

- (i) the principle that environmental protection requirements must be integrated into the definition and implementation of policies and activities, in particular with a view to promoting sustainable development.
 - (j) the need to guarantee participatory rights including access to information, public participation in decision making and access to justice in relation to environmental matters.
(together the “environmental principles“).
- (4) In carrying out their duties and functions, public authorities shall take account of—
- (a) available scientific and technical data;
 - (b) environmental benefits and costs of action or lack of action; and
 - (c) economic and social development.
- (5) Public authorities, shall when making proposals concerning health, safety, environmental protection and consumer protection policy, take as a base a high level of protection, taking account in particular of any new development based on scientific facts.
- (6) Subsection (7) applies in any proceedings in which a court or tribunal determines whether a provision of primary or subordinate legislation is compatible with the environmental principles.
- (7) If the court is satisfied that the provision is incompatible with the environmental principles, it may make a declaration of that incompatibility.
- (8) In formulating and implementing agriculture, fisheries, transport, research and technological development and space policies, public authorities shall pay full regard to the welfare requirements of animals as sentient beings, while respecting the administrative provisions and customs relating in particular to religious rites, cultural traditions and regional heritage.”

Member’s explanatory statement

This new clause ensures that public authorities carrying out their duties arising by virtue of this act, must have regard to environmental principles currently enshrined in EU law.

Kerry McCarthy

- ★ Schedule 8, page 50, line 1, leave out paragraph 3

102

Member’s explanatory statement

This amendment removes the additional power provided in paragraph 3.

Kerry McCarthy

- ★ Schedule 8, page 50, line 41, leave out paragraph 5

103

Member’s explanatory statement

This amendment removes the future powers to make subordinate legislation in paragraph 5.

 European Union (Withdrawal) Bill, *continued*

Mr Chris Leslie
 Stephen Timms
 Mike Gapes
 Mr Chuka Umunna
 Neil Coyle
 Stephen Gethins

Peter Kyle
 Mr Pat McFadden

Mr Ben Bradshaw

Stephen Doughty

64

- ★ Schedule 8, page 54, leave out from beginning of line 17 to end of line 3 on page 55
Member's explanatory statement
This amendment would retain the provisions of the European Economic Area Act 1993 as part of domestic legislation beyond exit day.

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

Dr Sarah Wollaston

Jeremy Lefroy

Robert Neill

11

- ★ Schedule 8, page 55, line 17, leave out “primary legislation and not”
Member's explanatory statement
This amendment removes the proposal to allow secondary legislation to be treated as primary for the purposes of the Human Rights Act 1998.

Hywel Williams
 Liz Saville Roberts
 Jonathan Edwards
 Ben Lake

81

- ★ Clause 19, page 14, line 32, at end insert—
 “(a) section 1(2);”
Member's explanatory statement
This amendment is a consequential amendment resulting from previous amendments to clause 1 requiring the Prime Minister to reach an agreement on EEA and Customs Union membership, gain the consent of the devolved legislatures and report on the effect leaving the EU will have on the block grant before implementing section 1 of this Act.

Hywel Williams
 Liz Saville Roberts
 Jonathan Edwards
 Ben Lake

82

- ★ Clause 19, page 14, line 40, at beginning insert “Subject to subsection (2A)”
Member's explanatory statement
This amendment is a consequential amendment resulting from previous amendments to section 19 requiring the Prime Minister to reach an agreement on EEA and Customs Union membership, gain

European Union (Withdrawal) Bill, continued

the consent of the devolved legislatures and report on the effect leaving the EU will have on the block grant before implementing section 1 of this Act.

Tom Brake
Sir Vince Cable
Mr Alistair Carmichael

120

★ Clause 19, page 14, line 40, leave out subsection (2) and insert—

- “(1) The remaining provisions of this Act come into force once following a referendum on whether the United Kingdom should approve the United Kingdom and Gibraltar exit package proposed by HM Government at conclusion of the negotiations triggered by Article 50(2) for withdrawal from the European Union or remain a member of the European Union.
- (2) The Secretary of State must, by regulations, appoint the day on which the referendum is to be held.
- (3) The question that is to appear on the ballot papers is—“Do you support the Government’s proposed new agreement between the United Kingdom and Gibraltar and the European Union or Should the United Kingdom remain a member of the European Union?”
- (4) The Secretary of State may make regulations by statutory instrument on the conduct of the referendum.”

Member’s explanatory statement

This amendment is intended to ensure that before March 2019 (or the end of any extension to the two-year negotiation period) a referendum on the terms of the deal has to be held and provides the text of the referendum question.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards
Ben Lake

83

★ Clause 19, page 14, line 42, at end insert—

- “(2A) But regulations bringing into force section 1 may not be made until the Prime Minister is satisfied that an agreement has been reached for the United Kingdom to remain a member of the EEA and of the Customs Union.”

Member’s explanatory statement

This amendment makes the repeal of the European Communities Act 1972 on exit day conditional on the Prime Minister reaching an agreement for the United Kingdom to remain a member of the EEA and Customs Union.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards
Ben Lake

84

★ Clause 19, page 14, line 42, at end insert—

- “(2A) But regulations bringing into force section 1 may not be made until the Prime Minister is satisfied that resolutions have been passed by the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly signifying consent to the commencement of section 1.”

Member’s explanatory statement

This amendment makes the repeal of the European Communities Act 1972 on exit day conditional on the Prime Minister gaining consent from the devolved legislatures.

 European Union (Withdrawal) Bill, *continued*

Hywel Williams
Liz Saville Roberts
Jonathan Edwards
Ben Lake

85

★ Clause 19, page 14, line 42, at end insert—

“(2A) But regulations bringing into force section 1 may not be made until the Secretary of State lays a report before—

(a) Parliament, and

(b) the National Assembly for Wales

outlining the effect of the United Kingdom’s withdrawal from the EU on the National Assembly for Wales’s block grant.”

Member’s explanatory statement

This amendment would require the UK Government to lay a report before the National Assembly for Wales outlining the effect of the UK’s withdrawal from the EU on Welsh finances, before exercising the power under section 1. This would allow for scrutiny of the Leave Campaign’s promise to maintain current levels of EU funding for Wales.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards
Ben Lake

86

★ Clause 19, page 14, line 42, at end insert—

“(2A) But regulations bringing into force section 1 may not be made until the Secretary of State lays a report before—

(a) Parliament, and

(b) the National Assembly for Wales

outlining the effect of the United Kingdom’s withdrawal from the Single Market and Customs Union on the Welsh economy.”

Member’s explanatory statement

This amendment would require the UK Government to lay a report before Parliament and the National Assembly for Wales outlining the effect of the UK’s withdrawal from the EU Single Market and Customs Union before exercising the powers in section 1.

 ORDER OF THE HOUSE [11 SEPTEMBER 2017]

That the following provisions shall apply to the European Union (Withdrawal) Bill:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee

2. Proceedings in Committee of the whole House shall be completed in eight days.
3. The proceedings shall be taken on each of those days as shown in the first column of the following Table and in the order so shown.
4. The proceedings shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

European Union (Withdrawal) Bill, *continued*

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
First day	
New Clauses and new Schedules relating to Clause 1, Clause 1	Four hours from the commencement of proceedings on the Bill on the first day
New Clauses and new Schedules relating to Clause 6, Clause 6	Eight hours from the commencement of proceedings on the Bill on the first day
Second day	
New Clauses and new Schedules relating to Clause 2, Clause 2, new Clauses and new Schedules relating to Clause 3, Clause 3, new Clauses and new Schedules relating to Clause 4, Clause 4	Eight hours from the commencement of proceedings on the Bill on the second day
Third day	
New Clauses and new Schedules relating to Clause 5 or Schedule 1, Clause 5, Schedule 1	Eight hours from the commencement of proceedings on the Bill on the third day
Fourth day	
New Clauses and new Schedules relating to Clause 11 or Schedule 3, Clause 11, Schedule 3	Eight hours from the commencement of proceedings on the Bill on the fourth day
Fifth day	
New Clauses and new Schedules relating to Clause 10 or Schedule 2, Clause 10, Schedule 2	Four hours from the commencement of proceedings on the Bill on the fifth day
New Clauses and new Schedules relating to Clause 12 or Schedule 4, Clause 12, Schedule 4	Eight hours from the commencement of proceedings on the Bill on the fifth day
Sixth day	
New Clauses and New Schedules relating to Clause 7, Clause 7	Eight hours from the commencement of proceedings on the Bill on the sixth day
Seventh day	
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	Six hours from the commencement of proceedings on the Bill on the seventh day

European Union (Withdrawal) Bill, *continued**Proceedings**Time for conclusion of proceedings*

New Clauses and new Schedules relating to Clause 8, Clause 8

Eight hours from the commencement of proceedings on the Bill on the seventh day

Eighth day

New Clauses and new Schedules relating to Clause 13 or Schedule 5, Clause 13, Schedule 5

Four hours from the commencement of proceedings on the Bill on the eighth day

New Clauses and new Schedules relating to Clause 14 or Schedule 6, Clause 14, Schedule 6, remaining new Clauses, remaining new Schedules, Clause 15, Schedules 8 and 9, Clauses 18 and 19, remaining proceedings on the Bill

Eight hours from the commencement of proceedings on the Bill on the eighth day

Proceedings on Consideration and up to and including Third Reading

5. Any proceedings on Consideration, any proceedings in legislative grand committee and proceedings on Third Reading shall be taken in two days in accordance with the following provisions of this Order.
6. Any proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion two hours before the moment of interruption on the second day.
7. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.

Programming committee

8. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to other proceedings up to and including Third Reading.

Other proceedings

9. Any other proceedings on the Bill may be programmed.
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