



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 12 July 2018

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: 81 and NC16 to NC25

CONSIDERATION OF BILL (REPORT STAGE)

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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 the order in which they relate to the Bill.

Secretary Liam Fox

NC12

To move the following Clause—

“Report on proposed free trade agreement

- (1) This section applies (subject to subsection (2)) where the United Kingdom has authenticated a free trade agreement (“the proposed agreement”), if—
 - (a) the other party (or each other party) and the European Union were signatories to a free trade agreement immediately before exit day, or
 - (b) where the proposed agreement is authenticated by the United Kingdom before exit day, the other party (or each other party) and the European Union are signatories to a free trade agreement on the day the proposed agreement is authenticated by the United Kingdom.
- (2) This section applies only if the proposed agreement is not binding on the United Kingdom as a matter of international law unless it is ratified by the United Kingdom.

Trade Bill, continued

- (3) Before the United Kingdom ratifies the proposed agreement, a Minister of the Crown must lay before Parliament a report which gives details of, and explains the reasons for, any significant differences between—
 - (a) the trade-related provisions of the proposed agreement, and
 - (b) the trade-related provisions of the existing free trade agreement.
- (4) Subsection (3) does not apply if a report in relation to the proposed agreement has been laid before Parliament under section (*Report to be laid with regulations under section 2(1)*)(2).
- (5) The duty imposed by subsection (3) applies only at a time when regulations may be made under section 2(1) (see section 2(8)).
- (6) In this section a reference to authenticating a free trade agreement is a reference to doing an act which establishes the text of the agreement as authentic and definitive as a matter of international law.
- (7) In this section—
 - “the existing free trade agreement” means the free trade agreement referred to in subsection (1)(a) or (b);
 - the “trade-related provisions” of a free trade agreement are the provisions of the agreement that mainly relate to trade.”

Member’s explanatory statement

This new clause requires a Minister to lay a report before Parliament before the UK ratifies a new free trade agreement with a country that (before exit day) had a free trade agreement with the EU. The report must explain any significant differences between the proposed new agreement and the existing agreement with the EU. The duty to lay a report does not apply if a report on the agreement has already been laid under the new clause in amendment NC14. In addition, amendment NC13 provides that the reporting requirement does not apply if a Minister takes the view that, exceptionally, the agreement should be ratified without the reporting requirement being met.

Secretary Liam Fox

NC13

To move the following Clause—

“Reporting requirement not to apply in exceptional cases

- (1) Section (*Report on proposed free trade agreement*) does not apply to a free trade agreement if a Minister of the Crown is of the opinion that, exceptionally, the agreement needs to be ratified without laying before Parliament a report which meets the requirements of subsection (3) of that section.
- (2) If a Minister determines that a free trade agreement is to be ratified without laying before Parliament a report which meets the requirements of section (*Report on proposed free trade agreement*)(3), the Minister must, as soon as practicable after the agreement is ratified, lay before Parliament—
 - (a) a report which meets those requirements, and
 - (b) a statement indicating that the Minister is of the opinion mentioned in subsection (1) and explaining why.”

Member’s explanatory statement

See Member’s explanatory statement for NC12.

Trade Bill, *continued*

Secretary Liam Fox

NC14

To move the following Clause—

“Report to be laid with regulations under section 2(1)

- (1) This section applies where a Minister of the Crown proposes to make regulations under section 2(1) for the purpose of implementing a free trade agreement to which the United Kingdom and another signatory (or other signatories) are signatories.
- (2) A draft of the statutory instrument containing the regulations may not be laid before Parliament unless, at least 10 Commons sitting days before the draft is laid, a Minister of the Crown has laid before Parliament a report which gives details of, and explains the reasons for, any significant differences between—
 - (a) the trade-related provisions of the free trade agreement to which the United Kingdom and the other signatory (or other signatories) are signatories, and
 - (b) the trade-related provisions of the existing free trade agreement.
- (3) Subsection (2) does not apply if, at least 10 Commons sitting days before a draft of the statutory instrument containing the regulations is laid, a report in relation to the agreement has been laid before Parliament under section (*Report on proposed free trade agreement*)(3).
- (4) In this section—
 - “Commons sitting day” means a day on which the House of Commons begins to sit;
 - “the existing free trade agreement” means the free trade agreement to which the European Union and the other signatory (or other signatories)—
 - (a) were signatories immediately before exit day, or
 - (b) where the report is laid before Parliament before exit day, are signatories on the day the report is laid before Parliament;

the “trade-related provisions” of a free trade agreement are the provisions of the agreement that mainly relate to trade.”

Member’s explanatory statement

This new clause requires a Minister to lay a report before Parliament at least 10 Commons sitting days before regulations implementing a new free trade agreement are laid in draft under clause 2(1). The report is required to explain any significant differences between the new agreement and the existing agreement with the EU. The duty to lay a report does not apply if a report on the agreement has already been laid under NC12.

Anna Soubry
 Mr Kenneth Clarke
 Mr Chris Leslie
 Kate Green
 Rushanara Ali
 Chuka Umunna

Mr Ben Bradshaw
 Caroline Lucas
 Ian Murray
 Martin Whitfield
 Darren Jones
 Stella Creasy

Stephen Doughty
 Mr David Lammy
 Liz Kendall
 Maria Eagle
 Alison McGovern
 Angela Smith

Wes Streeting
 Wera Hobhouse
 Gareth Thomas
 Ruth Cadbury
 Tulip Siddiq
 Ann Coffey

Trade Bill, continued

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| Peter Kyle | Phil Wilson | Seema Malhotra |
| Mike Gapes | Stephen Kinnock | Geraint Davies |
| Stephen Timms | Mrs Madeleine Moon | Neil Coyle |
| Mary Creagh | Catherine McKinnell | Anna Turley |
| Dame Louise Ellman | Tom Brake | Kerry McCarthy |
| Daniel Zeichner | Dame Margaret Hodge | Catherine West |
| Luciana Berger | Liz Saville Roberts | Hywel Williams |
| Ben Lake | Jonathan Edwards | Mr Dominic Grieve |
| Antoinette Sandbach | Mr Jonathan Djanogly | Tim Farron |
| Jo Swinson | Robert Neill | Joanna Cherry |
| Jamie Stone | Dr Rupa Huq | Layla Moran |
| Helen Hayes | Susan Elan Jones | Dr Paul Williams |
| Matt Western | Marty Day | |

NC1

To move the following Clause—

“EU customs union

- (1) It shall be the objective of an appropriate authority to take all necessary steps to implement an international trade agreement which enables the UK to participate after exit day in a customs union with the EU in the same terms as existed before exit day.
- (2) Exit day shall have the meaning set out in section 20 of the European Union (Withdrawal) Act 2018.”

Wera Hobhouse
Caroline Lucas
Layla Moran

NC2

To move the following Clause—

“Review of the impact on the UK economy

- (1) Before the end of the initial five year period, the Secretary of State must publish and lay before both Houses of Parliament an assessment of the impact of all international trade agreements implemented under section 2 of this Act on—
 - (a) the economy of the United Kingdom,
 - (b) the economy of the different parts of the United Kingdom and different regions of England, and
 - (c) individual economic sectors.
- (2) The assessment in subsection (1) must so far as practicable analyse the expected difference in outcomes between the international trade agreements implemented under section 2 of this Act and those international trade agreements to which the United Kingdom would have been a signatory had it continued to participate in the EU Customs Union.
- (3) In this section—

“the initial five year period” has the same meaning as in section 2(8)(a),

“parts of the United Kingdom” means—

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

Trade Bill, continued

“regions of England” has the same meaning as that used by the Office for National Statistics.”

Caroline Lucas
Kerry McCarthy
Hannah Bardell
Liz Saville Roberts
Kate Green
Mr David Lammy

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|--------------------------|-----------------------|----------------------|
| Patrick Grady | Joanna Cherry | Wera Hobhouse |
| Tom Brake | Stephen Doughty | Helen Hayes |
| Ian Murray | Layla Moran | Mr Roger Godsiff |
| Catherine McKinnell | Jamie Stone | John Grogan |
| Christine Jardine | Jo Swinson | Mhairi Black |
| Ian Blackford | Kirsty Blackman | Deidre Brock |
| Alan Brown | Dr Lisa Cameron | Douglas Chapman |
| Ronnie Cowan | Angela Crawley | Martyn Day |
| Martin Docherty-Hughes | Marion Fellows | Stephen Gethins |
| Patricia Gibson | Peter Grant | Neil Gray |
| Drew Hendry | Stewart Hosie | Chris Law |
| David Linden | Angus Brendan MacNeil | Stuart C. McDonald |
| Stewart Malcolm McDonald | John McNally | Carol Monaghan |
| Gavin Newlands | Brendan O’Hara | Tommy Sheppard |
| Chris Stephens | Alison Thewliss | Dr Philippa Whitford |
| Pete Wishart | Catherine West | Geraint Davies |
| Norman Lamb | Ben Lake | Mary Creagh |

NC3

To move the following Clause—

“Free trade agreements: Parliamentary scrutiny and consent

- (1) The Secretary of State shall not commence negotiations relating to a free trade agreement unless—
 - (a) a Minister of the Crown has laid before Parliament a sustainability impact assessment conducted by a credible body independent of government following consultation with—
 - (i) each devolved authority,
 - (ii) public bodies, businesses, trade unions and non-governmental organisations which, in the opinion of the Minister, have a relevant interest, and
 - (iii) the public,
 and the assessment shall include both qualitative and quantitative assessments of the potential impacts of the proposed trade agreement, including social, economic, environmental, gender, human rights, labour, development and regional impacts,
 - (b) a Minister of the Crown has laid before Parliament a draft of a negotiating mandate relating to the proposed trade agreement, setting out—
 - (i) all fields and sectors to be included in the proposed negotiations,
 - (ii) the principles to underpin the proposed negotiations,
 - (iii) any limits on the proposed negotiations, and
 - (iv) the desired outcomes from the proposed negotiations, and

Trade Bill, continued

- (c) the House of Commons has approved by resolution a motion, drafted in terms which permit amendment, setting out a proposed negotiating mandate and authorising the Secretary of State to enter negotiations on the proposed trade agreement on the basis of that mandate, and the House of Lords has approved a resolution in the same terms as that approved by the House of Commons.
- (2) The United Kingdom may not become a signatory to a free trade agreement unless—
- (a) during the course of the negotiations, the text of the trade agreement as so far agreed or consolidated has been made publicly available within ten working days of the close of each negotiating round,
- (b) between each round of negotiations, all documents relating to the negotiations have been made available for scrutiny by select committees in both Houses of Parliament,
- (c) upon conclusion of the negotiations, the House of Commons has approved by resolution a motion, drafted in terms which permit amendment, setting out the text of the trade agreement as negotiated and authorising the Secretary of State to sign the proposed agreement, and the House of Lords has approved a resolution in the same terms as that approved by the House of Commons, and
- (d) the text of the trade agreement includes provision for a review of the operation and impacts of the agreement no later than ten years after the day on which the agreement comes into force.”

Member’s explanatory statement

This new clause would ensure that all new free trade agreements are subject to parliamentary scrutiny and consent.

Jeremy Corbyn
Barry Gardiner
Mr Nicholas Brown
Christina Rees
Lesley Laird
Owen Smith

Bill Esterson
Ian Murray

Judith Cummins
David Hanson

Stephanie Peacock

NC4

To move the following Clause—

“Convention about Parliament legislating on devolved matters

- (1) Regulations made under section 1(1) by a Minister of the Crown, may not normally make provision which would be within the devolved competence of a devolved authority unless—
- (a) 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), the Scottish Ministers consent, or
- (b) 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), the Welsh Ministers consent, or
- (c) so far as they contain provision which would be within the devolved competence of a Northern Ireland department (within the meaning of

Trade Bill, continued

- paragraph 9 of Schedule 1), unless the Northern Ireland department has given consent.
- (2) Regulations made under section 2(1) by a Minister of the Crown, may not normally make provision which would be within the devolved competence of a devolved authority unless—
- (a) 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), the Scottish Ministers consent, or
 - (b) 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), the Welsh Ministers consent, or
 - (c) so far as they contain provision which would be within the devolved competence of a Northern Ireland department (within the meaning given in paragraph 9 of Schedule 1), unless the Northern Ireland department has given consent.
- (3) This paragraph does not apply to regulations made by the Secretary of State under—
- (a) section 35 or 58 of the Scotland Act 1998 (as amended),
 - (b) section 82 or 114 of the Government of Wales Act 2006 (as amended), or
 - (c) section 25 or 26 of the Northern Ireland Act 1998 (as amended).”

Member’s explanatory statement

This new clause would ensure that regulations made by a Minister of the Crown within devolved competence require the consent of Ministers in devolved authorities in accordance with the convention about Parliament legislating on devolved matters while making clear that this does not alter the current powers of Ministers of the Crown in respect of international agreements.

Anna Soubry
 Chuka Umunna
 Nicky Morgan
 Dr Sarah Wollaston
 Mr Jonathan Djanogly
 Stephen Hammond

Jo Swinson
 Stephen Doughty
 Kerry McCarthy
 Dr Rupa Huq
 Helen Hayes
 Matt Western
 Seema Malhotra

Heidi Allen
 Robert Neill
 Tulip Siddiq
 Mr Kenneth Clarke
 Susan Elan Jones
 Layla Moran
 Mike Gapes

Mr Chris Leslie
 Stephen Kinnock
 Dame Margaret Hodge
 Antoinette Sandbach
 Peter Kyle
 Catherine McKinnell
 Caroline Lucas

NC5

To move the following Clause—

“Implementation of a customs union with the EU

- (1) It shall be the objective of an appropriate authority to take all necessary steps to implement an international trade agreement which enables the UK to participate after exit day in a customs union with the EU.

Trade Bill, *continued*

- (2) Exit day shall have the meaning set out in section 20 of the European Union (Withdrawal) Act 2018.”

Mr Jonathan Djanogly
Mr Dominic Grieve
Anna Soubry
Antoinette Sandbach
Robert Neill
Stephen Hammond

Mr Chris Leslie
Matt Western
Catherine McKinnell
Seema Malhotra

Heidi Allen
Tom Brake
Paul Masterton
Geraint Davies

Stephen Doughty
Nicky Morgan
Dr Sarah Wollaston

NC6

To move the following Clause—

“Regulations: Parliamentary procedure

- (1) If the Secretary of State considers it appropriate to proceed with the making of regulations of a type which fall under section 2(4A)(a) or (b)), he or she must lay before Parliament—
- (a) a draft of the regulations, and
 - (b) an explanatory document.
- (2) The explanatory document must—
- (a) explain under which power or powers in this Act the provision contained in the regulations is made;
 - (b) introduce and give reasons for the provision;
 - (c) identify and give reasons for—
 - (i) any functions of legislating conferred by the regulations; and
 - (ii) the procedural requirements attaching to the exercise of those functions;
 - (d) contain a recommendation by the Secretary of State as to which of the following should apply in relation to the making of regulations pursuant to the draft regulations—
 - (i) the negative resolution procedure (see subsection (6)) or
 - (ii) the affirmative resolution procedure (see subsection (7)); and
 - (e) give a reason for the Secretary of State’s recommendation.
- (3) Where the Secretary of State’s recommendation under subsection (2)(d) 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 subsection (4)(a), a committee of that House charged with reporting on the draft regulations has recommended within that period that that procedure should apply and the House has not by resolution rejected that recommendation within that period.

Trade Bill, *continued*

- (5) In this section the “20-day period” means, for each House of Parliament, the period of 20 days on which that House sits, beginning with the day on which the draft regulations were laid before Parliament under subsection (1).
- (6) For the purposes of this section, the “negative resolution procedure” in relation to the making of regulations pursuant to a draft of the regulations laid under subsection (1) is as follows—
 - (a) the Secretary of State may make regulations in the terms of the draft regulations subject to the following provisions of this subsection;
 - (b) the Secretary of State may not make regulations in the terms of the draft regulations if either House of Parliament so resolves within the 40-day period;
 - (c) for the purposes of this paragraph regulations are made in the terms of the draft regulations if they contain no material changes to the provisions of the draft regulations; and
 - (d) in this subsection the “40-day period” means, for each House of Parliament, the period of 40 days on which that House sits, beginning with the day on which the draft regulations were laid before Parliament under subsection (1).
- (7) For the purposes of this section the “affirmative resolution procedure” in relation to the making of regulations pursuant to a draft of the regulations being laid under subsection (1) is as follows—
 - (a) the Secretary of State must have regard to—
 - (i) any representations;
 - (ii) any resolution of either House of Parliament; and
 - (iii) any recommendations of a committee of either House of Parliament charged with reporting on the draft regulations, made during the 40-day period with regard to the draft regulations;
 - (b) if, after the expiry of the 40-day period, the Secretary of State wishes to make regulations in the terms of the draft, he must lay before Parliament a statement—
 - (i) stating whether any representations were made under subsection (7)(a)(i); and
 - (ii) if any representations were so made, giving details of them;
 - (c) the Secretary of State may after the laying of such a statement make regulations in the terms of the draft if they are approved by a resolution of each House of Parliament;
 - (d) if, after the expiry of the 40-day period, the Secretary of State wishes to make regulations consisting of a version of the draft regulations with material changes, he must lay before Parliament—
 - (i) revised draft regulations; and
 - (ii) a statement giving details of—
 - (a) any representations made under subsection (7)(a)(i); and
 - (b) the revisions proposed;
 - (e) the Secretary of State may, after laying revised draft regulations and a statement under sub-paragraph (d), make regulations in the terms of the revised draft if they are approved by a resolution of each House of Parliament;
 - (f) for the purposes of sub-paragraph (e) regulations are made in the terms of the draft regulations if they contain no material changes to the provisions of the draft regulations; and
 - (g) in this paragraph the “40-day period” has the meaning given by subsection (6)(d).

Trade Bill, continued

- (8) The provisions of this section shall apply to all agreements for which regulations would be of a type which falls under section 2(4A)(a) or (b)), notwithstanding that they constitute retained EU law and may be governed by the provisions of the European Union (Withdrawal) Act 2018 or any other legislation with regard to Parliamentary scrutiny of regulations under this Act.

Member's explanatory statement

This new clause would set up a triage and scrutiny system under the control of Parliament for determining how Orders under Clause 2 will be dealt with, in circumstances when the new UK FTA or international trade agreement is not in the same terms as the existing EU FTA or international trade agreement.

Jeremy Corbyn
Barry Gardiner
Keir Starmer
John McDonnell
Peter Dowd
Mr Nicholas Brown

NC8

To move the following Clause—

“Internal Market Negotiating Objective

It shall be a negotiating objective of Her Majesty's Government to ensure the United Kingdom has full access to the internal market of the European Union, underpinned by shared institutions and regulations, with no new impediments to trade and common rights, standards and protections as a minimum.”

Stephen Hammond
Mr Dominic Grieve
Nicky Morgan
Antoinette Sandbach
Robert Neill
Anna Soubry

Dame Caroline Spelman
Heidi Allen
Caroline Lucas

Mr Jonathan Djanogly
Paul Masterton
John Stevenson

Mr Kenneth Clarke
Dr Sarah Wollaston

NC9

To move the following Clause—

“UK membership of EFTA and the European Economic Area

- (1) It shall be the objective of an appropriate authority to achieve before exit day the implementation of an international agreement to enable the UK to become a member of the European Free Trade Association and continue as a signatory to the EEA Agreement.

Trade Bill, *continued*

- (2) “Exit day” shall have the meaning set out in section 20 of the European Union (Withdrawal) Act 2018.”

Jeremy Lefroy
John Stevenson

NC10

To move the following Clause—

“UK membership of EFTA

- (1) It shall be the objective of an appropriate authority to achieve before exit day the implementation of an international agreement to enable the UK to become a member of the European Free Trade Association.
- (2) “Exit day” shall have the meaning set out in section 20 of the European Union (Withdrawal) Act 2018.”

Gareth Snell
Lucy Powell
Stella Creasy
Stephen Doughty
Gareth Thomas
Mr Chris Leslie

Luciana Berger
Alex Sobel
Mr Adrian Bailey
Lloyd Russell-Moyle
Geraint Davies

Mike Gapes
Anna Turley
Meg Hillier
Alex Norris
Mr Gavin Shuker

Dame Louise Ellman
Jim McMahon
Tracy Brabin
Chris Evans
Seema Malhotra

NC11

To move the following Clause—

“Assessment of slavery or servitude

The Secretary of State shall, before concluding negotiations relating to an international trade agreement, make an assessment of the steps taken by the other signatory to the agreement (or each other signatory) to prevent and punish activity which, if undertaken in England or Wales, would constitute an offence under section 1 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour).”

Trade Bill, *continued*

Caroline Lucas

NC15

☆ To move the following Clause—

“Ratification of international trade agreements

An international trade agreement shall not be ratified unless it enables the United Kingdom to require imports to—

- (a) comply with any standards laid down by primary or subordinate legislation in the United Kingdom regarding food safety, the environment and animal welfare, or
- (b) have been produced to standards that are deemed by the Secretary of State to be comparable in effectiveness to those of the United Kingdom in protecting food safety, the environment and animal welfare.”

Member’s explanatory statement

This new clause would ensure that UK standards regarding food safety, the environment and animal welfare could not be undermined by imports produced to lower standards.

Geraint Davies
Graham P Jones
Mr David Lammy
Mr Ben Bradshaw

NC16

★ To move the following Clause—

“Transparency in trade negotiations

- (1) The Secretary of State shall not make regulations under section 2(1) of this Act for the implementation of an international trade agreement (subject to sections 2(3) and 2(4)) unless the condition in subsection (2) of this section has been complied with.
- (2) The condition is that the Secretary of State has provided to Members of both Houses of Parliament any information specified in subsection (3) relating to the agreement, within seven days of any meeting to which subsection (3)(a) applies.
- (3) The information is—
 - (a) minutes of any meeting, whether formal or informal, between a representative of the United Kingdom and a representative of any other signatory state to discuss the agreement;
 - (b) any points of divergence between the terms of the proposed agreement between the United Kingdom and the other signatory (or each other signatory) and the terms of the agreement in place before exit day between the European Union and the other signatory (or each other signatory), that were discussed at the meeting; and
 - (c) measures that the Secretary of State considers will be necessary in consequence of any points of divergence under paragraph (b) of this subsection.
- (4) The Secretary of State may specify conditions under which the information shall be made available under subsection (2).”

Member’s explanatory statement

This new clause would require the Secretary of State to give MPs and Peers access to details of

Trade Bill, continued

negotiations towards trade agreements with third countries if and when third countries seek changes to existing bilateral trade deals which the UK currently has through the EU.

Dr Phillip Lee
 Dr Sarah Wollaston
 Dr Paul Williams
 Dr Philippa Whitford
 Mr Chris Leslie

NC17

★ To move the following Clause—

“UK participation in the European medicines regulatory network

- (1) It shall be the objective of an appropriate authority to take all necessary steps to implement an international trade agreement, which enables the UK to fully participate after exit day in the European medicines regulatory network partnership between the European Union, European Economic Area and the European Medicines Agency.
- (2) Exit day shall have the meaning set out in section 20 of the European Union (Withdrawal) Act 2018.”

Member’s explanatory statement

This new clause would ensure that it is a negotiating objective for the UK Government to secure an international agreement through which the UK may continue to participate in the European medicines regulatory network partnership between the EU, EEA and the European Medicines Agency, ensuring that patients continue to have access to high-quality, effective and safe pharmaceutical and medical products, fully aligned with the member states of the EU and EEA.

Stephen Hammond
 Nicky Morgan
 Chuka Umunna
 Mr Chris Leslie

NC18

★ To move the following Clause—

“Free trade area for goods

- (1) Before exit day it shall be the objective of Her Majesty’s Government to achieve the implementation of an international agreement to enable the United Kingdom to establish a frictionless free trade area for goods between the UK and the EU.
- (2) If an international agreement of the type set out in subsection (1) has not been agreed by 21st January 2019 then it shall be the objective of Her Majesty’s Government to achieve the implementation of an international agreement which enables the United Kingdom to participate after exit day in a customs union with the EU.
- (3) “Exit day” shall have the meaning set out in section 20 of the European Union (Withdrawal) Act 2018.”

Member’s explanatory statement

This new clause would make it a negotiating objective of the UK to establish a free trade area for

Trade Bill, continued

goods between the UK and the EU and if that cannot be agreed then it should be the objective of the UK to secure an agreement to enable the UK's participation in a customs union with the EU.

Jeremy Corbyn
Mr Nicholas Brown
Barry Gardiner
Keir Starmer
Lesley Laird
Christina Rees

Tony Lloyd

Bill Esterson

Judith Cummins

NC19

★ To move the following Clause—

“Reporting on trade between the United Kingdom’s devolved nations and regions with the Republic of Ireland

- (1) The Secretary of State shall, no earlier than 12 months and no later than 18 months after Royal Assent has been given to this Act—
 - (a) lay before both Houses of Parliament an assessment of the implications of this Act for trade between the constituent parts of the United Kingdom and the Republic of Ireland, and
 - (b) make arrangements for the assessment to be laid before the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.
- (2) In preparing the assessment under subsection (1), the Secretary of State shall consult with—
 - (a) the Scottish Ministers, the First Minister or the Lord Advocate,
 - (b) the Welsh Ministers, and
 - (c) a Northern Ireland devolved authority.”

Member’s explanatory statement

This new clause would ensure that the impact of the UK’s exit from the European Union on trade across the border between the Republic of Ireland and Northern Ireland, and between the Republic of Ireland and other parts of the United Kingdom is properly reviewed and reported to Parliament.

Trade Bill, *continued*

Stewart Hosie
Kirsty Blackman
Ian Blackford
Stephen Gethins
Stewart Malcolm McDonald
Peter Grant

Drew Hendry
Carol Monaghan
Angela Crawley
Chris Law
Stuart C. McDonald
Pete Wishart

Joanna Cherry
Alison Thewliss
Mhairi Black
Hannah Bardell
Tommy Sheppard
Patrick Grady

Neil Gray
Dr Philippa Whitford
Alan Brown
Deidre Brock
Gavin Newlands

NC20

★ To move the following Clause—

“Approval of negotiating mandates (devolved authorities)”

- (1) No negotiation towards an agreement that falls within section 2(2) shall take place unless—
 - (a) a draft negotiating mandate in respect of that agreement has been laid before—
 - (i) a committee including representatives from each devolved authority and constituted for the purpose of considering the draft, and
 - (ii) each devolved legislature, and
 - (b) the draft negotiating mandate has been approved by resolution of—
 - (i) the committee constituted under (1)(a)(i) and
 - (ii) each devolved legislature.
- (2) The committee in (1) shall be called the “Joint Ministerial Committee on Trade” (“JMCT”) and—
 - (a) may not approve a draft mandate other than by consensus,
 - (b) shall have the power to make its own standing orders,
 - (c) may include a Minister of the Crown or representative thereof,
 - (d) may be consulted on a draft mandate before it is finalised (but in such a case must also approve the finalised version), and
 - (e) shall only include a representative of a devolved authority if that representative has been appointed by the relevant devolved executive.
- (3) The “devolved legislatures” are—
 - (a) the Scottish Parliament,
 - (b) the Welsh Assembly, and
 - (c) the Northern Ireland Assembly.
- (4) The devolved legislatures shall approve the draft mandate according to their own standing orders.
- (5) If the negotiating mandate changes substantively during the process of negotiations then negotiations shall not proceed until the revised mandate has been approved by the JMCT.
- (6) Each person who is—
 - (a) a member of the JMCT, or
 - (b) a Minister of the Crown

Trade Bill, continued

must co-operate with every other person who is within subsection (a), or (b) in any activity that relates to the drafting of a negotiating mandate as referred to in subsection (1).

- (7) In particular, the duty imposed by subsection (6) requires a person—
- (a) to engage constructively, actively, and on an ongoing basis in any process by means of which a negotiating mandate as referred to in subsection (1) is prepared; and
 - (b) to have regard to representations by any member of the JMCT or of a devolved executive in any process by means of which a negotiating mandate as referred to in subsection (1) is prepared.
- (8) The “devolved executives” are—
- (a) the Scottish Government,
 - (b) the Welsh Government, and
 - (c) the Northern Ireland Executive.”

Member’s explanatory statement

This new clause would ensure that any negotiating mandate is first approved by the devolved legislatures and creates a joint ministerial committee to encourage co-operation between the devolved administrations and the UK Government in drafting the negotiating mandates. It imposes a duty of co-operation on all parties in the preparation of the negotiating mandate.

Stewart Hosie
Kirsty Blackman
Ian Blackford
Stephen Gethins
Stewart Malcolm McDonald
Peter Grant

Drew Hendry
Carol Monaghan
Angela Crawley
Chris Law
Stuart C. McDonald
Pete Wishart

Joanna Cherry
Alison Thewliss
Mhairi Black
Hannah Bardell
Tommy Sheppard
Patrick Grady

Neil Gray
Dr Philippa Whitford
Alan Brown
Deidre Brock
Gavin Newlands

NC21

- ★ To move the following Clause—

“Right of devolved authorities to appoint negotiators

- (1) Each devolved authority shall have the right to appoint one member of any delegation tasked with negotiating an agreement with another state on behalf of the UK if that agreement falls within section 2(2).
- (2) A devolved authority shall not make an appointment under subsection (1) unless the person appointed is reasonably competent to carry out the role of a trade negotiator.”

Member’s explanatory statement

This new clause would permit the devolved authorities to each appoint one member of any negotiating delegation and would ensure that the person appointed is competent to carry out the role.

Trade Bill, *continued*

Stewart Hosie
Kirsty Blackman
Ian Blackford
Stephen Gethins
Stewart Malcolm McDonald
Peter Grant

Drew Hendry
Carol Monaghan
Angela Crawley
Chris Law
Stuart C. McDonald
Pete Wishart

Joanna Cherry
Alison Thewliss
Mhairi Black
Hannah Bardell
Tommy Sheppard
Patrick Grady

Neil Gray
Dr Philippa Whitford
Alan Brown
Deidre Brock
Gavin Newlands

NC22

★ To move the following Clause—

“Right of devolved legislatures to scrutinise trade negotiations

- (1) A Minister of the Crown shall provide a devolved authority with such information relating to an agreement falling within section 2(2) as is reasonably necessary for the purpose of subjecting that agreement to scrutiny in relation to—
 - (a) all areas of that devolved authority’s competence; and
 - (b) anything falling outside an area of that devolved authority’s competence but having an impact within the territory over which that devolved authority presides.
- (2) The information in (1)—
 - (a) shall be provided at the request of a devolved authority;
 - (b) may relate to international trade agreements at any stage of development including—
 - (i) before negotiations begin,
 - (ii) during negotiations,
 - (iii) after negotiations have been completed.
- (3) An appropriate authority shall not rely on Part II of the Freedom of Information Act 2000 in relation to a request made under this section.
- (4) If information requested by a devolved authority would fall within Part II of the Freedom of Information Act 2000, a Minister of the Crown may provide it exclusively to a committee of the relevant devolved legislature.
- (5) A Minister of the Crown shall adhere to any reasonable time limit placed by a devolved authority on the provision of information under this section.”

Member’s explanatory statement

This new clause would ensure that the devolved legislatures will have sufficient information to effectively scrutinise trade agreements and negotiations, without compromising negotiations or sensitive information.

Trade Bill, *continued*

Stewart Hosie
Kirsty Blackman
Ian Blackford
Stephen Gethins
Stewart Malcolm McDonald
Peter Grant

Drew Hendry
Carol Monaghan
Angela Crawley
Chris Law
Stuart C. McDonald
Pete Wishart

Joanna Cherry
Alison Thewliss
Mhairi Black
Hannah Bardell
Tommy Sheppard
Patrick Grady

Neil Gray
Dr Philippa Whitford
Alan Brown
Deidre Brock
Gavin Newlands

NC23

★ To move the following Clause—

“Devolved consent

- (1) No agreement that falls within section 2(2) shall be ratified without the consent of the devolved legislatures to any parts of that agreement that fall within subsection (3) of this section.
- (2) The “devolved legislatures” are—
 - (a) the Scottish Parliament,
 - (b) the Welsh Assembly, and
 - (c) the Northern Ireland Assembly.
- (3) The parts of an agreement to which the devolved legislatures must consent are—
 - (a) any part concerning an issue that falls within the competence of a relevant devolved authority as defined in paragraph 7 of Schedule 1, and
 - (b) any part concerning an issue not falling within subsection (3)(a) but having an impact within the territory over which the relevant devolved authority presides.”

Member’s explanatory statement

This new clause would create a right for the devolved legislatures to approve those aspects of an ITA that fall within their competence.

Stewart Hosie
Kirsty Blackman
Ian Blackford
Stephen Gethins
Stewart Malcolm McDonald
Peter Grant

Drew Hendry
Carol Monaghan
Angela Crawley

Joanna Cherry
Alison Thewliss
Mhairi Black

Neil Gray
Dr Philippa Whitford
Alan Brown

Trade Bill, continued

Chris Law
Stuart C. McDonald
Pete Wishart

Hannah Bardell
Tommy Sheppard
Patrick Grady

Deidre Brock
Gavin Newlands

NC24

★ To move the following Clause—

“Review of international trade agreements (devolved authorities)

- (1) No agreement that falls within section 2(2) of this Act shall be ratified unless it complies with subsection (2) of this section.
- (2) An agreement that falls within section 2(2) shall include a clause which provides for that agreement to be—
 - (a) submitted for review by the appropriate bodies after five years from the date of ratification,
 - (b) submitted for review by the appropriate bodies every five years after the first review, and
 - (c) ended or amended based on the outcome of the reviews in subsections (2)(a) or (2)(b),
 without sanction under the agreement.
- (3) For the purposes of (2) the “appropriate bodies” are—
 - (a) the UK Parliament,
 - (b) the Scottish Parliament,
 - (c) the Welsh Assembly, and
 - (d) the Northern Ireland Assembly.
- (4) The appropriate bodies shall determine the procedure for the review in subsection (2) according to their own standing orders.
- (5) Each international trade agreement shall be submitted to a review by the appropriate bodies according to the terms in subsection (2).
- (6) A Minister of the Crown shall have regard to any representations made by an appropriate body resulting from a review undertaken under this section.”

Member’s explanatory statement

This new clause would provide for Parliament and the devolved legislatures to review a trade agreement every five years and for the UK to bring an end to that trade agreement based on the outcome of those reviews without sanction under the agreement.

Stella Creasy
Ian Murray
Mr Chris Leslie
Alison McGovern

NC25

★ To move the following Clause—

“Trade agreement with the EU: mobility framework

It shall be the objective of the Secretary of State to take all necessary steps to secure an international trade agreement with the European Union which includes a mobility framework that enables all UK and EU citizens to exercise the same reciprocal rights to work, live and study.”

Trade Bill, *continued*

Secretary Liam Fox

31

Clause 1, page 1, line 13, leave out “or”.

Member’s explanatory statement*This amendment is consequential on Amendment 32.*

Secretary Liam Fox

32

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

“(e) in consequence of a modification of the list of central government entities in Annex 1 to the United Kingdom’s Appendix I to the 1994 GPA, or

(f) in consequence of a modification of the list of central government entities in Annex 1 to the United Kingdom’s Appendix I to the Revised GPA.”

Member’s explanatory statement*This amendment provides that the power in clause 1 can be exercised to reflect updates to the list of UK government entities covered by Annex 1 to the UK’s Appendix I to the 1994 GPA and the Revised GPA.*Stewart Hosie
Kirsty Blackman
Ian Blackford
Jonathan Edwards
Caroline Lucas
Stephen GethinsStewart Malcolm McDonald
Joanna Cherry
Alison Thewliss
Mhairi Black
Hannah Bardell
Tommy Sheppard
Patrick GradyPeter Grant
Neil Gray
Dr Philippa Whitford
Alan Brown
Deidre Brock
Gavin NewlandsDrew Hendry
Carol Monaghan
Angela Crawley
Chris Law
Stuart C. McDonald
Pete Wishart

25

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

“(1A) No regulations may be made under this subsection 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 this subsection 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 and Amendment 26 seek to ensure that regulations cannot be made without consent from devolved Ministers.*

Secretary Liam Fox

33

Clause 1, page 2, line 3, at end insert—

“(e) in the case of regulations under subsection (1)(e) or (f), the day the modification becomes effective.”

Member’s explanatory statement*This amendment provides that regulations implementing a modification of Annex 1 can only come into force on or after the day that the modification becomes effective.*

Trade Bill, continued

Secretary Liam Fox

34

Clause 1, page 2, line 3, at end insert—

“(3) Regulations under subsection (1) may make provision modifying retained direct EU legislation.”

Member’s explanatory statement

This amendment makes clear that the power in clause 1 can be exercised to modify retained direct EU legislation. “Retained direct EU legislation” is defined in the Interpretation Act 1978.

Secretary Liam Fox

35

Clause 2, page 2, line 9, leave out subsection (2)

Member’s explanatory statement

This amendment is consequential on Amendment 53.

Mr Chris Leslie
Matt Western

11

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

“or (c) a regulatory cooperation agreement.”

Member’s explanatory statement

This amendment would ensure that HM Government is able to efficiently replicate existing regulatory cooperation agreements that may be required for continuity of business arrangements if the UK exits the European Union.

Secretary Liam Fox

36

Clause 2, page 2, line 18, leave out “the regulations are made” and insert “a draft of the regulations is laid”

Member’s explanatory statement

This amendment is consequential on Amendment 75.

Secretary Liam Fox

37

Clause 2, page 2, line 20, leave out “the regulations are made” and insert “a draft of the regulations is laid”

Member’s explanatory statement

This amendment is consequential on Amendment 75.

Mr Jonathan Djanogly
Mr Dominic Grieve
Anna Soubry
Antoinette Sandbach
Robert Neill
Stephen Hammond

Mr Chris Leslie
Nicky Morgan
Dr Sarah Wollaston

Heidi Allen
Catherine McKinnell

Stephen Doughty
Paul Masterton

6

Clause 2, page 2, line 20, at end insert “, and

Trade Bill, continued

the free trade agreement in respect of which regulations are to be made makes the same provision, subject only to necessary changes in terminology, as a free trade agreement referred to in subsection (3)(a) or (b)".

Member's explanatory statement

This amendment would provide that the Henry VIII provisions in Clause 2 may only be used when a new UK free trade agreement is in the same terms as an existing EU free trade agreement.

Secretary Liam Fox

38

Clause 2, page 2, line 27, leave out "the regulations are made" and insert "a draft of the regulations is laid"

Member's explanatory statement

This amendment is consequential on Amendment 75.

Secretary Liam Fox

39

Clause 2, page 2, line 29, leave out "the regulations are made" and insert "a draft of the regulations is laid"

Member's explanatory statement

This amendment is consequential on Amendment 75.

Mr Jonathan Djanogly
Mr Dominic Grieve
Anna Soubry
Antoinette Sandbach
Robert Neill
Stephen Hammond

Mr Chris Leslie
Nicky Morgan
Dr Sarah Wollaston

Heidi Allen
Catherine McKinnell

Stephen Doughty
Paul Masterton

7

Clause 2, page 2, line 29, at end insert " , and the international trade agreement in respect of which regulations are to be made makes the same provision, subject only to necessary changes in terminology, as an international trade agreement referred to in subsection (4)(a) or (b)".

Member's explanatory statement

This amendment would provide that the Henry VIII provisions in Clause 2 may only be used when a new UK international trade agreement is in the same terms as an existing EU international trade agreement.

Wera Hobhouse
Tim Farron
Jamie Stone
Layla Moran
Caroline Lucas
Hannah Bardell

Martyn Day

3

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:

Trade Bill, *continued*

- (a) the provisions of that international trade agreement do not conflict with, and are consistent with—
 - (i) the provisions of the Sustainable Development Goals adopted by the United Nations General Assembly on 25 September 2015,
 - (ii) international human rights law and international humanitarian law,
 - (iii) the United Kingdom’s obligations on workers’ rights and labour standards as established by but not limited to the commitments under the International Labour Organisation’s Declaration on Fundamental Rights at Work and its Follow-up Conventions,
 - (iv) the United Kingdom’s environmental obligations in international law and as established by, but not limited to, the Paris Agreement adopted under the United Nations Framework Convention on Climate Change, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and the Convention on Biological Diversity, including the Cartagena Protocol on Biosafety,
 - (v) existing standards for food safety and quality as set and administered by the Department of Health, the Food Standards Agency and any other public authority specified in regulations made by the Secretary of State,
 - (vi) the United Kingdom’s obligations as established by the Convention on the Elimination of All Forms of Discrimination Against Women and by the Convention on the Rights of the Child, and
 - (vii) the sovereignty of Parliament, the legal authority of UK courts, the rule of law and the principle of equality before the law.
- (b) the provisions of that international trade agreement do not in any way restrict the ability to determine whether public services at a national or local level are delivered by public sector employees, and
- (c) the Secretary of State has laid before Parliament an assessment that considers the potential economic, social, human rights and environmental impacts of the international trade agreement on the contracting parties.”

Mr Jonathan Djanogly
 Mr Dominic Grieve
 Anna Soubry
 Antoinette Sandbach
 Robert Neill
 Stephen Hammond

Mr Chris Leslie
 Paul Masterton

Stephen Doughty
 Dr Sarah Wollaston

Nicky Morgan
 Heidi Allen

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

“(4A) In circumstances where—

- (a) a free trade agreement in respect of which regulations are to be made does not make the same provision, subject only to necessary changes in terminology, as a free trade agreement referred to in subsection (3)(a) or (b); or
- (b) an international trade agreement in respect of which regulations are to be made does not make the same provision, subject only to necessary changes in terminology, as an international trade agreement referred to in subsection (4)(a) or (b);

Trade Bill, *continued*

an appropriate authority must not make regulations under subsection (1) unless the requirements of section [*Regulations: Parliamentary procedure*] have been met.”

Gareth Snell
Lucy Powell
Stella Creasy
Stephen Doughty
Gareth Thomas
Mr Chris Leslie

Luciana Berger
Alex Sobel
Mr Adrian Bailey

Mike Gapes
Anna Turley
Meg Hillier

Dame Louise Ellman
Jim McMahon
Tracy Brabin

24

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 Secretary of State has made an assessment under section (*Assessment of slavery or servitude*) in respect of that agreement.”

Kerry McCarthy

81

★ 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 a principle of non-regression, according to which the protection of the environment, ensured by legislative and regulatory provisions relating to the environment, is incorporated.”

Member’s explanatory statement

This amendment would ensure that environmental standards are not lowered in a new UK international trade agreement by maintaining and continually updating current standards through an environmental non-regression clause.

Secretary Liam Fox

40

Clause 2, page 2, line 33, after “modifying” insert “retained direct EU legislation or”

Member’s explanatory statement

This amendment makes clear that the power in Clause 2 can be exercised to modify retained direct EU legislation. “Retained direct EU legislation” is defined in the Interpretation Act 1978.

Secretary Liam Fox

41

Clause 2, page 2, line 35, after “discretion” insert “but not including a power to make subordinate legislation”

Member’s explanatory statement

This amendment makes clear that the power in Clause 2 cannot be exercised to confer a power to make subordinate legislation. Amendment 55 includes a definition of subordinate legislation.

Trade Bill, *continued*

Secretary Liam Fox

42

Clause 2, page 2, line 37, at end insert—

“(6A) In this section, a reference to a draft of regulations being laid is to a draft of the regulations, or the instrument containing the regulations, being laid before—

- (a) each House of Parliament, in the case of regulations to which paragraph 3A(1) or 3B of Schedule 2 applies (regulations of a Minister of the Crown, or a Minister of the Crown acting jointly with a devolved authority);
- (b) the Scottish Parliament, in the case of regulations to which paragraph 3A(2) of Schedule 2 applies (regulations of the Scottish Ministers);
- (c) the National Assembly for Wales, in the case of regulations to which paragraph 3A(3) of Schedule 2 applies (regulations of the Welsh Ministers);
- (d) the Northern Ireland Assembly, in the case of regulations to which paragraph 3A(4) of Schedule 2 applies (regulations of a Northern Ireland department).”

Member’s explanatory statement

This amendment is consequential on Amendment 75.

Secretary Liam Fox

43

Clause 2, page 2, line 38, leave out subsection (7)

Member’s explanatory statement

This amendment is consequential on Amendment 52.

Stephen Hammond
Mr Dominic Grieve
Nicky Morgan
Antoinette Sandbach
Robert Neill
Anna Soubry

Dame Caroline Spelman
Heidi Allen
John Stevenson

Mr Jonathan Djanogly
Paul Masterton
Caroline Lucas

Mr Kenneth Clarke
Dr Sarah Wollaston

20

Clause 2, page 2, line 40, at end insert “and shall include any agreement to which the UK is party by virtue of membership of a free trade association, including the European Free Trade Association”.

Member’s explanatory statement

This amendment would make it clear that the implementation powers under the Act would apply equally to implementation of any free trade agreement to which the UK is party through EFTA.

Trade Bill, *continued*

Jeremy Corbyn
 John McDonnell
 Mr Nicholas Brown
 Barry Gardiner
 Bill Esterson
 Judith Cummins

5

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

“(7A) No regulations made under subsection (1) shall preclude the United Kingdom from participating in a customs union with the European Union following exit day.”

Member’s explanatory statement

This amendment allows for the implementation of international trade agreements while leaving open the possibility of negotiating a customs union with the EU.

Barry Gardiner
 Bill Esterson
 Judith Cummins
 Stephanie Peacock

19

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

- “(7A) (a) No regulations may be made under subsection (1) in respect of a free trade agreement unless the text of that agreement has been subject to consultation prior to its ratification by Parliament, in line with any guidance or code of practice on consultations issued by Her Majesty’s Government.
- (b) A consultation under paragraph (a) shall actively seek the views of—
- (i) Scottish Ministers,
 - (ii) Welsh Ministers,
 - (iii) a Northern Ireland department,
 - (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 free 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 free trade agreement, including local authorities.”

Member’s explanatory statement

This amendment would require the Government to have published the text of each UK free trade agreement and opened it to consultation with business, trade unions, the devolved administrations and other parties prior to its ratification.

Trade Bill, *continued*

Stewart Hosie
Kirsty Blackman
Ian Blackford
Jonathan Edwards
Caroline Lucas
Stephen Gethins

| | | |
|--------------------------|----------------------|--------------------|
| Stewart Malcolm McDonald | Peter Grant | Drew Hendry |
| Joanna Cherry | Neil Gray | Carol Monaghan |
| Alison Thewliss | Dr Philippa Whitford | Angela Crawley |
| Mhairi Black | Alan Brown | Chris Law |
| Hannah Bardell | Deidre Brock | Stuart C. McDonald |
| Tommy Sheppard | Gavin Newlands | Pete Wishart |
| Patrick Grady | | |

26

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

See explanatory statement for Amendment 25.

Secretary Liam Fox

44

Clause 2, page 2, line 42, leave out first “five” and insert “three”

Member’s explanatory statement

This amendment provides that the power in Clause 2 can be exercised only for a period of three years from exit day.

Secretary Liam Fox

45

Clause 2, page 2, line 42, leave out second “five” and insert “three”

Member’s explanatory statement

See the explanatory statement for Amendment 44.

Secretary Liam Fox

46

Clause 2, page 3, line 1, leave out “five” and insert “three”

Member’s explanatory statement

This amendment provides that the sunset period in subsection (8) may only be extended for further periods of three years.

Secretary Liam Fox

47

Clause 2, page 3, line 3, leave out “five” and insert “three”

Member’s explanatory statement

See the explanatory statement for Amendment 46.

Trade Bill, *continued*

Stewart Hosie
Kirsty Blackman
Ian Blackford
Jonathan Edwards
Caroline Lucas
Stephen Gethins

| | | |
|--------------------------|----------------------|--------------------|
| Stewart Malcolm McDonald | Peter Grant | Drew Hendry |
| Joanna Cherry | Neil Gray | Carol Monaghan |
| Alison Thewliss | Dr Philippa Whitford | Angela Crawley |
| Mhairi Black | Alan Brown | Chris Law |
| Hannah Bardell | Deidre Brock | Stuart C. McDonald |
| Tommy Sheppard | Gavin Newlands | Pete Wishart |
| Patrick Grady | | |

27

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 require the Secretary of State to consult with Scottish Ministers and Welsh Ministers before deciding whether or how to prolong the period during which implementing powers can be used.

Secretary Liam Fox

48

Clause 3, page 3, line 9, at end insert—

“(1A) Regulations under section 1(1) or 2(1) that modify—

- (a) retained direct EU legislation,
- (b) anything which is retained EU law by virtue of section 4 of the European Union (Withdrawal) Act 2018, or
- (c) any other retained EU law,

may be made before exit day so long as they come into force on or after exit day.”

Member’s explanatory statement

This amendment puts beyond doubt that amendments purporting to modify retained EU law (which, under the European Union (Withdrawal) Act 2018, will come into being on exit day) can be made before exit day so long as they come into force on or after exit day.

Secretary Liam Fox

49

Clause 4, page 3, line 19, at end insert “or”

Member’s explanatory statement

This amendment is consequential on Amendment 50.

Trade Bill, *continued*

Secretary Liam Fox

50

Clause 4, page 3, line 20, leave out from “authority” to end of line 22

Member’s explanatory statement

This amendment makes clear that a Minister of the Crown and a devolved authority cannot make regulations under Clause 1 or Clause 2 jointly (except as required by paragraph 5 of Schedule 1).

Secretary Liam Fox

51

Clause 4, page 3, leave out lines 27 and 28

Member’s explanatory statement

This amendment omits the definition of “exit day”, which is no longer needed now the relevant amendments to the Interpretation Act 1978 made by the European Union (Withdrawal) Act 2018 are in force.

Secretary Liam Fox

52

Clause 4, page 3, line 28, at end insert—

““free trade agreement” means an agreement that is or was notifiable under—

- (a) paragraph 7(a) of Article XXIV of GATT, or
- (b) paragraph 7(a) of Article V of GATS;”

Member’s explanatory statement

This amendment defines “free trade agreement” for the purposes of Part 1. The definition is in the same terms as the current definition in clause 2(7).

Secretary Liam Fox

53

Clause 4, page 3, line 32, at end insert—

““international trade agreement” means—

- (a) a free trade agreement, or
- (b) an international agreement that mainly relates to trade, other than a free trade agreement;”

Member’s explanatory statement

This amendment defines “international trade agreement” for the purposes of Part 1. The definition is in the same terms as the current definition in Clause 2(2).

Secretary Liam Fox

54

Clause 4, page 3, leave out lines 38 and 39

Member’s explanatory statement

This amendment omits the definition of “retained EU law”, which is no longer needed now the relevant amendments to the Interpretation Act 1978 made by the European Union (Withdrawal) Act 2018 are in force.

Secretary Liam Fox

55

Clause 4, page 3, line 39, at end insert— “

““subordinate legislation” has the same meaning as in section 21 of the Interpretation Act 1978;”

Member’s explanatory statement

This amendment defines “subordinate legislation” for Amendment 41.

Trade Bill, *continued*

Secretary Liam Fox

56

Clause 4, page 3, line 41, at end insert—

- “(2) In this Part a reference to being a signatory to an international trade agreement includes a reference to—
- (a) exchanging instruments, where the exchange constitutes the agreement;
 - (b) acceding to the agreement.
- (3) In this Part a reference to ratifying an international trade agreement is a reference to doing an act specified in subsection (4) which establishes consent to be bound by the agreement as a matter of international law.
- (4) The acts are—
- (a) depositing or delivering an instrument of ratification, accession, approval or acceptance;
 - (b) depositing or delivering a notification of completion of domestic procedures.”

Member’s explanatory statement

This amendment provides for references in Part 1 to being a “signatory” to an international trade agreement to be read as covering doing anything that would amount to a consent to be bound by the agreement as a matter of international law. It also provides for references to “ratifying” an agreement to be read as doing an act that establishes consent to be bound as a matter of international law.

Secretary Liam Fox

57

Clause 4, page 3, line 41, at end insert—

- “(5) References in this Part to anything which is retained EU law by virtue of section 4 of the European Union (Withdrawal) Act 2018 include references to any modifications, made by or under that Act or by other domestic law from time to time, of the rights, powers, liabilities, obligations, restrictions, remedies or procedures concerned.”

Member’s explanatory statement

This amendment provides for references in Part 1 to anything which is retained EU law by virtue of section 4 of the European Union (Withdrawal) Act 2018 (directly effective Treaty rights etc) to catch modifications of the rights etc concerned, as well as the rights etc themselves.

Secretary Liam Fox

58

Clause 5, page 4, line 6, at end insert—

- “(3) Schedule (*Transfer Schemes*) contains provision about schemes for the transfer of staff in connection with the establishment of the TRA.”

Member’s explanatory statement

*This amendment introduces new Schedule (*Transfer Schemes*) which provides that the Secretary of State can make a scheme providing for the transfer of staff from the Secretary of State to the Trade Remedies Authority.*

Trade Bill, *continued*

Mr Chris Leslie
Caroline Lucas
Tom Brake

1

Clause 6, page 4, line 10, at end insert—

“(aa) the conduct of trade within a customs union within the meaning of section 31 of the Taxation (Cross-border Trade) Act 2018,”

Stephen Hammond
Mr Dominic Grieve
Nicky Morgan
Antoinette Sandbach
Robert Neill
Anna Soubry

Dame Caroline Spelman
Heidi Allen
John Stevenson

Mr Jonathan Djanogly
Paul Masterton
Caroline Lucas

Mr Kenneth Clarke
Dr Sarah Wollaston

21

Clause 6, page 4, line 10, at end insert—

“(aa) the consequences for the UK of membership of the European Free Trade Association,”

Member’s explanatory statement

This amendment would place a duty on the TRA to give advice to the Secretary of State on the consequences of membership of EFTA.

Secretary Liam Fox

59

Clause 8, page 5, line 38, leave out “Data Protection Act 1998” and insert “data protection legislation”

Member’s explanatory statement

This amendment and amendment 60 reflect the fact that the Data Protection Act 2018 has now replaced the Data Protection Act 1998.

Secretary Liam Fox

60

Clause 8, page 5, line 40, at end insert—

“() In this section “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).”

Member’s explanatory statement

See the explanatory statement for Amendment 59

Secretary Liam Fox

61

Schedule 1, page 7, line 5, leave out “regulations” and insert “provision”

Member’s explanatory statement

This amendment makes clear that the usual rule on ultra vires provision in devolved SIs applies: if one provision is ultra vires it does not follow that the entire instrument is ultra vires.

Trade Bill, *continued*

Secretary Liam Fox

62

Schedule 1, page 7, line 6, leave out “every provision of them” and insert “the provision”

Member’s explanatory statement

See the explanatory statement for Amendment 61.

Secretary Liam Fox

63

Schedule 1, page 7, line 10, leave out paragraph 2 and insert—

- “2 (1) No provision may be made by the Scottish Ministers under section 1(1) or 2(1) so far as the provision—
- (a) modifies any retained direct EU legislation or anything which is retained EU law by virtue of section 4 of the European Union (Withdrawal) Act 2018, and
 - (b) would, when made, be in breach of—
 - (i) the restriction in section 30A(1) of the Scotland Act 1998 if the provision were made in an Act of the Scottish Parliament, or
 - (ii) the restriction in section 57(4) of the Scotland Act 1998 if section 57(5)(c) of that Act were ignored.
- (2) No provision may be made by the Welsh Ministers under section 1(1) or 2(1) so far as the provision—
- (a) modifies any retained direct EU legislation or anything which is retained EU law by virtue of section 4 of the European Union (Withdrawal) Act 2018, and
 - (b) would, when made, be in breach of—
 - (i) the restriction in section 80(8) of the Government of Wales Act 2006 if section 80(8A)(c) of that Act were ignored, or
 - (ii) the restriction in section 109A(1) of the Government of Wales Act 2006 if the provision were made in an Act of the National Assembly for Wales.
- (3) No provision may be made by a Northern Ireland department under section 1(1) or 2(1) so far as the provision—
- (a) modifies any retained direct EU legislation or anything which is retained EU law by virtue of section 4 of the European Union (Withdrawal) Act 2018, and
 - (b) would, when made, be in breach of—
 - (i) the restriction in section 6A(1) of the Northern Ireland Act 1998 if the provision were made in an Act of the Northern Ireland Assembly, or
 - (ii) the restriction in section 24(3) of the Northern Ireland Act 1998 if section 24(4)(c) of that Act were ignored.
- (4) No provision may be made by a devolved authority under section 1(1) or 2(1) so far as, when made, the provision is inconsistent with any modification (whether or not in force) which—
- (a) is a modification of any retained direct EU legislation or anything which is retained EU law by virtue of section 4 of the European Union (Withdrawal) Act 2018,
 - (b) is made by the European Union (Withdrawal) Act 2018 or by a Minister of the Crown under that Act, or by a Minister of the Crown under this Act, and

Trade Bill, continued

- (c) could not be made by the devolved authority by virtue of sub-paragraph (1), (2) or (as the case may be) (3).
- (5) For the purposes of sub-paragraphs (1)(b), (2)(b) and (3)(b), the following provisions, any regulations made under them and any related provision are to be assumed to be wholly in force so far as that is not otherwise the case—
 - (a) sections 30A and 57(4) to (15) of the Scotland Act 1998,
 - (b) sections 80(8) to (8L) and 109A of the Government of Wales Act 2006, and
 - (c) sections 6A and 24(3) to (15) of the Northern Ireland Act 1998.
- (6) References in this paragraph to section 80(8) of the Government of Wales Act 2006 are to be read as references to the new section 80(8) of that Act provided for by paragraph 2 of Schedule 3 to the European Union (Withdrawal) Act 2018.
- (7) In this paragraph “domestic law” means the law of England and Wales, Scotland or Northern Ireland.”

Member’s explanatory statement

This amendment provides that the devolved authorities may not make provision under Clause 1(1) or 2(1) that: (a) modifies retained direct EU legislation or anything which is retained EU law by virtue of section 4 of the European Union (Withdrawal) Act 2018; and (b) would breach the relevant devolved competence restriction in the devolution settlements (as amended by that Act).

Stewart Hosie
Kirsty Blackman
Ian Blackford
Jonathan Edwards
Caroline Lucas
Stephen Gethins

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| Stewart Malcolm McDonald | Peter Grant | Drew Hendry |
| Joanna Cherry | Neil Gray | Carol Monaghan |
| Alison Thewliss | Dr Philippa Whitford | Angela Crawley |
| Mhairi Black | Alan Brown | Chris Law |
| Hannah Bardell | Deidre Brock | Stuart C. McDonald |
| Tommy Sheppard | Gavin Newlands | Pete Wishart |
| Patrick Grady | | |

28

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 remove the constraints on Scottish and Welsh Ministers in making regulations under this Act which modify retained EU law.

Secretary Liam Fox

64

Schedule 1, page 7, line 27, leave out “without the consent of a Minister of the Crown”

Member’s explanatory statement

This amendment and Amendment 65 provide that the devolved authorities need only consult with a Minister of the Crown before making regulations that are to come into force before exit day.

Trade Bill, *continued*

Secretary Liam Fox

65

Schedule 1, page 7, line 28, at end insert “, unless the regulations are, to that extent, made after consulting with a Minister of the Crown”

Member’s explanatory statement

See the explanatory statement for Amendment 64.

Secretary Liam Fox

66

Schedule 1, page 7, line 30, leave out “without the consent of a Minister of the Crown”

Member’s explanatory statement

This amendment and Amendment 67 provide that the devolved authorities need only consult with a Minister of the Crown before making regulations about, or which are incompatible with, quota arrangements.

Secretary Liam Fox

67

Schedule 1, page 7, line 32, at end insert “, unless the regulations are, to that extent, made after consulting with a Minister of the Crown”

Member’s explanatory statement

See the explanatory statement for Amendment 66.

Stewart Hosie
Kirsty Blackman
Ian Blackford
Jonathan Edwards
Caroline Lucas
Stephen Gethins

Stewart Malcolm McDonald
Joanna Cherry
Alison Thewliss
Mhairi Black
Hannah Bardell
Tommy Sheppard
Patrick Grady

Peter Grant
Neil Gray
Dr Philippa Whitford
Alan Brown
Deidre Brock
Gavin Newlands

Drew Hendry
Carol Monaghan
Angela Crawley
Chris Law
Stuart C. McDonald
Pete Wishart

29

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.

Trade Bill, continued

(3) In sub-paragraph (2) “quota arrangements” has the same meaning as in paragraph 3.”

Member’s explanatory statement

This amendment would follow amendments made to the EU (Withdrawal) Bill to replace a requirement to seek the consent of the UK Ministers before making regulations to be commenced before exit day, or regulations making provision about quota arrangements, with a requirement to consult.

Secretary Liam Fox

68

Schedule 1, page 10, line 36, leave out “and (5)”

Member’s explanatory statement

This amendment removes an unnecessary reference to subsection (5) of section 57 of the Scotland Act 1998.

Secretary Liam Fox

69

Schedule 1, page 11, line 15, leave out “and (4)”

Member’s explanatory statement

This amendment removes an unnecessary reference to subsection (4) of section 24 of the Northern Ireland Act 1998.

Secretary Liam Fox
Wera Hobhouse
Tim Farron
Jamie Stone
Layla Moran

4

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

Mr Jonathan Djanogly
Mr Dominic Grieve
Anna Soubry
Antoinette Sandbach
Robert Neill
Stephen Hammond

Mr Chris Leslie
Heidi Allen

Stephen Doughty

Nicky Morgan

9

Schedule 2, page 12, line 5, after “2(1)” insert “(unless the regulations are of a type which fall under section 2(4A)(a) or (b))”

Member’s explanatory statement

This amendment is consequential on NC6.

Trade Bill, *continued*

Wera Hobhouse
 Tim Farron
 Jamie Stone
 Layla Moran

2

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.”

Secretary Liam Fox

71

Schedule 2, page 12, line 7, leave out “or 2(1)”

Member’s explanatory statement

This amendment is consequential on Amendment 75.

Secretary Liam Fox

72

Schedule 2, page 12, line 11, leave out “or 2(1)”

Member’s explanatory statement

This amendment is consequential on Amendment 75.

Secretary Liam Fox

73

Schedule 2, page 12, line 13, leave out “or 2(1)”

Member’s explanatory statement

This amendment is consequential on Amendment 75.

Secretary Liam Fox

74

Schedule 2, page 12, line 20, leave out “or 2(1)”

Member’s explanatory statement

This amendment is consequential on Amendment 75.

Mr Jonathan Djanogly
 Mr Dominic Grieve
 Anna Soubry
 Antoinette Sandbach
 Robert Neill
 Stephen Hammond

Mr Chris Leslie
 Heidi Allen

Stephen Doughty

Nicky Morgan

10

Schedule 2, page 12, line 20, at end insert “(unless the regulations are of a type which fall under section 2(4A)(a) or (b))”

Member’s explanatory statement

This amendment is consequential on NC6.

Trade Bill, *continued*

Secretary Liam Fox

75

Schedule 2, page 13, line 30, at end insert—

“PART 2A

SCRUTINY OF REGULATIONS UNDER SECTION 2(1)

Scrutiny of regulations made by Minister of the Crown or devolved authority acting alone

- 3A (1) 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.
- (2) Regulations of the Scottish Ministers under section 2(1) are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)).
- (3) A statutory instrument containing regulations of the Welsh Ministers under section 2(1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (4) Regulations of a Northern Ireland department under section 2(1) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (5) This paragraph does not apply to regulations to which paragraph 3B applies.

Scrutiny of regulations made by Minister of the Crown and devolved authority acting jointly

- 3B (1) This paragraph applies to regulations of a Minister of the Crown acting jointly with a devolved authority under section 2(1).
- (2) The procedure provided for by sub-paragraph (3) applies in relation to regulations to which this paragraph applies as well as any other procedure provided for by this paragraph which is applicable in relation to the regulations concerned.
- (3) A statutory instrument which contains regulations to which this paragraph applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (4) Regulations to which this paragraph applies which are made jointly with the Scottish Ministers are subject to the affirmative procedure.
- (5) Section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (affirmative procedure) applies in relation to regulations to which sub-paragraph (4) applies as it applies in relation to devolved subordinate legislation (within the meaning of Part 2 of that Act) which is subject to the affirmative procedure (but as if references to a Scottish statutory instrument were references to a statutory instrument).
- (6) Section 32 of the Interpretation and Legislative Reform (Scotland) Act 2010 (laying) applies in relation to the laying before the Scottish Parliament of a statutory instrument containing regulations to which sub-paragraph (4) applies as it applies in relation to the laying before the Scottish Parliament of a Scottish statutory instrument (within the meaning of Part 2 of that Act).
- (7) A statutory instrument containing regulations to which this paragraph applies which are made jointly with the Welsh Ministers may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (8) Regulations to which this paragraph applies which are made jointly with a Northern Ireland department may not be made unless a draft of the regulations

Trade Bill, *continued*

has been laid before, and approved by a resolution of, the Northern Ireland Assembly.”

Member’s explanatory statement

This amendment provides for regulations under clause 2(1) of the Bill (implementing international trade agreements) to be subject to the affirmative procedure in Parliament when made by a Minister of the Crown, and in the relevant devolved legislature when made by a devolved authority. Where the regulations are made jointly by a Minister and a devolved authority (by virtue of paragraph 5 of Schedule 1) they are required to be approved in draft by both Parliament and the devolved legislature in question.

Secretary Liam Fox

76

Schedule 3, page 13, line 41, leave out from “2018)” to end of line 3 on page 14 and insert “omit the “or” at the end of paragraph (a) and, at the end of paragraph (b) insert—
“; or

(c) to the making of regulations under section 1(1) or 2(1) of the Trade Act 2018.””

Member’s explanatory statement

This amendment updates the numbering of the inserted text, following changes to text added by the European Union (Withdrawal) Act 2018.

Secretary Liam Fox

77

Schedule 3, page 14, line 7, leave out from “2018)” to end of line 10 and insert “omit the “or” at the end of paragraph (a) and, at the end of paragraph (b) insert— “; or

(c) to the making of regulations under section 1(1) or 2(1) of the Trade Act 2018.””

Member’s explanatory statement

See the explanatory statement to Amendment 76.

Secretary Liam Fox

78

Schedule 3, page 14, line 14, leave out from “2018)” to end of line 17 and insert “omit the “or” at the end of paragraph (a) and, at the end of paragraph (b) insert— “; or

(c) to the making of regulations under section 1(1) or 2(1) of the Trade Act 2018.””

Member’s explanatory statement

See the explanatory statement to Amendment 76.

Mr Chris Leslie
Matt Western
Caroline Lucas

12

Schedule 4, page 14, line 34, at end insert “with the consent of the International Trade Committee of the House of Commons,”

Member’s explanatory statement

This amendment would give the International Trade Select Committee scrutiny and consent powers for the appointment of Chairs of the Trade Remedies Authority.

Trade Bill, *continued*

Stewart Hosie
Kirsty Blackman
Ian Blackford
Jonathan Edwards
Caroline Lucas
Stephen Gethins

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| Stewart Malcolm McDonald | Peter Grant | Drew Hendry |
| Joanna Cherry | Neil Gray | Carol Monaghan |
| Alison Thewliss | Dr Philippa Whitford | Angela Crawley |
| Mhairi Black | Alan Brown | Chris Law |
| Hannah Bardell | Deidre Brock | Stuart C. McDonald |
| Tommy Sheppard | Gavin Newlands | Pete Wishart |
| Patrick Grady | | |

30

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

The Trade Remedies Authority will undertake trade remedies investigations across the UK, which will inevitably touch on devolved areas or areas of significance to Scotland. This amendment would require the consent of Scottish and Welsh Ministers to the appointment of one non-executive board member each.

Mr Chris Leslie
Matt Western
Caroline Lucas

13

Schedule 4, page 14, line 35, at end insert “with the consent of the International Trade Committee of the House of Commons,”

Member’s explanatory statement

This amendment would give the International Trade Select Committee scrutiny and consent powers for the appointment of other non-executive members of the Trade Remedies Authority.

Jeremy Lefroy
Gareth Snell
Ruth Smeeth
Steve Double
Angela Smith
Alex Cunningham

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|---------------|----------------|
| Paul Farrelly | Seema Malhotra |
|---------------|----------------|

22

Schedule 4, page 14, line 35, at end insert “including representatives of UK manufacturing sectors and trade unions in manufacturing”

Member’s explanatory statement

This amendment would ensure that UK producers including manufacturers, and their employees, are included in the corporate governance of the new Trade Remedies Authority.

Trade Bill, *continued*

Barry Gardiner
 Bill Esterson
 Judith Cummins
 Stephanie Peacock

80

- ☆ Schedule 4, page 14, line 35, at end insert “including representatives of—
- (i) producers,
 - (ii) trade unions, and
 - (iii) each one of the devolved administrations.”

Member’s explanatory statement

This amendment would ensure that the Trade Remedies Authority includes, among its non-executive members, representatives of key stakeholder bodies.

Mr Chris Leslie
 Matt Western
 Caroline Lucas

14

- Schedule 4, page 14, line 37, after “State” insert “, and with the consent of the International Trade Committee of the House of Commons,”

Member’s explanatory statement

This amendment would give the International Trade Select Committee scrutiny and consent powers for the appointment of the chief executive of the Trade Remedies Authority.

Mr Chris Leslie
 Matt Western
 Caroline Lucas

15

- Schedule 4, page 14, line 38, after “State” insert “with the consent of the International Trade Committee of the House of Commons,”

Member’s explanatory statement

This amendment would give the International Trade Select Committee scrutiny and consent powers for the appointment of the inaugural chief executive of the Trade Remedies Authority.

Jeremy Lefroy

23

- Schedule 4, page 15, line 2, leave out from “must” to end of line 3 and insert “, before appointing the other non-executive members, consult

- (a) the Chair,
- (b) organisations representing UK manufacturing sectors, and
- (c) trade unions in manufacturing.”

Member’s explanatory statement

This amendment would ensure that UK producers including manufacturers, and their employees, are included in the corporate governance of the new Trade Remedies Authority.

Mr Chris Leslie
 Matt Western
 Caroline Lucas

16

- Schedule 4, page 15, line 12, at end insert—

“4A It must be publicly disclosed if any candidate for appointment as a non-executive member of the TRA has, in the last five years, been employed by a political party, held a significant office in a political party, has stood as a candidate for a political party in an election, has publicly spoken on behalf of

Trade Bill, continued

a political party, or has made significant donations or loans to a political party.”

Member’s explanatory statement

This amendment would require candidates for appointment as non-executive members of the TRA to disclose political activity, consistent with guidelines set out in the Cabinet Office Governance Code on Public Appointments.

Mr Chris Leslie
Matt Western
Caroline Lucas

17

Schedule 4, page 15, line 16, at end insert—

“5A It must be publicly disclosed if any candidate for appointment as an executive member of the TRA has, in the last five years, been employed by a political party, held a significant office in a political party, has stood as a candidate for a political party in an election, has publicly spoken on behalf of a political party, or has made significant donations or loans to a political party.”

Member’s explanatory statement

This amendment would require candidates for appointment as executive members of the TRA to disclose political activity, consistent with guidelines set out in the Cabinet Office Governance Code on Public Appointments.

Mr Chris Leslie
Matt Western
Caroline Lucas

18

Schedule 4, page 15, line 31, at end insert—

“10A A member of the TRA, whether executive or non-executive, shall not actively engage in any business, vocation or employment which may give rise to a potential conflict of interest, for the duration of their service on the TRA.”

Member’s explanatory statement

This amendment would militate against conflicts of interest by precluding TRA members from engaging in any commercial activity for the duration of their time on the TRA.

Secretary Liam Fox

NS1

To move the following Schedule—

SCHEDULE

TRANSFER SCHEMES

- 1 (1) The Secretary of State may make one or more staff transfer schemes in connection with the establishment of the TRA by this Act.
- (2) A “staff transfer scheme” is a scheme providing for the transfer from the Secretary of State to the TRA of any rights or liabilities under or in connection with a contract of employment.

Trade Bill, continued

- 2 (1) A staff transfer scheme may, among other things, make provision—
- (a) for the transfer of rights and liabilities that could not otherwise be transferred;
 - (b) for the transfer of rights and liabilities arising after the making of the scheme;
 - (c) which is the same as or similar to the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246);
 - (d) creating rights, or imposing liabilities, in relation to rights or liabilities transferred;
 - (e) about the continuing effect of things done by the Secretary of State in respect of any rights or liabilities transferred;
 - (f) about the continuation of things (including legal proceedings) in the process of being done by, or on behalf of, or in relation to, the Secretary of State in respect of any rights or liabilities transferred;
 - (g) for references to the Secretary of State in an instrument or other document in respect of any rights or liabilities transferred to be treated as references to the TRA;
 - (h) that is supplementary, incidental, transitional or consequential.
- (2) A staff transfer scheme may provide—
- (a) for the scheme to be modified by agreement after it comes into effect, and
 - (b) for any such modifications to have effect from the date when the original scheme comes into effect.
- 3 For the purposes of this Schedule—
- (a) an individual who holds employment in the civil service of the State is to be treated as employed by virtue of a contract of employment, and
 - (b) the terms of the individual's employment in the civil service of the State are to be regarded as constituting the terms of the contract of employment.”

Member's explanatory statement

This amendment inserts a Schedule that sets out powers for the Secretary of State to make a scheme providing for the transfer of staff from the Secretary of State to the Trade Remedies Authority.

Secretary Liam Fox

79

Title, line 1, after “the” insert “ratification and”

Member's explanatory statement

This amendment is consequential on NC12.

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.

NOTICES WITHDRAWN

The following Notices were withdrawn on 2 July 2018:

NC7

The following Notices were withdrawn on 12 July 2018:

70 (duplicate of 4)
