



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Tuesday 7 November 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: 356 to 380 and NC69 to NC74*

### 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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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*

Frank Field  
Ruth Smeeth  
Mr Ronnie Campbell  
Gareth Snell  
Kelvin Hopkins  
Graham Stringer

John Grogan

NC49

To move the following Clause—

#### **“Date of exit from the European Union**

The United Kingdom ceases to belong to the European Union on 30 March 2019.”

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 European Union (Withdrawal) Bill, *continued*

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

Stephen Doughty	Chuka Umunna	Caroline Lucas
Paul Farrelly	Mr David Lammy	Ian Murray
Catherine McKinnell	Angela Smith	Stella Creasy
Tom Brake	Sir Vince Cable	Jo Swinson
Sir Edward Davey	Ann Coffey	Catherine West
Jamie Stone	Chris Bryant	Norman Lamb
Wera Hobhouse	Tulip Siddiq	Martin Whitfield

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
Caroline Lucas	Paul Farrelly	Mr David Lammy
Ian Murray	Catherine McKinnell	Helen Hayes
Angela Smith	Rushanara Ali	Stella Creasy
Ann Coffey	Seema Malhotra	Catherine West
Jamie Stone	Chris Bryant	Norman Lamb
Wera Hobhouse	Tulip Siddiq	Martin Whitfield
Albert Owen		

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  
 Joanna Cherry  
 Patrick Grady  
 Stephen Gethins  
 Kirsty Blackman  
 Peter Grant

Jamie Stone	Wera Hobhouse	Martyn Day
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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

**European Union (Withdrawal) Bill, continued**

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.”

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

Catherine West  
Martin Whitfield

Mr David Lammy  
Geraint Davies

Tulip Siddiq  
Albert Owen

305

Clause 1, page 1, line 3, at end insert “subject to a Minister having set out a strategy for seeking to remain a member of (or maintain equivalent participatory relations with) European Agencies and programmes including (but not limited to) Euratom, the Internal Energy Market, the European Medicines Agency, Europol, Eurojust, Erasmus+, and REACH Horizon 2020 and its successor programme.”

**Member’s explanatory statement**

*This amendment would ensure that the Government produces a strategy which would enable the United Kingdom to continue to participate in key EU agencies and programmes.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards  
Ben Lake  
Caroline Lucas  
Joanna Cherry

Jamie Stone

Wera Hobhouse

Martyn Day

78

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 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 would make 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  
Caroline Lucas  
Joanna Cherry

Jamie Stone  
Wera Hobhouse

Jo Swinson  
Martyn Day

Peter Grant

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

**European Union (Withdrawal) Bill, continued**

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 would make 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  
Caroline Lucas  
Seema Malhotra

Mr David Lammy

Martyn Day

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.*

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

Mr Chris Leslie  
Paul Farrelly  
Mr David Lammy  
Ian Murray  
Mike Gapes  
Caroline Lucas

Catherine McKinnell  
Mr Ben Bradshaw  
Stephen Kinnock  
Tulip Siddiq

Stephen Doughty  
Angela Smith  
Ann Coffey  
Martin Whitfield

Helen Hayes  
Stella Creasy  
Chris Bryant

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

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**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.*

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Tom Brake

NC73

★ To move the following Clause—

**“Non-dilution of equality and human rights law**

- (1) (1)The “EU exit protection of rights principles” are—
  - (a) that law relating to equality and human rights is to be retained and protected;
  - (b) that law relating to equality and human rights should reflect international human rights standards; and
  - (c) that Parliament should be able to scrutinise effectively law relating to equality and human rights.
- (2) In exercising any function under this Act, or in taking any other action in connection with exit day, a public authority must take account of the EU exit protection of rights principles.
- (3) Any EU exit-related legislation must be accompanied by a statement made by a Minister of the Crown setting out how the EU exit protection of rights principles are reflected in and furthered by the provisions of the instrument.
- (4) In subsection (3) “EU exit-related legislation” means—
  - (a) any statutory instrument under this Act;
  - (b) any statutory instrument made by a Minister of the Crown wholly or partly in connection with the United Kingdom’s withdrawal from the European Union; and
  - (c) any Bill presented to Parliament by a Minister of the Crown which is wholly or partly connected to the United Kingdom’s withdrawal from the European Union.”

**Member’s explanatory statement**

*This new clause ensures that the need to retain and protect equality and human rights law is addressed expressly when public authorities take action under this Act.*

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Robert Neill

357

★ Clause 6, page 3, line 29, at end insert—

- “(1A) Retained EU law is to be interpreted in accordance with subsections (3A) to (7A), unless otherwise provided for by regulations under this Act.
- (2A) Subsections (3A) to (7A) do not affect the application of section 7 to retained EU law where, but for the operation of those subsections, the retained EU law would fall within that section.

**European Union (Withdrawal) Bill, *continued***

- (3A) Retained EU law does not allow, prevent, require or otherwise apply to acts or omissions outside the United Kingdom.
- (4A) An EU reference is not to be treated, by reason of the UK having ceased to be a member State, as preventing or restricting the application of retained EU law within the United Kingdom or to persons or things associated with the United Kingdom.
- (5A) Functions conferred on the EU or an EU entity are to be treated as functions of the Secretary of State.
- (6A) Any provision which requires or would, apart from subsection (5A), require a UK body to—
- (a) consult, notify, co-operate with, or perform any other act in relation to an EU body, or
  - (b) take account of an EU interest,
- is to be treated as empowering the UK body to do so in such manner and to such extent as it considers appropriate.
- (7A) In subsection (6A)—
- “a UK body” means the United Kingdom or a public authority in the United Kingdom;
- “an EU body” means the EU, an EU entity (other than the European Court), a member State or a public authority in a member State;
- “an EU interest” means an interest of an EU body or any other interest principally arising in or connected with the EU (including that of consistency between the United Kingdom and the EU);
- “requires” includes reference to a pre-condition to the exercise of any power, right or function.”

***Member’s explanatory statement***

*This amendment provides a scheme for interpretation of EU law and to provide a backstop where necessary transposition has not been effected by regulations made under Clause 7.*

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

Ian Murray  
Martin Whitfield

Mr David Lammy

Wera Hobhouse

**279**

Clause 6, page 3, line 32, after “exit day” insert “as appointed in accordance with subsection (6A)”

***Member’s explanatory statement***

*This paving amendment is intended to allow for transitional arrangements within the existing structure of rules and regulations.*

Mrs Cheryl Gillan

**303**

Clause 6, page 3, line 32, after “Court” insert—

“except in relation to anything that happened before that day”.

***Member’s explanatory statement***

*This amendment would bind UK courts to European Court principles laid down or decisions made after exit day if they related to an act before exit day.*

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 European Union (Withdrawal) Bill, *continued*

Ian Blackford  
 Peter Grant  
 Joanna Cherry  
 Patrick Grady  
 Martyn Day

Clause 6, page 3, line 33, after “matter” insert “(other than a pending matter)” 202

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

Ian Murray  
 Martin Whitfield

Mr David Lammy

Wera Hobhouse

Clause 6, page 3, line 33, after “exit day” insert “as appointed in accordance with subsection (6A)” 280

***Member’s explanatory statement***

*This paving amendment is intended to allow for transitional arrangements within the existing structure of rules and regulations.*

Mrs Cheryl Gillan

Clause 6, page 3, line 33, at end insert— 304  
 “except in relation to anything that happened before that day.”

***Member’s explanatory statement***

*This amendment would enable UK courts to refer matters to the European Court on or after exit day if those matters related to an act before exit day.*

Joanna Cherry  
 Tom Brake  
 Sir Vince Cable  
 Jo Swinson  
 Sir Edward Davey  
 Wera Hobhouse

Martyn Day

Clause 6, page 3, line 34, leave out subsection (2) and insert— 137  
 “(2) When interpreting retained EU law after exit day a court or tribunal shall pay due regard to any relevant decision of the European Court.”

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 European Union (Withdrawal) Bill, *continued*

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

Ian Murray

Mr David Lammy

Martin Whitfield

281

Clause 6, page 3, line 34, after “exit day” insert “as appointed in accordance with subsection (6A)”

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

Mr David Lammy  
Geraint Davies

Tulip Siddiq

Martin Whitfield

306

Clause 6, page 3, line 35, leave out from “but” to end of line 36 and insert ‘a court or tribunal has a duty to take account of anything done by the European Court in relation to—

- (a) employment entitlement, rights and protections;
- (b) equality entitlements, rights and protections;
- (c) health and safety entitlement, rights and protections.”

***Member’s explanatory statement***

*This amendment would help to ensure that Britain continues to have harmonious social standards with the EU.*

Robert Neill

358

★ Clause 6, page 3, line 36, at end insert—

“( ) In addressing any question as to the meaning or effect of retained EU law, a court or tribunal must have regard to—

- (a) any material produced in the preparation of that law, or
- (b) any action taken or material produced in relation to that law before exit day by an EU entity or the EU, to the same extent as it would have had regard to such material or action immediately before exit day.”

***Member’s explanatory statement***

*The amendment would make clear that non-binding aids to the interpretation of EU law, such as background materials and official guidance produced before exit day, should continue to be taken into account by the courts when interpreting retained EU law to the same extent as at present.*

Tom Brake

379

★ Clause 6, page 3, line 36, at end insert—

“(2A) If a court or tribunal considers that a doubt arises in relation to the construction or application of any law relating to equality or human rights, it must have regard to any relevant decisions of the European Court.”

***Member’s explanatory statement***

*This amendment would ensure that courts and tribunals will take into account relevant European*

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**European Union (Withdrawal) Bill, continued**

*Court jurisprudence (if any) when construing or applying law relating to equality and human rights.*

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

Ian Murray  
Martin Whitfield

Mr David Lammy

Wera Hobhouse

278

Clause 6, page 4, line 19, at end insert—

“(6A) The exit day appointed (in accordance with Clause 14 and paragraph 13 of Schedule 7) for the purposes of subsections (1) and (2) must not be before the end of any transitional period agreed under Article 50 of the Treaty on the Functioning of the European Union.”

***Member’s explanatory statement***

*This paving amendment is intended to allow for transitional arrangements within the existing structure of rules and regulations.*

Ian Blackford  
Peter Grant  
Joanna Cherry  
Patrick Grady  
Martin Whitfield  
Martyn Day

203

Clause 6, page 4, line 20, leave out subsection (7)

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

Ian Murray

Mr David Lammy

282

Clause 6, page 4, line 26, after “exit day” insert “as appointed in accordance with subsection (6A)”

***Member’s explanatory statement***

*This consequential Amendment is intended to allow for transitional arrangements within the existing structure of rules and regulations.*

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

Ian Murray

Mr David Lammy

Martin Whitfield

283

Clause 6, page 4, line 33, after “exit day” insert “as appointed in accordance with

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**European Union (Withdrawal) Bill, *continued***

subsection (6A)”

***Member’s explanatory statement***

*This consequential Amendment is intended to allow for transitional arrangements within the existing structure of rules and regulations.*

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

Ian Murray

Mr David Lammy

Martin Whitfield

**284**

Clause 6, page 4, line 44, after “exit day” insert “as appointed in accordance with subsection (6A)”

***Member’s explanatory statement***

*This consequential Amendment is intended to allow for transitional arrangements within the existing structure of rules and regulations.*

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

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

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

Valerie Vaz  
Mr David Lammy  
Kerry McCarthy  
Helen Hayes  
Susan Elan Jones  
Chris Bryant  
Hugh Gaffney

Caroline Lucas  
Ms Harriet Harman  
Catherine McKinnell  
Stephen Kinnock  
Seema Malhotra  
Angela Smith  
Martin Whitfield

Paul Farrelly  
Ian Murray  
Stephen Doughty  
Stella Creasy  
Catherine West  
Tulip Siddiq  
Geraint Davies

**NC2**

To move the following Clause—

**“Retaining Enhanced Protection**

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

- (a) employment entitlement, rights and protections;
- (b) equality entitlements, rights and protections;
- (c) health and safety entitlement, rights and protections;

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**European Union (Withdrawal) Bill, *continued***

(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.*

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

Stephen Kinnock  
Dr Philippa Whitford  
Martyn Day

Chris Bryant  
Tulip Siddiq

Angela Smith  
Martin Whitfield

**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.*

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Frank Field  
Ruth Smeeth  
Mr Ronnie Campbell  
Gareth Snell  
Kelvin Hopkins

**NC50**

To move the following Clause—

**“Continuing validity in the United Kingdom of European Union law**

- (1) The European Communities Act 1972 shall continue to have effect in the United Kingdom after the date on which the United Kingdom leaves the European Union as if the United Kingdom continued to be bound by the Treaties.
- (2) Accordingly all such rights, powers, liabilities, obligations and restrictions created or arising by or under the Treaties, and all such remedies as provided for by or under the Treaties, as in accordance with the Treaties are without further enactment given legal effect or used in the United Kingdom shall continue to be recognised and available in law, and be enforced, allowed and followed accordingly.

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**European Union (Withdrawal) Bill, *continued***

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

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Frank Field  
Ruth Smeeth  
Mr Ronnie Campbell  
Gareth Snell  
Kelvin Hopkins

NC51

To move the following Clause—

**“Duty of review of European Union law**

- (1) The Prime Minister must lay before Parliament within six months of the date of the United Kingdom leaving the European Union, and at least once a year thereafter, a review of all European Union legislation and decisions still applicable to the United Kingdom, with proposals for re-enactment, replacement or repeal by the United Kingdom Parliament of any provisions of European Union law, with or without modification, as United Kingdom legislation.
- (2) The House of Commons may appoint or designate one or more select committees to consider any report under subsection (1).”

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

Mr David Lammy  
Tulip Siddiq

Kerry McCarthy

Caroline Lucas

NC58

To move the following Clause—

**“Retaining Enhanced Protection (No. 2)**

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

- (a) employment entitlement, rights and protection;
- (b) equality entitlements, rights and protection;
- (c) health and safety entitlement, rights and protection;
- (d) consumer standards; and

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**European Union (Withdrawal) Bill, continued**

(e) environmental standards and protection.”

**Member's explanatory statement**

*This new clause would ensure that after exit day, EU-derived employment rights, environmental protection, standards of equalities, health and safety standards and consumer standards can only be amended by primary legislation or subordinate legislation made under this Act.*

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Ian Blackford  
Peter Grant  
Joanna Cherry  
Patrick Grady  
Martyn Day

200

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

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards  
Ben Lake  
Wera Hobhouse  
Martyn Day

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

Ian Blackford  
Peter Grant  
Joanna Cherry  
Patrick Grady  
Martyn Day

201

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

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

- (a) in the case of anything which shall apply or be operative from a particular date, applies or is operative before exit day, or

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**European Union (Withdrawal) Bill, *continued***

- (b) in any other case, it has been commenced and is in force immediately before exit day.”

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*NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 3, CLAUSE 3*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards  
Ben Lake  
Martyn Day

217

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

***Member’s explanatory statement***

*This amendment, along with Amendment 64 to Schedule 8 would exclude the European Economic Area agreement from the Bill, allowing the UK to remain in the EEA.*

Robert Neill

356

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

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

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

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

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

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

***Member’s explanatory statement***

*The amendment would allow Ministers, with parliamentary approval, to apply EU legislation which has been passed before exit day but does not take full effect until after that day, along with subordinate measures made for the purposes of EU legislation which is retained under the Bill and taking effect after exit day.*

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**European Union (Withdrawal) Bill, continued**
*NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 4, CLAUSE 4*

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

Angela Smith  
 Stephen Gethins  
 Jo Swinson  
 Mike Gapes  
 Martyn Day

Patrick Grady  
 Daniel Zeichner  
 Sir Edward Davey  
 Layla Moran

Peter Grant  
 Sir Vince Cable  
 Seema Malhotra  
 Dr Philippa Whitford

**NC30**

To move the following Clause—

**“EU Protocol on animal sentience**

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

***Member’s explanatory statement***

*This new clause seeks to transfer the EU Protocol on animal sentience set out in Article 13 of Title II of the Lisbon Treaty into UK law, so that animals continue to be recognised as sentient beings under domestic law.*

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Mary Creagh

**NC60**

To move the following Clause—

**“Retention of principles of EU environmental law**

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

***Member’s explanatory statement***

*This new clause would ensure that after withdrawal from the EU, the environmental principles of EU law would be retained as part of UK law.*

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 European Union (Withdrawal) Bill, *continued*

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

Martin Whitfield

Geraint Davies

NC67

To move the following Clause—

**“Environmental protection: principles under Article 191 of TFEU**

- (1) Principles contained in Article 191 of TFEU in relation to environmental protection and listed in subsection (2) shall continue to be recognised and applied on and after exit day.
- (2) The principles are—
  - (a) the precautionary principle as it relates to the environment,
  - (b) the principle that preventive action should be taken to avert environmental damage,
  - (c) the principle that environmental damage should as a priority be rectified at source, and
  - (d) the principle that the polluter should pay.”

***Member’s explanatory statement***

*This new clause would ensure that environmental principles under Article 191 of the Treaty on the Functioning of the European Union would continue to apply in the UK after exit day.*

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

Catherine McKinnell  
 Ms Angela Eagle  
 Mrs Madeleine Moon  
 Mr David Lammy  
 Mike Gapes

Stella Creasy  
 Ian Murray  
 Helen Hayes  
 Ann Coffey  
 Tulip Siddiq

Ms Karen Buck  
 Stephen Doughty  
 Angela Smith  
 Seema Malhotra  
 Martin Whitfield

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.*

European Union (Withdrawal) Bill, *continued*

Ian Blackford  
 Joanna Cherry  
 Patrick Grady  
 Stephen Gethins  
 Kirsty Blackman  
 Peter Grant

Jamie Stone

Wera Hobhouse

Martyn Day

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)
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)

European Union (Withdrawal) Bill, *continued*

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”

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

Angela Smith  
Tulip Siddiq  
Catherine McKinnell  
Caroline Lucas  
Tom Brake  
Sir Edward Davey  
Seema Malhotra  
Chris Bryant  
Wera Hobhouse

Heidi Alexander  
Helen Hayes  
Mike Gapes  
Mr Barry Sheerman  
Sir Vince Cable  
Stephen Kinnock  
Catherine West  
Mr David Lammy  
Tulip Siddiq

Stephen Doughty  
Chuka Umunna  
Jo Swinson  
Lisa Nandy  
Jo Swinson  
Ian Murray  
Jamie Stone  
Layla Moran  
Martin Whitfield

148

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

“(1A) Rights, powers, liabilities, obligations, restrictions, remedies and procedures under subsection (1) shall include directly effective rights and obligations contained in the United Nations Convention on the Rights of the Child.”

***Member’s explanatory statement***

*This amendment would seek to preserve after exit from the EU any rights or obligations arising from the United Nations Convention on the Rights of the Child which applied in UK domestic law by virtue of its membership of the European Union.*

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 European Union (Withdrawal) Bill, *continued*

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

Ruth Cadbury  
 Ms Karen Buck  
 Mrs Madeleine Moon  
 Mr David Lammy  
 Jamie Stone  
 Wera Hobhouse

Catherine McKinnell  
 Ms Angela Eagle  
 Helen Hayes  
 Ann Coffey  
 Chris Bryant  
 Tulip Siddiq

Stella Creasy  
 Stephen Doughty  
 Angela Smith  
 Seema Malhotra  
 Mike Gapes  
 Martin Whitfield

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  
 Caroline Lucas  
 Ian Murray  
 Mary Creagh  
 Mr Ben Bradshaw  
 Darren Jones

Ruth Cadbury  
 Ms Karen Buck  
 Mrs Madeleine Moon  
 Ann Coffey  
 Mike Gapes  
 Martin Whitfield

Catherine McKinnell  
 Ms Angela Eagle  
 Helen Hayes  
 Jamie Stone  
 Wera Hobhouse

Stella Creasy  
 Stephen Doughty  
 Mr David Lammy  
 Chris Bryant  
 Tulip Siddiq

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) would ensure 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.*

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**European Union (Withdrawal) Bill, *continued***
*NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 5 OR SCHEDULE 1, CLAUSE 5, SCHEDULE 1*

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

Stephen Doughty  
 Catherine McKinnell  
 Angela Smith  
 Stephen Kinnock  
 Chris Bryant

Kate Green  
 Helen Hayes  
 Rushanara Ali  
 Ann Coffey  
 Mike Gapes

Kerry McCarthy  
 Mr Ben Bradshaw  
 Stella Creasy  
 Catherine West  
 Martin Whitfield

**NC16**

To move the following Clause—

**“Charter of Fundamental Rights – Government Report**

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

***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.*

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 European Union (Withdrawal) Bill, *continued*

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

Wera Hobhouse

Tim Farron

297

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

***Member’s explanatory statement***

*This amendment would remove the reference to a rule of law passed or made before exit day.*

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

Catherine West

Mike Gapes

Mr David Lammy

285

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

***Member’s explanatory statement***

*This paving Amendment is intended to allow for transitional arrangements within the existing structure of rules and regulations.*

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

Wera Hobhouse

Tim Farron

298

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

***Member’s explanatory statement***

*This amendment would remove the reference to a rule of law passed or made before exit day.*

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

Nicky Morgan

Wera Hobhouse

Tim Farron

299

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

***Member’s explanatory statement***

*This amendment would remove the reference to a rule of law passed or made before exit day.*

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 European Union (Withdrawal) Bill, *continued*

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

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

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

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

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.*

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

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

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

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

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.*

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 European Union (Withdrawal) Bill, *continued*

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

Ian Murray  
 Norman Lamb

Mike Gapes  
 Wera Hobhouse

Mr David Lammy  
 Martin Whitfield

151

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

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

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

***Member’s explanatory statement***

*Clause 5(4) of the Bill excludes the Charter of Fundamental Rights from the ‘incorporation’ powers in the Bill. This amendment would require the Secretary of State to replicate Article 8 of the Charter (the Right to Protection of Personal Data) in UK domestic law within three months of the commencement of Clause 5.*

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

Ian Murray  
 Mr David Lammy

Seema Malhotra  
 Martin Whitfield

Mike Gapes

286

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

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

***Member’s explanatory statement***

*This Amendment is intended to allow for transitional arrangements within the existing structure of rules and regulations.*

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**European Union (Withdrawal) Bill, *continued***

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

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

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

Robert Neill  
 Paul Farrelly  
 Ian Murray  
 Mike Gapes  
 Helen Hayes  
 Stephen Kinnock  
 Mr George Howarth  
 Jo Swinson  
 Susan Elan Jones  
 Chris Bryant  
 Mr Gavin Shuker  
 Tulip Siddiq

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  
 Caroline Lucas  
 Mary Creagh  
 Mr Ben Bradshaw  
 Darren Jones  
 Ruth Cadbury

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

Stella Creasy  
 Ian Murray  
 Helen Hayes  
 Stephen Kinnock  
 Seema Malhotra  
 Wera Hobhouse

Ms Karen Buck  
 Stephen Doughty  
 Angela Smith  
 Ann Coffey  
 Chris Bryant  
 Tulip Siddiq

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 principles set out in Article 191 of the Treaty on the Functioning of the European Union shall be considered to be general principles for the purposes of that sub-paragraph.”

**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.*

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

Martin Whitfield

336

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

“2A (1) Any general principle of EU law will remain part of domestic law on or after exit day if—

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

2B Without prejudice to the generality of paragraph 2A, the principles set out in Article 191 of the Treaty on the Functioning of the European Union shall be considered to be general principles for the purposes of that paragraph.

2C For the purposes of paragraphs 1A and 1B the exit day appointed must be the same day as is appointed for section 5(1) of this Act and must not be before the end of any transitional period agreed under Article 50 of the Treaty on the Functioning of the European Union.”

**Member’s explanatory statement**

*This amendment would retain the existing principles of EU law within domestic law whether they originate in the case law of the European Court, the EU treaties, direct EU legislation or EU directives. The freeze date would be at the end of any transitional arrangements.*

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 European Union (Withdrawal) Bill, *continued*

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

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

Catherine McKinnell  
 Ms Angela Eagle  
 Helen Hayes  
 Ann Coffey  
 Mike Gapes  
 Martin Whitfield

Stella Creasy  
 Stephen Doughty  
 Mr David Lammy  
 Jamie Stone  
 Angela Smith

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.*

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

Sir Vince Cable  
 Paul Farrelly  
 Mike Gapes  
 Helen Hayes  
 Stephen Kinnock  
 Chris Bryant

Mr Alistair Carmichael  
 Mr David Lammy  
 Caroline Lucas  
 Angela Smith  
 Ann Coffey  
 Martin Whitfield

Kerry McCarthy  
 Ian Murray  
 Layla Moran  
 Stella Creasy  
 Jamie Stone

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.*

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

Ian Murray  
 Angela Smith

Seema Malhotra  
 Martin Whitfield

Chris Bryant

139

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

***Member's explanatory statement***

*This amendment, together with Amendments 140 and 141, would restore the right to obtain damages after exit day in respect of governmental failures before exit day to comply with European Union obligations.*

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 European Union (Withdrawal) Bill, *continued*

Mrs Cheryl Gillan

302

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

“except in relation to anything occurring before that day.

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

**Member’s explanatory statement***This amendment would enable actions to be brought under the Francovich rule either before or after exit day if they related to an act before exit day.*

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

Martin Whitfield

335

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

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

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

**Member’s explanatory statement***This amendment ensures that the right to obtain damages if the Government fails to uphold its obligations continues as long as the UK remains under the existing structure of rules and regulation.*

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

Jo Swinson

Jamie Stone

126

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

**Member’s explanatory statement***This amendment is consequential on Amendment 62.*

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 European Union (Withdrawal) Bill, *continued*

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

Jo Swinson

Jamie Stone

127

Schedule 1, page 15, line 33, leave out “or the rule in *Francovich*”  
***Member’s explanatory statement***  
*This amendment is consequential on Amendment 62.*

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

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

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

Robert Neill  
 Paul Farrelly  
 Ian Murray  
 Mike Gapes  
 Helen Hayes  
 Stephen Kinnock  
 Stella Creasy  
 Sir Vince Cable  
 Ann Coffey  
 Seema Malhotra  
 Chris Bryant  
 Mr Gavin Shuker  
 Tulip Siddiq

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.*

Tom Brake

378

★ Schedule 1, page 16, line 6, at end insert—

“(3) The rights conferred by the Charter of Fundamental Rights are not general principles of EU law for the purposes of paragraphs 2 and 3 of this Schedule.”

***Member’s explanatory statement***

*This amendment is intended to make it clear that the rights conferred by the Charter of Fundamental Rights are, in so far as they are retained in domestic law by clause 4, not subject to the exceptions in paragraphs 2 and 3 of this Schedule.*

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**European Union (Withdrawal) Bill, *continued****NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 11 OR SCHEDULE 3,  
CLAUSE 11, SCHEDULE 3*

Jeremy Corbyn  
Mr Nicholas Brown  
Keir Starmer  
Owen Smith  
Lesley Laird  
Christina Rees

Jenny Chapman  
Ian Murray  
Geraint Davies

Matthew Pennycook  
Hugh Gaffney

Paul Blomfield  
Martin Whitfield

**NC64**

To move the following Clause—

**“Creation of UK-wide frameworks**

- (1) The Secretary of State must lay before each House of Parliament proposals for replacing European frameworks with UK ones.
- (2) UK-wide frameworks shall be proposed if and only if they are necessary to—
  - (a) enable the functioning of the UK internal market;
  - (b) ensure compliance with international obligations;
  - (c) ensure the UK can negotiate, enter into and implement new trade agreements and international treaties;
  - (d) enable the management of common resources;
  - (e) administer and provide access to justice in cases with a cross-border element;
  - (f) safeguard the security of the UK.
- (3) Ministers of the Crown shall only create UK-wide frameworks if they have consulted with, and secured the agreement of, the effected devolved administrations.”

***Member’s explanatory statement***

*This new clause would establish new procedures for the creation of UK-wide frameworks for retained EU law.*

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**European Union (Withdrawal) Bill, *continued***

Jeremy Corbyn  
Mr Nicholas Brown  
Keir Starmer  
Owen Smith  
Lesley Laird  
Christina Rees

Jenny Chapman  
Ian Murray

Matthew Pennycook  
Hugh Gaffney

Paul Blomfield  
Martin Whitfield

**NC65**

To move the following Clause—

**“Role of Joint Ministerial Committee**

- (1) The Joint Ministerial Committee is to be a forum—
  - (a) for discussing—
    - (i) the terms upon which the United Kingdom is to withdraw from the European Union and the United Kingdom’s future relationship with the European Union;
    - (ii) proposals to amend retained EU law;
    - (iii) agreed legal and policy frameworks in relation to the subject matter of devolved retained EU law that are to operate throughout the United Kingdom;
    - (iv) a concordat setting out the process for concluding the legal and policy frameworks mentioned in sub-paragraph (iii); and
  - (b) for seeking a consensus on those matters between Her Majesty’s Government and the other members of the Joint Ministerial Committee.
- (2) Before Her Majesty’s Government concludes a withdrawal agreement, the Secretary of State must produce a document for consideration by the Joint Ministerial Committee setting out—
  - (a) Her Majesty’s Government’s objectives and strategy in negotiating and concluding a withdrawal agreement;
  - (b) Her Majesty’s Government’s objectives and strategy in relation to establishing a framework for the United Kingdom’s future relationship with the European Union;
  - (c) the steps Her Majesty’s Government intends to take to keep the Joint Ministerial Committee informed of progress in reaching a withdrawal agreement;
  - (d) the steps Her Majesty’s Government intends to take to consult each member of the Joint Ministerial Committee before entering into a withdrawal agreement and for taking the views of each member into account;
  - (e) the steps Her Majesty’s Government intends to take to seek the approval of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly before entering into a withdrawal agreement.
- (3) Until a withdrawal agreement is concluded, the Secretary of State must produce a report every three months for consideration by the Joint Ministerial Committee setting out—
  - (a) Her Majesty’s Government’s assessment of the progress made against Her Majesty’s Government’s objectives—
    - (i) in negotiating and concluding the withdrawal agreement;
    - (ii) in relation to establishing a framework for the United Kingdom’s future relationship with the European Union;
  - (b) any change to the matters listed in paragraphs (a) to (e) of subsection (2).

**European Union (Withdrawal) Bill, continued**

- (4) Before concluding a withdrawal agreement the Prime Minister must produce a document setting out the terms of the proposed agreement for consideration by the Joint Ministerial Committee.
- (5) Meetings of the Joint Ministerial Committee must, until Her Majesty's Government concludes a withdrawal agreement, be chaired by—
  - (a) the Prime Minister, or
  - (b) the Secretary of State for Exiting the European Union.
- (6) In this section, “the Joint Ministerial Committee” means the body set up in accordance with Supplementary Agreement A of the Memorandum of Understanding on Devolution, between Her Majesty's Government, the Scottish Government, the Welsh Government and the Northern Ireland Executive Committee.”

**Member's explanatory statement**

*This new clause would put the Joint Ministerial Committee's role in the withdrawal process on a statutory footing.*

---

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

Valerie Vaz  
Ian Murray  
Stephen Doughty  
Stella Creasy  
Seema Malhotra  
Hugh Gaffney

Mr David Lammy  
Mike Gapes  
Helen Hayes  
Ann Coffey  
Jamie Stone  
Martin Whitfield

Ms Harriet Harman  
Catherine McKinnell  
Stephen Kinnock  
Susan Elan Jones  
Wera Hobhouse  
Albert Owen

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.*

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 European Union (Withdrawal) Bill, *continued*

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

Ian Blackford  
 Stella Creasy  
 Jamie Stone  
 Mr David Lammy  
 Wera Hobhouse

Mr Alistair Carmichael  
 Stephen Kinnock  
 Chris Bryant  
 Mrs Madeleine Moon  
 Martin Whitfield

Tom Brake  
 Ann Coffey  
 Mike Gapes  
 Dr Philippa Whitford  
 Martyn Day

164

Clause 11, page 7, line 16, leave out subsections (1) and (2) 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”.”

***Member’s explanatory statement***

*This amendment would replace the Bill’s changes to the legislative competence of the Scottish Parliament and the National Assembly for Wales in consequence of EU withdrawal, by removing the restriction on legislative competence relating to EU law and ensuring that no further restriction relating to retained EU law is imposed.*

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

Jo Swinson

Jamie Stone

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  
 Caroline Lucas  
 Jamie Stone

90

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

- “(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.*

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 European Union (Withdrawal) Bill, *continued*

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

Jo Swinson

Jamie Stone

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  
 Caroline Lucas  
 Wera Hobhouse

91

Clause 11, page 7, leave out from beginning of 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.*

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

Jo Swinson

Jamie Stone

134

Clause 11, page 8, line 9, 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.*

---

 European Union (Withdrawal) Bill, *continued*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards  
Ben Lake  
Caroline Lucas

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 or excepted.*

Ian Blackford  
Joanna Cherry  
Patrick Grady  
Stephen Gethins  
Kirsty Blackman  
Peter Grant

Caroline Lucas

Jamie Stone

Martyn Day

72

Clause 11, page 8, 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).”

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

337

Clause 11, page 8, line 33, at end insert—

“(6) Subsections (1), (2) and (3) shall not come into force until the exit day appointed for the purpose of this section, which must not be before the end of any transitional period agreed under Article 50 of the Treaty on the Functioning of the European Union.”

***Member’s explanatory statement***

*This amendment, alongside Amendment 42 and NC64, would establish that the UK Government has until the end of transitional arrangements to create any UK-wide frameworks.*

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European Union (Withdrawal) Bill, *continued*

Ian Murray  
 Stephen Gethins  
 Stephen Doughty  
 Hywel Williams  
 Caroline Lucas  
 Ian Blackford

Mr Alistair Carmichael  
 Stephen Kinnock  
 Chris Bryant  
 Mrs Madeleine Moon  
 Albert Owen

Tom Brake  
 Susan Elan Jones  
 Mike Gapes  
 Wera Hobhouse  
 Martyn Day

Stella Creasy  
 Jamie Stone  
 Mr David Lammy  
 Martin Whitfield

165

Schedule 3, page 25, line 37, leave out paragraphs 1 and 2 and insert—

“(1) In section 57(2) of the Scotland Act 1998 (no power for members of the Scottish Government to make subordinate legislation, or otherwise act, incompatibly with EU law or Convention rights), omit “or with EU law”.

(2) In the Government of Wales Act 2006, omit section 80 (EU law).”

**Member’s explanatory statement**

*This amendment would replace the Bill’s changes to the executive competence of the Scottish Ministers and Welsh Ministers in consequence of withdrawal from the EU, by removing the restriction on competence relating to EU law and ensuring that no further restriction relating to retained EU law is imposed.*

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

Ian Blackford  
 Stephen Kinnock  
 Mrs Madeleine Moon

Tom Brake  
 Ann Coffey  
 Wera Hobhouse

Mr Alistair Carmichael  
 Mike Gapes  
 Martin Whitfield

183

Schedule 3, page 28, line 2, leave out from first “and” to end of line 3

**Member’s explanatory statement**

*This consequential amendment, linked to Amendments 164 and 165 to Clause 11 and Schedule 3, would change a heading in the Scotland Act 1998 to remove a reference to retained EU law.*

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

Ian Blackford  
 Stella Creasy  
 Mike Gapes  
 Martin Whitfield

Tom Brake  
 Stephen Kinnock  
 Mrs Madeleine Moon  
 Martyn Day

Mr Alistair Carmichael  
 Ann Coffey  
 Wera Hobhouse

184

Schedule 3, page 28, line 38, leave out from “(d)” to end of line 39 and insert “omit

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**European Union (Withdrawal) Bill, *continued***

“or with EU law”.

***Member’s explanatory statement***

*This consequential amendment, linked to Amendments 164 and 165 to Clause 11 and Schedule 3, would change the definition of devolution issues in the Scotland Act 1998.*

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

Ian Blackford  
Stella Creasy  
Mike Gapes  
Martin Whitfield

Tom Brake  
Stephen Kinnock  
Mrs Madeleine Moon  
Martyn Day

Mr Alistair Carmichael  
Ann Coffey  
Wera Hobhouse

**185**

Schedule 3, page 29, line 5, leave out paragraph 21

***Member’s explanatory statement***

*This consequential amendment, linked to Amendments 164 and 165 to Clause 11 and Schedule 3, would enable changes to the procedure for subordinate legislation in the Scotland Act 1998.*

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

Ian Blackford  
Stella Creasy  
Susan Elan Jones  
Wera Hobhouse  
Martyn Day

Tom Brake  
Stephen Kinnock  
Mike Gapes  
Martin Whitfield

Mr Alistair Carmichael  
Ann Coffey  
Mrs Madeleine Moon  
Albert Owen

**186**

Schedule 3, page 29, line 28, leave out from “subsection” to end of line 29 and insert “(4), omit paragraph (d)”

***Member’s explanatory statement***

*This amendment makes a change consequential on Amendment 165, which would omit section 80 of the Government of Wales Act 2006, making section 58A (4)(d) of that Act redundant.*

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

Ian Blackford  
Stella Creasy  
Susan Elan Jones  
Mrs Madeleine Moon  
Albert Owen

Tom Brake  
Stephen Kinnock  
Mike Gapes  
Wera Hobhouse  
Martyn Day

Mr Alistair Carmichael  
Ann Coffey  
Mr David Lammy  
Martin Whitfield

**187**

Schedule 3, page 30, line 4, leave out “before “EU” insert “Retained”” and insert

**European Union (Withdrawal) Bill, continued**

“omit “EU law””

**Member’s explanatory statement**

*Amendment 165 omits section 80 of the Government of Wales Act 2006. This amendment would amend the changes made to the heading before section 80 to reflect the omission of section 80 of the Government of Wales Act 2006.*

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

Ian Blackford  
Stella Creasy  
Susan Elan Jones  
Wera Hobhouse  
Martyn Day

Tom Brake  
Stephen Kinnock  
Mike Gapes  
Martin Whitfield

Mr Alistair Carmichael  
Ann Coffey  
Mrs Madeleine Moon  
Albert Owen

**188**

Schedule 3, page 30, line 5, leave out paragraph 31

**Member’s explanatory statement**

*This amendment makes a change consequential on Amendment 165, which would omit section 80 of the Government of Wales Act 2006, making paragraph 31 of Schedule 3 in this Bill redundant.*

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

Lady Hermon  
Pat McFadden  
Joanna Cherry

**NC70**

★ To move the following Clause—

**“Northern Ireland: the Belfast principles**

- (1) The Belfast Agreement implemented in the Northern Ireland Act 1998 (which made new provision for the government of Northern Ireland for the purpose of implementing the agreement reached at multi-party talks on Northern Ireland) remains a fundamental principle of public policy after exit day.
- (2) Accordingly, in the exercise by a Minister of the Crown or any devolved authority of any powers under this Act to make any provision affecting Northern Ireland the Minister or authority must have regard to the requirement to preserve and abide by the Belfast Agreement and the principles implemented in Northern Ireland Act 1998 (“the Belfast principles”).
- (3) The Belfast principles include (but are not limited to) partnership, equality and mutual respect as the basis of relationships within Northern Ireland, between the North and South of Ireland, and between the islands of Ireland and Great Britain.
- (4) In particular, in relation to this Act—
  - (a) the Secretary of State must not give consent under paragraph 6 of Schedule 2 to this Act (requirement for consent where it would otherwise be required in dealing with deficiencies arising from withdrawal) before any provision is made by a Northern Ireland department except where the Secretary State has considered the requirement to preserve and abide by

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**European Union (Withdrawal) Bill, *continued***

the Belfast principles and considers the provision is necessary only as a direct consequence of the withdrawal of the United Kingdom from the EU, and

- (b) the powers under paragraph 13(b) of Schedule 7 to this Act to make supplementary, incidental, consequential, transitional, transitory or saving provision (including provision restating any retained EU law in a clearer or more accessible way) may not be exercised to do anything beyond the minimum changes strictly required only as a direct consequence of the withdrawal of the United Kingdom from the EU.
- (5) Section 11(3) (legislative competence of the Northern Ireland Assembly) of this Act does not permit the Northern Ireland Assembly to do anything which is not in accordance with the Belfast principles.”

***Member’s explanatory statement***

*This new clause is intended to preserve the principles of the Belfast/Good Friday Agreement which underpin the Northern Ireland Act 1998.*

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Jeremy Corbyn  
Mr Nicholas Brown  
Keir Starmer  
Owen Smith  
Jenny Chapman  
Matthew Pennycook

Paul Blomfield

**338**

Clause 10, page 7, line 14, at end insert—

- “(2) But regulations made under Schedule 2 must not be incompatible with the full provisions of the British – Irish Agreement 1998 and the Multi-party agreement (the Belfast/Good Friday Agreement) to which it gives effect, including—
- (a) the preservation of institutions set up relating to strands 1, 2 and 3 of the Good Friday Agreement,
  - (b) human rights and equality,
  - (c) the principle of consent, and
  - (d) citizenship rights.”

***Member’s explanatory statement***

*This amendment seeks to ensure that the rights provided for under the Belfast/Good Friday Agreement continue to be implemented and are protected.*

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Stephen Kinnock

**307**

Schedule 2, page 16, line 12, leave out “the devolved authority considers appropriate” and insert “is essential”.

***Member’s explanatory statement***

*This amendment would limit the power available to a devolved authority to deal with deficiencies in retained EU law arising from withdrawal in such a way that it could only make provision that is essential to that end.*

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 European Union (Withdrawal) Bill, *continued*

Ian Blackford  
Peter Grant  
Joanna Cherry  
Patrick Grady  
Martyn Day

Schedule 2, page 16, line 13, leave out “appropriate” and insert “necessary”

209

Stephen Kinnock

Schedule 2, page 16, line 18, leave out “they consider appropriate” and insert “is essential”.

308

**Member’s explanatory statement**

*This amendment would limit the power available to a Minister of the Crown acting jointly with a devolved authority to deal with deficiencies in retained EU law arising from withdrawal in such a way that they could only make provision that is essential to that end.*

Ian Blackford  
Peter Grant  
Joanna Cherry  
Patrick Grady  
Martyn Day

Schedule 2, page 16, line 18, leave out “appropriate” and insert “necessary”

210

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

Ian Blackford  
Stephen Kinnock  
Mike Gapes  
Wera Hobhouse

Mr Alistair Carmichael  
Ann Coffey  
Mr David Lammy  
Martin Whitfield

Tom Brake  
Susan Elan Jones  
Mrs Madeleine Moon  
Martyn Day

Schedule 2, page 16, line 33, at end insert—

166

“(6) Sub-paragraph (4)(b) does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.”

**Member’s explanatory statement**

*This amendment would include the power to confer a power to legislate among the powers of the Scottish Ministers and Welsh Ministers to make regulations under Part 1 of Schedule 2 to fix problems in retained EU law arising from withdrawal, in line with a Minister of the Crown’s powers under Clause 7.*

Ian Blackford  
Peter Grant  
Joanna Cherry  
Patrick Grady  
Martyn Day

Schedule 2, page 17, line 1, leave out paragraph 3

211

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 European Union (Withdrawal) Bill, *continued*

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

Ian Blackford  
 Stephen Kinnock  
 Mike Gapes  
 Martin Whitfield

Mr Alistair Carmichael  
 Ann Coffey  
 Mrs Madeleine Moon  
 Albert Owen

Tom Brake  
 Susan Elan Jones  
 Wera Hobhouse  
 Martyn Day

167

Schedule 2, page 17, line 9, at end insert—

“(3) This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.”

***Member’s explanatory statement***

*This amendment would provide that the power of the Scottish Ministers and the Welsh Ministers to make regulations under Part 1 of Schedule 2 extends to amending directly applicable EU law incorporated into UK law, in line with a Minister of the Crown’s power in Clause 7.*

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

Ian Blackford  
 Stephen Kinnock  
 Mrs Madeleine Moon  
 Albert Owen

Mr Alistair Carmichael  
 Ann Coffey  
 Wera Hobhouse  
 Martyn Day

Tom Brake  
 Mike Gapes  
 Martin Whitfield

168

Schedule 2, page 17, line 13, at end insert—

“(2) This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.”

***Member’s explanatory statement***

*This amendment would provide that the power of the Scottish Ministers and the Welsh Ministers to make regulations under Part 1 of Schedule 2 includes the power to confer functions which correspond to functions to make EU tertiary legislation, in line with a Minister of the Crown’s power in Clause 7.*

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

Ian Blackford  
 Stephen Kinnock  
 Mike Gapes  
 Martin Whitfield

Mr Alistair Carmichael  
 Ann Coffey  
 Mrs Madeleine Moon  
 Albert Owen

Tom Brake  
 Susan Elan Jones  
 Wera Hobhouse  
 Martyn Day

169

Schedule 2, page 17, line 20, at end insert—

“(2) This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.

**European Union (Withdrawal) Bill, continued***Requirement for consultation in certain circumstances*

- 5A No regulations may be made under this Part by the Scottish Ministers or the Welsh Ministers acting alone so far as the regulations—
- (a) are to come into effect before exit day, or
  - (b) remove (whether wholly or partly) reciprocal arrangements of the kind mentioned in section 7(2)(c) or (e),
- unless the regulations are, to that extent, made after consulting with a Minister of the Crown.”

***Member’s explanatory statement***

*This amendment would replace the requirement for consent from a Minister of the Crown for regulations made by Scottish Ministers or Welsh Ministers in fixing problems in retained EU law that arise from withdrawal if they come into force before exit day or remove reciprocal arrangements with a requirement for Scottish Ministers and Welsh Ministers to consult with a Minister of the Crown before making the regulations.*

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

Ian Blackford  
 Stephen Kinnock  
 Mike Gapes  
 Albert Owen

Tom Brake  
 Ann Coffey  
 Mrs Madeleine Moon  
 Martyn Day

Mr Alistair Carmichael  
 Susan Elan Jones  
 Wera Hobhouse

177

Schedule 2, page 19, line 47, leave out “and retained EU law”

***Member’s explanatory statement***

*This is a consequential amendment linked to Amendments 164 and 165 to Clause 11 and Schedule 3.*

Tom Brake  
 Sir Vince Cable  
 Mr Alistair Carmichael  
 Tim Farron  
 Wera Hobhouse  
 Caroline Lucas

Layla Moran

Jo Swinson

Jamie Stone

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.*

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 European Union (Withdrawal) Bill, *continued*

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

Ian Blackford  
 Stephen Kinnock  
 Mrs Madeleine Moon  
 Albert Owen

Tom Brake  
 Ann Coffey  
 Wera Hobhouse  
 Martyn Day

Mr Alistair Carmichael  
 Mike Gapes  
 Martin Whitfield

178

Schedule 2, page 20, line 23, leave out “and retained EU law”

***Member’s explanatory statement***

*This is a consequential amendment linked to Amendments 164 and 165 to Clause 11 and Schedule 3.*

Stephen Kinnock

322

Schedule 2, page 20, line 25, after “Crown”, insert “and excluding any provision that could be made under paragraph 7(2) of Schedule 7B to the Government of Wales Act 2006”.

***Member’s explanatory statement***

*This amendment, and Amendments 323, 324 and 325, would prevent the Welsh Ministers from using powers proposed in the Bill (to deal with deficiencies in retained EU law arising from withdrawal) to amend the Government of Wales Act 2006.*

Stephen Kinnock

323

Schedule 2, page 20, line 41, after “5”, insert “or”.

***Member’s explanatory statement***

*This amendment, and Amendments 322, 324 and 325, would prevent the Welsh Ministers from using powers proposed in the Bill (to deal with deficiencies in retained EU law arising from withdrawal) to amend the Government of Wales Act 2006.*

Stephen Kinnock

324

Schedule 2, page 20, line 41, leave out “or 7”.

***Member’s explanatory statement***

*This amendment, and Amendments 322, 323 and 325, would prevent the Welsh Ministers from using powers proposed in the Bill (to deal with deficiencies in retained EU law arising from withdrawal) to amend the Government of Wales Act 2006.*

Stephen Kinnock

325

Schedule 2, page 20, line 43, at end insert—

“(f) the provision does not modify the Government of Wales Act 2006.”

***Member’s explanatory statement***

*This amendment, and Amendments 322, 323 and 324, would prevent the Welsh Ministers from using powers proposed in the Bill (to deal with deficiencies in retained EU law arising from withdrawal) to amend the Government of Wales Act 2006.*

---

 European Union (Withdrawal) Bill, *continued*

Stephen Kinnock

309

Schedule 2, page 21, line 38, leave out “the devolved authority consider appropriate” and insert “is essential”.

**Member’s explanatory statement**

*This amendment would limit the power available to a devolved authority to prevent or remedy a breach of international obligations in such a way that it can only make provision that is essential to that end.*

Ian Blackford  
Peter Grant  
Joanna Cherry  
Patrick Grady  
Martyn Day

212

Schedule 2, page 21, line 39, leave out “appropriate” and insert “necessary”

Stephen Kinnock

310

Schedule 2, page 21, line 43, leave out “they consider appropriate” and insert “is essential”.

**Member’s explanatory statement**

*This amendment would limit the power available to a Minister of the Crown acting jointly with a devolved authority to prevent or remedy a breach of international obligations in such a way that they could only make provision that is essential to that end.*

Ian Blackford  
Peter Grant  
Joanna Cherry  
Patrick Grady  
Martyn Day

213

Schedule 2, page 21, line 43, leave out “appropriate” and insert “necessary”

Tom Brake

375

★ Schedule 2, page 22, line 8, leave out “or”.

**Member’s explanatory statement**

*This amendment is preparatory to Amendment 288.*

Peter Grant  
Hywel Williams  
Tom Brake  
Sir Vince Cable  
Jo Swinson  
Sir Edward Davey

Martyn Day

Tom Brake

287

Schedule 2, page 22, line 9, after “or revoke”, insert “, or otherwise modify the effect of,”

**Member’s explanatory statement**

*This amendment would ensure that the restriction in this paragraph could not be undermined by the use of legislation which does not amend the text of the Human Rights Act but modifies its effect.*

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 European Union (Withdrawal) Bill, *continued*

Peter Grant  
Hywel Williams  
Tom Brake  
Sir Vince Cable  
Jo Swinson  
Sir Edward Davey

Martyn Day

Tom Brake

288

Schedule 2, page 22, line 10, at end insert “, or

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

**Member’s explanatory statement**

*This amendment would broaden the restriction in this subsection to protect all legislation relating to equality and human rights (and not only the Human Rights Act 1998).*

Stephen Kinnock

326

Schedule 2, page 22, line 10, at end insert—

“(f) amend, repeal or revoke the Government of Wales Act 2006.”

**Member’s explanatory statement**

*This amendment would prevent the Welsh Ministers from using powers proposed in the Bill (to comply with international obligations) to amend the Government of Wales Act 2006.*

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

Ian Blackford  
Stephen Kinnock  
Mike Gapes  
Martin Whitfield

Mr Alistair Carmichael  
Ann Coffey  
Mrs Madeleine Moon  
Albert Owen

Tom Brake  
Susan Elan Jones  
Wera Hobhouse  
Martyn Day

170

Schedule 2, page 22, line 10, at end insert—

“(4A) Sub-paragraph (4)(d) does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.”

**Member’s explanatory statement**

*This amendment would provide that the power of Scottish Ministers and Welsh Ministers to make regulations under Part 2 of Schedule 2 includes the power to confer a power to legislate, aligning those Ministers’ powers to the power of a Minister of the Crown under Clause 8.*

Caroline Lucas  
Tom Brake  
Sir Vince Cable  
Jo Swinson  
Sir Edward Davey  
Layla Moran

119

Schedule 2, page 22, line 15, leave out “two years beginning with exit day” and insert “12 months beginning with 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.*

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 European Union (Withdrawal) Bill, *continued*

Tom Brake  
 Sir Vince Cable  
 Mr Alistair Carmichael  
 Tim Farron  
 Wera Hobhouse  
 Caroline Lucas

Layla Moran

Jo Swinson

Jamie Stone

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.*

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

Ian Blackford  
 Stephen Kinnock  
 Mike Gapes  
 Martin Whitfield

Mr Alistair Carmichael  
 Ann Coffey  
 Mrs Madeleine Moon  
 Albert Owen

Tom Brake  
 Susan Elan Jones  
 Wera Hobhouse  
 Martyn Day

171

Schedule 2, page 22, line 32, at end insert—

“(3) This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.”

***Member's explanatory statement***

*This amendment would provide that the power of the Scottish Ministers and the Welsh Ministers to make regulations under Part 2 of Schedule 2 extends to amending directly applicable EU law incorporated into UK law. This brings the power into line with the Minister of the Crown power in Clause 8.*

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

Ian Blackford  
 Stephen Kinnock  
 Mike Gapes  
 Martin Whitfield

Mr Alistair Carmichael  
 Ann Coffey  
 Mrs Madeleine Moon  
 Albert Owen

Tom Brake  
 Susan Elan Jones  
 Wera Hobhouse  
 Martyn Day

172

Schedule 2, page 23, line 11, at end insert—

“(4) This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.

**European Union (Withdrawal) Bill, continued***Requirement for consultation in certain circumstances*

- 16A (1) No regulations may be made under this Part by the Scottish Ministers or the Welsh Ministers acting alone so far as the regulations—
- (a) are to come into effect before exit day, or
  - (b) are for the purpose of preventing or remedying any breach of the WTO Agreement, or
  - (c) make provision about any quota arrangements or are incompatible with any such arrangements,
- unless the regulations are, to that extent, made after consulting with a Minister of the Crown.
- (2) In sub-paragraph (1)—
- “the WTO Agreement” has the meaning given in paragraph 16(2),
  - “quota arrangements” has the meaning given in paragraph 16(3).”

***Member’s explanatory statement***

*This amendment would replace the requirement for a Minister of the Crown to consent to regulations made by the Scottish Ministers or the Welsh Ministers to ensure compliance with international obligations if they come into force before exit day or relate to the WTO or quota arrangements, with a requirement for the Scottish Ministers and Welsh Ministers to consult with a Minister of the Crown before making the relevant regulations.*

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

Ian Blackford  
 Stephen Kinnock  
 Mike Gapes  
 Martin Whitfield

Tom Brake  
 Ann Coffey  
 Mrs Madeleine Moon  
 Albert Owen

Mr Alistair Carmichael  
 Susan Elan Jones  
 Wera Hobhouse  
 Martyn Day

179

Schedule 2, page 23, line 21, leave out “and retained EU law”

***Member’s explanatory statement***

*This is a consequential amendment linked to amendments 164 and 165 to Clause 11 and Schedule 3.*

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

Ian Blackford  
 Stephen Kinnock  
 Mike Gapes  
 Martin Whitfield

Tom Brake  
 Ann Coffey  
 Mrs Madeleine Moon  
 Albert Owen

Mr Alistair Carmichael  
 Susan Elan Jones  
 Wera Hobhouse  
 Martyn Day

180

Schedule 2, page 23, line 25, leave out “and section 57(4) and (5) of that Act”

***Member’s explanatory statement***

*This is a consequential amendment linked to amendments 164 and 165 to Clause 11 and Schedule 3.*

European Union (Withdrawal) Bill, *continued*

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

Ian Blackford  
 Stephen Kinnock  
 Mike Gapes  
 Martin Whitfield

Tom Brake  
 Ann Coffey  
 Mrs Madeleine Moon  
 Albert Owen

Mr Alistair Carmichael  
 Susan Elan Jones  
 Wera Hobhouse  
 Martyn Day

181

Schedule 2, page 23, line 31, leave out “and retained EU law”

***Member’s explanatory statement***

*This is a consequential amendment linked to amendments 164 and 165 to Clause 11 and Schedule 3.*

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

Ian Blackford  
 Stephen Kinnock  
 Mike Gapes  
 Wera Hobhouse  
 Martyn Day

Tom Brake  
 Ann Coffey  
 Mr David Lammy  
 Martin Whitfield

Mr Alistair Carmichael  
 Susan Elan Jones  
 Mrs Madeleine Moon  
 Albert Owen

182

Schedule 2, page 23, line 35, leave out “80(8)” and insert “80”

***Member’s explanatory statement***

*This consequential amendment, linked to amendments 164 and 165 to Clause 11 and Schedule 3, changes the reference to section 80 of the Government of Wales Act 2006 to make clear that the restriction on the powers of the Welsh Ministers not to act or legislate incompatibly with EU law is removed.*

Stephen Kinnock

311

Schedule 2, page 24, line 11, leave out ““the devolved authority considers appropriate” and insert “is essential”.

***Member’s explanatory statement***

*This amendment would limit the power available to a devolved authority to implement the withdrawal agreement in such a way that it could only make provision that is essential to that end.*

Ian Blackford  
 Peter Grant  
 Joanna Cherry  
 Patrick Grady  
 Martyn Day

214

Schedule 2, page 24, line 12, leave out “appropriate” and insert “necessary”

Stephen Kinnock

312

Schedule 2, page 24, line 16, leave out “they consider appropriate” and insert “is

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**European Union (Withdrawal) Bill, *continued***

essential”.

***Member’s explanatory statement***

*This amendment would limit the power available to a Minister of the Crown acting jointly with a devolved authority to implement the withdrawal agreement in such a way that they could only make provision that is essential to that end.*

Ian Blackford  
Peter Grant  
Joanna Cherry  
Patrick Grady  
Martyn Day

Schedule 2, page 24, line 16, leave out “appropriate” and insert “necessary”

**215**

Tom Brake

★ Schedule 2, page 24, line 31, leave out “or”.

***Member’s explanatory statement***

*This amendment is preparatory to amendment 290.*

**377**

Peter Grant  
Hywel Williams  
Tom Brake  
Sir Vince Cable  
Jo Swinson  
Sir Edward Davey

Martyn Day

Tom Brake

Schedule 2, page 24, line 32, after “or revoke”, insert “, or otherwise modify the effect of,”

***Member’s explanatory statement***

*This amendment would ensure that the restriction in this paragraph could not be undermined by the use of legislation which does not amend the text of the Human Rights Act but modifies its effect.*

**289**

Peter Grant  
Hywel Williams  
Tom Brake  
Sir Vince Cable  
Jo Swinson  
Sir Edward Davey

Catherine West

Martyn Day

Tom Brake

Schedule 2, page 24, line 33, at end insert “, or

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

***Member’s explanatory statement***

*This amendment would broaden the restriction in this subsection to protect all legislation relating to equality and human rights (and not only the Human Rights Act 1998).*

**290**

European Union (Withdrawal) Bill, *continued*

Stephen Kinnock

327

Schedule 2, page 24, line 33, at end insert—

“(h) amend, repeal or revoke the Government of Wales Act 2006.”

**Member’s explanatory statement***This amendment would prevent the Welsh Ministers from using powers proposed in the Bill (to implement the withdrawal agreement) to amend the Government of Wales Act 2006.*Stephen Doughty  
Stephen Gethins  
Ian Murray  
Hywel Williams  
Jo Swinson  
Caroline LucasIan Blackford  
Stephen Kinnock  
Mike Gapes  
Wera Hobhouse  
Martyn DayMr Alistair Carmichael  
Ann Coffey  
Mr David Lammy  
Martin WhitfieldTom Brake  
Susan Elan Jones  
Mrs Madeleine Moon  
Albert Owen

173

Schedule 2, page 24, line 33, at end insert—

“(4A) Sub-paragraph (4)(d) does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.”

**Member’s explanatory statement***This amendment would include the power to confer a power to legislate among the powers of the Scottish Ministers and Welsh Ministers to make regulations under Part 3 of Schedule 2, in line with a Minister of the Crown’s powers under Clause 9.*Stephen Gethins  
Stephen Doughty  
Ian Murray  
Hywel Williams  
Caroline Lucas  
Jo SwinsonIan Blackford  
Stephen Kinnock  
Mike Gapes  
Martin WhitfieldMr Alistair Carmichael  
Ann Coffey  
Mrs Madeleine Moon  
Albert OwenTom Brake  
Susan Elan Jones  
Wera Hobhouse  
Martyn Day

174

Schedule 2, page 25, line 11, at end insert—

“(3) This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.”

**Member’s explanatory statement***This amendment would provide that the power of the Scottish Ministers and the Welsh Ministers to make regulations under Part 3 of Schedule 2 extends to amending directly applicable EU law incorporated into UK law, in line with the Minister of the Crown power in Clause 9.*

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 European Union (Withdrawal) Bill, *continued*

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

Ian Blackford  
 Stephen Kinnock  
 Mike Gapes  
 Wera Hobhouse  
 Martyn Day

Mr Alistair Carmichael  
 Ann Coffey  
 Mr David Lammy  
 Martin Whitfield

Tom Brake  
 Susan Elan Jones  
 Mrs Madeleine Moon  
 Albert Owen

175

Schedule 2, page 25, line 15, at end insert—

“(2) This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.”

***Member’s explanatory statement***

*This amendment would provide that the power of the Scottish Ministers and the Welsh Ministers to make regulations under Part 3 of Schedule 2 includes the power to confer functions which correspond to functions to make EU tertiary legislation.*

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

Ian Blackford  
 Stephen Kinnock  
 Mike Gapes  
 Wera Hobhouse  
 Martyn Day

Mr Alistair Carmichael  
 Ann Coffey  
 Mr David Lammy  
 Martin Whitfield

Tom Brake  
 Susan Elan Jones  
 Mrs Madeleine Moon  
 Albert Owen

176

Schedule 2, page 25, line 28, at end insert—

“(3) This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.

*Requirement for consultation in certain circumstances*

25A (1) No regulations may be made under this Part by the Scottish Ministers or the Welsh Ministers acting alone so far as the regulations make provision about any quota arrangements or are incompatible with any such arrangements unless the regulations are, to that extent, made after consulting with a Minister of the Crown.

(2) In sub-paragraph (1), “quota arrangements” has the meaning given in paragraph 25(2).”

***Member’s explanatory statement***

*This amendment replaces the requirement for Minister of the Crown consent to regulations made by the Scottish Ministers or the Welsh Ministers to implement the withdrawal agreement if they relate to quota arrangements, with a requirement for the Scottish Ministers and Welsh Ministers to consult with a Minister of the Crown before making the relevant regulations.*

European Union (Withdrawal) Bill, *continued*

Stephen Kinnock

317

Schedule 2, page 25, line 31, at end insert—

“PART [ ]

WELSH MINISTERS—POWER TO MAKE CONSEQUENTIAL AND TRANSITIONAL PROVISION

- [ ] (1) The Welsh Ministers may by regulations make such provision as is essential in consequence of this Act.
- (2) The power to make regulations under sub-paragraph (1) may (among other things) be exercised by modifying any provision made by or under an enactment.
- (3) In sub-paragraph (2), “enactment” does not include—
- (a) primary legislation passed or made after the end of the Session in which this Act is passed, or
  - (b) any provision of the Government of Wales Act 2006.
- (4) The Welsh Ministers may by regulations make such transitional, transitory or saving provision as is essential in connection with the coming into force of any provision of this Act or the appointment of exit day.
- (5) No regulations may be made under this Part unless every provision of them is within the devolved competence of the Welsh Ministers for the purposes of Part 2.”

***Member’s explanatory statement***

*This amendment would provide a power to the Welsh Ministers to make consequential and transitional provision within the devolved competence of the Welsh Ministers.*

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

Mr Chris Leslie  
Mr Pat McFadden  
Paul Farrelly  
Mr David Lammy  
Ian Murray  
Liz Kendall

Mike Gapes  
Helen Hayes  
Stella Creasy  
Jo Swinson  
Ann Coffey  
Chris Bryant  
Martin Whitfield

Catherine McKinnell  
Mr Ben Bradshaw  
Tom Brake  
Sir Edward Davey  
Seema Malhotra  
Layla Moran

Stephen Doughty  
Angela Smith  
Sir Vince Cable  
Stephen Kinnock  
Catherine West  
Tulip Siddiq

NC17

To move the following Clause—

**“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

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**European Union (Withdrawal) Bill, *continued***

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.*

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

Stephen Doughty  
Mr David Lammy  
Helen Hayes  
Tom Brake  
Sir Edward Davey  
Seema Malhotra  
Layla Moran

Mr Pat McFadden  
Ian Murray  
Angela Smith  
Sir Vince Cable  
Stephen Kinnock  
Jamie Stone  
Wera Hobhouse

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

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.*

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

Mike Gapes  
Wera Hobhouse

Mr David Lammy

Norman Lamb

152

Schedule 4, page 32, line 35, leave out “(among other things)”

***Member’s explanatory statement***

*This amendment would limit the scope of regulations modifying the levying of fees or charges by regulatory bodies to only the effects set out in sub-sub-paragraphs (a), (b) and (c).*

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 European Union (Withdrawal) Bill, *continued*

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

339

Schedule 4, page 33, leave out lines 1 to 3

**Member's explanatory statement**

*This amendment would remove the power of public authorities to levy fees or charges via tertiary legislation.*

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

340

Schedule 4, page 33, line 3, at end insert—

“(3A) Regulations under this paragraph may not be used to prescribe fees or charges that go beyond that which is necessary for recovering the direct cost of the provision of a service to the specific person (including any firm or individual) who is required to pay the relevant fee or charge.”

**Member's explanatory statement**

*This amendment would prevent delegated powers from being used to levy taxes.*

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

Ann Coffey  
Norman Lamb

Mike Gapes  
Wera Hobhouse

Mr David Lammy

153

Schedule 4, page 35, line 8, at end insert—

“(3) Modification of subordinate legislation under sub-paragraph (2) may not be made for the purposes of—

- (a) Creating a fee or charge that does not replicate a fee or charge levied by an EU entity on exit day, or
- (b) increasing a fee or charge to an amount larger than an amount charged by an EU entity for the performance of the relevant function on exit day.”

**Member's explanatory statement**

*This amendment would prevent Ministers using the power for public bodies to alter fees and charges either to create a fee or charge that does not currently exist for the purposes of EU regulators, or to increase a UK charge to be higher than an existing EU fee or charge.*

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**European Union (Withdrawal) Bill, *continued***
*NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 7, CLAUSE 7*

Mr Chris Leslie  
Mr David Lammy  
Ian Murray  
Mike Gapes  
Catherine McKinnell  
Helen Hayes

Mr Ben Bradshaw  
Mr George Howarth  
Martin Whitfield

Angela Smith  
Ann Coffey

Stella Creasy  
Chris Bryant

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, 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”*

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

Ruth Cadbury  
Ms Karen Buck  
Stephen Doughty  
Mr Kenneth Clarke  
Ann Coffey  
Susan Elan Jones  
Martin Whitfield

Catherine McKinnell  
Ms Angela Eagle  
Mrs Madeleine Moon  
Mr David Lammy  
Seema Malhotra  
Angela Smith

Stella Creasy  
Ian Murray  
Helen Hayes  
Stephen Kinnock  
Chris Bryant  
Tulip Siddiq

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

**European Union (Withdrawal) Bill, continued**

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  
Caroline Lucas  
Mike Gapes  
Mary Creagh  
Mr Ben Bradshaw  
Darren Jones

Ruth Cadbury  
Ms Karen Buck  
Stephen Doughty  
Mr Kenneth Clarke  
Stephen Kinnock  
Chris Bryant

Catherine McKinnell  
Ms Angela Eagle  
Mrs Madeleine Moon  
Rushanara Ali  
Ann Coffey  
Susan Elan Jones

Stella Creasy  
Ian Murray  
Helen Hayes  
Mr David Lammy  
Seema Malhotra  
Martin Whitfield

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

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 European Union (Withdrawal) Bill, *continued*

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

Ruth Cadbury  
 Ms Karen Buck  
 Stephen Doughty  
 Mr Kenneth Clarke  
 Stephen Gethins  
 Seema Malhotra  
 Angela Smith

Catherine McKinnell  
 Ms Angela Eagle  
 Mrs Madeleine Moon  
 Ian Blackford  
 Mr David Lammy  
 Chris Bryant  
 Martin Whitfield

Stella Creasy  
 Ian Murray  
 Helen Hayes  
 Patrick Grady  
 Ann Coffey  
 Susan Elan Jones

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—
  - (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*

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**European Union (Withdrawal) Bill, *continued***

*following the UK's exit from the EU and to ensure statutory and institutional basis for future environmental protection.*

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Stephen Timms  
Mr David Lammy  
Daniel Zeichner  
Tom Brake  
Sir Vince Cable  
Jo Swinson

Sir Edward Davey  
Layla Moran

Ann Coffey  
Norman Lamb

Mike Gapes

**NC35**

To move the following Clause—

**“Regulations (publication of list)**

- (1) Within 1 month of this Act receiving Royal Assent, the Secretary of State must publish a draft list of regulations that the Government intends to make under section 7.
- (2) A list under subsection (1) must include—
  - (a) the proposed title of the regulation,
  - (b) the area of retained EU law it is required to correct,
  - (c) the Government Department who has responsibility for the regulation, and
  - (d) the proposed month in which the regulation will be tabled.
- (3) The Secretary of State must ensure that a list published under subsection (1) is updated within one month from the day it was published, and within one month of every subsequent update, to include any regulations that the Government has since determined it intends to make.”

***Member's explanatory statement***

*This new clause would require the Government to produce a list of regulations it intends to make under the Bills correcting powers, and to update that list each month, in order to provide clarity about when, and in which areas, it believes the power will be necessary.*

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 European Union (Withdrawal) Bill, *continued*

Stephen Kinnock  
 Stephen Timms  
 Heidi Alexander  
 Chuka Umunna  
 Mr Chris Leslie  
 Alison McGovern

Neil Coyle  
 Maria Eagle  
 Helen Goodman  
 John Woodcock  
 Ian Murray  
 Ruth Cadbury  
 Catherine McKinnell  
 Mr David Lammy  
 Susan Elan Jones  
 Geraint Davies

Mike Gapes  
 Rushanara Ali  
 Stephen Doughty  
 Kate Green  
 Wes Streeting  
 Mr Ben Bradshaw  
 Ms Karen Buck  
 Seema Malhotra  
 Angela Smith

Ann Coffey  
 Mrs Madeleine Moon  
 Stella Creasy  
 Peter Kyle  
 Daniel Zeichner  
 Emma Reynolds  
 Dame Margaret Hodge  
 Catherine West  
 Tulip Siddiq

NC37

To move the following Clause—

**“Governance and institutional arrangements**

- (1) Before exit day a Minister of the Crown must seek to make provision that all powers and functions relating to any right, freedom, or protection, that any person might reasonably expect to exercise, that were exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day, and which do not cease to have effect as a result of the withdrawal agreement (“relevant powers and functions”) will—
  - (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.
- (3) 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 would ensure that the institutions and agencies that protect EU derived rights and protections are replaced to a sufficient standard so those rights and protections will still be enjoyed in practice.*

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 European Union (Withdrawal) Bill, *continued*

Tim Loughton  
 Nicky Morgan  
 Stuart C. McDonald  
 Tom Brake  
 Sir Vince Cable  
 Jo Swinson

Sir Edward Davey  
 Mr Geoffrey Cox  
 Caroline Lucas  
 Kerry McCarthy  
 Mr David Lammy  
 Mr George Howarth  
 Hywel Williams  
 Wera Hobhouse

Stella Creasy  
 Ian Murray  
 Catherine West  
 Mike Gapes  
 Layla Moran  
 Norman Lamb  
 Tim Farron  
 Martin Whitfield

Joanna Cherry  
 Kate Green  
 Chris Bryant  
 Catherine McKinnell  
 Lady Hermon  
 Jamie Stone  
 Angus Brendan MacNeil  
 Martyn Day

NC53

To move the following Clause—

**“Dealing with deficiencies arising from withdrawal in relation to child refugee family reunion**

- (1) In the exercise of powers under section 7 (Dealing with deficiencies arising from withdrawal) the Secretary of State must in particular make regulations amending the Immigration Rules in order to preserve the effect in the United Kingdom of Commission Regulation (EU) No. 604/2013 (establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person).
- (2) In particular, the regulations made under subsection (1) must provide for an unaccompanied minor who has a family member in the United Kingdom who is a refugee or has been granted humanitarian protection to have the same family reunion rights to be reunited in the United Kingdom with that family member as they would have had under Commission Regulation (EU) No. 604/2013.
- (3) The regulations under subsection (1) must require an assessment of the best interests of the minor, taking into account possibilities for family reunification, the minor’s well-being and social development, safety and security considerations, and the view of the minor.
- (4) Regulations under this section must be made within six months of this Act receiving Royal Assent.
- (5) For the purpose of this section “family member” in relation to the unaccompanied minor, means—
  - (a) their parents;
  - (b) their adult siblings;
  - (c) their aunts and uncles;
  - (d) their grandparents.”

***Member’s explanatory statement***

*This new clause is intended to provide for refugee family reunion in the UK in place of the family reunion aspects of the Dublin III Regulation, allowing adult refugees in the UK to sponsor relatives who are unaccompanied children to come to the UK from around the world.*

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**European Union (Withdrawal) Bill, *continued***

Mr Dominic Grieve  
 Tom Brake  
 Sir Vince Cable  
 Jo Swinson  
 Sir Edward Davey  
 Robert Neill

Seema Malhotra  
 Lady Hermon  
 Kate Green

Mr David Lammy  
 Antoinette Sandbach  
 Caroline Lucas

Layla Moran  
 Anna Soubry  
 Tulip Siddiq

**NC55**

To move the following Clause—

**“Treatment of retained law (No. 2)**

- (1) Following the day on which this Act is passed, no modification may be made to retained EU law except by primary legislation, or by subordinate legislation made under this Act.
- (2) The Secretary of State must by regulations establish a schedule listing technical provisions of retained EU law that may be amended by subordinate legislation.
- (3) Subordinate legislation to which subsection (2) applies must be subject to an enhanced scrutiny procedure, to be established by regulations made by the Secretary of State after approval in draft by both Houses of Parliament, which must include consultation with the public and relevant stakeholders.
- (4) Delegated powers may be used only to modify provisions of retained EU law listed in any Schedule made under subsection (2) to the extent that such modification will not limit the scope or weaken standards of equalities, environmental and employment protection, and consumer standards.”

***Member’s explanatory statement***

*This amendment would qualify the powers conferred to alter law by statutory instrument after exit day.*

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Mary Creagh

**NC62**

To move the following Clause—

**“Enforcement of retained environmental law**

- (1) The Secretary of State must make regulations under section 7 of this Act for the purpose of ensuring that retained EU legislation relating to environmental protection continues to be monitored and enforced effectively after exit day.
- (2) The regulations must, in particular—
  - (a) create a statutory corporation (to be called “the Environmental Protection Agency”) with operational independence from Ministers of the Crown to monitor environmental targets set by retained EU law relating to environmental protection;
  - (b) require the statutory corporation to report to Parliament every year on progress in meeting those targets and to make recommendations for remedial action where appropriate;

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**European Union (Withdrawal) Bill, *continued***

- (c) allow the statutory corporation to publish additional reports identifying action or omissions on the part of Ministers of the Crown that is likely to result in targets not being met.”

***Member's explanatory statement***

*This new clause would require Ministers of the Crown to make specific provision for the enforcement of EU legislation relating to environmental protection.*

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

NC63

To move the following Clause—

**“Environmental standards and protections: enforcement**

- (1) Before exit day a Minister of the Crown must make provision that all powers and functions relating to environmental standards and protections that were exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day and which do not cease to have effect as a result of the withdrawal agreement (“relevant powers and functions”) will be carried out by an appropriate existing or newly established entity or public authority in the United Kingdom.
- (2) For the purposes of this section, relevant powers and functions include, but are not limited to—
  - (a) reviewing and reporting on the implementation of environmental standards in practice,
  - (b) monitoring and measuring compliance with legal requirements,
  - (c) publicising information including regarding compliance with environmental standards,
  - (d) facilitating the submission of complaints from persons with regard to possible infringements of legal requirements, and
  - (e) enforcing legal commitments.
- (3) For the purposes of this section, relevant powers and functions carried out by an appropriate existing or newly established entity or public authority in the United Kingdom on any day after exit day must be at least equivalent to all those 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.
- (4) Any newly established entity or public authority in the United Kingdom charged with exercising any relevant powers and functions on any day after exit day shall not be established other than by an Act of Parliament.
- (5) Before making provision under subsection (1), a Minister of the Crown shall hold a public consultation on—
  - (a) the precise scope of the relevant powers and functions to be carried out by an appropriate existing or newly established entity or public authority in the United Kingdom, and

**European Union (Withdrawal) Bill, continued**

- (b) the institutional design of any entity or public authority in the United Kingdom to be newly established in order to exercise relevant powers and functions.
- (6) A Minister of the Crown may by regulations make time-limited transitional arrangements for the exercise of relevant powers and functions until such time as an appropriate existing or newly established entity or public authority in the United Kingdom is able to carry them out.”

**Member's explanatory statement**

*This new clause would require the Government to establish new domestic governance arrangements following the UK's exit from the EU for environmental standards and protections, following consultation.*

Mr Chris Leslie  
Paul Farrelly  
Mr David Lammy  
Joanna Cherry  
Ian Murray  
Mike Gapes

Catherine McKinnell  
Helen Hayes  
Mary Creagh  
Jo Swinson  
Jamie Stone  
Martin Whitfield

Stephen Doughty  
Mr Ben Bradshaw  
Tom Brake  
Sir Edward Davey  
Layla Moran  
Martyn Day

Caroline Lucas  
Angela Smith  
Sir Vince Cable  
Ann Coffey  
Wera Hobhouse

65

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

**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  
Paul Farrelly  
Joanna Cherry  
Mike Gapes  
Mr Edward Vaizey

Stephen Doughty  
Tom Brake  
Sir Edward Davey  
Steve McCabe  
Mr David Lammy  
Antoinette Sandbach  
Tim Farron

Helen Hayes  
Sir Vince Cable  
Stephen Kinnock  
Jamie Stone  
Layla Moran  
Kate Green

Mr George Howarth  
Jo Swinson  
Ann Coffey  
Susan Elan Jones  
Lady Hermon  
Wera Hobhouse

15

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

European Union (Withdrawal) Bill, *continued*

Yvette Cooper  
Hilary Benn  
Ms Harriet Harman  
Nicky Morgan  
Robert Neill  
Mary Creagh

Rachel Reeves  
Ian Murray  
Stephen Doughty  
Angela Smith  
Stella Creasy  
Ian Murray  
Jamie Stone  
Wera Hobhouse

Norman Lamb  
Mike Gapes  
Helen Hayes  
Stephen Kinnock  
Mr George Howarth  
Steve McCabe  
Chris Bryant  
Martin Whitfield

Mr David Lammy  
Catherine McKinnell  
Mr Ben Bradshaw  
Rushanara Ali  
Ann Coffey  
Seema Malhotra  
Susan Elan Jones

49

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

“(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  
Caroline Lucas  
Mike Gapes  
Tim Farron

Wera Hobhouse  
Jo Swinson  
Jamie Stone  
Martin Whitfield

Stephen Doughty  
Ann Coffey  
Mr David Lammy  
Albert Owen

Layla Moran  
Ian Murray  
Norman Lamb  
Catherine West

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 their right to be 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.*

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

264

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

“(1A) The Secretary of State shall make regulations to define “failure to operate efficiently” for the purposes of this section.”

**Member’s explanatory statement**

*This amendment would require the Secretary of State to define in regulations one of the criteria for the use of Clause 7 powers to deal with deficiencies arising from withdrawal from the EU.*

European Union (Withdrawal) Bill, *continued*

Stephen Kinnock

313

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

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

**Member’s explanatory statement**

*This amendment would prevent a Minister of the Crown from making provision to deal with deficiencies in retained EU law arising from withdrawal to the extent that the provision would be within the devolved competence of the Welsh Ministers.*

Mr Dominic Grieve

John Penrose

Mr Kenneth Clarke

Nicky Morgan

Anna Soubry

Stephen Hammond

Antoinette Sandbach

Vicky Ford

Chuka Umunna

Paul Masterton

Stephen Doughty

Kerry McCarthy

Helen Hayes

Stephen Kinnock

Mr George Howarth

Jo Swinson

Mrs Madeleine Moon

Mr Barry Sheerman

Catherine West

Tommy Sheppard

Rushanara Ali

Mr Gavin Shuker

Wera Hobhouse

Martin Whitfield

Robert Neill

Dr Sarah Wollaston

Caroline Lucas

Ian Murray

Mike Gapes

Catherine McKinnell

Mr Ben Bradshaw

Mr David Lammy

Tom Brake

Sir Edward Davey

Ruth Cadbury

Steve McCabe

Jamie Stone

John Grogan

Layla Moran

Norman Lamb

Tulip Siddiq

Albert Owen

Jeremy Lefroy

Tom Tugendhat

Paul Farrelly

Liz Kendall

Mr Edward Vaizey

Heidi Allen

Angela Smith

Stella Creasy

Sir Vince Cable

Ann Coffey

Stephen Twigg

Seema Malhotra

Chris Bryant

Susan Elan Jones

Lady Hermon

Kate Green

Angus Brendan MacNeil

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.*

European Union (Withdrawal) Bill, *continued*

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

Caroline Lucas  
Ian Murray  
Helen Hayes  
Mary Creagh  
Jo Swinson  
Jamie Stone  
Martin Whitfield

Mr David Lammy  
Mike Gapes  
Angela Smith  
Tom Brake  
Sir Edward Davey  
Chris Bryant

Joanna Cherry  
Catherine McKinnell  
Stella Creasy  
Sir Vince Cable  
Ann Coffey  
Tulip Siddiq

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.*

Mr Chris Leslie  
Mr George Howarth  
Mike Gapes  
Mr David Lammy  
Angela Smith

277

Clause 7, page 5, line 41, at end insert—

“(3A) Regulations under this section may not be made unless a Minister of the Crown has laid before each House of Parliament a report setting out how any functions, regulation-making powers or instruments of a legislative character undertaken by EU entities prior to exit day and instead to be exercisable by a public authority in the United Kingdom shall also be subject to the level of legislative scrutiny by the UK Parliament equivalent to that available to the European Parliament prior to exit day.”

**Member’s explanatory statement**

*This amendment would ensure that any regulatory or rule-making powers transferred from EU entities to UK public bodies receive the same degree of scrutiny that would have been the case if the UK had remained in the European Union.*

Robert Neill

359

★ Clause 7, page 5, line 41, at end insert—

“( ) Retained EU law is not deficient only because it enables rights to be exercised in the United Kingdom by persons having a connection with the EU, which other persons having a corresponding connection with the United Kingdom may not be able to exercise in the EU as a consequence of the United Kingdom’s withdrawal from the EU.”

**Member’s explanatory statement**

*The amendment would make clear that retained EU law cannot be modified under clause 7 to restrict the rights of EU nationals or businesses in the UK simply because UK nationals or businesses may lose equivalent rights in the EU as a result of the UK’s withdrawal.*

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 European Union (Withdrawal) Bill, *continued*

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

Caroline Lucas  
 Joanna Cherry  
 Catherine McKinnell  
 Stephen Kinnock  
 Sir Vince Cable  
 Ann Coffey  
 Tulip Siddiq

Paul Farrelly  
 Ian Murray  
 Helen Hayes  
 Stella Creasy  
 Jo Swinson  
 Jamie Stone  
 Martin Whitfield

Mr David Lammy  
 Mike Gapes  
 Angela Smith  
 Tom Brake  
 Sir Edward Davey  
 Layla Moran

57

Clause 7, page 5, line 42, leave out subsection (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  
 Mr David Lammy  
 Stephen Doughty  
 Mary Creagh  
 Jo Swinson  
 Steve McCabe  
 Chris Bryant  
 Tulip Siddiq

Caroline Lucas  
 Ian Murray  
 Helen Hayes  
 Tom Brake  
 Sir Edward Davey  
 Seema Malhotra  
 Mike Gapes  
 Martin Whitfield

Paul Farrelly  
 Catherine McKinnell  
 Stephen Kinnock  
 Sir Vince Cable  
 Ann Coffey  
 Jamie Stone  
 Wera Hobhouse

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 under Clause 7 to modify and amend the Act itself via delegated powers.*

Tom Brake  
 Sir Vince Cable  
 Mr Alistair Carmichael  
 Caroline Lucas  
 Tim Farron  
 Wera Hobhouse

Jo Swinson  
 Mike Gapes

Mary Creagh  
 Layla Moran  
 Martyn Day

Jamie Stone  
 Dr Philippa Whitford

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.

**European Union (Withdrawal) Bill, continued**

- (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),
  - (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 Umunna  
Neil Coyle  
Peter Kyle  
Mr Ben Bradshaw  
Stephen Doughty

Mr Pat McFadden  
Ian Murray  
Helen Hayes  
Mary Creagh  
Jo Swinson  
Ann Coffey  
Chris Bryant  
Martin Whitfield

Paul Farrelly  
Mike Gapes  
Angela Smith  
Tom Brake  
Sir Edward Davey  
Catherine West  
Layla Moran

Mr David Lammy  
Catherine McKinnell  
Stella Creasy  
Sir Vince Cable  
Stephen Kinnock  
Jamie Stone  
Wera Hobhouse

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*

**European Union (Withdrawal) Bill, continued**

*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  
Chuka Umunna  
Ian Murray  
Catherine McKinnell  
Helen Hayes  
Stephen Kinnock  
Mr George Howarth  
Sir Vince Cable  
Ann Coffey  
Ruth Cadbury  
Steve McCabe  
Chris Bryant  
Rushanara Ali  
Mr Gavin Shuker  
Dr Philippa Whitford  
Angus Brendan MacNeil

Jeremy Lefroy  
Caroline Lucas  
Liz Kendall  
Stephen Doughty  
Mr Ben Bradshaw  
Mr David Lammy  
Mary Creagh  
Jo Swinson  
Susan Elan Jones  
Stephen Twigg  
Seema Malhotra  
Tommy Sheppard  
Layla Moran  
Norman Lamb  
Wera Hobhouse  
Martin Whitfield

Robert Neill  
Paul Farrelly  
Mike Gapes  
Heidi Allen  
Angela Smith  
Stella Creasy  
Tom Brake  
Sir Edward Davey  
Mrs Madeleine Moon  
Mr Barry Sheerman  
Jamie Stone  
John Grogan  
Lady Hermon  
Kate Green  
Tulip Siddiq  
Albert Owen

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  
Tom Brake  
Sir Vince Cable  
Jo Swinson  
Sir Edward Davey  
Layla Moran

Wera Hobhouse

108

Clause 7, page 6, line 4, leave out paragraph (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.*

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**European Union (Withdrawal) Bill, *continued***

Chris Bryant  
 Paul Farrelly  
 Mr David Lammy  
 Mike Gapes  
 Catherine McKinnell  
 Stephen Doughty

Helen Hayes  
 Mary Creagh  
 Susan Elan Jones  
 Jamie Stone

Mr Ben Bradshaw  
 Stephen Kinnock  
 Ian Murray  
 Wera Hobhouse

Stella Creasy  
 Ann Coffey  
 Seema Malhotra  
 Martin Whitfield

17

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

“(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.*

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 European Union (Withdrawal) Bill, *continued*

Yvette Cooper  
 Hilary Benn  
 Ms Harriet Harman  
 Nicky Morgan  
 Robert Neill  
 Mary Creagh

Rachel Reeves  
 Mr David Lammy  
 Liz Kendall  
 Catherine McKinnell  
 Mr Ben Bradshaw  
 Mr George Howarth  
 Ann Coffey  
 Jamie Stone  
 Martin Whitfield

Norman Lamb  
 Joanna Cherry  
 Mike Gapes  
 Stephen Doughty  
 Angela Smith  
 Mary Creagh  
 Susan Elan Jones  
 Wera Hobhouse

Paul Farrelly  
 Ian Murray  
 Caroline Lucas  
 Helen Hayes  
 Stella Creasy  
 Stephen Kinnock  
 Seema Malhotra  
 Tulip Siddiq

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  
 Caroline Lucas  
 Mike Gapes  
 Mary Creagh  
 Mr Ben Bradshaw  
 Darren Jones

Ruth Cadbury  
 Ms Karen Buck  
 Stephen Doughty  
 Stephen Kinnock  
 Norman Lamb

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

Stella Creasy  
 Ian Murray  
 Mr David Lammy  
 Susan Elan Jones

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.*

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**European Union (Withdrawal) Bill, *continued***

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

342

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

“(5A) Regulations to which subsection (5) applies must so far as practicable ensure that all powers and functions 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 are carried out by either an EU entity, an appropriate public authority in the United Kingdom or an appropriate international entity after exit day”.

***Member’s explanatory statement***

*This amendment would ensure that standards, rights and protections currently maintained by EU entities or public authorities in member states will continue to be maintained in practice following the UK’s exit from the EU.*

Tom Brake  
Sir Vince Cable  
Mr Alistair Carmichael  
Caroline Lucas  
Tim Farron  
Wera Hobhouse

Layla Moran  
Jamie Stone

Jo Swinson  
Mr David Lammy

Mary Creagh  
Norman Lamb

123

Clause 7, page 6, line 10, at end insert—

“(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  
Caroline Lucas  
Tim Farron  
Wera Hobhouse

Jo Swinson  
Mr David Lammy

Mary Creagh  
Layla Moran  
Catherine West

Jamie Stone  
Norman Lamb

124

Clause 7, page 6, line 10, at end insert—

“(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

**European Union (Withdrawal) Bill, continued**

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.*

Ian Blackford  
Patrick Grady  
Kirsty Blackman  
Patricia Gibson  
Martyn Day

222

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

- “(da) remove any protections or rights of consumers which are available in the United Kingdom under EU law immediately before exit day.”

**Member's explanatory statement**

*This amendment would prevent the Government from using powers in the Act to remove any consumer protections or rights enshrined in EU law after the United Kingdom's withdrawal from the European Union.*

Stella Creasy

332

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

- “(da) remove or reduce any rights available to unaccompanied child refugees or asylum seekers (including those who wish to claim asylum) concerning their admission or transfer to the UK under—
  - (i) Regulation (EU) No 604/2013 (the “Dublin Regulation”); or
  - (ii) Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States;
- (db) remove any rights or obligations derived from the Treaty on the Functioning of the European Union, the Treaty on the European Union, or the Charter of Fundamental Rights, which can be applied to the treatment of unaccompanied child refugees or asylum seekers (including

**European Union (Withdrawal) Bill, continued**

those who wish to claim asylum) concerning their admission or transfer to the UK,”

**Member’s explanatory statement**

*This amendment would prevent a Minister from using regulations under Clause 7 of the Bill to remove or reduce rights under the Dublin Regulation, the 2004 Directive on freedom of movement, or to remove rights or obligations under TFEU, TEU or the Charter of Fundamental Rights, regarding admission or transfer to the UK of unaccompanied child refugees or asylum seekers (including those who wish to claim asylum).*

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

Albert Owen

**333**

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

“(da) establish a new entity or public authority in the United Kingdom charged with exercising any powers and functions currently exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day in relation to the environment or environmental protection”.

**Member’s explanatory statement**

*This amendment would ensure that any new institutions required to enforce environmental standards and protections following the UK’s exit from the EU can be created only by primary legislation.*

Tom Brake

**363**

★ Clause 7, page 6, line 12, after “or revoke”, insert “, or otherwise modify the effect of,”

**Member’s explanatory statement**

*This amendment would ensure that the restriction in this paragraph could not be undermined by the use of legislation which does not amend the text of the Human Rights Act but modifies its effect.*

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 European Union (Withdrawal) Bill, *continued*

Yvette Cooper  
 Ms Harriet Harman  
 Rachel Reeves  
 Caroline Lucas  
 Paul Farrelly  
 Mr David Lammy

Joanna Cherry  
 Catherine McKinnell  
 Mr Ben Bradshaw  
 Mr George Howarth  
 Tom Brake  
 Sir Edward Davey  
 Susan Elan Jones  
 Jamie Stone  
 Wera Hobhouse

Ian Murray  
 Stephen Doughty  
 Rushanara Ali  
 Mary Creagh  
 Sir Vince Cable  
 Stephen Kinnock  
 Seema Malhotra  
 Mike Gapes  
 Martin Whitfield

Kate Green  
 Helen Hayes  
 Stella Creasy  
 Daniel Zeichner  
 Jo Swinson  
 Ann Coffey  
 Catherine West  
 Layla Moran

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.*

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

Ian Blackford  
 Stephen Kinnock  
 Jamie Stone  
 Angela Smith  
 Martin Whitfield

Mr Alistair Carmichael  
 Ann Coffey  
 Mike Gapes  
 Mrs Madeleine Moon  
 Albert Owen

Tom Brake  
 Susan Elan Jones  
 Mr David Lammy  
 Wera Hobhouse  
 Martyn Day

158

Clause 7, page 6, line 13, after “it”, insert—

“( ) modify the Scotland Act 1998 or the Government of Wales Act 2006,”

***Member’s explanatory statement***

*This amendment would prevent the powers of a Minister of the Crown under Clause 7 of the Bill to fix problems in retained EU law from being exercised to amend the Scotland Act 1998 or the Government of Wales Act 2006.*

Stephen Kinnock

318

Clause 7, page 6, line 13, after “it”, insert—

“( ) modify the Government of Wales Act 2006,”.

***Member’s explanatory statement***

*This amendment would prevent the Government of Wales Act 2006 from being amended by regulations under Clause 7.*

European Union (Withdrawal) Bill, *continued*

Tom Brake

364

★ Clause 7, page 6, line 13, after “it”, insert—

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

***Member’s explanatory statement***

*This amendment would broaden the restriction in this subsection to protect all legislation relating to equality and human rights (and not only the Human Rights Act 1998).*

Tom Brake

Sir Vince Cable

Mr Alistair Carmichael

Jamie Stone

Layla Moran

Norman Lamb

Wera Hobhouse

Tim Farron

144

Clause 7, page 6, line 14, leave out from “1998” to end of line 18 and insert “or otherwise affect any legislation derived from the Belfast Agreement of 10 April 1998 or the intention of that Agreement.”

***Member’s explanatory statement***

*This amendment is intended to ensure that the EU Withdrawal Bill does not affect any legislation derived from the Good Friday Agreement or the intention of the Good Friday Agreement.*

Mr Dominic Grieve

John Penrose

Mr Kenneth Clarke

Nicky Morgan

Anna Soubry

Stephen Hammond

Antoinette Sandbach

Vicky Ford

Chuka Umunna

Paul Masterton

Stephen Doughty

Kerry McCarthy

Helen Hayes

Stephen Kinnock

Stella Creasy

Sir Vince Cable

Ann Coffey

Seema Malhotra

Chris Bryant

Mr Gavin Shuker

Dr Philippa Whitford

Robert Neill

Dr Sarah Wollaston

Caroline Lucas

Ian Murray

Mike Gapes

Catherine McKinnell

Mr Ben Bradshaw

Rushanara Ali

Mr George Howarth

Jo Swinson

Susan Elan Jones

Catherine West

Layla Moran

Norman Lamb

Wera Hobhouse

Jeremy Lefroy

Tom Tugendhat

Paul Farrelly

Liz Kendall

Mr Edward Vaizey

Heidi Allen

Angela Smith

Mr David Lammy

Tom Brake

Sir Edward Davey

Steve McCabe

Jamie Stone

Lady Hermon

Kate Green

Martin Whitfield

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;

**European Union (Withdrawal) Bill, *continued***

- (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  
Mr David Lammy  
Mike Gapes  
Helen Hayes  
Mary Creagh  
Jo Swinson  
Susan Elan Jones  
Jamie Stone  
Wera Hobhouse

Caroline Lucas  
Ian Murray  
Kerry McCarthy  
Stephen Kinnock  
Tom Brake  
Sir Edward Davey  
Seema Malhotra  
Layla Moran  
Martin Whitfield

Paul Farrelly  
Stephen Doughty  
Catherine McKinnell  
Stella Creasy  
Sir Vince Cable  
Ann Coffey  
Catherine West  
Angela Smith

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  
Joanna Cherry  
Patrick Grady  
Stephen Gethins  
Kirsty Blackman  
Peter Grant

Jamie Stone

Wera Hobhouse

Martyn Day

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.”

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 European Union (Withdrawal) Bill, *continued*

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

Catherine McKinnell  
 Ms Angela Eagle  
 Mrs Madeleine Moon  
 Mr David Lammy  
 Jo Swinson  
 Ann Coffey  
 Layla Moran  
 Martin Whitfield

Stella Creasy  
 Ian Murray  
 Helen Hayes  
 Tom Brake  
 Sir Edward Davey  
 Jamie Stone  
 Wera Hobhouse

Ms Karen Buck  
 Stephen Doughty  
 Angela Smith  
 Sir Vince Cable  
 Stephen Kinnock  
 Mike Gapes  
 Tulip Siddiq

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  
 Mr David Lammy  
 Mike Gapes  
 Wera Hobhouse

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.*

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 European Union (Withdrawal) Bill, *continued*

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

Angela Smith  
Tulip Siddiq  
Catherine McKinnell  
Jo Swinson  
Lisa Nandy  
Jo Swinson  
Ian Murray  
Layla Moran

Heidi Alexander  
Helen Hayes  
Mike Gapes  
Caroline Lucas  
Tom Brake  
Sir Edward Davey  
Seema Malhotra  
Martin Whitfield

Stephen Doughty  
Chuka Umunna  
Mr George Howarth  
Mr Barry Sheerman  
Sir Vince Cable  
Stephen Kinnock  
Mr David Lammy

149

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

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

***Member’s explanatory statement***

*This amendment would seek to bar Ministers from making regulations under Clause 7 which are not compliant with the United Nations Convention on the Rights of the Child.*

Neil Gray  
Patrick Grady  
Deidre Brock  
Martyn Day

233

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

“(g) make changes to EU-derived domestic legislation concerning the co-ordination of social security systems between the UK and EU member states unless the Secretary of State has consulted with the relevant Minister in each of the devolved administrations.”

***Member’s explanatory statement***

*This amendment would require that changes cannot be made under Clause 7 to EU-derived domestic legislation concerning the co-ordination of social security systems between the UK and EU member states unless the Secretary of State has consulted with the relevant Minister in each of the devolved administrations.*

Ian Blackford  
Patrick Grady  
Mhairi Black  
Drew Hendry  
Martyn Day

234

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

“(g) make changes to EU-derived domestic legislation concerning eligibility for UK pensions unless a public consultation on these changes has taken place.”

***Member’s explanatory statement***

*This amendment would require that changes cannot be made under Clause 7 to EU-derived domestic legislation concerning eligibility for UK pensions unless a public consultation on these changes has taken place.*

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**European Union (Withdrawal) Bill, *continued***

Ian Blackford  
Patrick Grady  
Angus Brendan MacNeil  
Martyn Day

239

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

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

***Member’s explanatory statement***

*This amendment would ensure that the power to make regulations on agricultural policy under Clause 7 could not be exercised without agreement from the Joint Ministerial Council.*

Ian Blackford  
Patrick Grady  
Peter Grant  
Martyn Day

240

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

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

***Member’s explanatory statement***

*This amendment would ensure that the power to make regulations concerning fisheries under Clause 7 could not be exercised without agreement from the Joint Ministerial Council.*

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

266

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

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

***Member’s explanatory statement***

*This amendment would prevent the powers in Clause 7 being used to amend Equality Act 2010 legislation.*

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 European Union (Withdrawal) Bill, *continued*

Ian Blackford  
 Patrick Grady  
 Stuart C. McDonald  
 Joanna Cherry  
 Dr Philippa Whitford  
 Wera Hobhouse

Martyn Day

269

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

“(g) remove, reduce or otherwise limit the rights of EU citizens resident in the UK.”

***Member’s explanatory statement***

*This amendment would prevent the powers in Clause 7 being used to remove, reduce or otherwise limit the rights of EU citizens resident in the UK.*

Ian Blackford  
 Patrick Grady  
 Douglas Chapman  
 Stewart Malcolm McDonald  
 Martyn Day

272

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

“(g) make provision which, in the opinion of the Minister, could pose a threat to national security.”

***Member’s explanatory statement***

*This amendment would prevent the powers in Clause 7 being used to make provision which could pose a threat to national security.*

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

350

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

“(g) fail to pay full regard to the welfare requirements of animals as sentient beings.”

***Member’s explanatory statement***

*This amendment holds Ministers to the animal welfare standards enshrined in Article 13 of the Treaty on the Functioning of the European Union.*

European Union (Withdrawal) Bill, *continued*

Mary Creagh  
Daniel Zeichner  
Ruth Cadbury  
Mr Ben Bradshaw  
Heidi Alexander  
Peter Kyle

Maria Eagle  
Chuka Umunna  
Stephen Doughty  
Catherine McKinnell  
Angela Smith  
Stephen Kinnock  
Catherine West  
Martin Whitfield

Liz Kendall  
Darren Jones  
Chris Bryant  
Caroline Lucas  
Rushanara Ali  
Ann Coffey  
Chris Bryant

Mike Gapes  
Stella Creasy  
Kerry McCarthy  
Helen Hayes  
Mr David Lammy  
Ian Murray  
Tulip Siddiq

138

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

“(6A) Regulations may not be made under this section unless a Minister of the Crown has certified that the Minister is satisfied that the regulations do not remove or reduce any environmental protection provided by retained EU law.”

***Member’s explanatory statement***

*This amendment ensures that regulations under this section cannot interfere with environmental protection under retained EU law, by requiring a Ministerial certificate.*

Robert Neill

360

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

“(6A) A Minister of the Crown must as soon as reasonably practicable—

- (a) publish a statement of Her Majesty’s Government’s policy as to modifications of retained EU law under this section, so far as they appear to the Minister likely to affect industry and commerce in the United Kingdom, and
- (b) consult with representatives of, or participants in, industry and commerce as to the modifications which are necessary or desirable.

(6B) In subsection (6A) “industry and commerce” includes financial and professional services.”

***Member’s explanatory statement***

*The amendment would require early consultation with representatives of the financial and professional services industries on relevant modifications which are to be made under clause 7.*

Mr Dominic Grieve  
John Penrose  
Mike Gapes  
Stephen Doughty  
Stephen Kinnock  
Mr George Howarth

Ian Murray  
Mr David Lammy  
Wera Hobhouse

Jamie Stone  
Lady Hermon  
Tim Farron

Chris Bryant  
Antoinette Sandbach  
Martin Whitfield

16

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

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 European Union (Withdrawal) Bill, *continued*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards  
Ben Lake  
Caroline Lucas  
Joanna Cherry

Stephen Kinnock

Wera Hobhouse

88

Clause 7, page 6, line 25, 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.*

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

Ian Blackford  
Stephen Kinnock  
Jamie Stone  
Mrs Madeleine Moon  
Martyn Day

Mr Alistair Carmichael  
Ann Coffey  
Mike Gapes  
Wera Hobhouse

Tom Brake  
Susan Elan Jones  
Mr David Lammy  
Martin Whitfield

161

Clause 7, page 6, line 25, at end insert—

- “(9) The consent of the Scottish Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Scottish Ministers within the meaning given in paragraph 9 of Schedule 2.
- (10) The consent of the Welsh Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Welsh Ministers within the meaning given in paragraph 10 of Schedule 2.”

***Member’s explanatory statement***

*This amendment would require a Minister of the Crown to first seek the consent of the Scottish Ministers or the Welsh Ministers before making any regulations under Clause 7 on Scottish or Welsh devolved matters.*

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

334

Clause 7, page 6, line 25, at end insert—

- “(9) In the exercise of powers under this section the Secretary of State must guarantee the standards and protections currently required as a result of the National Emissions Ceilings Directive, the Ambient Air Quality Directive, the Industrial

**European Union (Withdrawal) Bill, continued**

Emissions Directive, the Medium Combustion Plant Directive and Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.”

**Member’s explanatory statement**

*This amendment would ensure that the UK maintains existing air quality standards and protections following the UK’s exit from the EU.*

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**NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 9, CLAUSE 9, NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 16 OR SCHEDULE 7, CLAUSE 16, SCHEDULE 7, CLAUSE 17**

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

Yvette Cooper  
Ms Harriet Harman  
Norman Lamb  
Nicky Morgan  
Robert Neill  
Mary Creagh

Rachel Reeves  
Joanna Cherry  
Mike Gapes  
Caroline Lucas  
Angela Smith  
Ann Coffey

Paul Farrelly  
Ian Murray  
Catherine McKinnell  
Helen Hayes  
Stella Creasy  
Chris Bryant

Mr David Lammy  
Liz Kendall  
Stephen Doughty  
Mr Ben Bradshaw  
Mr George Howarth  
Martin Whitfield

**NC3**

To move the following Clause—

**“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 to require the Government to implement the withdrawal agreement through separate primary and secondary legislation rather than through this bill.*

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**European Union (Withdrawal) Bill, *continued***

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

Liz Kendall  
 Paul Farrelly  
 Catherine McKinnell  
 Sir Vince Cable  
 Ann Coffey  
 Layla Moran

Stephen Doughty  
 Mr David Lammy  
 Helen Hayes  
 Jo Swinson  
 Ruth Cadbury  
 Angela Smith

Caroline Lucas  
 Ian Murray  
 Tom Brake  
 Sir Edward Davey  
 Chris Bryant  
 Martin Whitfield

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.*

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Mr Chris Leslie  
 Caroline Lucas  
 Paul Farrelly  
 Mr David Lammy  
 Ian Murray  
 Mike Gapes

Catherine McKinnell  
 Mr Ben Bradshaw  
 Ann Coffey  
 Martin Whitfield

Stephen Doughty  
 Stella Creasy  
 Chris Bryant

Helen Hayes  
 Stephen Kinnock  
 Angela Smith

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*

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**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.*

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

Jo Swinson

Jamie Stone

**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.*

---

Conor McGinn  
Mr David Lammy  
Seema Malhotra  
Mike Gapes

**NC38**

To move the following Clause—

**“Status of Irish citizens in the United Kingdom**

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

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**European Union (Withdrawal) Bill, *continued***

Conor McGinn  
 Mr David Lammy  
 Mr George Howarth  
 Ian Murray  
 Seema Malhotra  
 Mike Gapes

Dr Philippa Whitford

NC39

To move the following Clause—

**“Provisions of the Good Friday Agreement**

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

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

---

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

NC66

To move the following Clause—

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

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

***Member’s explanatory statement***

*This new clause is intended to establish that Parliament has a meaningful vote on the terms of Britain’s withdrawal from the European Union.*

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 European Union (Withdrawal) Bill, *continued*

Geraint Davies  
 Mohammad Yasin  
 Preet Kaur Gill  
 Eleanor Smith  
 Mr David Lammy  
 Stephen Kinnock

Stephen Gethins

NC68

To move the following Clause—

**“Terms of withdrawal: approval by Parliament**

- (1) The Government shall not conclude any agreement on terms of withdrawal from the European Union, or on the UK’s future relationship with the European Union, until those terms have been approved by resolution in both Houses of Parliament.
- (2) Approval by resolution of both Houses of Parliament must be sought no later than three months before exit day.”

***Member’s explanatory statement***

*This new clause would require the Government to seek Parliamentary approval for its exit agreement with the EU at least three months before exit day.*

---

Seema Malhotra  
 Stephen Timms

NC69

★ To move the following Clause—

**“United Kingdom withdrawal from the EU**

- (1) Subsection (2) applies if either of the conditions in subsection (3) or (4) is met.
- (2) The Prime Minister must seek an agreement with the EU on one or more of the following—
  - (a) extending the negotiations beyond the two-year period specified in Article 50 of the Treaty on European Union; or
  - (b) agreeing that negotiations over the final terms of the United Kingdom’s withdrawal from the EU may take place during a negotiated transitional arrangement which broadly reflect current arrangements and which begins immediately after the Article 50 notice period expires and the EU treaties cease to apply to the UK; or
  - (c) any other course of action in relation to the negotiations (with the EU over the withdrawal of the United Kingdom) which has been approved in accordance with this section by a resolution of the House of Commons.
- (3) The condition in this subsection is that no Article 50 withdrawal agreement has been reached between the United Kingdom and the EU by 31 October 2018.
- (4) The condition in this subsection is that an Article 50 withdrawal agreement has been reached between the United Kingdom and the EU but the proposed terms of withdrawal have not been approved by resolutions of both Houses of Parliament by 28 February 2019.
- (5) Nothing in this section may be amended by regulations made under any provision of this Act.”

***Member’s explanatory statement***

*The intention of this new clause, which could be amended only by primary legislation, is to specify*

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**European Union (Withdrawal) Bill, continued**

*the actions that should be taken if the Government does not secure a withdrawal agreement by 31 Oct 2018 or that Parliament does not approve a withdrawal agreement by 28 February 2019.*

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Ian Blackford  
Peter Grant  
Joanna Cherry  
Patrick Grady  
Dr Philippa Whitford

206

Clause 9, page 6, line 43, leave out “appropriate” and insert “necessary”

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

Dr Sarah Wollaston  
Chuka Umunna  
Ian Murray  
Kerry McCarthy  
Heidi Allen  
Angela Smith  
Mary Creagh  
Jo Swinson  
Susan Elan Jones  
Seema Malhotra  
Stephen Gethins  
Lady Hermon  
Dr Philippa Whitford  
Peter Kyle

Jeremy Lefroy  
Caroline Lucas  
Liz Kendall  
Catherine McKinnell  
Helen Hayes  
Stephen Kinnock  
Tom Brake  
Sir Edward Davey  
Ruth Cadbury  
Jamie Stone  
Mr David Lammy  
Mr Gavin Shuker  
Wera Hobhouse  
Albert Owen

Robert Neill  
Paul Farrelly  
Mike Gapes  
Stephen Doughty  
Mr Ben Bradshaw  
Mr George Howarth  
Sir Vince Cable  
Ann Coffey  
Steve McCabe  
Chris Bryant  
Layla Moran  
Kate Green  
Martin Whitfield  
Catherine West

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.*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards  
Ben Lake

355

☆ Clause 9, page 6, line 45, at end insert “, subject to—

- (a) the prior enactment of a statute by Parliament, and
- (b) an affirmative resolution passed by the National Assembly for Wales, the Scottish Parliament and the Northern Ireland Assembly,

**European Union (Withdrawal) Bill, continued**

approving the final terms of withdrawal of the United Kingdom from the European Union.”

**Member's explanatory statement**

*This amendment would require the final deal with the EU to be approved by statute passed by both Parliament and by the devolved administrations.*

Stephen Kinnock

315

Clause 9, page 6, line 45, at end insert—

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

**Member's explanatory statement**

*This amendment would prevent a Minister of the Crown from making provision to implement the withdrawal agreement to the extent that the provision would be within the devolved competence of the Welsh Ministers.*

Caroline Lucas

Tulip Siddiq

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

Stephen Doughty

Helen Hayes

Mr Ben Bradshaw

Mary Creagh

Stephen Kinnock

Ann Coffey

Jamie Stone

Dr Philippa Whitford

Susan Elan Jones

Mike Gapes

Wera Hobhouse

Ian Murray

Mr David Lammy

Martin Whitfield

18

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

**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.*

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 European Union (Withdrawal) Bill, *continued*

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

Valerie Vaz  
Mr David Lammy  
Catherine McKinnell  
Stephen Kinnock  
Steve McCabe  
Mike Gapes  
Martin Whitfield

Caroline Lucas  
Ms Harriet Harman  
Stephen Doughty  
Mary Creagh  
Seema Malhotra  
Wera Hobhouse

Paul Farrelly  
Ian Murray  
Helen Hayes  
Ann Coffey  
Jamie Stone  
Tulip Siddiq

**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.*

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

Mr Pat McFadden  
Mr David Lammy  
Helen Hayes  
Mary Creagh  
Jo Swinson  
Jamie Stone

Caroline Lucas  
Ian Murray  
Angela Smith  
Tom Brake  
Sir Edward Davey  
Mike Gapes

Paul Farrelly  
Catherine McKinnell  
Stella Creasy  
Sir Vince Cable  
Ann Coffey  
Martin Whitfield

**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.*

Robert Neill

★ Clause 9, page 7, line 2, at end insert—

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

***Member’s explanatory statement***

*The amendment would make clear that aspects of EU membership, such as the automatic effect of EU law and enforcement and adjudication mechanisms, can be maintained for an implementation period if the Government agrees to do so as part of the withdrawal agreement.*

**361**

European Union (Withdrawal) Bill, *continued*

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

Mike Gapes  
 Tim Farron

Layla Moran

Wera Hobhouse

147

Clause 9, page 7, line 5, at end insert—

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

***Member’s explanatory statement***

*This amendment is intended to maintain the provisions of the Good Friday Agreement after the UK leaves the EU.*

Tom Brake

368

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

***Member’s explanatory statement***

*This amendment is preparatory to Amendment 370.*

Tom Brake

369

★ Clause 9, page 7, line 7, after “or revoke”, insert “, or otherwise modify the effect of,”

***Member’s explanatory statement***

*This amendment would ensure that the restriction in this paragraph could not be undermined by the use of legislation which does not amend the text of the Human Rights Act but modifies its effect.*

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

Dr Sarah Wollaston  
 Chuka Umunna  
 Ian Murray  
 Kerry McCarthy  
 Helen Hayes  
 Rushanara Ali  
 Mr George Howarth  
 Jo Swinson  
 Ann Coffey  
 Seema Malhotra  
 Mike Gapes  
 Mr Gavin Shuker  
 Martin Whitfield

Jeremy Lefroy  
 Caroline Lucas  
 Liz Kendall  
 Catherine McKinnell  
 Mr Ben Bradshaw  
 Mr David Lammy  
 Tom Brake  
 Sir Edward Davey  
 Susan Elan Jones  
 Jamie Stone  
 Layla Moran  
 Kate Green

Robert Neill  
 Paul Farrelly  
 Stephen Doughty  
 Heidi Allen  
 Angela Smith  
 Stella Creasy  
 Sir Vince Cable  
 Stephen Kinnock  
 Steve McCabe  
 Chris Bryant  
 Lady Hermon  
 Wera Hobhouse

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.

**European Union (Withdrawal) Bill, *continued***

- (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”

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

Valerie Vaz  
Mr David Lammy  
Kerry McCarthy  
Helen Hayes  
Stella Creasy  
Susan Elan Jones  
Mike Gapes

Caroline Lucas  
Ms Harriet Harman  
Catherine McKinnell  
Stephen Kinnock  
Mary Creagh  
Seema Malhotra  
Wera Hobhouse

Paul Farrelly  
Ian Murray  
Stephen Doughty  
Rushanara Ali  
Ann Coffey  
Jamie Stone  
Martin Whitfield

27

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

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

***Member’s explanatory statement***

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

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 European Union (Withdrawal) Bill, *continued*

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

Catherine McKinnell  
 Ms Angela Eagle  
 Mrs Madeleine Moon  
 Tom Brake  
 Sir Edward Davey  
 Jamie Stone  
 Martin Whitfield

Stella Creasy  
 Ian Murray  
 Helen Hayes  
 Sir Vince Cable  
 Stephen Kinnock  
 Mike Gapes

Ms Karen Buck  
 Stephen Doughty  
 Mr David Lammy  
 Jo Swinson  
 Ann Coffey  
 Layla Moran

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  
 Mr David Lammy  
 Wera Hobhouse

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

Caroline Lucas  
 Liz Saville Roberts  
 Mr David Lammy  
 Jamie Stone  
 Wera Hobhouse

142

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

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

***Member’s explanatory statement***

*This amendment seeks to protect the existing rights of EU citizens living in the UK.*

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 European Union (Withdrawal) Bill, *continued*

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

Angela Smith  
Tulip Siddiq  
Catherine McKinnell  
Caroline Lucas  
Daniel Zeichner  
Jo Swinson  
Ian Murray  
Martin Whitfield

Heidi Alexander  
Helen Hayes  
Mike Gapes  
Mr Barry Sheerman  
Tom Brake  
Sir Edward Davey  
Mr David Lammy

Stephen Doughty  
Chuka Umunna  
Jo Swinson  
Lisa Nandy  
Sir Vince Cable  
Stephen Kinnock  
Layla Moran

150

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

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

***Member’s explanatory statement***

*This amendment would seek to bar Ministers from making regulations under Clause 9 which are not compliant with the United Nations Convention on the Rights of the Child.*

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

268

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

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

***Member’s explanatory statement***

*This amendment would prevent the powers in Clause 9 being used to amend Equality Act 2010 legislation.*

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

271

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

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

***Member’s explanatory statement***

*This amendment would prevent the powers in Clause 9 being used to remove, reduce or otherwise limit the rights of EU citizens resident in the UK.*

European Union (Withdrawal) Bill, *continued*

Ian Blackford  
 Patrick Grady  
 Douglas Chapman  
 Stewart Malcolm McDonald  
 Martyn Day

274

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

“(e) make provision which, in the opinion of the Minister, could pose a threat to national security.”

***Member’s explanatory statement***

*This amendment would prevent the powers in Clause 9 being used to make provision which could pose a threat to national security.*

Stephen Kinnock

320

Clause 9, page 7, line 8, at end insert “, or

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

***Member’s explanatory statement***

*This amendment would prevent the Government of Wales Act 2006 from being amended by regulations under Clause 9.*

Tom Brake

370

★ Clause 9, page 7, line 8, at end insert “, or

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

***Member’s explanatory statement***

*This amendment would broaden the restriction in this subsection to protect all legislation relating to equality and human rights (and not only the Human Rights Act 1998).*

Hilary Benn  
 Yvette Cooper  
 Caroline Lucas  
 Paul Farrelly  
 Ms Harriet Harman  
 Yvette Cooper

Ian Murray  
 Helen Hayes  
 Mr David Lammy  
 Ann Coffey  
 Martin Whitfield

Catherine McKinnell  
 Mr Ben Bradshaw  
 Mary Creagh  
 Seema Malhotra

Stephen Doughty  
 Angela Smith  
 Stephen Kinnock  
 Mike Gapes

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.”

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 European Union (Withdrawal) Bill, *continued*

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

Jo Swinson

Jamie Stone

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.*

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

Ian Blackford  
 Stephen Kinnock  
 Jamie Stone  
 Wera Hobhouse  
 Martyn Day

Mr Alistair Carmichael  
 Ann Coffey  
 Mike Gapes  
 Martin Whitfield

Tom Brake  
 Susan Elan Jones  
 Mrs Madeleine Moon  
 Albert Owen

160

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

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

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

***Member’s explanatory statement***

*This amendment would prevent a Minister of the Crown from using the power to make regulations under Clause 9 implementing any withdrawal agreement to change the devolution settlements for Scotland and Wales without the consent of the Scottish Ministers or Welsh Ministers.*

Stewart Malcolm McDonald  
 Patrick Grady  
 Martin Docherty-Hughes  
 Douglas Chapman  
 Martyn Day

196

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

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

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 European Union (Withdrawal) Bill, *continued*

Stewart Malcolm McDonald  
 Patrick Grady  
 Carol Monaghan  
 Douglas Chapman  
 Martyn Day

197

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

“(3A) No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the UK should continue to be a signatory to all agreements signed through the European Union’s Common Foreign and Security Policy.”

Peter Grant  
 Patrick Grady  
 Carol Monaghan  
 Martyn Day

198

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

“(3A) No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the UK should continue to be a member of the European Union’s Foreign Affairs Council.”

Peter Grant  
 Hannah Bardell  
 Patrick Grady  
 Kirsty Blackman  
 Martyn Day

199

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

“(3A) No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the UK should continue to be a member of the European Bank for Reconstruction and Development.”

Ian Blackford  
 Patrick Grady  
 Kirsty Blackman  
 Martyn Day

227

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

“(3A) No regulations may be made under this section until the Chancellor of the Exchequer has laid before Parliament an assessment of the impact of the UK leaving the EU single market on the forecast to the UK’s public finances.”

***Member’s explanatory statement***

*This amendment would require publication of a Government assessment of the impact of the United Kingdom exiting the EU single market on the UK public finances, before any regulations are made under section 9.*

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**European Union (Withdrawal) Bill, *continued***

Ian Blackford  
Patrick Grady  
Kirsty Blackman  
Martyn Day

228

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

“(3A) No regulations may be made under this section until the Chancellor of the Exchequer has laid before Parliament an assessment of the impact of exiting the EU single market on levels of GDP growth.

(3B) Any assessment under subsection (3A) shall set out an assessment of the impact of exiting the EU single market on levels of GDP growth in—

- (a) Scotland,
- (b) Northern Ireland,
- (c) England, and
- (d) Wales.”

***Member’s explanatory statement***

*This amendment would require publication of a Government assessment of the impact of the United Kingdom exiting the EU single market on the levels of GDP growth in the UK and in each part of the UK, before any regulations are made under section 9.*

Ian Blackford  
Patrick Grady  
Kirsty Blackman  
Dr Philippa Whitford  
Martyn Day

229

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

“(3A) No regulations may be made under this section until the Chancellor of the Exchequer has laid before Parliament an assessment of the impact of ending freedom of movement on the UK’s public finances.”

***Member’s explanatory statement***

*This amendment would require publication of a Government assessment of the impact of the United Kingdom ending freedom of movement on the UK’s public finances, before any regulations are made under section 9.*

Ian Blackford  
Patrick Grady  
Kirsty Blackman  
Martyn Day

230

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

“(3A) No regulations may be made under this section until the Chancellor of the Exchequer has laid before Parliament an assessment of the broadened responsibilities of the UK Treasury following the UK’s withdrawal from the EU.”

***Member’s explanatory statement***

*This amendment would require publication of a Government assessment of the broadened responsibilities of the UK Treasury following the UK’s withdrawal from the EU, before any regulations are made under section 9.*

European Union (Withdrawal) Bill, *continued*

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

Dr Philippa Whitford  
 Chuka Umunna  
 Mrs Madeleine Moon  
 Darren Jones  
 Mr Chris Leslie  
 Stephen Kinnock  
 Chris Bryant  
 Gavin Shuker  
 Ian Murray  
 Luciana Berger  
 John Woodcock  
 Anna Turley  
 Gareth Snell  
 Julie Elliott  
 Daniel Zeichner  
 Ms Angela Eagle  
 Mary Creagh  
 Tulip Siddiq  
 Albert Owen

Drew Hendry  
 Stella Creasy  
 Stephen Doughty  
 Mr David Lammy  
 Wes Streeting  
 Emma Reynolds  
 Ruth Cadbury  
 Pat McFadden  
 Stephen Timms  
 Vernon Coaker  
 Neil Coyle  
 Mr Ben Bradshaw  
 Maria Eagle  
 Angela Smith  
 Ruth Smeeth  
 Mr George Howarth  
 Anna Soubry  
 Carol Monaghan  
 Martyn Day

Albert Owen  
 Peter Kyle  
 Mike Gapes  
 Kate Green  
 Tulip Siddiq  
 Kerry McCarthy  
 Phil Wilson  
 Ann Coffey  
 Rushanara Ali  
 Alison McGovern  
 Liz Kendall  
 Heidi Alexander  
 Sir Kevin Barron  
 Mr Adrian Bailey  
 Shabana Mahmood  
 Catherine McKinnell  
 Nicky Morgan  
 Martin Whitfield

300

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

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

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

***Member’s explanatory statement***

*This amendment would prevent the Government using any delegated powers under Clause 9 until it had secured Parliamentary approval for its proposals to replace any provisions that cease to apply as a result of the UK’s withdrawal from membership of Euratom.*

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

Paul Farrelly  
 Catherine McKinnell  
 Ann Coffey  
 Chris Bryant  
 Wera Hobhouse

Mr David Lammy  
 Helen Hayes  
 Susan Elan Jones  
 Mike Gapes  
 Martin Whitfield

Ian Murray  
 Mr George Howarth  
 Jamie Stone  
 Angela Smith

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

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**European Union (Withdrawal) Bill, *continued***

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.*

Chris Bryant  
Stephen Doughty  
Helen Hayes  
Mr Ben Bradshaw  
Mr David Lammy  
Stella Creasy

Tom Brake  
Sir Edward Davey  
Ian Murray  
Martin Whitfield

Sir Vince Cable  
Stephen Kinnock  
Mike Gapes

Jo Swinson  
Ann Coffey  
Layla Moran

**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.*

Ian Blackford  
Joanna Cherry  
Patrick Grady  
Stephen Gethins  
Kirsty Blackman  
Peter Grant

Caroline Lucas  
Jo Swinson  
Layla Moran

Tom Brake  
Sir Edward Davey  
Wera Hobhouse

Sir Vince Cable  
Jamie Stone  
Martyn Day

**74**

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

“(5) No regulations may be made under this section until the Secretary of State has signed an agreement with the EU guaranteeing that the UK will remain a permanent member of the EU Single Market.”

European Union (Withdrawal) Bill, *continued*

Ian Blackford  
 Joanna Cherry  
 Patrick Grady  
 Stephen Gethins  
 Kirsty Blackman  
 Peter Grant

Caroline Lucas  
 Martyn Day

Jamie Stone

Wera Hobhouse

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  
 Mr David Lammy  
 Wera Hobhouse  
 Geraint Davies

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.*

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

Mike Gapes

Dr Philippa Whitford

Wera Hobhouse

143

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

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

***Member’s explanatory statement***

*This amendment seeks to protect the existing rights of both EU citizens living in the UK, and UK citizens living elsewhere in the EU.*

Conor McGinn  
 Mike Gapes  
 Wera Hobhouse

156

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

“(5) No regulations may be made under this section unless the requirement in section [Status of Irish citizens in the United Kingdom] has been satisfied.”

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 European Union (Withdrawal) Bill, *continued*

Conor McGinn  
Mike Gapes  
Wera Hobhouse

157

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

- “(5) No regulations may be made under this section unless the requirement in section [Provisions of the Good Friday Agreement] has been satisfied.”

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

Ian Blackford  
Stephen Kinnock  
Jamie Stone  
Wera Hobhouse

Mr Alistair Carmichael  
Ann Coffey  
Mike Gapes  
Martin Whitfield

Tom Brake  
Susan Elan Jones  
Mrs Madeleine Moon  
Martyn Day

163

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

- “(5) The consent of the Scottish Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Scottish Ministers within the meaning given in paragraph 18 of Schedule 2.
- (6) The consent of the Welsh Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Welsh Ministers within the meaning given in paragraph 19 of Schedule 2.”

***Member’s explanatory statement***

*This amendment would require a Minister of the Crown to first seek the consent of the Scottish Ministers or the Welsh Ministers before making any regulations under Clause 9 on Scottish or Welsh devolved matters.*

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

224

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

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

***Member’s explanatory statement***

*This amendment would require the Secretary of State to publish a strategy to retain access to the EU’s Emissions Trading System markets after withdrawal.*

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**European Union (Withdrawal) Bill, *continued***

Ian Blackford  
Patrick Grady  
Kirsty Blackman  
Martyn Day

225

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

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

***Member’s explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for the UK to continue participation in the North Seas Countries’ Offshore Grid Initiative after withdrawal from the EU.”*

Ian Blackford  
Patrick Grady  
Kirsty Blackman  
Martyn Day

231

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

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

***Member’s explanatory statement***

*This amendment would require the Government to publish a strategy for retaining access to the European Investment Bank.*

Ian Blackford  
Patrick Grady  
Kirsty Blackman  
Martyn Day

232

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

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

***Member’s explanatory statement***

*This amendment would require the Government to publish a strategy for retaining access to the European Investment Fund.*

Ian Blackford  
Patrick Grady  
Angus Brendan MacNeil  
Patricia Gibson  
Dr Philippa Whitford  
Martyn Day

238

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

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

***Member’s explanatory statement***

*This amendment would require the Government to publish a strategy for continuing to be a member of the European Food Safety Authority.*

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**European Union (Withdrawal) Bill, *continued***

Dr Philippa Whitford  
Patrick Grady  
Dr Lisa Cameron  
Martyn Day

241

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

- “(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking the preservation of reciprocal healthcare agreements on existing terms as under social security coordination regulations 883/2004 and 987/2009 after the UK’s withdrawal from the EU.
- (6) Any changes to regulations in subsection (5) shall only be made after—
- (a) the House of Commons has passed a resolution approving changes to regulations mentioned in subsection (5),
  - (b) the Scottish Parliament has passed a resolution approving changes to regulations mentioned in subsection (5),
  - (c) the National Assembly of Wales has passed a resolution approving changes to regulations mentioned in subsection (5), and
  - (d) the Northern Ireland Assembly has passed a resolution approving changes to regulations mentioned in subsection (5).”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to publish a strategy for seeking to ensure that reciprocal healthcare arrangements continue after the UK leaves the EU.*

Dr Philippa Whitford  
Ian Blackford  
Patrick Grady  
Deidre Brock  
Wera Hobhouse  
Martyn Day

242

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

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

***Member’s explanatory statement***

*This amendment would require the Government to publish a strategy for continuing to be a member of the European Medicines Agency.*

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

Martyn Day

243

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

- “(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK

**European Union (Withdrawal) Bill, continued**

membership of the European Agency for Safety and Health at Work after withdrawal from the EU.”

**Member's explanatory statement**

*This amendment would require the Government to publish a strategy for continuing to be a member of the European Agency for Safety and Health at Work.*

Dr Philippa Whitford  
Patrick Grady  
Carol Monaghan  
Wera Hobhouse  
Martyn Day

244

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

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

**Member's explanatory statement**

*This amendment would require the Government to publish a strategy for continuing to be a member of the European Chemicals Agency.*

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

Martyn Day

245

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

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

**Member's explanatory statement**

*This amendment would require the Government to publish a strategy for continuing to be a member of the European Single Sky Agreement.*

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

Martyn Day

246

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

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

**Member's explanatory statement**

*This amendment would require the Government to set out a strategy for seeking to ensure that the UK continues to be a member of the European Aviation Safety Agency after withdrawal from the EU.*

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 European Union (Withdrawal) Bill, *continued*

Alan Brown  
 Peter Grant  
 Deidre Brock  
 Brendan O'Hara  
 Patrick Grady  
 Wera Hobhouse

Martyn Day

247

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

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

***Member's explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for seeking to ensure that the UK continues to be a member of the European Maritime Safety Agency after withdrawal from the EU.*

Carol Monaghan  
 Patrick Grady  
 Deidre Brock  
 Tommy Sheppard  
 Tom Brake  
 Sir Vince Cable

Jo Swinson  
 Dr Philippa Whitford

Sir Edward Davey  
 Wera Hobhouse

Layla Moran  
 Martyn Day

248

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

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

***Member's explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for seeking to ensure that the UK continued to be a member of the ERASMUS scheme after withdrawal from the EU.*

Brendan O'Hara  
 Patrick Grady  
 Deidre Brock  
 Kirsty Blackman  
 Tom Brake  
 Sir Vince Cable

Jo Swinson  
 Dr Philippa Whitford

Sir Edward Davey  
 Wera Hobhouse

Layla Moran  
 Martyn Day

249

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

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

***Member's explanatory statement***

*This amendment would seek to ensure that roaming charges do not come into effect after exit day for UK citizens in the EU and vice versa.*

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 European Union (Withdrawal) Bill, *continued*

Brendan O'Hara  
 Patrick Grady  
 Deidre Brock  
 Carol Monaghan  
 Dr Philippa Whitford  
 Wera Hobhouse

Martyn Day

250

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

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

***Member's explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for seeking to ensure that the UK continued to be a member of Creative Europe after withdrawal from the EU.*

Ian Blackford  
 Patrick Grady  
 Stuart C. McDonald  
 Joanna Cherry  
 Peter Grant  
 Dr Philippa Whitford

Wera Hobhouse

Martyn Day

251

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

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

***Member's explanatory statement***

*This amendment would require the UK to make a request to the President of the European Council for continued UK membership of the European Agency for Fundamental Rights after withdrawal from the EU.*

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

252

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

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

***Member's explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for seeking to ensure that the UK continued to have access to Passenger Name Records after withdrawal from the EU.*

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**European Union (Withdrawal) Bill, *continued***

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

253

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

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

***Member’s explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the Schengen Information System after withdrawal from the EU.*

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

254

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

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

***Member’s explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the European Arrest Warrant after withdrawal from the EU.*

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

255

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

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

***Member’s explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have membership of EUROPOL after withdrawal from the EU.*

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**European Union (Withdrawal) Bill, *continued***

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

256

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

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

***Member’s explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have membership of EUROJUST after withdrawal from the EU.*

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

257

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

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

***Member’s explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the European Criminal Records Information system with the EU after withdrawal from the EU.*

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

258

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

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

***Member’s explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the Prüm Council decisions relating to fingerprint and DNA exchange with the EU, after withdrawal from the EU.*

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**European Union (Withdrawal) Bill, *continued***

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

259

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

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

***Member’s explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the False and Authentic Documents Online (“FADO”) internet-based image archiving system after withdrawal from the EU.*

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

260

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

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

***Member’s explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to participate in the Convention on Mutual Assistance and Cooperation between Customs Administrations of 1997 (“Naples II Convention”), after withdrawal from the EU.*

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

261

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

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

***Member’s explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the EU Intelligence Analysis Centre after withdrawal from the EU.*

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**European Union (Withdrawal) Bill, *continued***

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

262

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

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

***Member’s explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable British-registered lawyers to continue to appear before the Court of Justice of the European Union, after withdrawal from the EU.*

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

263

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

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

***Member’s explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to ensure that communications from British-registered lawyers with regard to proceedings before the European Court continue to be covered by legal profession privilege, after withdrawal from the EU.*

Ian Blackford  
Patrick Grady  
Stuart C. McDonald  
Joanna Cherry  
Dr Philippa Whitford  
Martyn Day

275

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

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

***Member’s explanatory statement***

*This amendment would facilitate the continuance of free movement in and out of Scotland after exit day.*

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**European Union (Withdrawal) Bill, *continued***

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

276

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

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

***Member’s explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for continued participation by the United Kingdom in the common European Asylum System, after withdrawal from the EU.*

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

343

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

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for a food standards framework after withdrawal from the EU.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to set out a strategy for a food standards framework after withdrawal from the EU, before making any regulations implementing the withdrawal agreement.*

Dr Philippa Whitford  
Martyn Day

351

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

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

***Member’s explanatory statement***

*This amendment would ensure harmonisation of clinical trials across the EU Member States will continue in the UK after the UK leaves the EU.*

**European Union (Withdrawal) Bill, continued**

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

Valerie Vaz  
Norman Lamb  
Mary Creagh  
Mr David Lammy  
Stephen Doughty  
Stephen Kinnock  
Seema Malhotra  
Wera Hobhouse

Yvette Cooper  
Mr Chris Leslie  
Rachel Reeves  
Ian Murray  
Helen Hayes  
Mr George Howarth  
Jamie Stone  
Martin Whitfield

Ms Harriet Harman  
Caroline Lucas  
Paul Farrelly  
Catherine McKinnell  
Angela Smith  
Ann Coffey  
Mike Gapes

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.*

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**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  
Ian Murray  
Stephen Kinnock  
Chris Bryant  
Martin Whitfield

Paul Farrelly  
Catherine McKinnell  
Ann Coffey  
Mike Gapes

Mr David Lammy  
Helen Hayes  
Seema Malhotra  
Hugh Gaffney

NC1

To move the following Clause—

**“Scrutiny Committee**

- (1) For the purposes of this Act ‘a scrutiny committee’ refers to either—
  - (a) the House of Lords Secondary Legislation Scrutiny Committee, or
  - (b) a Committee of the House of Commons which is established to perform the specific functions assigned to a scrutiny committee in this Act.
- (2) The scrutiny committee referred to in subsection (1)(b) shall be chaired by a Member who is—
  - (a) of the same Party as the Official Opposition, and
  - (b) elected by the whole House.”

***Member's explanatory statement***

*This new clause establishes the principle that there shall be a Commons triage committee which*

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**European Union (Withdrawal) Bill, *continued***

*works alongside the Lords Secondary Legislation Scrutiny Committee to determine the level of scrutiny each statutory instrument shall receive.*

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

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

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

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

NC6

To move the following Clause—

**“Government proposals for Parliamentary scrutiny**

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

***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.*

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**European Union (Withdrawal) Bill, *continued***

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

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

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

Ian Murray  
 Angela Smith  
 Sir Vince Cable  
 Stephen Kinnock  
 Layla Moran

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.*

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Mr Chris Leslie  
 Paul Farrelly  
 Mr David Lammy  
 Ian Murray  
 Mike Gapes  
 Kerry McCarthy

Catherine McKinnell  
 Mr Ben Bradshaw  
 Stella Creasy  
 Stephen Kinnock  
 Martin Whitfield

Stephen Doughty  
 Angela Smith  
 Mr George Howarth  
 Ann Coffey

Helen Hayes  
 Rushanara Ali  
 Daniel Zeichner  
 Tulip Siddiq

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

**European Union (Withdrawal) Bill, *continued***

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  
Caroline Lucas  
Mary Creagh  
Mr Ben Bradshaw  
Darren Jones  
Ruth Cadbury

Catherine McKinnell  
Ms Angela Eagle  
Mrs Madeleine Moon  
Mr David Lammy  
Jo Swinson  
Ann Coffey  
Tulip Siddiq

Stella Creasy  
Ian Murray  
Helen Hayes  
Tom Brake  
Sir Edward Davey  
Mike Gapes  
Martin Whitfield

Ms Karen Buck  
Stephen Doughty  
Angela Smith  
Sir Vince Cable  
Stephen Kinnock  
Layla Moran

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*

**European Union (Withdrawal) Bill, continued**

*Parliamentary Committee has the power to require enhanced scrutiny in relation to regulations that it considers to be particularly significant or contentious.*

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

Mr George Howarth  
 Chris Bryant  
 Martin Whitfield

Ann Coffey  
 Mike Gapes

Jamie Stone  
 Wera Hobhouse

68

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

- “(1) If a Minister considers it appropriate to proceed with the making of regulations under section 7, the Minister shall lay before Parliament—
- (a) draft regulations,
  - (b) an explanatory document and
  - (c) a declaration under sub-paragraph (3).
- (2) The explanatory document must—
- (a) introduce and explain the amendment made to retained EU law by each proposed regulation, and
  - (b) set out the reason why each such amendment is necessary (or, in the case where the Minister is unable to make a statement of necessity under sub-paragraph (3)(a), the reason why each such amendment is nevertheless considered appropriate).
- (3) The declaration required in sub-paragraph (1) must either—
- (a) state that, in the Minister’s view, the provisions of the draft regulations do not exceed what is necessary to prevent, remedy or mitigate any deficiency in retained EU law arising from the withdrawal of the United Kingdom from the EU (a “statement of necessity”); or
  - (b) include a statement to the effect that although the Minister is unable to make a statement of necessity the Government nevertheless proposes to exercise the power to make the regulations in the form of the draft.
- (4) Subject as follows, if after the expiry of the 21-day period a joint committee of both Houses of Parliament appointed to consider draft regulations under this Schedule (“the joint committee”) has not reported to both Houses a resolution in respect of the draft regulations laid under sub-paragraph (1), the Minister may proceed to make a statutory instrument in the form of the draft regulations.
- (5) A statutory instrument containing regulations under sub-paragraph (4) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The procedure in sub-paragraphs (7) to (9) shall apply to the proposal for the draft regulations instead of the procedure in sub-paragraph (4) if—
- (a) either House of Parliament so resolves within the 21-day period,
  - (b) the joint committee so recommends within the 21-day period and neither House by resolution rejects the recommendation within that period, or
  - (c) the draft regulations contain provision to—
    - (i) establish a public authority in the United Kingdom,

**European Union (Withdrawal) Bill, *continued***

- (ii) provide for any function of an EU entity or public authority in a member State to be exercisable instead by a public authority in the United Kingdom established by regulations under section 7, 8 or 9 or Schedule 2,
  - (iii) provides for any function of an EU entity or public authority in a member State of making an instrument of a legislative character to be exercisable instead by a public authority in the United Kingdom,
  - (iv) imposes, or otherwise relates to, a fee in respect of a function exercisable by a public authority in the United Kingdom,
  - (v) creates, or widens the scope of, a criminal offence, or
  - (vi) creates or amends a power to legislate.
- (7) The Minister must have regard to—
- (a) any representations,
  - (b) any resolution of either House of Parliament, and
  - (c) any recommendations of a committee of either House of Parliament charged with reporting on the proposal for the draft regulations, made during the 60-day period with regard to the draft regulations.
- (8) If after the expiry of the 60-day period the draft regulations are approved by a resolution of each House of Parliament, the Minister may make regulations in the form of the draft.
- (9) If after the expiry of the 60-day period the Minister wishes to proceed with the draft regulations but with material changes, the Minister may lay before Parliament—
- (a) revised draft regulations, and
  - (b) a statement giving a summary of the changes proposed.
- (10) If the revised draft regulations are approved by a resolution of each House of Parliament, the Minister may make regulations in the terms of the revised draft.
- (11) For the purposes of sub-paragraphs (1) to (10) regulations are made in the terms of draft regulations or revised draft regulations if they contain no material change to their provisions.
- (12) In sub-paragraphs (1) to (10), references to the “21-day” and “60-day” periods in relation to any draft regulations are to the periods of 21 and 60 days beginning with the day on which the draft regulations were laid before Parliament.
- (13) For the purposes of sub-paragraph (12), no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than four days.”

***Member’s explanatory statement***

*This amendment would require the Minister to provide an explanatory statement on whether the regulations simply transpose EU law or make further changes, subject to a check by a committee of the House, and require that if the regulations involve more than simple transposition the super affirmative procedure must be used.*

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**European Union (Withdrawal) Bill, *continued***

Tom Brake  
Sir Vince Cable  
Mr Alistair Carmichael  
Caroline Lucas  
Tim Farron  
Wera Hobhouse

Jo Swinson

Jamie Stone

Layla Moran

129

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

*“Scrutiny procedure: introductory*

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

*Determination of scrutiny procedure*

- 2 (1) The explanatory document laid with a statutory instrument or draft statutory instrument containing regulations under section 7 must contain a recommendation by the Minister as to which of the following should apply in relation to the making of an order pursuant to the draft order—
- (a) the negative resolution procedure;
  - (b) the affirmative resolution procedure;
  - (c) the super-affirmative procedure.
- (2) The explanatory document must give reasons for the Minister’s recommendation.
- (3) Where the Minister’s recommendation is that the negative resolution procedure should apply, that procedure shall apply unless, within the 30-day period—
- (a) either House of Parliament requires that the super-affirmative procedure shall apply, in which case that procedure shall apply; or
  - (b) in a case not falling within paragraph (a), either House of Parliament requires that the affirmative resolution procedure shall apply, in which case that procedure shall apply.
- (4) Where the Minister’s recommendation is that the affirmative resolution should apply, that procedure shall apply unless, within the 30-day period, either House of Parliament requires that the super-affirmative resolution procedure shall apply, in which case the super-affirmative resolution procedure shall apply.
- (5) Where the Minister’s recommendation is that the super-affirmative procedure should apply, that procedure shall apply.
- (6) For the purposes of this paragraph a House of Parliament shall be taken to have required a procedure within the 30-day period if—
- (a) that House resolves within that period that that procedure shall apply; or
  - (b) in a case not falling within paragraph (a), a committee of that House charged with reporting on the draft order has recommended within that period that that procedure shall apply and the House has not by resolution rejected that recommendation within that period.

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

- 3 (1) for the purposes of this Part of this Schedule, the “super-affirmative resolution procedure” is as follows.
- (2) The Minister must have regard to—
  - (a) any representations,
  - (b) any resolution of either House of Parliament, and
  - (c) any recommendations of a committee of either House of Parliament charged with reporting on the draft order,  
made during the 60-day period with regard to the draft order.
- (3) If, after the expiry of the 60-day period, the Minister wishes to make an order in the terms of the draft, he or she must lay before Parliament a statement—
  - (a) stating whether any representations were made; and
  - (b) if any representations were so made, giving details of them.
- (4) The Minister may after the laying of such a statement make an order in the terms of the draft if it is approved by a resolution of each House of Parliament.
- (5) However, a committee of either House charged with reporting on the draft order may, at any time after the laying of a statement under sub-paragraph (3) and before the draft order is approved by that House under sub-paragraph (4), recommend under this subparagraph that no further proceedings be taken in relation to the draft order.
- (6) Where a recommendation is made by a committee of either House under 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 sub-paragraph (7) make regulations in the terms of the revised statutory instrument if it is approved by a resolution of each House of Parliament.
- (9) However, a committee of either House charged with reporting on the revised draft statutory instrument may, at any time after the revised draft statutory is laid under sub-paragraph (7) and before it is approved by that House under sub-paragraph (8), recommend under this sub-paragraph that no further proceedings be taken in relation to the revised draft statutory instrument.
- (10) Where a recommendation is made by a committee of either House under 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  
Ian Murray  
Helen Hayes  
Mr Ben Bradshaw  
Mr David Lammy  
Ann Coffey

Jamie Stone  
Martin Whitfield

Mike Gapes

Wera Hobhouse

**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.*

Ian Blackford  
Peter Grant  
Joanna Cherry  
Patrick Grady  
Martyn Day

**216**

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

- “(a) the Minister laying the instrument has made a declaration that the instrument does no more than necessary to prevent, remedy or mitigate—
  - (i) any failure of retained EU law to operate effectively, or
  - (ii) any other deficiency in retained EU law arising from the withdrawal of the United Kingdom from the EU, and
- (b) ”.

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 European Union (Withdrawal) Bill, *continued*

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

Jamie Stone  
 Martin Whitfield

Mike Gapes

Wera Hobhouse

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  
 Mr David Lammy  
 Helen Hayes  
 Steve McCabe  
 Mike Gapes

Caroline Lucas  
 Ms Harriet Harman  
 Stephen Kinnock  
 Seema Malhotra  
 Wera Hobhouse

Paul Farrelly  
 Ian Murray  
 Mr George Howarth  
 Jamie Stone  
 Martin Whitfield

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.*

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

Valerie Vaz  
 Mr David Lammy  
 Catherine McKinnell  
 Seema Malhotra  
 Wera Hobhouse

Caroline Lucas  
 Ms Harriet Harman  
 Helen Hayes  
 Jamie Stone  
 Martin Whitfield

Paul Farrelly  
 Ian Murray  
 Stephen Kinnock  
 Mike Gapes

34

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

“(g) is otherwise of sufficient policy interest to merit the application of subparagraph (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.*

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 European Union (Withdrawal) Bill, *continued*

Ian Blackford  
 Patrick Grady  
 Drew Hendry  
 Joanna Cherry  
 Martyn Day

226

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

“(g) makes changes to the application of the 2012 Energy Efficiency Directive in the UK.”

***Member’s explanatory statement***

*This amendment would make any changes to the application of the 2012 Energy Efficiency Directive in the UK subject to approval by resolution of each House of Parliament.*

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

235

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

“(g) makes changes to EU-derived domestic legislation concerning the rights of workers in the UK.”

***Member’s explanatory statement***

*This amendment would require that the rights of workers currently afforded by EU law that are being transposed into UK law can be changed only through affirmative procedure.*

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

Joanna Cherry

Dr Philippa Whitford

Martyn Day

236

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

“(g) makes changes to EU-derived domestic legislation concerning rights for disabled people in the UK.”

***Member’s explanatory statement***

*This amendment would require that the rights of disabled people currently afforded by EU law that are being transposed into UK law can be changed only through affirmative procedure.*

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

Joanna Cherry

Dr Philippa Whitford

Martyn Day

237

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

“(g) makes changes to EU-derived domestic legislation concerning annual leave rights,

**European Union (Withdrawal) Bill, *continued***

- (h) makes changes to EU-derived domestic legislation concerning agency worker rights,
- (i) makes changes to EU-derived domestic legislation concerning part-time worker rights,
- (j) makes changes to EU-derived domestic legislation concerning fixed-term worker rights,
- (k) makes changes to EU-derived domestic legislation concerning work-based health and safety obligations,
- (l) makes changes to EU-derived legislation concerning state-guaranteed payments upon an employer's insolvency,
- (m) makes changes to EU-derived domestic legislation concerning collective redundancy rights,
- (n) makes changes to EU-derived domestic legislation concerning terms and conditions of employment rights,
- (o) makes changes to EU-derived domestic legislation concerning posted worker rights,
- (p) makes changes to EU-derived domestic legislation concerning paternity, maternity and parental leave rights,
- (q) makes changes to EU-derived domestic legislation concerning protection of employment upon the transfer of a business, or
- (r) makes changes to EU-derived domestic legislation concerning anti-discrimination.”

***Member's explanatory statement***

*This amendment would list areas regarding workers' rights where changes to EU-derived law could be made only through affirmative procedure.*

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

265

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

“(g) defines “failure to operate efficiently” under section 7(1A).”

***Member's explanatory statement***

*This amendment, linked to Amendment 264, would ensure that any regulations to define “failure to operate efficiently” under section 7(1A) would be subject to affirmative procedure.*

*European Union (Withdrawal) Bill, continued*

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

Antoinette Sandbach  
 Vicky Ford  
 Chuka Umunna  
 John Stevenson  
 Stephen Doughty  
 Heidi Allen  
 Angela Smith  
 Mr George Howarth  
 Jo Swinson  
 Susan Elan Jones  
 Stephen Twigg  
 Catherine West  
 John Grogan  
 Layla Moran  
 Norman Lamb  
 Angus Brendan MacNeil  
 Martyn Day

Robert Neill  
 Dr Sarah Wollaston  
 Caroline Lucas  
 Ian Murray  
 Kerry McCarthy  
 Helen Hayes  
 Mr David Lammy  
 Tom Brake  
 Sir Edward Davey  
 Mrs Madeleine Moon  
 Mr Barry Sheerman  
 Jamie Stone  
 Mike Gapes  
 Lady Hermon  
 Kate Green  
 Martin Whitfield

Jeremy Lefroy  
 Tom Tugendhat  
 Paul Masterton  
 Liz Kendall  
 Catherine McKinnell  
 Mr Ben Bradshaw  
 Stella Creasy  
 Sir Vince Cable  
 Stephen Kinnock  
 Ruth Cadbury  
 Seema Malhotra  
 Tommy Sheppard  
 Rushanara Ali  
 Mr Gavin Shuker  
 Wera Hobhouse  
 Albert Owen

3

Schedule 7, page 39, line 30, leave out sub-paragraphs (3) to (10) and insert—

- “(3) A Minister of the Crown must not make an Order under (1) and (2) above or any other Order to which this Schedule applies, unless—
- (a) a draft Order and explanatory document has been laid before Parliament in accordance with paragraph 1A; and
  - (b) in the case of any Order which can be made other than solely by a resolution of each House of Parliament, the Order is made as determined under paragraph 1B in accordance 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;

**European Union (Withdrawal) Bill, *continued***

- (c) explain why the Minister considers that—
  - (i) in the case of an Order under section 7, include, so far as appropriate, an assessment of the extent to which the provision made by the Order would prevent, remedy or mitigate—
    - (a) any failure of retained EU law to operate effectively; or
    - (b) any other deficiency in retained EU law arising from the withdrawal of the United Kingdom from the EU,
  - (ii) in the case of an Order under section 8, include, so far as appropriate, an assessment of the extent to which the provision made by the Order would prevent or remedy any breach, arising from the withdrawal of the United Kingdom from the EU, of the international obligations of the United Kingdom,
  - (iii) in the case of an Order under section 9, include, so far as appropriate, an assessment of the extent to which implementation of the withdrawal agreement should be in force on or before exit day.
- (d) identify and give reasons for—
  - (i) any functions of legislating conferred by the Order; and
  - (ii) the procedural requirements attaching to the exercise of those functions.

*Determination of Parliamentary procedure*

- 1B (1) The explanatory document laid with a draft Order under paragraph 1A must contain a recommendation by the Minister as to which of the following should apply in relation to the making of an Order pursuant to the draft Order—
- (a) the negative resolution procedure (see paragraph 1C); or
  - (b) the affirmative resolution procedure (see paragraph 1D).
- (2) The explanatory document must give reasons for the Minister's recommendation.
- (3) Where the Minister's recommendation is that the negative resolution procedure should apply, that procedure shall apply unless, within the 20-day period either House of Parliament requires that the affirmative resolution procedure shall apply, in which case that procedure shall apply.
- (4) For the purposes of this paragraph a House of Parliament shall be taken to have required a procedure within the 20-day period if—
- (a) that House resolves within that period that that procedure shall apply; or
  - (b) in a case not falling within sub paragraph (4)(a), a committee of that House charged with reporting on the draft Order has recommended within that period that that procedure should apply and the House has not by resolution rejected that recommendation within that period.
- (5) In this section the "20-day period" means the period of 20 days beginning with the day on which the draft Order was laid before Parliament under paragraph 1A.

*Negative resolution procedure*

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

**European Union (Withdrawal) Bill, *continued***

- (2) The Minister may make an order in the terms of the draft Order subject to the following provisions of this paragraph.
- (3) The Minister may not make an order in the terms of the draft Order if either House of Parliament so resolves within the 40-day period.
- (4) For the purposes of this paragraph an Order is made in the terms of a draft Order if it contains no material changes to the provisions of the draft Order.
- (5) In this paragraph the “40-day period” means the period of 40 days beginning with the day on which the draft Order was laid before Parliament under paragraph 1A.

*Affirmative resolution procedure*

- 1D (1) For the purposes of this Part the “affirmative resolution procedure” in relation to the making of an Order pursuant to a draft Order laid under paragraph 1A is as follows.
- (2) The Minister must have regard to—
    - (a) any representations,
    - (b) any resolution of either House of Parliament, and
    - (c) any recommendations of a committee of either House of Parliament charged with reporting on the draft Order, made during the 40-day period with regard to the draft Order.
  - (3) If, after the expiry of the 40-day period, the minister wishes to make an Order in the terms of the draft, he must lay before Parliament a statement—
    - (a) stating whether any representations were made under sub-paragraph (2)(a); and
    - (b) if any representations were so made, giving details of them.
  - (4) The Minister may after the laying of such a statement make an Order in the terms of the draft if it is approved by a resolution of each House of Parliament.
  - (5) If, after the expiry of the 40-day period, the Minister wishes to make an Order consisting of a version of the draft Order with material changes, he must lay before Parliament—
    - (a) a revised draft Order; and
    - (b) a statement giving details of—
      - (i) any representations made under sub-paragraph (2)(a); and
      - (ii) the revisions proposed.
  - (6) The Minister may after laying a revised draft Order and statement under sub-paragraph (5) make an Order in the terms of the revised draft if it is approved by a resolution of each House of Parliament.
  - (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

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**European Union (Withdrawal) Bill, *continued***

(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  
Mr Ben Bradshaw  
Ian Murray  
Jamie Stone  
Mike Gapes  
Wera Hobhouse

Martin Whitfield

**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.*

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

Valerie Vaz  
Mr David Lammy  
Kerry McCarthy  
Stephen Kinnock  
Jamie Stone  
Wera Hobhouse

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

Paul Farrelly  
Ian Murray  
Helen Hayes  
Seema Malhotra  
Angela Smith

**35**

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

***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.*

Mary Creagh  
Mike Gapes  
Mr David Lammy  
Wera Hobhouse

**293**

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

“(3A) Regulations appointing any exit day may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.”

***Member’s explanatory statement***

*This amendment would require regulations appointing an exit day to be subject to the affirmative procedure.*

European Union (Withdrawal) Bill, *continued*

Stephen Kinnock

328

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

**Member's explanatory statement**

*This amendment, and Amendments 329 and 331, would remove provisions in the Bill that prescribe scrutiny procedures for the National Assembly for Wales. These amendments, coupled with Amendment 330, would allow the National Assembly for Wales to set the scrutiny procedures it considers appropriate for the control of powers proposed for the Welsh Ministers under the Bill.*

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

Jo Swinson

Jamie Stone

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 129 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  
Chuka Umunna  
Caroline Lucas  
Heidi Allen  
Angela Smith  
Mr George Howarth  
Jo Swinson  
Ann Coffey  
Mike Gapes  
Mr Gavin Shuker  
Wera Hobhouse

Robert Neill  
Dr Sarah Wollaston  
Paul Masterton  
Catherine McKinnell  
Helen Hayes  
Mr David Lammy  
Tom Brake  
Sir Edward Davey  
Steve McCabe  
Layla Moran  
Norman Lamb  
Martin Whitfield

Jeremy Lefroy  
Tom Tugendhat  
Ian Murray  
Stephen Doughty  
Mr Ben Bradshaw  
Stella Creasy  
Sir Vince Cable  
Stephen Kinnock  
Jamie Stone  
Lady Hermon  
Kate Green

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.*

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 European Union (Withdrawal) Bill, *continued*

Stephen Kinnock

329

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

**Member's explanatory statement**

*This amendment, and Amendments 328 and 331, would remove provisions in the Bill that prescribe scrutiny procedures for the National Assembly for Wales. These amendments, coupled with Amendment 330, would allow the National Assembly for Wales to set the scrutiny procedures it considers appropriate for the control of powers proposed for the Welsh Ministers under the Bill.*

Stephen Timms  
Mr George Howarth  
Daniel Zeichner  
Tom Brake  
Sir Vince Cable  
Jo Swinson

Sir Edward Davey  
Mike Gapes  
Wera Hobhouse

Ann Coffey  
Mr David Lammy

Steve McCabe  
Norman Lamb

155

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

“(3A) A Minister cannot make a declaration under sub-paragraph (2) unless they have satisfied themselves that they have sufficiently consulted—

- (a) relevant public authorities,
- (b) businesses,
- (c) people, and
- (d) other organisations

who are likely to be affected by the instrument.”

**Member's explanatory statement**

*This amendment would require that, when using the urgent cases provision in the Bill, the Minister must first consult with businesses and other relevant organisations.*

Stephen Timms  
Mr George Howarth  
Daniel Zeichner  
Tom Brake  
Sir Vince Cable  
Jo Swinson

Sir Edward Davey  
Mr David Lammy  
Wera Hobhouse

Ann Coffey  
Layla Moran

Mike Gapes  
Norman Lamb

154

Schedule 7, page 42, line 31, at end insert—

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

**Member's explanatory statement**

*This amendment would limit the circumstances in which Ministers can use procedures for urgent cases to circumstances in which there is a serious threat of damage to human welfare, the environment or the security of the United Kingdom.*

---

 European Union (Withdrawal) Bill, *continued*

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

Valerie Vaz  
Ms Harriet Harman  
Helen Hayes  
Ann Coffey  
Mike Gapes

Caroline Lucas  
Ian Murray  
Stephen Kinnock  
Seema Malhotra  
Wera Hobhouse

Paul Farrelly  
Catherine McKinnell  
Mr David Lammy  
Jamie Stone  
Martin Whitfield

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  
Mr David Lammy  
Catherine McKinnell  
Ann Coffey  
Mike Gapes

Caroline Lucas  
Ms Harriet Harman  
Helen Hayes  
Seema Malhotra  
Wera Hobhouse

Paul Farrelly  
Ian Murray  
Stephen Kinnock  
Jamie Stone  
Martin Whitfield

37

Schedule 7, page 43, line 15, at end insert—  
“(g) is otherwise of sufficient policy interest to merit the application of sub-paragraph (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  
Mr David Lammy  
Ian Murray  
Stephen Doughty  
Helen Hayes  
Mr Ben Bradshaw

Stephen Kinnock  
Jamie Stone  
Wera Hobhouse

Ann Coffey  
Mike Gapes  
Martin Whitfield

Catherine West  
Dr Philippa Whitford

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*

**European Union (Withdrawal) Bill, continued**

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  
Mr David Lammy  
Helen Hayes  
Seema Malhotra  
Wera Hobhouse

Caroline Lucas  
Ian Murray  
Stephen Kinnock  
Jamie Stone  
Martin Whitfield

Paul Farrelly  
Catherine McKinnell  
Ann Coffey  
Mike Gapes

38

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

**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  
Nicky Morgan  
Robert Neill  
Mary Creagh

Rachel Reeves  
Mr David Lammy  
Catherine McKinnell  
Mr Ben Bradshaw  
Mr George Howarth  
Jo Swinson  
Ann Coffey  
Mike Gapes  
Wera Hobhouse

Caroline Lucas  
Joanna Cherry  
Stephen Doughty  
Angela Smith  
Tom Brake  
Sir Edward Davey  
Susan Elan Jones  
Layla Moran  
Tulip Siddiq

Paul Farrelly  
Ian Murray  
Helen Hayes  
Stella Creasy  
Sir Vince Cable  
Stephen Kinnock  
Jamie Stone  
Dr Philippa Whitford  
Martin Whitfield

51

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

**Member’s explanatory statement**

*This amendment is linked to New Clause 3 to require the Government to implement the withdrawal agreement through separate primary and secondary legislation rather than through this Bill.*

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 European Union (Withdrawal) Bill, *continued*

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

Jamie Stone  
Wera Hobhouse

Mike Gapes  
Martin Whitfield

Dr Philippa Whitford

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  
Mr David Lammy  
Helen Hayes  
Ann Coffey  
Ian Murray  
Jamie Stone

Mike Gapes

Wera Hobhouse

Martin Whitfield

24

Schedule 7, page 43, line 30, leave out sub-paragraph (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  
Mr David Lammy  
Helen Hayes  
Jamie Stone  
Martin Whitfield

Caroline Lucas  
Ms Harriet Harman  
Stephen Kinnock  
Mike Gapes

Paul Farrelly  
Ian Murray  
Ann Coffey  
Wera Hobhouse

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.*

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 European Union (Withdrawal) Bill, *continued*

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

Valerie Vaz  
Mr David Lammy  
Helen Hayes  
Mike Gapes

Caroline Lucas  
Ms Harriet Harman  
Ann Coffey  
Wera Hobhouse

Paul Farrelly  
Ian Murray  
Jamie Stone  
Martin Whitfield

40

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

“(h) is otherwise of sufficient policy interest to merit the application of subparagraph (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  
Mr David Lammy  
Helen Hayes  
Mike Gapes

Caroline Lucas  
Ms Harriet Harman  
Ann Coffey  
Wera Hobhouse

Paul Farrelly  
Ian Murray  
Jamie Stone  
Martin Whitfield

41

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

***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.*

Tom Brake

374

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

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

6A A statutory instrument containing regulations of a Minister of the Crown under section 14(7) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.”

***Member’s explanatory statement***

*This amendment provides for draft affirmative resolution scrutiny for the power to the definition of “law relating to equality or human rights”, inserted by Amendment 371.*

European Union (Withdrawal) Bill, *continued*

Mary Creagh  
Mike Gapes  
Wera Hobhouse

294

Schedule 7, page 44, line 37, after “section 17(5)” insert “, other than regulations to appoint an exit day,”

**Member’s explanatory statement**

*Consequential to amendment 293.*

Mary Creagh  
Mike Gapes  
Wera Hobhouse

295

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

**Member’s explanatory statement**

*Consequential to amendment 293.*

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

344

Schedule 7, page 45, line 11, at end insert—

“10A Any regulations made by virtue of this Act by an entity other than a Minister of the Crown are subject to the same scrutiny (affirmative or negative) procedure as would be applied to those regulations if they were made by a Minister of the Crown.”

**Member’s explanatory statement**

*The intention of this amendment is that tertiary legislation under the Act should be subject to the same parliamentary control and time-limits as are applicable to secondary legislation.*

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

Caroline Lucas  
Ian Murray  
Angela Smith  
Jamie Stone  
Tulip Siddiq

Paul Farrelly  
Catherine McKinnell  
Stella Creasy  
Mike Gapes  
Martin Whitfield

Mr David Lammy  
Helen Hayes  
Ann Coffey  
Wera Hobhouse

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.*

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**European Union (Withdrawal) Bill, *continued***

Stephen Kinnock

330

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

*“Scrutiny of regulations made by Welsh Ministers*

- 11A (1) A statutory instrument containing regulations under this Act of the Welsh Ministers must be made in accordance with the procedures from time to time set out in the Standing Orders of the National Assembly for Wales for the scrutiny of regulations under this Act.
- (2) Sub-paragraph (1) applies to statutory instruments made by the Welsh Ministers acting alone and to statutory instruments made by the Welsh Ministers acting jointly with a Minister of the Crown.
- (3) The Standing Orders of the National Assembly for Wales may set out different procedures for the making of different statutory instruments or for different categories of statutory instruments under this Act and, for the avoidance of doubt, may empower the Assembly or a committee of the Assembly to decide which of those procedures is to apply to an instrument or category of instruments.
- (4) For the purposes of section 11A of the Statutory Instruments Act 1946, and any other provisions of that Act referred to in that section, the provisions set out from time to time in the Standing Orders of the National Assembly for Wales for the scrutiny of regulations under this Act shall be deemed to be provisions of an Act.”

***Member’s explanatory statement****This amendment would allow the National Assembly for Wales to set the scrutiny procedures it considers appropriate for the control of powers proposed for the Welsh Ministers under the Bill.*

Stephen Doughty  
 Stella Creasy  
 Kate Green  
 Daniel Zeichner  
 Stephen Kinnock  
 Ann Coffey

Ian Murray  
 Mike Gapes

Mike Gapes  
 Martin Whitfield

Mr David Lammy

301

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

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

***Member’s explanatory statement****The intention of this amendment is to provide for a citizens’ jury to be consulted before regulations are made under this Act.*

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 European Union (Withdrawal) Bill, *continued*

Ian Blackford  
 Patrick Grady  
 Kirsty Blackman  
 Martyn Day

223

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

- “14A Any power to make regulations in this Act relating to the oil and gas sector may not be made without —
- (a) consultation, and
  - (b) an impact assessment, a copy of which must be laid before Parliament.”

**Member’s explanatory statement**

*This amendment would require consultation and an impact assessment before legislation affecting the relating to the oil and gas sector is changed by regulations made under the Act.*

Stephen Kinnock

331

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

**Member’s explanatory statement**

*This amendment, and Amendments 328 and 329, would remove provisions in the Bill that prescribe scrutiny procedures for the National Assembly for Wales. These amendments, coupled with Amendment 330, would allow the National Assembly for Wales to set the scrutiny procedures it considers appropriate for the control of powers proposed for the Welsh Ministers under the Bill.*

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

Valerie Vaz  
 Ms Harriet Harman  
 Helen Hayes  
 Ann Coffey  
 Wera Hobhouse

Paul Farrelly  
 Ian Murray  
 Stephen Kinnock  
 Jamie Stone  
 Hugh Gaffney

Mr David Lammy  
 Stephen Doughty  
 Stella Creasy  
 Mike Gapes  
 Martin Whitfield

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.*

Ian Blackford  
 Peter Grant  
 Joanna Cherry  
 Patrick Grady  
 Mary Creagh  
 Dr Philippa Whitford

Martyn Day

207

Clause 17, page 13, line 35, leave out “appropriate” and insert “necessary”

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**European Union (Withdrawal) Bill, *continued***

Stephen Kinnock

**321**

Clause 17, page 14, line 4, at end insert “or the Government of Wales Act 2006.”

***Member’s explanatory statement***

*This amendment would prevent the Government of Wales Act 2006 from being amended by regulations under Clause 17.*

Ian Blackford

Peter Grant

Joanna Cherry

Patrick Grady

Mary Creagh

Martyn Day

**208**

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

Stephen Kinnock

**316**

Clause 17, page 14, line 9, at end insert—

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

***Member’s explanatory statement***

*This amendment would prevent a Minister of the Crown from making transitional, transitory or saving provision to the extent that the provision would be within the devolved competence of the Welsh Ministers.*

Kerry McCarthy

Caroline Lucas

Mary Creagh

Mr Ben Bradshaw

Darren Jones

Ruth Cadbury

Catherine McKinnell

Ms Angela Eagle

Mrs Madeleine Moon

Mr David Lammy

Wera Hobhouse

Stella Creasy

Ian Murray

Helen Hayes

Ann Coffey

Martin Whitfield

Ms Karen Buck

Stephen Doughty

Angela Smith

Mike Gapes

**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.*

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 European Union (Withdrawal) Bill, *continued*

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

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

Stella Creasy  
 Ian Murray  
 Helen Hayes  
 Mike Gapes

Ms Karen Buck  
 Stephen Doughty  
 Mr David Lammy  
 Wera Hobhouse

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.*

Mary Creagh  
 Mike Gapes

296

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

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

(9) Regulations made under this section may not amend or repeal retained EU law.”

***Member’s explanatory statement***

*This amendment would place restrictions on the power to make consequential and transitional provision.*

Tom Brake

373

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

“(8) Regulations under subsection (1) or (5) may not amend, repeal or revoke, or otherwise modify the effect of, any law relating to equality or human rights.”

***Member’s explanatory statement***

*This amendment would replicate, for the powers in clause 17, the equality and human rights restrictions on other powers in this Bill (as modified by other amendments).*

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.*

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**European Union (Withdrawal) Bill, *continued****NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 8, CLAUSE 8*

Mr Chris Leslie  
Paul Farrelly  
Mr David Lammy  
Ian Murray  
Kerry McCarthy  
Catherine McKinnell

Stephen Doughty  
Angela Smith  
Mary Creagh  
Mike Gapes

Helen Hayes  
Stella Creasy  
Ann Coffey  
Martin Whitfield

Mr Ben Bradshaw  
Mr George Howarth  
Seema Malhotra

**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 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.*

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 European Union (Withdrawal) Bill, *continued*

Heidi Alexander  
 Stephen Doughty  
 Chuka Umunna  
 Paul Farrelly  
 Mr David Lammy  
 Ian Murray

Caroline Lucas  
 Stella Creasy  
 Mr Ben Bradshaw  
 Darren Jones  
 Ruth Cadbury  
 Liz Kendall  
 Ms Karen Buck  
 Meg Hillier  
 Stephen Timms  
 Daniel Zeichner  
 Dame Margaret Hodge  
 Mr Barry Sheerman  
 Jo Swinson  
 Seema Malhotra  
 Mr Gavin Shuker

Kerry McCarthy  
 Ian Murray  
 Peter Kyle  
 Stephen Kinnock  
 Angela Smith  
 Ms Angela Eagle  
 Kate Green  
 Phil Wilson  
 Neil Coyle  
 Rushanara Ali  
 Angela Smith  
 Tom Brake  
 Sir Edward Davey  
 Mike Gapes  
 Martin Whitfield

Catherine McKinnell  
 Alison McGovern  
 Wes Streeting  
 Chris Bryant  
 Maria Eagle  
 Tulip Siddiq  
 Ann Coffey  
 Mary Creagh  
 Helen Hayes  
 John Woodcock  
 Mrs Madeleine Moon  
 Sir Vince Cable  
 Susan Elan Jones  
 Layla Moran

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

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

Angela Smith  
 Tulip Siddiq  
 Catherine McKinnell  
 Jo Swinson  
 Lisa Nandy  
 Jo Swinson  
 Ian Murray  
 Layla Moran

Heidi Alexander  
 Helen Hayes  
 Mike Gapes  
 Caroline Lucas  
 Tom Brake  
 Sir Edward Davey  
 Seema Malhotra  
 Martin Whitfield

Stephen Doughty  
 Chuka Umunna  
 Mr George Howarth  
 Mr Barry Sheerman  
 Sir Vince Cable  
 Stephen Kinnock  
 Mr David Lammy

NC34

To move the following Clause—

**“United Nations Convention on the Rights of the Child**

- (1) On exit day and on any day afterwards, a public authority must act in a way which is compatible with—
  - (a) Part I of the United Nations Convention on the Rights of the Child, and
  - (b) the Optional Protocols of the UNCRC to which the UK is a signatory state.
- (2) So far as it is possible to do so, on exit day and on any day afterwards, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with—
  - (a) Part I of the United Nations Convention on the Rights of the Child, and
  - (b) the Optional Protocols of the UNCRC to which the UK is a signatory state.
- (3) On exit day and on any day afterwards, a Minister of the Crown must, when exercising any function relating to children, have due regard to the requirements of—
  - (a) Part I of the United Nations Convention on the Rights of the Child, and
  - (b) the Optional Protocols of the UNCRC to which the UK is a signatory state.
- (4) A Minister of Crown shall undertake and publish a Child Rights Impact Assessment if the function relating to children under subsection (3) entails any of the following—
  - (a) formulation of a provision to be included in an enactment,
  - (b) formulation of a new policy, guidance or statement of practice, or
  - (c) change or review of an existing policy guidance or statement of practice.”

***Member’s explanatory statement***

*This new clause would require Ministers and public authorities, from exit day onwards, to act in such a way as to comply with the United Nations Convention on the Rights of the Child, and the optional protocols to which the UK is a signatory state.*

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 European Union (Withdrawal) Bill, *continued*

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

Angela Smith  
Tulip Siddiq  
Catherine McKinnell  
Jo Swinson  
Lisa Nandy  
Jo Swinson  
Ian Murray  
Layla Moran

Heidi Alexander  
Helen Hayes  
Mike Gapes  
Caroline Lucas  
Tom Brake  
Sir Edward Davey  
Seema Malhotra  
Martin Whitfield

Stephen Doughty  
Chuka Umunna  
Mr George Howarth  
Mr Barry Sheerman  
Sir Vince Cable  
Stephen Kinnock  
Mr David Lammy

NC36

To move the following Clause—

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

- (1) On exit day and on any day afterwards, a public authority must act in a way which is compatible with—
  - (a) Part I of the United Nations Convention on the Rights of the Child, and
  - (b) the Optional Protocols of the UNCRC to which the UK is a signatory state.
- (2) So far as it is possible to do so, on exit day and on any day afterwards, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with—
  - (a) Part I of the United Nations Convention on the Rights of the Child, and
  - (b) the Optional Protocols of the UNCRC to which the UK is a signatory state.
- (3) On exit day and on any day afterwards, a Minister of the Crown must, when exercising any function relating to children, have due regard to the requirements of—
  - (a) Part I of the United Nations Convention on the Rights of the Child, and
  - (b) the Optional Protocols of the UNCRC to which the UK is a signatory state.”

***Member’s explanatory statement***

*This new clause would require Ministers and public authorities, from exit day onwards, to act in such a way as to comply with the United Nations Convention on the Rights of the Child, and the optional protocols to which the UK is a signatory state.*

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Ian Blackford  
Peter Grant  
Joanna Cherry  
Patrick Grady  
Mary Creagh  
Martyn Day

205

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 European Union (Withdrawal) Bill, *continued*

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

Layla Moran

Wera Hobhouse

Tim Farron

145

Clause 8, page 6, line 30, at end insert “including the Belfast Agreement of 10 April 1998.”

***Member’s explanatory statement***

*This amendment is intended to maintain the provisions of the Good Friday Agreement after the UK leaves the EU.*

Jeremy Corbyn  
 Mr Nicholas Brown  
 Keir Starmer  
 Owen Smith  
 Jenny Chapman  
 Matthew Pennycook

Paul Blomfield

346

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

***Member’s explanatory statement***

*This amendment would allow Ministers to make regulations to fulfil obligations arising out of the British-Irish Agreement (which commits to implementation of the Multi-Party Agreement).*

Stephen Kinnock

314

Clause 8, page 6, line 30, at end insert—

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

***Member’s explanatory statement***

*This amendment would prevent a Minister of the Crown from making provision to prevent or remedy any breach of international obligations to the extent that the provision would be within the devolved competence of the Welsh Ministers.*

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.*

European Union (Withdrawal) Bill, *continued*

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

Valerie Vaz  
Mr David Lammy  
Catherine McKinnell  
Mary Creagh  
Mike Gapes

Caroline Lucas  
Ms Harriet Harman  
Helen Hayes  
Ann Coffey  
Wera Hobhouse

Paul Farrelly  
Ian Murray  
Stephen Kinnock  
Jamie Stone  
Martin Whitfield

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.*

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

345

Clause 8, page 6, line 32, at end insert—

“(2A) Regulations under subsection (1) may, in particular, include regulations to match or exceed World Health Organisation air quality standards.”

**Member’s explanatory statement**

*This amendment is intended to ensure that the UK continues to meet international air quality standards after withdrawal from the EU.*

Tom Brake  
Sir Vince Cable  
Mr Alistair Carmichael  
Mary Creagh  
Jamie Stone  
Layla Moran

Angela Smith

Wera Hobhouse

Tim Farron

146

Clause 8, page 6, line 35, at end insert—

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

**Member’s explanatory statement**

*This amendment is intended to maintain the provisions of the Good Friday Agreement after the UK leaves the EU.*

Tom Brake

365

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

**Member’s explanatory statement**

*This amendment is preparatory to Amendment 367.*

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 European Union (Withdrawal) Bill, *continued*

Tom Brake

366

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

***Member’s explanatory statement***

*This amendment would ensure that the restriction in this paragraph could not be undermined by the use of legislation which does not amend the text of the Human Rights Act but modifies its effect.*

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

Ian Blackford  
 Stephen Kinnock  
 Jamie Stone  
 Wera Hobhouse

Mr Alistair Carmichael  
 Ann Coffey  
 Mike Gapes  
 Martin Whitfield

Tom Brake  
 Susan Elan Jones  
 Mrs Madeleine Moon  
 Albert Owen

159

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

(e) modify the Scotland Act 1998 or the Government of Wales Act 2006.”

***Member’s explanatory statement***

*This amendment would prevent the powers of a Minister of the Crown under Clause 8 of the Bill to ensure compliance with international obligations from being exercised to amend the Scotland Act 1998 or the Government of Wales Act 2006.*

Stephen Kinnock

319

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

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

***Member’s explanatory statement***

*This amendment would prevent the Government of Wales Act 2006 from being amended by regulations under Clause 8.*

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**European Union (Withdrawal) Bill, *continued***

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

Dr Sarah Wollaston  
Chuka Umunna  
Ian Murray  
Catherine McKinnell  
Helen Hayes  
Mr David Lammy  
Sir Vince Cable  
Stephen Kinnock  
Seema Malhotra  
Lady Hermon  
Wera Hobhouse

Jeremy Lefroy  
Caroline Lucas  
Liz Kendall  
Stephen Doughty  
Mr Ben Bradshaw  
Mr George Howarth  
Jo Swinson  
Ann Coffey  
Jamie Stone  
Mr Gavin Shuker  
Hugh Gaffney

Robert Neill  
Paul Farrelly  
Kerry McCarthy  
Heidi Allen  
Angela Smith  
Tom Brake  
Sir Edward Davey  
Susan Elan Jones  
Mike Gapes  
Kate Green  
Martin Whitfield

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  
Ms Harriet Harman  
Catherine McKinnell  
Mary Creagh  
Jamie Stone  
Hugh Gaffney

Paul Farrelly  
Ian Murray  
Helen Hayes  
Ann Coffey  
Mike Gapes  
Martin Whitfield

Mr David Lammy  
Kerry McCarthy  
Stephen Kinnock  
Seema Malhotra  
Wera Hobhouse

26

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

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

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

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**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 8 to reduce rights or protections.*

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

Catherine McKinnell  
Ms Angela Eagle  
Mrs Madeleine Moon  
Ann Coffey  
Wera Hobhouse

Stella Creasy  
Ian Murray  
Helen Hayes  
Jamie Stone  
Martin Whitfield

Ms Karen Buck  
Stephen Doughty  
Mr David Lammy  
Mike Gapes

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  
Mr David Lammy  
Wera Hobhouse

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.*

Ian Blackford  
Patrick Grady  
Stuart C. McDonald  
Joanna Cherry  
Angela Crawley  
Hywel Williams

Martyn Day

267

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

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

***Member’s explanatory statement***

*This amendment would prevent the powers in Clause 8 being used to amend Equality Act 2010 legislation.*

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 European Union (Withdrawal) Bill, *continued*

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

270

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

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

***Member’s explanatory statement***

*This amendment would prevent the powers in Clause 8 being used to remove, reduce or otherwise limit the rights of EU citizens resident in the UK.*

Ian Blackford  
 Patrick Grady  
 Douglas Chapman  
 Stewart Malcolm McDonald  
 Martyn Day

273

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

“(e) make provision which, in the opinion of the Minister, could pose a threat to national security.”

***Member’s explanatory statement***

*This amendment would prevent the powers in Clause 8 being used to make provision which could pose a threat to national security.*

Mary Creagh

292

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

“(e) impose or increase taxation”

***Member’s explanatory statement***

*This amendment would prevent the imposition or increase of a tax by regulations made under Clause 8 to comply with international obligations.*

Jeremy Corbyn  
 Mr Nicholas Brown  
 Keir Starmer  
 Owen Smith  
 Jenny Chapman  
 Matthew Pennycook

Paul Blomfield

347

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

“(e) be incompatible with the British-Irish Agreement 1998 and the Multi-party agreement (the Belfast / Good Friday Agreement) to which it gives effect, including—

- (i) the preservation of institutions set up relating to strands 1, 2 and 3 of the Good Friday Agreement,
- (ii) human rights and equality,
- (iii) the principle of consent, and

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**European Union (Withdrawal) Bill, *continued***

(iv) citizenship rights.”

**Member’s explanatory statement**

*This amendment is intended to ensure that the power to make regulations to fulfil obligations arising out of the British-Irish Agreement could not be used in a manner incompatible with those obligations.*

Tom Brake

367

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

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

**Member’s explanatory statement**

*This amendment would broaden the restriction in this subsection to protect all legislation relating to equality and human rights (and not only the Human Rights Act 1998).*

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.*

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

Ian Blackford  
 Stephen Kinnock  
 Jamie Stone  
 Wera Hobhouse

Mr Alistair Carmichael  
 Ann Coffey  
 Mike Gapes  
 Martin Whitfield

Tom Brake  
 Susan Elan Jones  
 Mrs Madeleine Moon  
 Martyn Day

162

Clause 8, page 6, line 40, at end add—

“(5) The consent of the Scottish Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Scottish Ministers within the meaning given in paragraph 18 of Schedule 2.

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

**Member’s explanatory statement**

*This amendment would require a Minister of the Crown to first seek the consent of the Scottish Ministers or the Welsh Ministers before making any regulations under Clause 8 on Scottish or Welsh devolved matters.*

Geraint Davies

352

☆ Clause 8, page 6, line 40, at end add—

“(5) Any power to make, confirm or approve subordinate legislation conferred or modified under this Act and its schedules must be used, and may only be used, insofar as is necessary to ensure that standards of equalities, environmental

**European Union (Withdrawal) Bill, continued**

protection and employment protection, and consumer standards will continue to remain in all respects equivalent to those extant in the EU.

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

**Member’s explanatory statement**

*This amendment would ensure that in exercising the powers under this provision, the Government maintains equivalent standards to the EU, and in particular, in making trade agreements.*

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

Mr Chris Leslie  
Mr David Lammy  
Ian Murray  
Catherine McKinnell  
Helen Hayes  
Mr Ben Bradshaw

Angela Smith  
Tom Brake  
Sir Edward Davey  
Layla Moran

Mr George Howarth  
Sir Vince Cable  
Ann Coffey  
Martin Whitfield

Mary Creagh  
Jo Swinson  
Mike Gapes

**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.*

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Ian Blackford  
Patrick Grady  
Stephen Gethins  
Kirsty Blackman  
Peter Grant  
Martyn Day

**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

**European Union (Withdrawal) Bill, *continued***

- (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.”
- 

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

348

Schedule 5, page 36, line 9, at end insert—

- “(c) any impact assessment conducted by Her Majesty’s Government that in any way concerns the economic and financial impact of in anyway altering, modifying or abolishing any relevant instrument.”

***Member’s explanatory statement***

*This amendment would require the Government to publish its economic impact assessments of the policy options for withdrawal from the EU.*

Ian Blackford  
Patrick Grady  
Stephen Gethins  
Kirsty Blackman  
Peter Grant  
Joanna Cherry

Martyn Day

76

Schedule 5, page 37, leave out paragraph 4

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**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  
Ian Murray  
Angela Smith  
Ann Coffey  
Martin Whitfield

Paul Farrelly  
Catherine McKinnell  
Mr George Howarth  
Tulip Siddiq

Mr David Lammy  
Helen Hayes  
Mary Creagh  
Angus Brendan MacNeil

**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.*

Mr Chris Leslie  
Mr David Lammy  
Ian Murray  
Stephen Doughty  
Mike Gapes  
Catherine McKinnell

Helen Hayes  
Mary Creagh

Mr Ben Bradshaw  
Ann Coffey

Angela Smith  
Martin Whitfield

**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

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**European Union (Withdrawal) Bill, *continued***

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 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.*

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Tom Brake

NC74

★ To move the following Clause—

**“Consequences of leaving the European Union: equality**

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

***Member’s explanatory statement***

*This new clause would ensure that the rights of equality presently enjoyed in accordance with EU law are enshrined in free-standing domestic law after the UK leaves the EU.*

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European Union (Withdrawal) Bill, *continued*

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  
Mr David Lammy  
Helen Hayes  
Ann Coffey  
Wera Hobhouse

Caroline Lucas  
Ian Murray  
Stephen Kinnock  
Seema Malhotra  
Hugh Gaffney

Paul Farrelly  
Catherine McKinnell  
Mr George Howarth  
Jamie Stone  
Martin Whitfield

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 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  
Chuka Umunna  
Ian Murray  
Helen Hayes  
Mr David Lammy  
Jamie Stone  
Mr Gavin Shuker

Jeremy Lefroy  
Caroline Lucas  
Catherine McKinnell  
Mr Ben Bradshaw  
Mr George Howarth  
Mike Gapes  
Wera Hobhouse

Robert Neill  
Paul Farrelly  
Heidi Allen  
Angela Smith  
Ann Coffey  
Lady Hermon  
Martin Whitfield

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.*

Tom Brake

371

★ Clause 14, page 10, line 26, at end insert—

““law relating to equality or human rights” means—

- (a) the Equality Acts 2006 and 2010;
- (b) the Human Rights Act 1998; and

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**European Union (Withdrawal) Bill, *continued***

(c) other enactments relating to equality or human rights.”

***Member’s explanatory statement***

*This amendment defines “law relating to equality or human rights” for the purposes of other amendments which would broaden protection provided by the Bill from interference with the Human Rights Act to include other provisions about human rights and equality.*

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

349

Clause 14, page 10, line 46, leave out “for a term of more than 2 years”

***Member’s explanatory statement***

*This amendment would prevent Ministers using delegated powers to create criminal offences which carry custodial sentences.*

Ian Blackford  
Peter Grant  
Joanna Cherry  
Patrick Grady  
Martyn Day

353

☆ Clause 14, page 10, line 48, at end insert—

““retained case law” means—

- (a) retained domestic case law, and
- (b) retained EU case law;”

Ian Blackford  
Peter Grant  
Joanna Cherry  
Patrick Grady  
Martyn Day

354

☆ Clause 14, page 11, line 2, at end insert—

““retained domestic case law” means any principles laid down by, and any decisions of, a court or tribunal in the United Kingdom, as they have effect immediately before exit day and so far as they—

- (a) relate to anything to which section 2, 3 or 4 applies, and
- (b) are not excluded by section 5 or Schedule 1,

(as those principles and decisions are modified by or under this Act or by other domestic law from time to time);

“retained EU case law” means any principles laid down by, and any decisions of, the European Court, as they have effect in EU law immediately before exit day and so far as they—

- (a) relate to anything to which section 2, 3 or 4 applies, and
- (b) are not excluded by section 5 or Schedule 1,

(as those principles and decisions are modified by or under this Act or by other domestic law from time to time);

“retained EU law” means anything which, on or after exit day, continues to be, or forms part of, domestic law by virtue of section 2, 3 or 4 or subsection (3) or (6) above (as that body of law is added to or otherwise

**European Union (Withdrawal) Bill, continued**

modified by or under this Act or by other domestic law from time to time);

“retained general principles of EU law” means the general principles of EU law, as they have effect in EU law immediately before exit day and so far as they—

- (a) relate to anything to which section 2, 3 or 4 applies, and
- (b) are not excluded by section 5 or Schedule 1,

(as those principles are modified by or under this Act or by other domestic law from time to time).”

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

Valerie Vaz  
Mr David Lammy  
Helen Hayes  
Steve McCabe  
Mike Gapes  
Martin Whitfield

Caroline Lucas  
Ian Murray  
Stephen Kinnock  
Seema Malhotra  
Wera Hobhouse

Paul Farrelly  
Catherine McKinnell  
Ann Coffey  
Jamie Stone  
Hugh Gaffney

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  
Mr David Lammy  
Helen Hayes  
Ann Coffey  
Jamie Stone  
Hugh Gaffney

Caroline Lucas  
Ian Murray  
Stephen Kinnock  
Steve McCabe  
Mike Gapes  
Martin Whitfield

Paul Farrelly  
Catherine McKinnell  
Mr George Howarth  
Seema Malhotra  
Wera Hobhouse

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.*

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 European Union (Withdrawal) Bill, *continued*

Tom Brake

372

★ Clause 14, page 11, line 48, at end insert—

“(7) The Secretary of State may by regulations amend or modify the definition of “law relating to equality or human rights” in subsection (1).”

**Member’s explanatory statement**

*This amendment would allow Ministers to amend the definition of “law relating to equality or human rights” inserted by Amendment 371.*

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*REMAINING NEW CLAUSES, REMAINING NEW SCHEDULES, CLAUSE 15, SCHEDULES 8 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

Paul Farrelly  
 Kate Green  
 Angela Smith  
 Ann Coffey

Mr David Lammy  
 Catherine McKinnell  
 Mr George Howarth  
 Mike Gapes

Ian Murray  
 Helen Hayes  
 Mary Creagh  
 Martin Whitfield

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.*

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**European Union (Withdrawal) Bill, *continued***

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

Mr Ben Bradshaw  
 Paul Farrelly  
 Kerry McCarthy  
 Stephen Kinnock  
 Daniel Zeichner

Stephen Doughty  
 Mr David Lammy  
 Helen Hayes  
 Stella Creasy  
 Ann Coffey

Caroline Lucas  
 Ian Murray  
 Angela Smith  
 Mary Creagh  
 Martin Whitfield

**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.*

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

Mr Ben Bradshaw  
 Mr David Lammy  
 Caroline Lucas  
 Helen Hayes  
 Stella Creasy  
 Catherine West

Stephen Doughty  
 Ian Murray  
 Kerry McCarthy  
 Angela Smith  
 Mary Creagh  
 Tulip Siddiq

Paul Farrelly  
 Mike Gapes  
 Catherine McKinnell  
 Rushanara Ali  
 Ann Coffey  
 Martin Whitfield

**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;

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**European Union (Withdrawal) Bill, *continued***

- (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.*

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

Mr Ben Bradshaw  
Mr David Lammy  
Helen Hayes  
Ann Coffey

Stephen Doughty  
Ian Murray  
Angela Smith  
Seema Malhotra

Paul Farrelly  
Catherine McKinnell  
Stella Creasy  
Martin Whitfield

**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 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.*

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**European Union (Withdrawal) Bill, *continued***

Heidi Alexander  
 Stephen Doughty  
 Chuka Umunna  
 Paul Farrelly  
 Mr David Lammy  
 Ian Murray

Mike Gapes  
 Helen Hayes  
 Stephen Kinnock  
 Ann Coffey  
 Martin Whitfield

Kerry McCarthy  
 Mr Ben Bradshaw  
 Mr George Howarth  
 Mr Gavin Shuker

Catherine McKinnell  
 Angela Smith  
 Daniel Zeichner  
 Tulip Siddiq

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  
 Caroline Lucas  
 Ian Murray  
 Mike Gapes  
 Mary Creagh  
 Mr Ben Bradshaw

Darren Jones  
 Stella Creasy  
 Stephen Doughty  
 Angela Smith  
 Ann Coffey  
 Tulip Siddiq

Ruth Cadbury  
 Ms Karen Buck  
 Mrs Madeleine Moon  
 Mr David Lammy  
 Mr Kenneth Clarke  
 Martin Whitfield

Catherine McKinnell  
 Ms Angela Eagle  
 Helen Hayes  
 Stephen Kinnock  
 Layla Moran

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;

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**European Union (Withdrawal) Bill, *continued***

- (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;
  - (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.*

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 European Union (Withdrawal) Bill, *continued*

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

Angela Smith  
 Tulip Siddiq  
 Catherine McKinnell  
 Jo Swinson  
 Lisa Nandy  
 Ian Murray  
 Martin Whitfield

Heidi Alexander  
 Helen Hayes  
 Mike Gapes  
 Caroline Lucas  
 Stephen Kinnock  
 Mr David Lammy

Stephen Doughty  
 Chuka Umunna  
 Mr George Howarth  
 Mr Barry Sheerman  
 Ann Coffey  
 Layla Moran

NC31

To move the following Clause—

**“Promotion of the safety and welfare of children and young people following withdrawal of the United Kingdom from the European Union**

- (1) The Secretary of State shall make the arrangements specified in this section for the purposes of safeguarding children and promoting their welfare from exit day onwards.
- (2) The Secretary of State shall lay before Parliament a strategy for seeking continued co-operation with—
  - (a) the European Union Agency for Law Enforcement Cooperation (Europol),
  - (b) Eurojust, and
  - (c) the European Criminal Records Information System
 on matters relating to the safety and welfare of children and young people.
- (3) The Secretary of State shall lay before Parliament a strategy for seeking continued participation in the European Arrest Warrant, in relation to the promotion of the safety and welfare of children and young people.”

***Member’s explanatory statement***

*This new clause would require the Government to lay before Parliament a strategy for maintaining co-operation with certain EU bodies and structures after exit day for the purposes of promoting the safety and welfare of children and young people.*

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**European Union (Withdrawal) Bill, *continued***

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

Angela Smith  
Tulip Siddiq  
Catherine McKinnell  
Jo Swinson  
Lisa Nandy  
Ian Murray  
Layla Moran

Heidi Alexander  
Helen Hayes  
Mike Gapes  
Caroline Lucas  
Stephen Kinnock  
Seema Malhotra  
Martin Whitfield

Stephen Doughty  
Chuka Umunna  
Mr George Howarth  
Mr Barry Sheerman  
Ann Coffey  
Mr David Lammy

**NC32**

To move the following Clause—

**“Programmes eligible until exit day for support from the European Social Fund**

The Secretary of State shall bring forward proposals for a fund to support, on and after exit day, programmes and projects which—

- (a) relate to
  - (i) the promotion of social inclusion amongst children and young people,
  - (ii) efforts to combat poverty and discrimination amongst children and young people, and
  - (iii) investment in education, training and vocational training or skills and lifelong learning for children and young people, and
- (b) would have been eligible for funding up until exit day by the European Social Fund.”

***Member’s explanatory statement***

*This new clause seeks to maintain financial support after exit day for projects and programmes which would have been eligible for funding from the European Social Fund.*

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**European Union (Withdrawal) Bill, *continued***

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

Angela Smith  
Tulip Siddiq  
Catherine McKinnell  
Jo Swinson  
Lisa Nandy  
Seema Malhotra  
Martin Whitfield

Heidi Alexander  
Helen Hayes  
Mike Gapes  
Caroline Lucas  
Stephen Kinnock  
Susan Elan Jones

Stephen Doughty  
Chuka Umunna  
Mr George Howarth  
Mr Barry Sheerman  
Ian Murray  
Mr David Lammy

**NC33**

To move the following Clause—

**“Mitigating any inflationary risks after exit day**

- (1) The Secretary of State shall lay before Parliament a strategy for mitigating any risks which withdrawal from the EU may present to low income families with children.
- (2) The strategy set out in subsection (1) must include a commitment to assess each year whether rates of benefits and tax credits are maintaining value in real terms relative to costs of living as defined by the Consumer Prices Index.”

***Member’s explanatory statement***

*This new clause would require the Secretary of State to lay before Parliament a strategy for mitigating any potential risks which withdrawal from the EU might present to low income families with children.*

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Peter Grant  
Patrick Grady  
Carol Monaghan  
Martyn Day

**NC40**

To move the following Clause—

**“European Neighbourhood Policy**

The Secretary of State shall, by 30 September 2018, lay before Parliament a strategy for seeking to maintain a role for the UK in the EU’s European Neighbourhood Policy after exit day.”

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**European Union (Withdrawal) Bill, *continued***

Chris Law  
Peter Grant  
Patrick Grady  
Hannah Bardell  
Martyn Day

NC41

To move the following Clause—

**“European Development Fund**

The Secretary of State shall, by 30 September 2018, lay before Parliament a report on the Government’s policy on future payments into the European Development Fund.”

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Peter Grant  
Hannah Bardell  
Patrick Grady  
Kirsty Blackman  
Martyn Day

NC42

To move the following Clause—

**“EU Citizens’ Severance Payments**

The Secretary of State shall, by 30 September 2018, lay before Parliament a report on the Government’s policy on EU citizens’ rights to severance payments at EU agencies based in the UK.”

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Peter Grant  
Hannah Bardell  
Patrick Grady  
Carol Monaghan  
Martyn Day

NC43

To move the following Clause—

**“Diplomatic Staff**

The Secretary of State shall, by 30 September 2018, lay before Parliament a report on the Government’s policy on future arrangements for the UK to second diplomatic staff members to the European Union External Action Service.”

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**European Union (Withdrawal) Bill, *continued***

Joanna Cherry  
Dr Philippa Whitford  
Martyn Day

NC44

To move the following Clause—

**“Duty to make arrangements for an independent evaluation: health and social care**

- (1) No later than 1 year after this Act is passed, the Secretary of State must make arrangements for the independent evaluation of the impact of this Act on the health and social care sector.
- (2) The evaluation carried out by an independent person to be appointed by the Secretary of State, after consulting the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland departments, must analyse and assess—
  - (a) the effects of this Act on the funding of the health and social care sector;
  - (b) the effects of this Act on the health and social care workforce;
  - (c) the impact of this Act on the economy, efficiency and effectiveness of the health and social care sector; and
  - (d) any other such matters relevant to the impact of this Act upon the health and care sector.
- (3) The person undertaking an evaluation under subsection (1) above must, in preparing an evaluation report, consult—
  - (a) the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland department;
  - (b) providers of health and social care services;
  - (c) individuals requiring health and social care services;
  - (d) organisations working for and on behalf of individuals requiring health and social care services; and
  - (e) any persons whom the Secretary of State deems relevant.
- (4) The Secretary of State must, as soon as reasonably practicable after receiving a report of the evaluation, lay a copy of the report before Parliament.”

***Member’s explanatory statement***

*This new clause would require an independent evaluation of the impact of the Act upon the health and social care sector to be made after consulting the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland department, service providers, those requiring health and social care services, and others.*

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**European Union (Withdrawal) Bill, *continued***

Ian Blackford  
Patrick Grady  
Kirsty Blackman  
Dr Philippa Whitford  
Martyn Day

NC45

To move the following Clause—

**“European Economic Area (No. 2)**

Nothing in this Act authorises the Prime Minister to give notice under Article 127 of the EEA Agreement of the United Kingdom’s intention to opt out of the EEA.”

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Ian Blackford  
Patrick Grady  
Chris Stephens  
Dr Philippa Whitford  
Martyn Day

NC46

To move the following Clause—

**“Consultation assessing impact of no agreement with the EU for workers on withdrawal**

Within six months of the passing of this Act, the Secretary of State must carry out a public consultation assessing the impact on—

- (a) workers in the EU who are UK citizens, and
- (b) workers in the UK who are EU citizens

if no agreement is reached with the European Union on the UK’s withdrawal.”

***Member’s explanatory statement***

*This new clause would require the Secretary of State to carry out a public consultation within six months of the passing of the Act, assessing the impact of not having an EU withdrawal deal on workers in the EU who are UK citizens, and on workers in the UK who are EU citizens.*

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**European Union (Withdrawal) Bill, *continued***

Ian Blackford  
 Patrick Grady  
 Neil Gray  
 Dr Philippa Whitford  
 Martyn Day

NC47

To move the following Clause—

**“Assessing the impact of leaving the EU on social and medical care provision for disabled people**

Within six months of the passing of this Act, the Secretary of State must publish an assessment of the impact of leaving the EU on social and medical care provision for disabled people living in the UK.”

***Member’s explanatory statement***

*This new clause would require the Secretary of State to publish within six months of the passing of this Act an assessment of the impact of leaving the EU on social and medical care provision for disabled people living in the UK.*

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Mr Chris Leslie  
 Mr George Howarth  
 Ian Murray  
 Mike Gapes  
 Mr David Lammy  
 Angela Smith

Dr Philippa Whitford

Martin Whitfield

Martyn Day

NC48

To move the following Clause—

**“Mutual Recognition Agreements**

- (1) In the course of negotiating a withdrawal agreement, Her Majesty’s Government shall seek to maintain after exit day the full range of mutual recognition agreements with which the United Kingdom has obtained rights of product conformity assessments and standards by virtue of its membership of the European Union.
- (2) In respect of mutual recognition agreements relating to the safeguarding of public health, within one month of this Act being passed, the Secretary of State must publish a strategy for ensuring that existing UK notified bodies, in accordance with provisions laid out in the EU Medical Devices Regulation, may continue to conduct conformity assessment certification for both UK and EU medical devices to ensure continuity within and beyond the European Union.”

***Member’s explanatory statement***

*This new clause would require the UK Government to seek to maintain existing mutual recognition agreements and to publish a plan for UK notified bodies (such as the British Standards Institute) to continue to perform conformity assessments for medical devices and public health-related products deriving both within the UK and from across the EU.*

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**European Union (Withdrawal) Bill, *continued***

Frank Field  
Ruth Smeeth  
Mr Ronnie Campbell  
Gareth Snell

NC52

To move the following Clause—

**“Duty to secure safe harbour**

- (1) It shall be the duty of the Prime Minister to seek to secure the United Kingdom’s continued membership of the Single Market and of the Customs Union until such time as the Prime Minister is satisfied that the conditions in subsections (2) and (3) are met.
- (2) The condition in this subsection is that the United Kingdom and the European Union have reached an agreement on the future trading relationship between the United Kingdom and the European Union.
- (3) The condition in this subsection is that the United Kingdom has developed a satisfactory framework for immigration controls in respect of nationals of European Union Member States not resident in the United Kingdom on the date on which the United Kingdom ceases to belong to the European Union.”

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Mr Kenneth Clarke  
Mr Chris Leslie  
Caroline Lucas  
Chuka Umunna  
Ann Coffey  
Ian Murray

Seema Malhotra  
Mr David Lammy  
Mr Gavin Shuker  
Stephen Doughty

Helen Hayes  
Angela Smith  
Kate Green  
Tulip Siddiq

Mike Gapes  
Anna Soubry  
Dr Philippa Whitford  
Martin Whitfield

NC54

To move the following Clause—

**“Implementation and transition**

- (1) Her Majesty’s Government shall seek to secure a transition period prior to the implementation of the withdrawal agreement of not less than two years in duration, during which—
  - (a) access between EU and UK markets should continue on the terms existing prior to exit day,
  - (b) the structures of EU rules and regulations existing prior to exit day shall be maintained,
  - (c) the UK and EU shall continue to take part in the level of security cooperation existing prior to exit day,
  - (d) new processes and systems to underpin the future partnership between the EU and UK can be satisfactorily implemented, including a new immigration system and new regulatory arrangements,
  - (e) financial commitments made by the United Kingdom during the course of UK membership of the EU shall be honoured.

**European Union (Withdrawal) Bill, *continued***

- (2) No Minister of the Crown shall appoint exit day if the implementation and transition period set out in subsection (1) does not feature in the withdrawal arrangements between the UK and the European Union”

***Member’s explanatory statement***

*This new clause would ensure that the objectives set out by the Prime Minister in her Florence speech are given the force of law and, if no implementation and transition period is achieved in negotiations, then exit day may not be triggered by a Minister of the Crown. The appointment of an ‘exit day’ would therefore require a fresh Act of Parliament in such circumstances.*

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Peter Grant  
Caroline Lucas  
Stephen Doughty  
Jo Swinson  
Tom Brake  
Kerry McCarthy

Layla Moran

Mike Gapes

Martyn Day

**NC56**

To move the following Clause—

**“Saving of acquired rights: Gibraltar**

- (1) Nothing in this Act is to be construed as removing, replacing, altering or prejudicing the exercise of an acquired right.
  - (2) Any power, howsoever expressed, contained in this Act may not be exercised if the exercise of that power is likely to or will remove, replace or alter or prejudice the exercise of an acquired right.
  - (3) In subsection (2) a reference to a power includes a power to make regulations.
  - (4) In this section an acquired right means a right that existed immediately before exit day—
    - (a) whereby a person from or established in Gibraltar could exercise that right (either absolutely or subject to any qualification) in the United Kingdom; and
    - (b) the right arose in the context of the United Kingdom’s membership of the European Union and Gibraltar’s status as a European territory for whose external relations the United Kingdom is responsible within the meaning of Article 355(3) TFEU and to which the provisions of the EU Treaties apply, subject to the exceptions specified in the 1972 Act of Accession.
  - (5) Nothing in this section prevents the use of the powers conferred by this Act to the extent that acquired rights are not altered or otherwise affected to the detriment of persons enjoying such rights.”
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**European Union (Withdrawal) Bill, *continued***

Stephen Doughty  
 Stella Creasy  
 Kate Green  
 Daniel Zeichner  
 Ann Coffey  
 Mike Gapes

Mr David Lammy

Mike Gapes

**NC57**

To move the following Clause—

**“Citizens’ Jury on Brexit Negotiations**

- (1) A citizens’ jury shall be established to enable UK citizens to be consulted on the progress of negotiations between the UK and the EU on the withdrawal of the UK from the EU, and the approach outlined in UK Government White Papers.
- (2) The citizens’ jury shall in total be composed of exactly 1501 persons.
- (3) Members of the citizens’ jury shall be randomly selected by means of eligibility from UK citizens on the current electoral register as registered on the date of this Act receiving Royal Assent, with allocation across the nine UK Government Regions, Scotland, Wales and Northern Ireland weighted by population, and a stratification plan, with the aim of securing a group of people who are broadly representative demographically of the UK electorate across characteristics including whether they voted Leave or Remain.
- (4) The jury will be broken down into individual sittings for each of the nine UK Government Regions in England, as well as Scotland, Wales and Northern Ireland.
- (5) The sittings will be for no more than 72 hours at a time, facilitated by independent facilitators, and if required, by electing fore-people from within their number.
- (6) Membership of the jury will be subject to the same regulations and exceptions as a regular jury, but membership can be declined without penalty.
- (7) The citizens’ jury will be able to require Ministerial and official representatives of the UK Government and the Devolved Administrations to give testimony to them to inform their work, and to have the power to invite other witnesses to give evidence as required.
- (8) The citizens’ jury shall publish reports setting out their conclusions on the negotiations and UK Government White Papers.
- (9) The first report from the citizens’ jury shall be published within two months of this Act receiving Royal Assent, and subsequent reports shall be published at intervals of no more than two months.
- (10) Costs incurred by the citizens’ jury shall be met by the Exchequer.”

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Mr Chris Leslie  
 Dr Philippa Whitford  
 Martyn Day

**NC59**

To move the following Clause—

**“Mutual recognition of professional qualifications**

- (1) In the course of negotiating a withdrawal agreement, Her Majesty’s Government shall seek to maintain after exit day the mutual recognition of professional

**European Union (Withdrawal) Bill, continued**

qualifications which the United Kingdom has obtained under Directives 2005/36/EC and 2013/55/EU by virtue of its membership of the European Union.

- (2) HM Government shall ensure that competent authorities for the purpose of the European Union (Recognition of Professional Qualifications) Regulations 2015 may continue to recognise professional qualifications obtained in the European Union as equivalent to qualifications obtained in the UK after exit day to ensure continuity.”

**Member’s explanatory statement**

*This new clause would (a) commit the Government to seeking to replicate in the withdrawal agreement the framework for mutual recognition of professional qualifications the UK has at present and (b) allow competent UK authorities to continue to recognise EU qualifications as equivalent to their UK counterparts.*

Mary Creagh  
Caroline Lucas  
Martyn Day

NC61

To move the following Clause—

**“Regulation for the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)**

- (1) The Secretary of State must take all reasonable steps to ensure that the United Kingdom participates in the standards and procedures established by the Regulation for the Registration, Evaluation, Authorisation and Restriction of Chemicals (“REACH”) (Regulation (EC) No 1907/2006) after exit day.
- (2) Subject to the provisions of the withdrawal agreement, steps under subsection (1) may include regulations under section 17, or another provision of this Act, providing for full or partial participation of the United Kingdom in REACH.”

**Member’s explanatory statement**

*This new clause would ensure that after withdrawal from the EU, the UK continued to participate in the Regulation for the Registration, Evaluation, Authorisation and Restriction of Chemicals.*

Robert Neill

NC71

★ To move the following Clause—

**“Mutual market access for financial and professional services**

- (1) Before exit day, a Minister of the Crown must lay before Parliament a report assessing the progress made by Her Majesty’s Government in negotiating continued mutual access to markets in the EU and the United Kingdom for businesses providing financial or professional services.

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**European Union (Withdrawal) Bill, *continued***

- (2) “Mutual access to markets” means the ability for a business established in any member State to provide services in or into the United Kingdom and vice versa.”

***Member’s explanatory statement***

*This new clause would require a Minister to report before exit day on the Government’s progress in negotiating mutual market access for financial and professional services*

---

Robert Neill

NC72

- ★ To move the following Clause—

**“Importation of food and feed: port health etc.**

- (1) Before exit day, a Minister of the Crown must lay before Parliament a report assessing the progress made by Her Majesty’s Government in negotiating—
- (a) continued mutual recognition of standards, inspections, certifications and other official controls, and
  - (b) a continued basis for co-operation among public authorities, as between the United Kingdom and the EU in relation to food or animal feed—
    - (i) produced in, or imported from a third country into, the United Kingdom or a member State, and
    - (ii) subsequently exported from the United Kingdom to a member State, or vice versa.
- (2) Any power of the Secretary of State or a Minister of the Crown (including a power under retained EU law) to make regulations requiring or authorising the charging of a fee or other charge in respect of the inspection of food or animal feed on its importation into the United Kingdom must, so far as reasonably practicable, be exercised so as to allow public authorities conducting such inspections fully to recover any costs incurred in the carrying out of such inspections.”

***Member’s explanatory statement***

*This new clause would require a Minister to report before exit day on the Government’s progress in negotiating mutual recognition of controls on food and feed imports. It would also require the Government to permit, so far as possible, full cost recovery for authorities carrying out border inspections of food or feed.*

---

Robert Neill

362

- ★ Schedule 8, page 49, line 4, after “document” insert “(not including a contract)”.

***Member’s explanatory statement***

*The amendment would make clear that the Bill does not modify the interpretation of contracts relating to EU law.*

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 European Union (Withdrawal) Bill, *continued*

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

Catherine McKinnell  
 Ms Angela Eagle  
 Mrs Madeleine Moon  
 Ann Coffey  
 Wera Hobhouse

Stella Creasy  
 Ian Murray  
 Helen Hayes  
 Mr Dominic Grieve  
 Martin Whitfield

Ms Karen Buck  
 Stephen Doughty  
 Mr David Lammy  
 Mike Gapes

102

Schedule 8, page 50, line 2, leave out paragraph 3

**Member's explanatory statement**

*This amendment would remove the additional power provided in paragraph 3.*

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

Ian Blackford  
 Stephen Kinnock  
 Mike Gapes  
 Wera Hobhouse  
 Martyn Day

Tom Brake  
 Ann Coffey  
 Mr David Lammy  
 Martin Whitfield

Mr Alistair Carmichael  
 Susan Elan Jones  
 Mrs Madeleine Moon  
 Albert Owen

189

Schedule 8, page 50, line 19, leave out "section 57(4) of the Scotland Act 1998, section 80(8) of the Government of Wales Act 2006 or"

**Member's explanatory statement**

*This amendment and Amendment 190 are in consequence of Amendment 165 as no restriction relating to retained EU law on the making of subordinate legislation by the Scottish Ministers and the Welsh Ministers would apply.*

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

Catherine McKinnell  
 Ms Angela Eagle  
 Mrs Madeleine Moon  
 Ann Coffey  
 Wera Hobhouse

Stella Creasy  
 Ian Murray  
 Helen Hayes  
 Mr Dominic Grieve  
 Martin Whitfield

Ms Karen Buck  
 Stephen Doughty  
 Mr David Lammy  
 Mike Gapes

103

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

**Member's explanatory statement**

*This amendment would remove the future powers to make subordinate legislation in paragraph 5.*

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 European Union (Withdrawal) Bill, *continued*

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

Ian Blackford  
 Stephen Kinnock  
 Mr David Lammy  
 Albert Owen

Tom Brake  
 Ann Coffey  
 Wera Hobhouse  
 Martyn Day

Mr Alistair Carmichael  
 Mike Gapes  
 Martin Whitfield

190

Schedule 8, page 51, line 1, leave out “section 57(4) of the Scotland Act 1998, section 80(8) of the Government of Wales Act 2006 or”

**Member’s explanatory statement**

*This amendment and Amendment 189 are in consequence of Amendment 165 to Schedule 3 as no restriction relating to retained EU law on the making of subordinate legislation by the Scottish Ministers and the Welsh Ministers will apply.*

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

Peter Kyle  
 Mr Pat McFadden  
 Mr David Lammy  
 Helen Hayes  
 Liz Saville Roberts  
 Ian Blackford  
 Ann Coffey  
 Martin Whitfield

Mr Ben Bradshaw  
 Caroline Lucas  
 Ian Murray  
 Angela Smith  
 Jonathan Edwards  
 Patrick Grady  
 Jamie Stone

Stephen Doughty  
 Paul Farrelly  
 Catherine McKinnell  
 Hywel Williams  
 Ben Lake  
 Kirsty Blackman  
 Wera Hobhouse

64

Schedule 8, page 54, leave out paragraphs 12 to 17

**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.*

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

Ian Blackford  
 Stephen Kinnock  
 Mrs Madeleine Moon  
 Martyn Day

Tom Brake  
 Ann Coffey  
 Wera Hobhouse

Mr Alistair Carmichael  
 Mike Gapes  
 Martin Whitfield

191

Schedule 8, page 55, leave out lines 8 to 13 and insert—

“(a) in paragraph (a), omit sub-paragraph (ii), and

**European Union (Withdrawal) Bill, continued**

(b) in paragraph (b), omit “or with EU law”.”

**Member’s explanatory statement**

*This amendment would amend the Criminal Procedure (Scotland) Act 1995 on the right of the Advocate General to take part in proceedings in consequence of removing the restriction on the competence of the Scottish Parliament and Scottish Government by Amendments 164 and 165 to Clause 11 and Schedule 3.*

Stephen Kinnock

**380**

★ Schedule 8, page 55, line 16, leave out sub-paragraph (1) and insert—

“(1) For the purposes of the Human Rights Act 1998, any retained EU legislation is to be treated as subordinate legislation and not primary legislation.”

**Member’s explanatory statement**

*This amendment would amend the status of EU-derived domestic legislation to subordinate legislation for the purposes of the Human Rights Act 1998.*

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

Dr Sarah Wollaston  
Chuka Umunna  
Ian Murray  
Stephen Doughty  
Mr Ben Bradshaw  
Stella Creasy  
Ann Coffey  
Jamie Stone  
Kate Green  
Martin Whitfield

Jeremy Lefroy  
Caroline Lucas  
Mike Gapes  
Heidi Allen  
Angela Smith  
Mr George Howarth  
Steve McCabe  
Lady Hermon  
Dr Philippa Whitford  
Martyn Day

Robert Neill  
Paul Farrelly  
Catherine McKinnell  
Helen Hayes  
Mr David Lammy  
Stephen Kinnock  
Seema Malhotra  
Mr Gavin Shuker  
Wera Hobhouse

**11**

Schedule 8, page 55, line 17, leave out “primary legislation and not”

**Member’s explanatory statement**

*This amendment would remove the proposal to allow secondary legislation to be treated as primary for the purposes of the Human Rights Act 1998.*

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

Ann Coffey

**140**

Schedule 8, page 58, line 16, leave out “4” and insert “3”

**Member’s explanatory statement**

*This amendment, together with Amendments 139 and 141, would restore the right to obtain damages after exit day in respect of governmental failures before exit day to comply with European Union obligations.*

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 European Union (Withdrawal) Bill, *continued*

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

Ann Coffey

141

Schedule 8, page 58, line 24, leave out “4” and insert “3”

***Member’s explanatory statement***

*This amendment, together with Amendments 139 and 140, would restore the right to obtain damages after exit day in respect of governmental failures before exit day to comply with European Union obligations.*

Mary Creagh

291

Schedule 8, page 58, line 31, leave out paragraph 28 and insert—

- “(1) The prohibition on making regulations under section 7, 8, or Schedule 2 after a particular time does not affect the continuation in force of regulations made at or before that time, except where subparagraphs (2) and (3) apply.
- (2) Regulations may not be made under powers conferred by regulations made under section 7, 8, or Schedule 2 after the end of the period of two years beginning with exit day.
- (3) Regulations made under powers conferred by regulations made under section 7, 8, or Schedule 2 may not be made during the two year period in subparagraph (2) unless a draft has been laid before, and approved by a resolution of, each House of Parliament.”

***Member’s explanatory statement***

*This amendment would require all tertiary legislation made under powers conferred by regulations to be subject to Parliamentary control.*

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

Ian Blackford  
 Stephen Kinnock  
 Mike Gapes  
 Martin Whitfield

Tom Brake  
 Ann Coffey  
 Mrs Madeleine Moon  
 Albert Owen

Mr Alistair Carmichael  
 Susan Elan Jones  
 Wera Hobhouse  
 Martyn Day

192

Schedule 8, page 59, leave out lines 10 to 16

***Member’s explanatory statement***

*This amendment, with Amendments 193, 194 and 195, is in consequence of Amendments 164 and 165 to Clause 11 and Schedule 3 which would remove the powers to make an Order in Council to adjust the new restriction on the legislative competence of the Scottish Parliament and the National Assembly for Wales.*

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**European Union (Withdrawal) Bill, continued**

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

Ian Blackford  
 Stephen Kinnock  
 Mike Gapes  
 Martin Whitfield

Tom Brake  
 Ann Coffey  
 Mrs Madeleine Moon  
 Albert Owen

Mr Alistair Carmichael  
 Susan Elan Jones  
 Wera Hobhouse  
 Martyn Day

**193**

Schedule 8, page 59, leave out lines 23 to 29

**Member's explanatory statement**

*This amendment, with Amendments 192, 194 and 195, is in consequence of Amendments 164 and 165 to Clause 11 and Schedule 3 which would remove the powers to make an Order in Council to adjust the new restriction on the legislative competence of the Scottish Parliament and the National Assembly for Wales.*

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

Ian Blackford  
 Stephen Kinnock  
 Mike Gapes  
 Martin Whitfield

Tom Brake  
 Ann Coffey  
 Mrs Madeleine Moon  
 Albert Owen

Mr Alistair Carmichael  
 Susan Elan Jones  
 Wera Hobhouse  
 Martyn Day

**194**

Schedule 8, page 59, line 47, leave out from beginning to end of line 8 on page 60

**Member's explanatory statement**

*This amendment, with Amendments 192, 193 and 195, is in consequence of Amendments 164 and 165 to Clause 11 and Schedule 3 which would remove the powers to make an Order in Council to adjust the new restriction on the legislative competence of the Scottish Parliament and the National Assembly for Wales.*

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

Ian Blackford  
 Stephen Kinnock  
 Mike Gapes  
 Martin Whitfield

Tom Brake  
 Ann Coffey  
 Mrs Madeleine Moon  
 Martyn Day

Mr Alistair Carmichael  
 Susan Elan Jones  
 Wera Hobhouse

**195**

Schedule 8, page 60, leave out lines 13 to 23

**Member's explanatory statement**

*This amendment, with Amendments 192, 193 and 194, is in consequence of Amendments 164 and 165 to Clause 11 and Schedule 3 which would remove the powers to make an Order in Council to*

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**European Union (Withdrawal) Bill, *continued***

*adjust the new restriction on the legislative competence of the Scottish Parliament and the National Assembly for Wales.*

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Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards  
Ben Lake  
Joanna Cherry  
Wera Hobhouse

Martyn Day

**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 Amendments 78, 79 and 80 to Clause 1 requiring the Prime Minister to reach an agreement on EEA and Customs Union membership, to gain the consent of the devolved legislatures and to 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  
Caroline Lucas  
Tim Farron  
Wera Hobhouse

Layla Moran

Jamie Stone

Norman Lamb

**120**

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

“(2) 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.

(2A) The Secretary of State must, by regulations, appoint the day on which the referendum is to be held.

(2B) 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?”

(2C) 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.*

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 European Union (Withdrawal) Bill, *continued*

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards  
Ben Lake  
Joanna Cherry  
Caroline Lucas

Wera Hobhouse

Martyn Day

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 Amendments 78, 79 and 80 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  
Caroline Lucas  
Joanna Cherry

Mike Gapes

Wera Hobhouse

Martyn Day

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 would make 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  
Caroline Lucas  
Joanna Cherry

Wera Hobhouse

Martyn Day

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.*

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**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.*

Ian Blackford  
Patrick Grady  
Kirsty Blackman  
Hannah Bardell  
Martyn Day

219

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

“(2A) A Minister of the Crown may not appoint a day for any provision of this Act to come into force until the Secretary of State has published a report on which Scottish products will be identified with geographical indications in any future trade deal that Her Majesty’s Government seeks to negotiate after the United Kingdom’s withdrawal from the European Union, and has laid a copy of the report before Parliament.”

***Member’s explanatory statement***

*This amendment would require publication of a Government report on which Scottish products will be identified with geographical indications in any future trade deal that Her Majesty’s Government negotiates after the United Kingdom’s withdrawal from the European Union.*

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**European Union (Withdrawal) Bill, *continued***

Ian Blackford  
Patrick Grady  
Kirsty Blackman  
Drew Hendry  
Martyn Day

220

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

“(2A) A Minister of the Crown may not appoint a day for any provision of this Act to come into force until a Minister of the Crown has published an assessment of the effect of the United Kingdom’s withdrawal from the EU on Scottish businesses and laid a copy of the assessment before Parliament.”

***Member’s explanatory statement***

*This amendment would require publication of a Government assessment of the impact of the United Kingdom’s withdrawal from the EU on Scottish businesses.*

Ian Blackford  
Patrick Grady  
Kirsty Blackman  
Angus Brendan MacNeil  
Martyn Day

221

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

“(2A) A Minister of the Crown may not appoint a day for any provision of this Act to come into force until a Minister of the Crown has published an assessment of the effect of the United Kingdom’s withdrawal from the EU on food and drink safety and quality standards, and has laid a copy of the assessment before Parliament.”

***Member’s explanatory statement***

*This amendment would require publication of a Government assessment of the impact of the United Kingdom’s withdrawal from the EU on food and drink safety and quality standards.*

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**European Union (Withdrawal) Bill, *continued***

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.

**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

**European Union (Withdrawal) Bill, *continued***

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
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
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.

**European Union (Withdrawal) Bill, *continued****Other proceedings*

9. Any other proceedings on the Bill may be programmed.
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**NOTICES WITHDRAWN**

*The following Notices were withdrawn on 12 September 2017:*

14 (duplicate of 10) and 125 (duplicate of 62)

*The following Notices were withdrawn on 27 October 2017:*

341

*The following Notices were withdrawn on 6 November 2017:*

204

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