



House of Commons

Thursday 25 January 2018

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

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

TRADE 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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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 Committee [23 January].

Hannah Bardell
Alan Brown
Kirsty Blackman
Patrick Grady

33

Clause 1, page 1, line 15, at end insert—

- “(1A) No regulations may be made under subsection (1) by a Minister of the Crown, so far as they contain provision which would be within the devolved competence of the Scottish Ministers (within the meaning given in paragraph 7 of Schedule 1), unless the Scottish Ministers consent.
- (1B) No regulations may be made under subsection (1) by a Minister of the Crown, so far as they contain provision which would be within the devolved competence of the Welsh Ministers (within the meaning given in paragraph 8 of Schedule 1), unless the Welsh Ministers consent.”

Member’s explanatory statement

This amendment would ensure that the consent of the Scottish Ministers or Welsh Ministers is required for any regulations that deal with matters within the competence of devolved authorities in Scotland and Wales.

Trade Bill, *continued*

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

Clause 2, page 2, line 7, leave out “subsections (3) to (5)” and insert “subsections (2A) and (5).” 4

Member’s explanatory statement

This is consequential upon Amendment 3.

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

Clause 2, page 2, line 12, at end insert— 3

“(2A) Regulations under subsection (1) to make provision for the purpose of implementing an international trade agreement may only be made if—

- (a) the provisions of section [*Parliamentary scrutiny of free trade agreements before signature*] were complied with before the United Kingdom had ratified the agreement;
- (b) the requirements under subsection (3) and under paragraph 2A of Schedule 2 have been met;
- (c) the requirements under subsection (4) have been met; or
- (d) the requirements under subparagraph 2(1A) of Schedule 2 have been met.”

Member’s explanatory statement

This would expand Clause 2 to include international trade agreements that do not correspond to a prior or existing EU trade agreement. Sub-paragraph (d) would link to Amendment 20.

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

Clause 2, page 2, line 13, leave out subsections (3) and (4) and insert— 5

“(3) Regulations under subsection (1) may make provision for the purpose of implementing a free trade agreement only if—

- (a) the other signatory (or each other signatory) and the European Union had ratified a free trade agreement with each other immediately before exit day, or

Trade Bill, continued

- (b) where the regulations are made before exit day, the other signatory (or each other signatory) and the European Union have ratified a free trade agreement with each other on the day the regulations are made.
- (4) Regulations under subsection (1) may make provision for the purpose of implementing an international trade agreement other than a free trade agreement only if—
 - (a) the other signatory (or each other signatory) and the European Union had ratified an international trade agreement with each other immediately before exit day, or
 - (b) where the regulations are made before exit day, the other signatory (or each other signatory) and the European Union have ratified an international trade agreement with each other on the day the regulations are made.”

Member’s explanatory statement

This excludes from the scope of section 2(1) those international trade agreements agreed between the UK and a third country where the corresponding agreement between the European Union and that third country has been signed but not ratified.

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

6

Clause 2, page 2, line 29, at end insert—

- “(4A) Regulations under subsection (1) may make provision for the purpose of implementing an international trade agreement only if the provisions of that international trade agreement do not conflict with, and are consistent with—
- (a) the provisions of international treaties ratified by the United Kingdom;
 - (b) the provisions of the Sustainable Development Goals adopted by the United Nations General Assembly on 25 September 2015;
 - (c) the primacy of human rights law;
 - (d) international human rights law and international humanitarian law;
 - (e) the United Kingdom’s obligations on workers’ rights and labour standards as established by but not limited to –
 - (i) the commitments under the International Labour Organisation’s Declaration on Fundamental Rights at Work and its Follow-up Conventions; and
 - (ii) the fundamental principles and rights at work inherent in membership of the International Labour Organisation;
 - (f) women’s rights and are in accordance with the United Kingdom’s obligations established by but not limited to the Convention on the Elimination of All Forms of Discrimination Against Women;
 - (g) children’s rights and are in accordance with the United Kingdom’s obligations established by but not limited to the Convention on the Rights of the Child;
 - (h) the United Kingdom’s environmental obligations in international law and as established by but not limited to—
 - (i) the Paris Agreement adopted under the United Nations Framework Convention on Climate Change;

Trade Bill, continued

- (ii) the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); and
- (iii) the Convention on Biological Diversity, including the Cartagena Protocol on Biosafety; and
- (i) the sovereignty of Parliament, the legal authority of UK courts, the rule of law and the principle of equality before the law.”

Member’s explanatory statement

This would ensure that international trade agreements do not conflict with the provisions of international laws or conventions on human rights and the environment, or with the rule of law.

Barry Gardiner
Nick Smith
Bill Esterson
Judith Cummins
Anna McMorrin
Faisal Rashid

Matt Western

7

Clause 2, page 2, line 29, at end insert—

- “(4A) Regulations under subsection (1) may make provision for the purpose of implementing an international trade agreement only if the provisions of that international trade agreement do not in any way restrict the ability—
- (a) to make public services at a national or local level subject to public monopoly;
 - (b) to make public services at a national or local level subject to exclusive rights granted to private operators; and
 - (c) to bring public services at a national or local level back into the public sector for delivery by public sector employees.”

Member’s explanatory statement

This would ensure that international trade agreements cannot restrict future decisions in respect of the delivery of public services.

Barry Gardiner
Sue Hayman
Nick Smith
Bill Esterson
Judith Cummins
Anna McMorrin

Faisal Rashid

Matt Western

8

Clause 2, page 2, line 29, at end insert—

- “(4A) Regulations may only be made under section 2(1) if—
- (a) the provisions of the international trade agreement to which they relate are consistent with standards for food safety and quality as set and administered by—
 - (i) the Department of Health;
 - (ii) the Food Standards Agency; and
 - (iii) any other public authority specified in regulations made by the Secretary of State;
 - (b) the Secretary of State is satisfied that mechanisms and bodies charged with enforcement of standards for food safety and quality have the

Trade Bill, continued

- capacity to absorb any extra requirement which may arise from the implementation of the agreement;
- (c) the provisions of the international trade agreement to which they relate are consistent with policy to achieve reduction in the risk of disease or contamination as set and administered by—
 - (i) the Department of Health;
 - (ii) the Food Standards Agency; and
 - (iii) any other public authority specified in regulations made by the Secretary of State;
 - (d) the provisions of the international trade agreement to which they relate are consistent with achieving improvements in public health through any food policy priorities set and administered by—
 - (i) the Department of Health;
 - (ii) the Food Standards Agency; and
 - (iii) any other public authority specified in regulations made by the Secretary of State;
 - (e) the provisions of the international trade agreement to which they relate are compliant with policy to achieve targets for farm antibiotic reduction set by the Veterinary Medicines Directorate;
 - (f) the provisions of the international trade agreement to which they relate are compliant with retained EU law relating to food standards and the impact of food production upon the environment; and
 - (g) any food or food products to which the provisions of the international trade agreement apply meet standards of labelling, indication of provenance, and packaging specified by the Food Standards Agency.
- “(4B) A statutory instrument containing regulations of the Secretary of State under this section 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

This would ensure that international trade agreements maintain or enhance food safety standards in the UK.

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

9

Clause 2, page 2, leave out line 33

Member's explanatory statement

This would remove the Henry VIII power allowing for the modification of primary legislation that is retained EU law.

Trade Bill, *continued*

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

10

Clause 2, page 2, line 40, at end insert—

“(7A) An “international agreement that mainly relates to trade, other than a free trade agreement” means a strategic partnership agreement or mutual recognition agreement that is ancillary to a free trade agreement as defined in subsection (7).”

Member’s explanatory statement

This would define international trade agreements that do not fall within the category of a “free trade agreement” as defined under subsection (7).

Hannah Bardell
 Alan Brown
 Kirsty Blackman
 Patrick Grady

34

Clause 2, page 2, line 40, at end insert—

“(7A) No regulations may be made under subsection (1) by a Minister of the Crown, so far as they contain provision which would be within the devolved competence of the Scottish Ministers (within the meaning given in paragraph 7 of Schedule 1), unless the Scottish Ministers consent.

(7B) No regulations may be made under subsection (1) by a Minister of the Crown, so far as they contain provision which would be within the devolved competence of the Welsh Ministers (within the meaning given in paragraph 8 of Schedule 1), unless the Welsh Ministers consent.”

Member’s explanatory statement

This amendment would ensure that the consent of the Scottish Ministers or Welsh Ministers is required for any regulations that deal with matters within the competence of devolved authorities in Scotland and Wales.

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

11

Clause 2, page 2, line 41, leave out subsections (8) and (9) and insert—

“(8) No regulations may be made under subsection (1) in relation to an agreement which meets the criteria in subsection (3) or (4) after the end of the period of five years beginning with exit day.”

Member’s explanatory statement

This would make the sunset clause governing section 2(1) non-renewable.

Trade Bill, continued

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

12

Clause 2, page 2, line 41, leave out subsections (8) and (9) and insert—

- “(8) No regulations may be made under subsection (1) in relation to an agreement which meets the criteria in subsection (3) or (4) after the end of—
- (a) the period of five years beginning with exit day (“the initial five year period”), or
 - (b) such other period as is specified in regulations made by the Secretary of State in accordance with subsection (9).
- (9) Regulations under subsection (8)(b) may not extend the initial five year period beyond the day which falls ten years after exit day.”

Member’s explanatory statement

This would make the sunset clause governing section 2(1) renewable once only.

Hannah Bardell
 Alan Brown
 Kirsty Blackman
 Patrick Grady

35

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

- “(10) No regulations may be made under subsection (8)(b) unless the Secretary of State has consulted with the Scottish Ministers and the Welsh Ministers.”

Member’s explanatory statement

This amendment would ensure that there must be consultation with the Scottish Ministers or Welsh Ministers before any extension of the powers in Clause 2.

Hannah Bardell
 Alan Brown
 Kirsty Blackman
 Patrick Grady

36

Schedule 1, page 7, line 24, at end insert—

- “(4) This paragraph does not apply to regulations made under section 1(1) or 2(1) by the Scottish Ministers or the Welsh Ministers.”

Member’s explanatory statement

This amendment would give the Scottish and Welsh Ministers power, by regulation, to amend direct EU legislation that forms part of domestic law on and after exit day in devolved areas.

Trade Bill, continued

Hannah Bardell
 Alan Brown
 Kirsty Blackman
 Patrick Grady

37

Schedule 1, page 8, line 5, at end insert—

- “(4) This paragraph does not apply to regulations made under section 1(1) or 2(1) by the Scottish Ministers or the Welsh Ministers.

Requirement for consultation in certain circumstances

- 3A (1) No regulations may be made by the Scottish Ministers or the Welsh Ministers acting alone under section 1(1) or 2(1) so far as the regulations are to come into force before exit day unless the regulations are, to that extent, made after consulting with a Minister of the Crown.
- (2) No regulations may be made by the Scottish Ministers or the Welsh Ministers acting alone under section 2(1) 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.
- (3) In sub-paragraph (2) “quota arrangements” has the same meaning as in paragraph 3.”

Member’s explanatory statement

This amendment would replace the requirement for the Scottish and Welsh Ministers to obtain the consent of the UK Government when acting alone under section 1(1) or 2(1) with the need to consult before making such regulations.

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

13

Schedule 2, page 12, line 5, leave out from “section 1(1)” to the end of line 6 and insert “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

This would require regulations implementing the Agreement on Government Procurement to be subject to the affirmative resolution procedure.

Trade Bill, *continued*

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

16

Schedule 2, page 12, line 5, , leave out “or 2(1)”.

Member’s explanatory statement

This is linked to amendments 14, 15, 17, 19 and 20.

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

17

Schedule 2, page 12, line 6, at end insert—

“(1A) A statutory instrument containing regulations of a Minister of the Crown under section 2(1) 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

This would require regulations implementing international trade agreements to be subject to the affirmative resolution procedure.

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

19

Schedule 2, page 12, line 6, at end insert—

“(1A) A statutory instrument containing regulations of a Minister of the Crown under section 2(1) may not be made except in accordance with the steps in subparagraphs (1B) to (1E).

(1B) The Minister shall lay before Parliament—

(a) a draft of the regulations, and

(b) a document which explains why the Secretary of State believes that regulations should be made in terms of the draft regulations.

made in terms of the draft regulations.

(1C) The Minister may make an order in the terms of the draft regulations laid under subparagraph (1B) if—

(a) after the expiry of a period of 21 sitting days after the draft regulations are laid, no committee of either House of Parliament has recommended that the regulations should not be made, and

Trade Bill, continued

- (b) after the expiry of a period of 60 sitting days after the draft regulations are laid, the draft regulations are approved by a resolution of each House of Parliament.
- (1D) If a committee of either House of Parliament recommends that the regulations should not be made, the Secretary of State may—
 - (a) lay before Parliament revised draft regulations, or
 - (b) after the expiry of a period of 40 sitting days after the revised draft regulations are laid, make a motion for a resolution in each House of Parliament for approval of the draft regulations.
- (1E) If a motion under subparagraph (1D)(ii) is approved by a resolution of each House of Parliament, the Secretary of State may make the regulations.”

Member’s explanatory statement

This would require regulations implementing international trade agreements to be subject to the super-affirmative resolution procedure.

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

20

Schedule 2, page 12, line 6, at end insert—

- “(1A) A statutory instrument containing regulations of a Minister of the Crown under section 2(1) relating to an international trade agreement other than a free trade agreement which does not meet the criteria under section 2(4) 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

This would require regulations implementing an international trade agreement which is not a free trade agreement and which does not correspond to a prior or existing EU agreement to be subject to the affirmative resolution procedure.

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

14

Schedule 2, page 12, line 6, at end insert—

- “(1A) A statutory instrument containing regulations of a Minister of the Crown under section 2(1) in respect of a free trade agreement which meets the criteria under section 2(3) may not be made unless all provisions of paragraph 2A have been satisfied.”

Member’s explanatory statement

This amendment is linked to amendments 15 and 16, which would require the United Kingdom’s free trade agreements with third countries which already have a corresponding agreement with the European Union to be subject to a super-affirmative resolution procedure prior to ratification.

Trade Bill, continued

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

15

Schedule 2, page 12, line 17, at end insert—

“Scrutiny of corresponding agreements: super-affirmative procedure

- 2A (1) Before a free trade agreement which meets the criteria under section 2(3) and to which the United Kingdom is a signatory may be ratified, the Secretary of State must lay before Parliament—
- (a) a draft order to the effect that the agreement be ratified, and
 - (b) a document which explains why the Secretary of State believes that the agreement should be ratified.
- (2) The Secretary of State may make an order in the terms of the draft order laid under subparagraph (1) if—
- (a) after the expiry of a period of 21 sitting days after the draft order is laid, no committee of either House of Parliament has recommended that the order should not be made, and
 - (b) after the expiry of a period of 40 sitting days after the draft order is laid, a motion in the terms of the draft order is approved by a resolution of each House of Parliament.
- (3) If a committee of either House of Parliament recommends that an order should not be made under subparagraph (2), the Secretary of State may, after the expiry of a period of 60 sitting days after the draft order is laid, make a motion for a resolution in each House of Parliament in the terms of the draft order.
- (4) If a motion in the terms of the draft order is approved by a resolution of each House of Parliament under subparagraph (2)(ii) or (3), the Secretary of State may make an order in the terms of the draft order.
- (5) A free trade agreement to which this paragraph applies shall not be deemed to be a treaty for the purposes of Part 2 of the Constitutional Reform and Governance Act 2010.
- (6) In section 25 of the Constitutional Reform and Governance Act 2010, after subsection (1)(b), at end insert—
- “but does not include a free trade agreement to which paragraph 2A of Schedule 2 to the Trade Act 2018 applies.”*

Member’s explanatory statement

This would require the United Kingdom’s free trade agreements with third countries which already have a corresponding agreement with the European Union to be subject to a super-affirmative resolution procedure prior to ratification.

Trade Bill, *continued*

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

21

Schedule 4, page 14, line 24, leave out line 34 and insert—

“(a) a member to chair it, appointed by the Secretary of State with the consent of the International Trade Committee of the House of Commons,”

Member’s explanatory statement

This would establish the requirement for Parliament, through the relevant committee, to give its consent to the Secretary of State’s recommendation for appointment to the Chair of the Trade Remedies Authority.

Hannah Bardell
 Alan Brown
 Kirsty Blackman
 Patrick Grady

39

Schedule 4, page 14, line 34, at end insert “with the consent of each devolved authority,”.

Member’s explanatory statement

This amendment would require the Secretary of State to secure the consent of each devolved authority before appointing the Chair of the TRA.

Liz Saville Roberts
 Hywel Williams
 Jonathan Edwards
 Ben Lake

1

Schedule 4, page 14, line 34, at end insert—

“(aa) a non-executive member appointed by Welsh Ministers,
 (ab) a non-executive member appointed by Scottish Ministers,
 (ac) a non-executive member appointed by a Northern Irish Department,”

Member’s explanatory statement

This amendment confers powers on each of the devolved administrations to appoint a non-executive member of the TRA ensuring representation for each of the nations of the UK.

Hannah Bardell
 Alan Brown
 Kirsty Blackman
 Patrick Grady

38

Schedule 4, page 14, line 34, at end insert—

“(aa) a non-executive member appointed by the Secretary of State with the consent of the Scottish Ministers,
 (ab) a non-executive member appointed by the Secretary of State with the consent of the Welsh Ministers,”

Member’s explanatory statement

This amendment would require UK Ministers to secure the consent of the Scottish Ministers and Welsh Ministers to one non-executive member each of the Trade Remedies Authority.

Trade Bill, *continued*

Liz Saville Roberts
Hywel Williams
Jonathan Edwards
Ben Lake

2

Schedule 4, page 15, line 1, leave out “nine” and insert “eleven”

Member’s explanatory statement

This amendment expands the maximum membership of the TRA to account for any additional members created by Amendment 1.

Barry Gardiner
Nick Smith
Bill Esterson
Judith Cummins
Anna McMorrin
Faisal Rashid

Matt Western

22

Schedule 4, page 15, line 2, leave out subsection (3) and insert—

“(3) No person may be appointed as a non-executive member of the Authority under subparagraph (1)(b) unless—

- (a) the Secretary of State has first consulted the Chair of the Authority on the proposed appointment, and
- (b) the International Trade Committee of the House of Commons has consented to the appointment.”

Member’s explanatory statement

This would establish a procedure for appointing non-executive members of the Trade Remedies Authority other than the Chair.

Barry Gardiner
Nick Smith
Bill Esterson
Judith Cummins
Anna McMorrin
Faisal Rashid

Matt Western

23

Schedule 4, page 15, line 3, at end insert—

“(3A) In making any proposal under subparagraph (3), the Secretary of State must ensure that there is on the Authority a representative of —

- (a) producers,
- (b) trade unions, and
- (c) each of the United Kingdom devolved administrations.”

Member’s explanatory statement

This would ensure that the Trade Remedies Authority must include, among its non-executive members, representatives of stakeholder bodies potentially affected by its recommendations.

Trade Bill, *continued*

Hannah Bardell
 Alan Brown
 Kirsty Blackman
 Patrick Grady

40

Schedule 4, page 16, line 20, after “may” insert “, with the consent of each devolved authority,”.

Member’s explanatory statement

This amendment would require the Secretary of State to secure the consent of each devolved authority before removing a person from office as the chief executive of the TRA.

Hannah Bardell
 Alan Brown
 Kirsty Blackman
 Patrick Grady

41

Schedule 4, page 17, line 27, at end insert—

“Offices

25A The TRA shall maintain offices in—

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

Member’s explanatory statement

This amendment would require that the TRA shall maintain offices in Scotland, Wales and Northern Ireland.

Hannah Bardell
 Alan Brown
 Kirsty Blackman
 Patrick Grady

42

Schedule 4, page 18, line 39, at end insert “and to each devolved authority”.

Member’s explanatory statement

This amendment would require the TRA to send its annual report to each devolved authority.

Hannah Bardell
 Alan Brown
 Kirsty Blackman
 Patrick Grady

43

Schedule 4, page 18, line 40, after “Parliament” insert “and shall supply copies to—

- (a) the Scottish Parliament,
- (b) the Welsh Assembly, and
- (c) the Northern Ireland Assembly.”

Member’s explanatory statement

This amendment would require the Secretary of State to supply copies of the annual report to the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly.

Trade Bill, continued

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

24

Schedule 4, page 18, line 40, at end insert “no later than 1 August of the calendar year in which the last day of the financial year covered by the report falls”.

Member’s explanatory statement

This would ensure that the Secretary of State must lay the annual report of the Trade Remedies Authority before Parliament within a reasonable time frame.

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

25

Schedule 4, page 18, line 40, at end insert—

“Recommendation reports

- 31A (1) The TRA must prepare a report on each of the individual recommendations it makes to the Secretary of State in connection with the conduct of an international trade dispute.
- (2) The report must accompany the recommendation submitted to the Secretary of State.
- (3) The Secretary of State must lay the report before Parliament as soon as reasonably practicable, and not later than five days from the time it is submitted to the Secretary of State by the TRA.”

Member’s explanatory statement

This would ensure that Parliament is kept informed, in a timely fashion, of the individual recommendations made by the Trade Remedies Authority to the Secretary of State in connection with cases of dumping, foreign subsidies and import increases causing injury to UK producers.

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

26

Clause 7, page 4, line 32, leave out subsection (1) and insert—

- “(1) The Commissioners of Her Majesty’s Revenue and Customs may, by regulations, request any person to provide, or make provision authorising officers of Her

Trade Bill, continued

Majesty's Revenue and Customs to disclose, prescribed information for the purposes of assisting the Secretary of State to establish the number and identity of persons exporting goods and services from the United Kingdom"

Member's explanatory statement

This would ensure that, where HMRC already has this information, it may be shared with the Secretary of State.

Barry Gardiner
Nick Smith
Bill Esterson
Judith Cummins
Anna McMorrin
Faisal Rashid

Matt Western

27

Clause 7, page 4, line 38, at end insert—

“(2A) For the purposes of subsection (1) “prescribed information” means the names and addresses of persons who have exported goods covered by a prescribed code.”

Member's explanatory statement

This would ensure that the information to be collected pertains only to exports recognised as such for official purposes, in line with the Small Business Enterprise and Employment Act 2015.

Barry Gardiner
Nick Smith
Bill Esterson
Judith Cummins
Anna McMorrin
Faisal Rashid

Matt Western

28

Clause 7, page 4, line 38, at end insert—

“(2A) For the purposes of subsection (2A) “prescribed code” means the commodity code or other identifier applied to a category of goods or services in connection with the preparation of statistics on exports from the United Kingdom (whether or not it is also applied for other purposes).”

Member's explanatory statement

This further qualifies what “prescribed information” means.

Barry Gardiner
Nick Smith
Bill Esterson
Judith Cummins
Anna McMorrin
Faisal Rashid

Matt Western

29

Clause 7, page 5, line 3, at end insert—

“(3A) Regulations under subsection (1) may not make provision that could be made by regulations under section 10 of the Small Business Enterprise and Employment Act 2015.”

Member's explanatory statement

This would avoid duplication, in respect of the collection of information from exporters, with the Small Business Enterprise and Employment Act 2015.

Trade Bill, *continued*

Barry Gardiner
Nick Smith
Bill Esterson
Judith Cummins
Anna McMorrin
Faisal Rashid

Matt Western

30

Clause 7, page 5, line 4, leave out subsections (4) and (5)

Member's explanatory statement

This would remove the Henry VIII power allowing for the modification of an Act of Parliament in respect of the collection of exporter information.

Barry Gardiner
Nick Smith
Bill Esterson
Judith Cummins
Anna McMorrin
Faisal Rashid

Matt Western

31

Clause 7, page 5, line 10, leave out subsection (6) and insert—

“(6) Any statutory instrument containing regulations under subsection (3) 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

This would require Treasury regulations that make provision for exporters to supply information on their exports of goods or services to be subject to the affirmative resolution procedure.

Barry Gardiner
Nick Smith
Bill Esterson
Judith Cummins
Anna McMorrin
Faisal Rashid

Matt Western

32

Clause 8, page 5, line 17, leave out from “trade” to end of line 19

Member's explanatory statement

This would remove the power granted by the Bill to Her Majesty's Revenue and Customs, or anyone acting on their behalf, to disclose information on United Kingdom exporters to any public and private body within or without the United Kingdom.

Trade Bill, continued

Liz Saville Roberts
 Hywel Williams
 Jonathan Edwards
 Ben Lake
 Hannah Bardell
 Alan Brown

NC3

To move the following Clause—

“Reviews of grandfathered trade agreements: Joint Ministerial Committee sub-committee

- (1) The Joint Ministerial Committee shall establish a sub-committee to review the effects upon the devolved nations of any international trade agreement which is in force and for which regulations have been made under section 2(1) of this Act.
- (2) The sub-committee shall have power to supply, with the consent of the full Joint Ministerial Committee, documents setting out its conclusions to the devolved assemblies.
- (3) 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 create a sub-committee of the Joint Ministerial Committee, to review the effects on devolved nations of any international trade agreement implemented by powers in this Bill.

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

NC4

To move the following Clause—

“Parliamentary scrutiny of free trade agreements before signature

- (1) The United Kingdom may not become a signatory to a free trade agreement which does not meet the criteria under section 2(3) unless—
 - (a) before entering negotiations on the proposed agreement, the Secretary of State has laid before Parliament a sustainability impact assessment carried out following consultation as prescribed by section [*Sustainability impact assessments*];
 - (b) both Houses of Parliament have passed a resolution authorising the Secretary of State to enter negotiations on the proposed agreement as prescribed by section [*Parliamentary consent to launch of trade negotiations*];

Trade Bill, continued

- (c) during the course of negotiations, the text of the agreement as so far agreed or consolidated has been made available as prescribed by section [*Availability of agreement texts*];
- (d) the Secretary of State has, within ten sitting days of the close of each round of negotiations on the proposed agreement, laid before Parliament a statement detailing the progress made in each area of the negotiations and the obstacles still remaining at the close of that round;
- (e) the text of the agreement in the form to which it is proposed that the United Kingdom should become a signatory has been made available to Parliament for a period of 21 sitting days; and
- (f) a resolution has been passed by the House of Commons approving the Secretary of State's intention to sign the agreement."

Member's explanatory statement

This would establish a procedure for parliamentary scrutiny before signature of free trade agreements that do not correspond to a prior or existing EU free trade agreement.

Barry Gardiner
Nick Smith
Bill Esterson
Judith Cummins
Anna McMorrin
Faisal Rashid

Matt Western

NC5

To move the following Clause—

“Sustainability impact assessments

- (1) A sustainability impact assessment laid before Parliament under section [*Parliamentary scrutiny of free trade agreements before signature*](1)(a) shall be carried out following consultation.
- (2) A consultation under subsection (1) shall—
 - (a) be carried out in line with any guidance or code of practice on consultations issued by Her Majesty's Government, and
 - (b) actively seek the views of—
 - (i) Scottish Ministers,
 - (ii) Welsh Ministers,
 - (iii) a Northern Ireland devolved authority,
 - (iv) representatives of businesses and trade unions in sectors which, in the opinion of the Secretary of State, are likely to be affected by the proposed international trade agreement, and
 - (v) any other person or organisation which appears to the Secretary of State to be representative of interests affected by the proposed international trade agreement.
- (3) The Secretary of State shall ensure that public bodies, non-governmental organisations and the public may be made aware of the consultation by circulating and publishing details of it prominently on relevant government websites.
- (4) A sustainability impact assessment under subsection (1) shall be conducted by a credible body independent of government and shall include both qualitative and

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quantitative assessments of the potential impacts of the proposed trade agreement, including as a minimum—

- (a) the economic impacts on individual sectors of the economy, including, but not restricted to—
 - (i) the impacts on the quantity and quality of employment,
 - (ii) the various regional impacts across the different parts of the UK,
 - (iii) the impacts on small and medium-sized enterprises, and
 - (iv) the impacts on vulnerable economic groups;
 - (b) the social impacts, including but not restricted to—
 - (i) the impacts on public services, wages, labour standards, social dialogue, health and safety at work, public health, food safety, social protection, consumer protection and information, and
 - (ii) the government’s duties under the Equality Act 2010;
 - (c) the impacts on human rights, including but not restricted to—
 - (i) workers’ rights,
 - (ii) women’s rights,
 - (iii) cultural rights and
 - (iv) all UK obligations under international human rights law;
 - (d) the impacts on the environment, including but not restricted to—
 - (i) the need to protect and preserve the oceans,
 - (ii) biodiversity,
 - (iii) the rural environment and air quality, and
 - (iv) the need to meet the UK’s international obligations to combat climate change;
 - (e) the impacts on animal welfare, including but not restricted to the impacts on animal welfare in food production, both as it relates to food produced in the UK and as it relates to food imported into the UK from other countries; and
 - (f) the economic, social, cultural, food security and environmental interests of those countries considered to be developing countries for the purposes of clause 10 of the Taxation (Cross-border Trade) Act 2018, as defined in Schedule 3 to that Act and as amended by regulations.
- (5) The elements of the sustainability impact assessment to be undertaken under (4)(f) must be sufficiently disaggregated so as to capture the full range of impacts on different groups of developing countries, and must include both direct and indirect impacts, such as loss of market share through trade diversion or preference erosion.
- (6) A sustainability impact assessment under subsection (1) shall include recommendations for possible action to maximise any positive impacts and to prevent or offset any negative impacts foreseen, including the possible limitation of the negotiating mandate so as to exclude those sectors most at risk from the proposed trade agreement.”

Member’s explanatory statement

This would establish the process of consultation for, and the required content of, sustainability impact assessments for free trade agreements that do not correspond to a prior or existing EU free trade agreement.

Trade Bill, continued

Barry Gardiner
Nick Smith
Bill Esterson
Judith Cummins
Anna McMorrin
Faisal Rashid

Matt Western

NC6

To move the following Clause—

“Parliamentary consent to launch of trade negotiations

- (1) The Secretary of State shall not commence negotiations relating to a free trade agreement which does not meet the criteria under section 2(3) unless all provisions of this section have been satisfied.
- (2) A Minister of the Crown shall lay before Parliament a draft of a negotiating mandate relating to the proposed international trade agreement.
- (3) The draft mandate under subsection (2) shall set out—
 - (a) all fields and sectors to be included in the proposed negotiations;
 - (b) the principles to underpin the proposed negotiations;
 - (c) any limits on the proposed negotiations, including sectors to be excluded from the proposed negotiations; and
 - (d) the desired outcomes from the proposed negotiations.
- (4) No sooner than 21 sitting days after the draft of the negotiating mandate has been laid under subsection (2), the Secretary of State shall make a motion for a resolution in the House of Commons in respect of the draft, setting out the elements listed in subsection (3).
- (5) A motion for a resolution under subsection (4) shall be made in such a way as to permit amendment of any of the elements prescribed under subsection (3).
- (6) A motion to enable consideration of the negotiating mandate shall be laid before the House of Lords.
- (7) The terms of any negotiating mandate authorised by a resolution under subsection (4) shall be binding upon the Secretary of State and anyone acting on his or her behalf in the course of negotiation.”

Member’s explanatory statement

This would establish the procedure by which Parliament would agree a negotiating mandate for free trade agreements that do not correspond to a prior or existing EU free trade agreement.

Trade Bill, continued

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

NC7

To move the following Clause—

“Availability of agreement texts

- (1) The text of any proposed international trade agreement which is being negotiated shall, so far as it is agreed or consolidated, be made publicly available within ten days of the close of each round of negotiations.
- (2) Every—
 - (a) document submitted formally by the United Kingdom government to the negotiations, and
 - (b) agenda for each new round of negotiations
 shall be made publicly available by the Secretary of State.
- (3) All other documents relating to the negotiations and not falling within the descriptions provided in subsections (1) and (2) shall be made publicly available by the Secretary of State, subject to subsection (4).
- (4) The Secretary of State may withhold from publication any document of a kind falling within the description in subsection (3) but must publish a statement of the reasons for doing so.
- (5) In the case of any document withheld under subsection (4), the Secretary of State shall provide full and unfettered access to that document to—
 - (a) any select committee of either House of Parliament to which, in the opinion of the Secretary of State, the proposed agreement is relevant, and
 - (b) any other person or body which the Secretary of State may authorise.
- (6) In the case of a document to which access is provided under subsection (5), the Secretary of State may specify conditions under which the text shall be made available.
- (7) The Secretary of State shall maintain an online public register of all documents published under subsections (1), (2) and (3) or withheld under subsection (4).”

Member’s explanatory statement

This would establish the procedure by which the agreed or consolidated texts of, and other documents relating to, international trade agreements would be made available during the process of negotiation.

Trade Bill, continued

Barry Gardiner
 Nick Smith
 Bill Esterson
 Judith Cummins
 Anna McMorrin
 Faisal Rashid

Matt Western

NC8

To move the following Clause—

“Review of free trade agreements

- (1) The Secretary of State shall lay before Parliament a review of the operation and impacts of each free trade agreement to which this Act applies.
- (2) Each such review shall be laid before Parliament no later than ten years from the day on which the agreement comes into force.
- (3) A further review of the operation of each agreement shall be laid no later than ten years after the day on which the previous such review was laid before Parliament.
- (4) Each review shall be conducted by a credible body independent of government and shall include both qualitative and quantitative assessments of the impacts of the agreement, including as a minimum—
 - (a) the economic impacts on individual sectors of the economy, including, but not restricted to—
 - (i) the impacts on the quantity and quality of employment,
 - (ii) the various regional impacts across the different parts of the UK,
 - (iii) the impacts on small and medium-sized enterprises, and
 - (iv) the impacts on vulnerable economic groups;
 - (b) the social impacts, including but not restricted to—
 - (i) the impacts on public services, wages, labour standards, social dialogue, health and safety at work, public health, food safety, social protection, consumer protection and information, and
 - (ii) the government’s duties under the Equality Act 2010;
 - (c) the impacts on human rights, including but not restricted to—
 - (i) workers’ rights,
 - (ii) women’s rights,
 - (iii) cultural rights and
 - (iv) all UK obligations under international human rights law;
 - (d) the impacts on the environment, including but not restricted to—
 - (i) the need to protect and preserve the oceans,
 - (ii) biodiversity,
 - (iii) the rural environment and air quality, and
 - (iv) the need to meet the UK’s international obligations to combat climate change;
 - (e) the impacts on animal welfare, including but not restricted to the impacts on animal welfare in food production, both as it relates to food produced in the UK and as it relates to food imported into the UK from other countries; and
 - (f) the economic, social, cultural, food security and environmental interests of those countries considered to be developing countries for the purposes of clause 10 of the Taxation (Cross-border Trade) Act 2018, as defined in Schedule 3 to that Act and as amended by regulations.

Trade Bill, continued

- (5) The elements of the review to be undertaken under (4)(f) must be sufficiently disaggregated so as to capture the full range of impacts on different groups of developing countries, and must include both direct and indirect impacts, such as loss of market share through trade diversion or preference erosion.”

Member’s explanatory statement

This would establish a procedure for regular mandatory reviews of the operation and impacts of free trade agreements.

Hannah Bardell
Alan Brown
Kirsty Blackman
Patrick Grady

NC9

To move the following Clause—

“Application during transitional period

- (1) The Secretary of State shall, before exit day, lay before Parliament a report on the application of this Act during any transitional period agreed between the UK and the European Union in connection with the UK’s withdrawal from the European Union.
- (2) “Exit day” shall have the meaning accorded by section 14 of the European Union (Withdrawal) Act 2018.”

Member’s explanatory statement

This new clause would require the Secretary of State to lay a report before Parliament ahead of the UK’s withdrawal from the European Union on the application of this Act during any transitional period agreed between the UK and the European Union.

Hannah Bardell
Alan Brown
Kirsty Blackman
Patrick Grady

NC10

To move the following Clause—

“HMRC: impact

No later than 12 months after this Act has come into force, the Secretary of State shall lay a report before Parliament on the impact of the provisions of sections 7 and 8 of this Act on the expenditure and staffing of HMRC.”

Member’s explanatory statement

This new clause would require the Secretary of State to lay a report before Parliament on the impact of Part 3 of this Act on the expenditure and staffing of HMRC.

Trade Bill, continued

ORDER OF THE HOUSE [9 JANUARY 2018, AS AMENDED 17 JANUARY 2018]

That the following provisions shall apply to the Trade Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 1 February 2018.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

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

ORDER OF THE COMMITTEE [23 JANUARY 2018]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 23 January) meet—
 - (a) at 2.00 pm on Tuesday 23 January;
 - (b) at 11.30 am and 2.00 pm on Thursday 25 January;
 - (c) at 9.25 am, 2.00 pm and 5.30 pm on Tuesday 30 January;
 - (d) at 11.30 am on Thursday 1 February.
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 23 January	Until no later than 10.25 am	Global Justice Now; Nick Ashton Hart, Trade Policy Consultant and Associate Fellow, Geneva Centre for Security Policy; Christopher Howarth, former Senior Political Analyst, Open Europe

Trade Bill, *continued*

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 23 January	Until no later than 11.25 am	CBI; International Chambers of Commerce UK; Unite the Union; FSB
Tuesday 23 January	Until no later than 2.45 pm	Dr Lorand Bartels, University of Cambridge; Dr Holger Hestermeyer, King's College London; Hansard Society; Jude Kirton Darling MEP
Tuesday 23 January	Until no later than 3.30 pm	George Peretz QC, Monckton Chambers; Professor Alan Winters, UK Trade Policy Observatory; Law Society Scotland
Tuesday 23 January	Until no later than 4.15 pm	British Ceramic Confederation; UK Steel; Manufacturing Trade Remedies Alliance; British Chambers of Commerce
Tuesday 23 January	Until no later than 5.00 pm	UK Finance; British Retail Consortium; Standard Chartered Bank
Thursday 25 January	Until no later than 12.00 pm	Devro plc; Scotch Whisky Association; Food Standards Scotland
Thursday 25 January	Until no later than 1.00 pm	Business for Scotland; British Furniture Association; Hologic

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 3; Schedules 1 to 3; Clauses 4 and 5; Schedule 4; Clauses 6 to 12; new Clauses; new Schedules; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 2.00 pm on Thursday 1 February.

NOTICES WITHDRAWN

The following Notices were withdrawn on 22 January 2018:

NC1 and NC2
