



House of Commons

Tuesday 16 January 2018

CONSIDERATION OF BILL (REPORT STAGE)

New Amendments handed in are marked thus ★

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

EUROPEAN UNION (WITHDRAWAL) BILL, AS AMENDED

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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 European Union (Withdrawal) Bill Programme (No. 2) Motion to be proposed by Secretary David Davis.

AMENDMENTS TO CLAUSES 1 TO 5; AMENDMENTS TO SCHEDULE 1; AMENDMENTS TO CLAUSE 6; NEW CLAUSES AND NEW SCHEDULES RELATING TO ANY OF CLAUSES 1 TO 6 OR SCHEDULE 1

AMENDMENTS TO CLAUSES 1 TO 5

Kerry McCarthy
Caroline Lucas
Mary Creagh
Darren Jones
Stephen Doughty
Ian Murray

Paul Farrelly

Mr David Lammy

Mike Gapes

57

Page 2, line 42, leave out Clause 4

Member's explanatory statement

This amendment is linked to NC19, which would aim to preserve, more comprehensively than the existing Clause 4, rights, powers, liabilities, obligations, restrictions, remedies and procedures derived from EU law and incorporated into domestic law via the European Communities Act 1972.

 European Union (Withdrawal) Bill, *continued*

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

Stephen Kinnock
 Helen Hayes
 Mr David Lammy

Ian Murray
 Paul Farrelly
 Mike Gapes

Seema Malhotra
 Stella Creasy
 Richard Burden

4

Clause 5, page 3, line 23, leave out subsections (4) and (5) and insert—

“(4) Notwithstanding subsection (5), the Charter of Fundamental Rights continues to apply to retained EU law after exit day save as set out in subsections (5) and (5A) below and all references in the Charter to “the law of the Union” shall be deleted and replaced with “retained EU law”.

(5) The following provisions of the Charter shall not apply after exit day—

- (a) the Preamble, and
- (b) Title V.

(5A) Article 47 of the Charter shall apply after exit day as if it was drafted as follows—

“Right to a fair trial

“Everyone whose rights and freedoms guaranteed by retained EU law are violated is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented.

“Legal aid shall be made available to those who lack sufficient resources insofar as such aid is necessary to ensure effective access to justice.”

(5B) With effect from exit day EU retained law, so far as it is possible to do so, must be interpreted consistently with the Charter.

(5C) With effect from exit day decisions, judgments, advisory opinions of the Court of Justice of the European Union must be taken into account when determining cases under the Charter.

(5D) With effect from exit day in relation to the rights conferred by the Charter with respect to retained EU law—

- (a) section 4 of the Human Rights Act 1998 shall apply and the words “a Convention right” shall be replaced by “a Charter right” and all references to “primary legislation” shall be replaced by “retained EU law”,
- (b) section 5 of the Human Rights Act 1998 shall apply,
- (c) section 12 of the Human Rights Act 1998 shall apply and the words “the Convention right to freedom of expression” shall be replaced by “the Charter right to freedom of expression and information”, and
- (d) section 13 of the Human Rights Act 1998 shall apply and the words “the Convention right to freedom of thought, conscience and religion” shall be replaced by “the Charter right to freedom of thought, conscience and religion”.

(5E) With effect from exit day, any derogation or reservation made under sections 14 or 15 of the Human Rights Act 1998 shall apply to rights under the Charter in the same manner as they apply to Convention rights.

European Union (Withdrawal) Bill, *continued*

(5F) With effect from exit day sections 16 or 17 of the Human Rights Act 1998 shall apply to rights under the Charter in the same manner as they apply to Convention rights.”

Member’s explanatory statement

This amendment would retain the Charter Rights in UK law and afford them the same level as protection as the rights in the Human Rights Act.

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

Hywel Williams
 Jonathan Edwards

Liz Saville Roberts
 Caroline Lucas

Ben Lake

7

Clause 5, page 3, line 23, leave out subsections (4) and (5).

Member’s explanatory statement

This amendment would allow the Charter of Fundamental Rights to continue to apply domestically in the interpretation and application of retained EU law.

AMENDMENTS TO CLAUSE 6

Joanna Cherry

42

Clause 6, page 3, line 36, at end insert “other than a matter referred to in paragraph 38 of the joint report from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of the negotiations under Article 50 TEU on the United Kingdom’s orderly withdrawal from the European Union dated 8 December 2017.”

Member’s explanatory statement

This amendment would ensure that UK Courts and Tribunals can refer matters to the CJEU as agreed between the EU/UK negotiators in December 2017.

Stuart C. McDonald

55

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

“(1A) So far as it is possible to do so, retained EU law must be read and given effect in a way which allows it to operate effectively.”

Member’s explanatory statement

This amendment (linked with Amendment 56) borrows language from the Human Rights Act 1998 to require courts and tribunals to interpret retained EU law, so far as possible, in order to overcome deficiencies in the operation of retained EU law which have not been dealt with using powers under clause 7.

European Union (Withdrawal) Bill, *continued*

Joanna Cherry

43

Clause 6, page 3, line 37, leave out subsection (2) and insert—

“(2) A court or tribunal may regard the decisions of the European Court made on or after exit day to be persuasive”

Member’s explanatory statement

This amendment enables UK Courts and Tribunals to consider the decisions of the European Court to be persuasive.

NEW CLAUSES AND NEW SCHEDULES RELATING TO ANY OF CLAUSES 1 TO 6 OR SCHEDULE 1

Caroline Lucas
Marion Fellows
Ann Clwyd
Tom Brake
Liz Saville Roberts
Ben Lake

Paul Flynn
Jonathan Edwards
Paul Farrelly

Layla Moran
Ian Murray
Mike Gapes

Hywel Williams
Helen Hayes
Richard Burden

NC7

To move the following Clause—

“EU Protocol on animal sentience

The obligation on Ministers of the Crown and the devolved administrations to pay regard to the welfare requirements of animals as sentient beings when formulating law and policy, contained within the EU Protocol on animal sentience as set out in Article 13 of Title II of the Lisbon Treaty, shall be recognised and available in domestic law on and after exit day.”

Member’s explanatory statement

This new clause transfers the EU Protocol on animal sentience set out in Article 13 of Title II of the 2009 Lisbon Treaty into UK law, so that the obligation on the Government and the devolved administrations to pay due regard to the welfare requirements of animals as sentient beings when formulating law and policy is not lost when the UK leaves the EU.

Mike Gapes
Paul Farrelly
Stella Creasy

NC9

To move the following Clause—

“Saving of acquired rights: Anguilla

- (1) Nothing in this Act is to be construed as removing, replacing, altering or prejudicing the exercise of an acquired right.

European Union (Withdrawal) Bill, *continued*

- (2) Any power, howsoever expressed, contained in this Act may not be exercised if the exercise of that power is likely to or will remove, replace or alter or prejudice the exercise of an acquired right.
- (3) In subsection (2) a reference to a power includes a power to make regulations.
- (4) In this section an acquired right means a right that existed immediately before exit day—
 - (a) whereby a person from or established in Anguilla could exercise that right (either absolutely or subject to any qualification) in the United Kingdom; and
 - (b) whereby the right arose in the context of the United Kingdom’s membership of the European Union and Anguilla’s status as a territory for whose external relations the United Kingdom is responsible.
- (5) Nothing in this section prevents the use of the powers conferred by this Act to the extent that acquired rights are not altered or otherwise affected to the detriment of persons enjoying such rights.”

Member’s explanatory statement

The intention of this new clause is to mitigate the impact of Brexit on the British territory of Anguilla which is dependent on frictionless movement between Anguilla and adjacent French and Dutch possessions of St Martin/Sint Maarten that are EU territories.

Mr Dominic Grieve
 Seema Malhotra
 Paul Farrelly
 Mr David Lammy
 Mike Gapes

NC13

To move the following Clause—

“Classification of retained EU law (No. 2)

- (1) Any retained EU law that was a legislative act or implements a legislative act enacted under Article 289 of the Treaty on the Functioning of the European Union is deemed to be primary legislation on or after exit day.
- (2) Any retained EU law that was a delegated act or implements a delegated act under Article 290 of the Treaty on the Functioning of the European Union or was an implementing act or implements an implementing act under Article 291 of the Treaty on the Functioning of the European Union is deemed to be a statutory instrument on or after exit day, unless that law is already enacted as an Act of Parliament.
- (3) Any change to the preceding characterisation shall be by regulation which may not be made unless a draft of the instrument has been laid before and approved by resolution of each House of Parliament.”

Member’s explanatory statement

This new clause would provide greater legal certainty by classifying retained EU law as either primary or secondary legislation.

European Union (Withdrawal) Bill, *continued*

Bambos Charalambous
Mr David Lammy
Mike Gapes

NC16

To move the following Clause—

“Consequences of leaving the European Union: equality

- (1) This section comes into force when this Act is passed.
- (2) The purpose of this section is to ensure that the withdrawal of the United Kingdom from the European Union does not diminish protection for equality in the law of the United Kingdom.
- (3) All individuals are equal before the law and have the right to the equal protection and benefit of the law.
- (4) All individuals have a right not to be discriminated against by any public authority on any grounds including sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.
- (5) The following provisions of the Human Rights Act 1998 apply in relation to the rights conferred by subsections (3) and (4) as they apply in relation to Convention rights within the meaning of that Act—
 - (a) section 3 (interpretation of legislation);
 - (b) section 4 (declaration of incompatibility);
 - (c) section 5 (right of Crown to intervene);
 - (d) section 6 (acts of public authorities);
 - (e) section 7 (proceedings);
 - (f) section 8 (judicial remedies);
 - (g) section 9 (judicial acts);
 - (h) section 10 (power to take remedial action);
 - (i) section 11 (safeguard for existing human rights); and
 - (j) section 19 (statements of compatibility).
- (6) A court or tribunal must have regard to any relevant decisions of the European Court of Human Rights in considering—
 - (a) the application of this section generally, and
 - (b) in particular, the meaning of discrimination for the purposes of this section.”

Member’s explanatory statement

This new clause would ensure that the rights of equality presently enjoyed in accordance with EU law are enshrined in free-standing domestic law after the UK leaves the EU.

European Union (Withdrawal) Bill, *continued*

Kerry McCarthy
 Caroline Lucas
 Mary Creagh
 Darren Jones
 Stephen Doughty
 Liz Saville Roberts

Hywel Williams
 Ian Murray
 Mike Gapes

Jonathan Edwards
 Helen Hayes

Ben Lake
 Paul Farrelly

NC19

To move the following Clause—

“Saving for rights etc. under section 2(1) of the ECA (No. 2)

- (1) Any rights, powers, liabilities, obligations, restrictions, remedies and procedures which, immediately before exit day are part of domestic law by virtue of section 2(1) of the European Communities Act 1972 continue on and after exit day to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly).
- (2) Subsection (1) does not apply to any rights, powers, liabilities, obligations, restrictions, remedies or procedures so far as they form part of domestic law by virtue of section 3
- (3) Where, following the United Kingdom’s exit from the EU, retained EU law incorrectly or incompletely gives effect to any rights, powers, liabilities, obligations, restrictions, remedies or procedures created or required by EU law in force immediately before exit day, a Minister of the Crown shall make regulations for the purpose of giving effect to such rights, powers, liabilities, obligations, restrictions, remedies and procedures.
- (4) This section is subject to section 5 and Schedule 1 (exceptions to savings and incorporation).”

Member’s explanatory statement

This new clause is linked to Amendment 57 to leave out Clause 4 and aims to preserve, more comprehensively than the existing clause 4, rights, powers, liabilities, obligations, restrictions, remedies and procedures derived from EU law and incorporated into domestic law via the European Communities Act 1972. Where such rights are incorrectly or incompletely transferred, it imposes a duty to make regulations to remedy the deficiency.

AMENDMENTS TO CLAUSE 10; AMENDMENTS TO SCHEDULE 2; AMENDMENTS TO CLAUSE 11; AMENDMENTS TO SCHEDULE 3; NEW CLAUSES AND NEW SCHEDULES RELATING TO CLAUSE 10 OR 11 OR SCHEDULE 2 OR 3

AMENDMENTS TO SCHEDULE 2

Joanna Cherry

49

Schedule 2, page 17, line 13, leave out “appropriate” and insert “necessary”

Member’s explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

European Union (Withdrawal) Bill, *continued*

Joanna Cherry

50

Schedule 2, page 17, line 18, leave out “appropriate” and insert “necessary”

Member’s explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Secretary David Davis

21

Schedule 2, page 17, line 24, leave out “reference” and insert “references”

Member’s explanatory statement

This amendment is consequential on amendment 15.

Secretary David Davis

22

Schedule 2, page 17, line 24, after “7(2)” insert “and (2A) (but not the reference to a Minister of the Crown in section 7(2A)(b))”

Member’s explanatory statement

This amendment is consequential on amendment 15.

Secretary David Davis

23

Schedule 2, page 17, line 25, leave out “a reference” and insert “references”

Member’s explanatory statement

This amendment is consequential on amendment 15.

Secretary David Davis

24

Schedule 2, page 17, line 26, after “authority” insert “and the references to section 7(1) being read as references to sub-paragraph (1) or (2) above”

Member’s explanatory statement

This amendment is consequential on amendment 15.

Secretary David Davis

25

Schedule 2, page 18, line 9, at end insert—

“() This paragraph does not prevent the Scottish Ministers from making provision in regulations under this Part if—

- (a) the provision is made when there is an Order in Council under section 29(4C) of the Scotland Act 1998, and
- (b) the provision would, by virtue of the Order, not be in breach of the restriction in subsection (4A) of section 29 of that Act if the provision were made in an Act of the Scottish Parliament when that subsection and the Order are in force.

() This paragraph does not prevent the Welsh Ministers from making provision in regulations under this Part if—

- (a) the provision is made when there is an Order in Council under section 108A(10) of the Government of Wales Act 2006, and
- (b) the provision would, by virtue of the Order, not be in breach of the restriction in subsection (8) of section 108A of that Act if the provision were made in an Act of the National Assembly for Wales when that subsection and the Order are in force.

European Union (Withdrawal) Bill, continued

- () This paragraph does not prevent a Northern Ireland department from making provision in regulations under this Part if—
 - (a) the provision is made when there is an Order in Council under section 6(8) of the Northern Ireland Act 1998, and
 - (b) the provision would, by virtue of the Order, not be in breach of the restriction in subsection (6) of section 6 of that Act if the provision were made in an Act of the Northern Ireland Assembly when that subsection and the Order are in force.”

Member’s explanatory statement

This amendment allows a devolved authority to make provision by regulations to prevent, remedy or mitigate deficiencies in retained EU law, under Part 1 of Schedule 2, so as to modify retained direct EU legislation or anything that is retained EU law under Clause 4. In relation to each devolved authority, a modification would be allowed where the relevant devolved legislature would not, by making the modification in an Act, breach the restriction inserted by Clause 11 relating to retained EU law, because of an Order in Council made under the power conferred by that Clause. The amendment would also allow regulations to be made, in equivalent circumstances, that are inconsistent with modifications of retained direct EU legislation etc made by a Minister of the Crown or the Bill.

Secretary David Davis

26

Schedule 2, page 18, line 15, leave out “without the consent of a Minister of the Crown”

Member’s explanatory statement

As the Bill stands, a devolved authority cannot exercise its powers to prevent, remedy or mitigate deficiencies in retained EU law, under Part 1 of Schedule 2, to make regulations that come into force before exit day and remove certain reciprocal arrangements, without the consent of a Minister of the Crown. This amendment and amendment 27 would replace that consent requirement with a requirement that the devolved authority consults the Secretary of State.

Secretary David Davis

27

Schedule 2, page 18, line 20, at end insert “,
unless the regulations are, to that extent, made after consulting with the Secretary of State.”

Member’s explanatory statement

See amendment 26.

Joanna Cherry

51

Schedule 2, page 22, line 39, leave out “appropriate” and insert “necessary”

Member’s explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Joanna Cherry

52

Schedule 2, page 22, line 43, leave out “appropriate” and insert “necessary”

Member’s explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

European Union (Withdrawal) Bill, *continued*

Secretary David Davis

28

Schedule 2, page 23, line 32, at end insert—

- “() This paragraph does not prevent the Scottish Ministers from making provision in regulations under this Part if—
- (a) the provision is made when there is an Order in Council under section 29(4C) of the Scotland Act 1998, and
 - (b) the provision would, by virtue of the Order, not be in breach of the restriction in subsection (4A) of section 29 of that Act if the provision were made in an Act of the Scottish Parliament when that subsection and the Order are in force.
- () This paragraph does not prevent the Welsh Ministers from making provision in regulations under this Part if—
- (a) the provision is made when there is an Order in Council under section 108A(10) of the Government of Wales Act 2006, and
 - (b) the provision would, by virtue of the Order, not be in breach of the restriction in subsection (8) of section 108A of that Act if the provision were made in an Act of the National Assembly for Wales when that subsection and the Order are in force.
- () This paragraph does not prevent a Northern Ireland department from making provision in regulations under this Part if—
- (a) the provision is made when there is an Order in Council under section 6(8) of the Northern Ireland Act 1998, and
 - (b) the provision would, by virtue of the Order, not be in breach of the restriction in subsection (6) of section 6 of that Act if the provision were made in an Act of the Northern Ireland Assembly when that subsection and the Order are in force.”

Member’s explanatory statement

This amendment allows a devolved authority to make provision by regulations to prevent or remedy a breach of international law arising from withdrawal, under Part 2 of Schedule 2, so as to modify retained direct EU legislation or anything that is retained EU law under Clause 4. In relation to each devolved authority, a modification would be allowed where the relevant devolved legislature would not, by making the modification in an Act, breach the restriction inserted by Clause 11 relating to retained EU law, because of an Order in Council made under the power conferred by that Clause. The amendment would also allow regulations to be made, in equivalent circumstances, that are inconsistent with modifications of retained direct EU legislation etc made by a Minister of the Crown or the Bill.

Joanna Cherry

53

Schedule 2, page 25, line 12, leave out “appropriate” and insert “necessary”

Member’s explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Joanna Cherry

54

Schedule 2, page 25, line 16, leave out “appropriate” and insert “necessary”

Member’s explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

European Union (Withdrawal) Bill, *continued*

Secretary David Davis

29

Schedule 2, page 26, line 11, at end insert—

- “() This paragraph does not prevent the Scottish Ministers from making provision in regulations under this Part if—
- (a) the provision is made when there is an Order in Council under section 29(4C) of the Scotland Act 1998, and
 - (b) the provision would, by virtue of the Order, not be in breach of the restriction in subsection (4A) of section 29 of that Act if the provision were made in an Act of the Scottish Parliament when that subsection and the Order are in force.
- () This paragraph does not prevent the Welsh Ministers from making provision in regulations under this Part if—
- (a) the provision is made when there is an Order in Council under section 108A(10) of the Government of Wales Act 2006, and
 - (b) the provision would, by virtue of the Order, not be in breach of the restriction in subsection (8) of section 108A of that Act if the provision were made in an Act of the National Assembly for Wales when that subsection and the Order are in force.
- () This paragraph does not prevent a Northern Ireland department from making provision in regulations under this Part if—
- (a) the provision is made when there is an Order in Council under section 6(8) of the Northern Ireland Act 1998, and
 - (b) the provision would, by virtue of the Order, not be in breach of the restriction in subsection (6) of section 6 of that Act if the provision were made in an Act of the Northern Ireland Assembly when that subsection and the Order are in force.”

Member's explanatory statement

This amendment allows a devolved authority to make provision by regulations to implement the withdrawal agreement, under Part 3 of Schedule 2, so as to modify retained direct EU legislation or anything that is retained EU law under Clause 4. In relation to each devolved authority, a modification would be allowed where the relevant devolved legislature would not, by making the modification in an Act, breach the restriction inserted by Clause 11 relating to retained EU law, because of an Order in Council made under the power conferred by that Clause. The amendment would also allow regulations to be made, in equivalent circumstances, that are inconsistent with modifications of retained direct EU legislation etc made by a Minister of the Crown or the Bill.

European Union (Withdrawal) Bill, *continued*

AMENDMENTS TO CLAUSE 11

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

Stephen Kinnock
Helen Hayes
Mike Gapes

Ian Murray
Paul Farrelly

Seema Malhotra
Mr David Lammy

3

Clause 11, page 7, line 23, leave out subsections (1) to (3) and insert—

- “(1) In section 29(2)(d) of the Scotland Act 1998 (no competence for Scottish Parliament to legislate incompatibly with EU law), omit “or with EU law”.
- (2) In section 108A(2)(e) of the Government of Wales Act 2006 (no competence for National Assembly for Wales to legislate incompatibly with EU law), omit “or with EU law”.
- (3) In section 6(2)(d) of the Northern Ireland Act (no competency for the Assembly to legislate incompatibly with EU law), omit “is incompatible with EU law”.
- (4) The Secretary of State must lay before each House of Parliament proposals for replacing European frameworks with UK ones.
- (5) UK-wide frameworks shall be proposed if and only if they are necessary to—
- (a) enable the functioning of the UK internal market,
 - (b) ensure compliance with international obligations,
 - (c) ensure the UK can negotiate, enter into and implement new trade agreements and international treaties,
 - (d) enable the management of common resources,
 - (e) administer and provide access to justice in cases with a cross-border element, or
 - (f) safeguard the security of the UK.
- (6) Ministers of the Crown shall create UK-wide frameworks only if they have consulted with, and secured the agreement of, the affected devolved administrations.”

Member’s explanatory statement

This amendment removes the Bill’s proposed restrictions on the ability of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly to legislate on devolved matters and creates new collaborative procedures for the creation of UK-wide frameworks for retained EU law.

Stephen Gethins
Stephen Doughty
Patrick Grady
Ian Murray
Hywel Williams
Liz Saville Roberts

Ben Lake
Caroline Lucas

Jonathan Edwards
Paul Farrelly

Stephen Kinnock

6

Clause 11, page 7, line 23, leave out subsections (1) and (2) and insert—

- “(1) In section 29(2)(d) of the Scotland Act 1998 (no competence for Scottish Parliament to legislate incompatibly with EU law), omit “or with EU law”.

European Union (Withdrawal) Bill, *continued*

- (2) In section 108A(2)(e) of the Government of Wales Act 2006 (no competence for National Assembly for Wales to legislate incompatibly with EU law), omit “or with EU law”.”

Member’s explanatory statement

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

Hywel Williams
Liz Saville Roberts
Jonathan Edwards
Ben Lake
Caroline Lucas

13

Clause 11, page 7, line 23, leave out subsections (1) to (3) and insert—

- “(1) In section 29(2)(d) of the Scotland Act 1998 (no competence for Scottish Parliament to legislate incompatibly with EU law), omit “or with EU law”.
- (2) In section 108A (2)(e) of the Government of Wales Act 2006 (no competence for National Assembly for Wales to legislate incompatibly with EU law), omit “or with EU law”.
- (3) In section 6(2)(d) of the Northern Ireland Act (no competency for the Assembly to legislate incompatibly with EU law), omit “is incompatible with EU law”.
- (3A) The Secretary of State must lay before each House of Parliament proposals for replacing European frameworks with UK ones.
- (3B) UK-wide frameworks will be proposed if and only if they are necessary to—
- (a) enable the functioning of the UK internal market, while acknowledging policy divergence;
 - (b) ensure compliance with international obligations;
 - (c) ensure the UK can negotiate, enter into and implement new trade agreements and international treaties;
 - (d) enable the management of common resources;
 - (e) administer and provide access to justice in cases with a cross-border element; or
 - (f) safeguard the security of the UK.
- (3C) Frameworks will respect the devolution settlements and the democratic accountability of the devolved legislatures, and will therefore—
- (a) be based on established conventions and practices, including that the competence of the devolved institutions will not be adjusted without their consent;
 - (b) maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory as is afforded by current EU rules; and
 - (c) lead to a significant increase in decision-making powers for the devolved administrations.
- (3D) Frameworks will ensure recognition of the economic and social linkages between Northern Ireland and Ireland by—
- (a) recognising that Northern Ireland will be the only part of the UK that shares a land frontier with the EU; and
 - (b) adhering to the Belfast Agreement.

European Union (Withdrawal) Bill, continued

- (3E) UK-wide frameworks will be created jointly by the sitting devolved administrations and Ministers of the Crown, with the agreement of all parties involved.”

Member’s explanatory statement

This amendment removes the Bill’s proposed restrictions on the ability of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly to legislate on devolved matters and creates a new collaborative procedure for the creation of UK-wide frameworks for retained EU law using the principles as agreed at the Joint Ministerial Committee (EU Negotiations) on 16 October 2017.

REMAINING PROCEEDINGS ON CONSIDERATION

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

Stephen Kinnock
Helen Hayes
Mike Gapes

Ian Murray
Paul Farrelly

Seema Malhotra
Mr David Lammy

NC1

To move the following Clause—

“Retaining Enhanced Protection

- (1) A Minister may use regulations provided for by an Act of Parliament other than this Act to amend, repeal or modify retained EU law if, and only if, the use of the regulation is necessary to maintain or enhance rights and protections.
- (2) The procedure in subsection (3) applies if a Minister of the Crown proposes to use regulations provided for by Acts of Parliament other than this Act to amend, repeal or modify retained EU law in the following areas—
 - (a) employment entitlement, rights and protection,
 - (b) equality entitlements, rights and protection,
 - (c) health and safety entitlement, rights and protection,
 - (d) consumer standards, or
 - (e) environmental standards and protection.
- (3) A Minister of the Crown must—
 - (a) produce an explanatory document which must explain why using the regulation is necessary to maintain or enhance rights and protections,
 - (b) consult for a period of no less than 12 weeks after the publication of the explanatory document with—
 - (i) organisations, and persons who are likely to be affected by the proposals, including representative bodies;
 - (ii) the Law Commission, the Scottish Law Commission or the Northern Ireland Law Commission in such cases as the Minister considers appropriate; and
 - (iii) where the proposals relate to the functions of one or more statutory bodies, those bodies or persons appearing to the Minister to be representative of those bodies,

European Union (Withdrawal) Bill, *continued*

- (c) give details of any representations received under the consultation provided including Ministerial responses.
- (4) Any regulations to which this section applies may be made only if they have been approved by a resolution of each House of Parliament.”

Member’s explanatory statement

This new clause would ensure that important EU-derived employment and other rights can be amended only by primary legislation, subordinate legislation made under this Act, or subordinate legislation which has been approved through an enhanced scrutiny procedure.

Mr Chris Leslie
 Chuka Umunna
 Kate Green
 Mike Gapes
 Mrs Madeleine Moon
 Angela Smith

Catherine McKinnell
 Mr Ben Bradshaw
 Peter Kyle
 Stephen Kinnock
 Stella Creasy

Stephen Doughty
 Ian Murray
 Wes Streeting
 Caroline Lucas
 Mr David Lammy

Paul Farrelly
 Mary Creagh
 Dame Margaret Hodge
 Helen Hayes

NC2

To move the following Clause—

“Meaning of Withdrawal Agreement

It shall be the objective of Her Majesty’s Government to ensure that the arrangements for the UK’s withdrawal from the EU which comprise the “withdrawal agreement” specified in subsection (1) of section 14 shall include full, comprehensive and sufficient detail as if it were a legal instrument capable of acceptance and deposit as an international trade agreement at the World Trade Organisation, with detailed agreements on the following aspects of the future relationship between the United Kingdom and European Union including—

- (a) geographical scope of application,
- (b) regulatory cooperation,
- (c) national security,
- (d) cross-border trade in services,
- (e) market access,
- (f) tariff arrangements,
- (g) tariff rate quotas on all products,
- (h) customs duties on imports,
- (i) duties, taxes and charges on exports,
- (j) fees and charges,
- (k) import and export restrictions,
- (l) provisions concerning anti-dumping and countervailing measures,
- (m) transparency,
- (n) sanitary and phytosanitary measures,
- (o) trade conditions,
- (p) customs valuation,

European Union (Withdrawal) Bill, *continued*

- (q) subsidies,
- (r) dispute settlement and mediation,
- (s) establishment of investments,
- (t) non-discriminatory treatment,
- (u) expropriation,
- (v) enforcement of awards,
- (w) mutual recognition of professional qualifications,
- (x) cross-border financial services,
- (y) prudential regulatory alignment,
- (z) maritime transport services,
- (aa) telecommunications,
- (bb) electronic commerce,
- (cc) competition policy,
- (dd) state enterprises and monopolies,
- (ee) government procurement,
- (ff) intellectual property,
- (gg) trade and sustainable development and the environment,
- (hh) trade and labour standards and employment conditions and
- (ii) taxation.”

Member’s explanatory statement

This new clause would make it the objective of HM Government that the withdrawal agreement sought prior to exit day should include proposals setting out the full details expected of a comprehensive international trade agreement.

Mr Chris Leslie
 Chuka Umunna
 Kate Green
 Mike Gapes
 Mrs Madeleine Moon
 Angela Smith

Catherine McKinnell
 Mr Ben Bradshaw
 Peter Kyle
 Liz Saville Roberts
 Dame Margaret Hodge
 Seema Malhotra
 Mr David Lammy

Stephen Doughty
 Ian Murray
 Wes Streeting
 Ben Lake
 Stephen Kinnock
 Helen Hayes

Paul Farrelly
 Mary Creagh
 Hywel Williams
 Jonathan Edwards
 Caroline Lucas
 Stella Creasy

NC3

To move the following Clause—

“Republic of Ireland and Northern Ireland

- (1) Nothing in the provisions made under section 8 or section 9 of this Act shall authorise any regulations which—
 - (a) breach any of the obligations of Her Majesty’s Government made under the Belfast Agreement implemented in the Northern Ireland Act 1998 (which made new provision for the government of Northern Ireland for

European Union (Withdrawal) Bill, *continued*

- the purpose of implementing the agreement reached at multi-party talks on Northern Ireland), or
- (b) create hard border arrangements between Northern Ireland and the Republic of Ireland, or
 - (c) undermine the full alignment of the United Kingdom with the rules of the European Union Internal Market and the Customs Union which support North-South cooperation, the all-island economy and the protection of the Belfast Agreement.
- (2) Subsection (1)(c) shall apply unless Her Majesty’s Government, the Government of the Republic of Ireland and the European Union agree alternative specific solutions which can continue to address the unique circumstances of the island of Ireland, the obligations of the Belfast Agreement and the avoidance of a hard border arrangement between Northern Ireland and the Republic of Ireland.”

Member’s explanatory statement

This new clause would ensure that the aspects of the Phase 1 agreement between the UK and the EU regarding the Republic of Ireland and Northern Ireland are brought into UK law.

Mr Chris Leslie
 Chuka Umunna
 Kate Green
 Mike Gapes
 Mrs Madeleine Moon
 Angela Smith

Catherine McKinnell
 Mr Ben Bradshaw
 Peter Kyle
 Stephen Kinnock
 Helen Hayes

Stephen Doughty
 Ian Murray
 Wes Streeting
 Caroline Lucas
 Stella Creasy

Paul Farrelly
 Mary Creagh
 Dame Margaret Hodge
 Seema Malhotra
 Mr David Lammy

NC4

To move the following Clause—

“Financial Settlement

The Chancellor of the Exchequer shall publish, within one month of Royal Assent of this Act, the full details of the methodology agreed between Her Majesty’s Government and the European Union as set out in the “Joint Report from the Negotiators on Progress During Phase 1” which was published on 8 December 2017.”

Member’s explanatory statement

This new clause would ensure that the agreed methodology for calculating the financial settlement between the UK and the EU set out in the Joint Report from the Negotiators of 8 December 2017 are published and brought into the public domain.

European Union (Withdrawal) Bill, *continued*

Mr Chris Leslie
Chuka Umunna
Kate Green
Mike Gapes
Mrs Madeleine Moon
Angela Smith

Catherine McKinnell
Mr Ben Bradshaw
Peter Kyle
Stephen Kinnock
Helen Hayes

Stephen Doughty
Ian Murray
Wes Streeting
Caroline Lucas
Mr David Lammy

Paul Farrelly
Mary Creagh
Dame Margaret Hodge
Seema Malhotra
Richard Burden

NC5

To move the following Clause—

“Trade in Services

It shall be the objective of Her Majesty’s Government, in negotiating a withdrawal agreement, to secure the same rights, freedoms and access available to UK businesses trading in services as exists through the United Kingdom’s membership of the European Union, as if section 1 of this Act were not brought into effect.”

Member’s explanatory statement

This new clause would ensure that the negotiating objectives of Ministers would be to secure the same benefits for service sector trading businesses after exit day as are available under the existing Single Market and Customs Union arrangements by virtue of membership of the European Union.

Mr Chris Leslie
Chuka Umunna
Kate Green
Mike Gapes
Mrs Madeleine Moon
Angela Smith

Catherine McKinnell
Mr Ben Bradshaw
Peter Kyle
Stephen Kinnock
Darren Jones
Tom Brake

Stephen Doughty
Ian Murray
Wes Streeting
Caroline Lucas
Helen Hayes
Mr David Lammy

Paul Farrelly
Mary Creagh
Dame Margaret Hodge
Seema Malhotra
Stella Creasy

NC6

To move the following Clause—

“Alteration to the notification under Article 50(2) of the Treaty on the European Union

Her Majesty’s Government shall publish a summary of the legal advice it has received in respect of the ability of the United Kingdom to extend, alter or revoke the notification, under Article 50(2) of the Treaty on the European Union, of the United Kingdom’s intention to withdraw from the EU.”

Member’s explanatory statement

This new clause would require Ministers to place in the public domain a summary of the legal

European Union (Withdrawal) Bill, *continued*

advice they have received concerning the options available for the United Kingdom in respect of the notification made under Article 50 of the Treaty on the European Union.

Geraint Davies
 Stephen Kinnock
 Stuart C. McDonald
 Mr David Lammy
 Mr Ronnie Campbell
 Catherine West

Mrs Louise Ellman
 Mike Gapes

Helen Hayes
 Richard Burden

Paul Farrelly

NC10

To move the following Clause—

“Governance and institutional arrangements

- (1) Before exit day a Minister of the Crown must make provision that all powers and functions relating to any right, freedom, or protection, that any person might reasonably expect to exercise, that were exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day, and which do not cease to have effect as a result of the withdrawal agreement (“relevant powers and functions”) will—
 - (a) continue to be carried out by an EU entity or public authority;
 - (b) be carried out by an appropriate existing or newly established entity or public authority in the United Kingdom; or
 - (c) be carried out by an appropriate international entity or public authority.
- (2) For the purposes of this section, relevant powers and functions relating to the UK exercisable by an EU entity or public authority include, but are not limited to—
 - (a) monitoring and measuring compliance with legal requirements;
 - (b) reviewing and reporting on compliance with legal requirements;
 - (c) enforcement of legal requirements;
 - (d) setting standards or targets;
 - (e) co-ordinating action;
 - (f) publicising information.
- (3) Responsibility for any functions or obligations arising from retained EU law for which no specific provision has been made immediately after commencement of this Act will belong to the relevant Minister until such a time as specific provision for those functions or obligations has been made.”

Member’s explanatory statement

This new clause would ensure that substantive rights and protections cannot be removed by the “back door”, and that the institutions and agencies that protect EU derived rights and protections are replaced to a sufficient standard so those rights and protections will still be enjoyed in practice.

European Union (Withdrawal) Bill, *continued*

Tom Brake
 Sir Vince Cable
 Jo Swinson
 Mr Alistair Carmichael
 Tim Farron
 Wera Hobhouse

Caroline Lucas
 Ian Murray
 Stella Creasy
 Liz Saville Roberts
 Angus Brendan MacNeil
 Mike Gapes

Stephen Doughty
 Helen Hayes
 Stephen Gethins
 Jonathan Edwards
 Norman Lamb
 Layla Moran

Chuka Umunna
 Paul Farrelly
 Hywel Williams
 Ben Lake
 Mr David Lammy
 Richard Burden

NC11

To move the following Clause—

“Meaningful vote on deal or no deal

- (1) The Prime Minister must publish and lay before both Houses of Parliament an assessment of the impact on the economy of the United Kingdom, and on each nation, province or region of the United Kingdom, of any unratified agreement between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union which sets out the arrangements for the United Kingdom’s withdrawal from the EU.
- (2) Any agreement between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union which sets out the arrangements for the United Kingdom’s withdrawal from the EU may not be ratified unless—
 - (a) subsection (1) has been complied with,
 - (b) the House of Lords has considered a motion relating to the unratified agreement,
 - (c) the House of Commons has approved the unratified agreement by resolution,
 - (d) the statute mentioned in section 9 (approving the final terms of withdrawal of the United Kingdom from the European Union) has been passed, and
 - (e) any other legislative provision to enable ratification has been passed or made.
- (3) If no agreement has been reached by 31 December 2018 between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union setting out the arrangements for the United Kingdom’s withdrawal from the EU, the Prime Minister must publish and lay before both Houses of Parliament within one month an assessment of the impact on the economy of the United Kingdom, and on each nation, province or region of the United Kingdom, of leaving the EU under Article 50(3) of the Treaty on European Union without an agreement.
- (4) If no agreement has been reached by 31 January 2019 between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union setting out the arrangements for the United Kingdom’s withdrawal from the EU,
 - (a) a Minister of the Crown must propose a motion in the House of Lords relating to the lack of an agreement, and
 - (b) a Minister of the Crown must propose a motion in the House of Commons approving the intention of the United Kingdom to leave the EU under Article 50(3) of the Treaty on European Union without a withdrawal agreement.
- (5) Unless the House of Commons approves by resolution after 31 January 2019 the intention of the United Kingdom to leave the EU under Article 50(3) of the Treaty

European Union (Withdrawal) Bill, *continued*

on European Union without a withdrawal agreement, the Prime Minister must either —

- (a) reach an agreement before exit day between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union which sets out the arrangements for the United Kingdom’s withdrawal from the EU, or
- (b) request the European Council for an extension of negotiation under Article 50(3) of the Treaty on European Union, or
- (c) rescind the notice of intention under Article 50(2) of the Treaty on European Union to withdraw from the EU given in accordance with the European Union (Notice of Withdrawal) Act 2017 and request the European Council to accept that rescission.’

Member’s explanatory statement

This New Clause would ensure that the Government assesses the impact of either an agreement or no deal on the UK economy and regions before a meaningful vote, and that if Parliament does not agree to the agreement or to no deal, then the Government must request a revocation or extension of Article 50.

Mary Creagh
 Caroline Lucas
 Seema Malhotra
 Helen Hayes
 Paul Farrelly
 Stella Creasy

Kerry McCarthy
 Rushanara Ali
 Dr Rupa Huq
 Heidi Alexander

Catherine West
 Matt Western
 Mrs Madeleine Moon
 Mr David Lammy

Daniel Zeichner
 Helen Jones
 Ann Clwyd
 Mike Gapes

NC12

To move the following Clause—

“Environmental protection after EU exit

- (1) Before any exit day, the Secretary of State must publish a report detailing all EU environmental protections, powers and functions.
- (2) The report pursuant to subsection (1) shall specify—
 - (a) all environmental legal protections which derive from EU law;
 - (b) the powers and functions relating to environmental protection or improvement exercised by EU institutions;
 - (c) the empowering provisions in EU law relating to those functions; and
 - (d) any loss of environmental protection, or the monitoring and enforcement of environmental protections, which may arise as a result of the UK’s exit from the EU.
- (3) Before any exit day the Secretary of State must publish proposals for primary legislation (the “Draft Environmental Protection Bill”).
- (4) The Draft Environmental Protection Bill must include provisions which would —
 - (a) ensure that the level of environmental protection provided by EU law on the day this Act receives Royal Assent is maintained or enhanced;
 - (b) make provision to remedy any loss of environmental protection, or the monitoring and enforcement of environmental protections, established in the report pursuant to subsection (1);

European Union (Withdrawal) Bill, *continued*

- (c) create a statutory corporation (to be called “the Environmental Protection Agency”) with operational independence from Ministers of the Crown to monitor environmental targets previously set by EU law relating to environmental protection and other such environmental targets that may be set by Ministers of the Crown and international treaties to which the United Kingdom is party;
 - (d) require the statutory corporation in (4)(c) to report to Parliament every year on progress in meeting those targets and to make recommendations for remedial action where appropriate;
 - (e) allow the statutory corporation in (4)(c) to publish additional reports identifying action or omissions on the part of Ministers of the Crown that is likely to result in targets not being met; and
 - (f) extend to the whole of the United Kingdom.
- (5) The Secretary of State must publish annual reports to Parliament on how environmental protections and the monitoring and enforcement of environmental protections have been affected by the United Kingdom’s exit from the EU.
- (6) Before publishing a report pursuant to subsection (5) the Secretary of State must hold a public consultation on the effect of leaving the EU on environmental protection.
- (7) The Secretary of State must publish and lay before each House of Parliament the first report pursuant to subsection (5) no later 29 March 2020 and each subsequent report must be published no later than the period of one year after the publication of the previous report.”

Member’s explanatory statement

This new clause would require the Secretary of State to produce a report on the loss of environmental protection as a result of the UK’s exit from the EU, and to prepare an Environmental Protection Bill to make up for any loss of environmental protections, and the monitoring and enforcement of environmental protections. It would also require the Secretary of State to produce annual reports which make an assessment of the impact of the UK’s withdrawal from the EU on UK environmental protection.

Geraint Davies
 Mohammad Yasin
 Mr David Lammy
 Mike Gapes

NC14

To move the following Clause—

“Maintaining individual rights and protections

- (1) When making any agreement under subsection (2), the Secretary of State shall take steps to ensure that UK citizens enjoy standards of rights and protections equivalent to those enjoyed by citizens of the EU under EU law.
- (2) This section applies to—
 - (a) any agreement between the United Kingdom and the EU which prepares for, or implements, the UK’s withdrawal from the EU;
 - (b) any international trade agreement—
 - (i) between the UK and the EU, or
 - (ii) between the UK and another signatory which seeks to replicate in full or in part the provisions of an international trade agreement between the EU and the other signatory.

European Union (Withdrawal) Bill, *continued*

- (3) In relation to any agreement under subsection (2), the Secretary of State will maintain the highest standards of transparency.”

Member’s explanatory statement

This new clause creates a duty for the Government to ensure that individual rights and protections are maintained to a level equivalent to (although not necessarily the same as) those in the EU when making agreements with the EU or international trade agreements.

Bambos Charalambous
Mr David Lammy
Mike Gapes

NC15

To move the following Clause—

“Non-regression of equality law

- (1) Any EU withdrawal related legislation must be accompanied by a statement made by a Minister of the Crown certifying that in the Minister’s opinion the legislation does not remove or reduce protection under or by virtue of the Equality Acts 2006 and 2010.
- (2) In subsection (1) “EU withdrawal related legislation” means—
- (a) any statutory instrument under this Act;
 - (b) any statutory instrument made by a Minister of the Crown wholly or partly in connection with the United Kingdom’s withdrawal from the EU; and
 - (c) any Bill presented to Parliament by a Minister of the Crown which is wholly or partly connected to the United Kingdom’s withdrawal from the EU.”

Member’s explanatory statement

This new clause would ensure that legislation in connection with withdrawal from the EU does not reduce protections provided by equality law.

 European Union (Withdrawal) Bill, *continued*

Ian Murray
 Mrs Madeleine Moon
 Mr Ben Bradshaw
 Alison McGovern
 Kate Green
 Stephen Timms

Stella Creasy
 Chuka Umunna
 Seema Malhotra
 Stephen Doughty
 Heidi Alexander
 Ruth Cadbury
 Tulip Siddiq
 Rushanara Ali
 Tom Brake
 Gareth Thomas
 Darren Jones
 Paul Farrelly
 Mr David Lammy

Wes Streeting
 Angela Smith
 Daniel Zeichner
 Seema Malhotra
 Peter Kyle
 Neil Coyle
 Dame Margaret Hodge
 Mary Creagh
 Ann Coffey
 Martin Whitfield
 Helen Hayes
 Stephen Gethins

Mr Chris Leslie
 Chris Bryant
 Ann Coffey
 Mr Gavin Shuker
 Geraint Davies
 Dr Rupa Huq
 Mrs Louise Ellman
 Ms Karen Buck
 Mike Gapes
 Liz Kendall
 Caroline Lucas
 Mr Kenneth Clarke

NC17

To move the following Clause—

“Effect of losing access to EU single market and customs union

- (1) The Prime Minister must publish and lay before both Houses of Parliament an assessment of the impact on the economy of the United Kingdom, and on each nation, province or region of the United Kingdom, of any unratified agreement (“the Agreement”) between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union which sets out the arrangements for the United Kingdom’s withdrawal from the EU.
- (2) The assessment in subsection (1) must so far as practicable analyse the expected difference in outcomes between the Agreement and continued participation in the EU single market and customs union.
- (3) The assessment in subsection (1) must be prepared by the Treasury and must include separate analyses from the National Audit Office, the Office of Budget Responsibility, the Government Actuary’s Department, and the finance directorates of each of the devolved Administrations of the methodology and conclusions of the Treasury assessment.
- (4) A statute of the kind mentioned in section 9 (approving the final terms of withdrawal of the United Kingdom from the European Union) may not come into effect until the Prime Minister’s assessment under subsection (1) has been—
 - (a) debated by each House of Parliament, and
 - (b) approved by resolution of the House of Commons.”

Member’s explanatory statement

This purpose of this New Clause is to ensure that the alternative of remaining in the EU single market and customs union is formally considered by Parliament on the basis of an independently validated economic assessment before any statute approving the final terms of withdrawal takes effect.

European Union (Withdrawal) Bill, *continued*

Caroline Lucas
Kerry McCarthy
Stephen Gethins
Tom Brake
Liz Saville Roberts
Lady Hermon

Patrick Grady
Darren Jones
Ben Lake
Helen Hayes
Mike Gapes

John McNally
Hywel Williams
Stephen Doughty
Stella Creasy

Mary Creagh
Jonathan Edwards
Ian Murray
Paul Farrelly

NC18

To move the following Clause—

“Consultation on environmental governance and principles

- (1) Within one month of Royal Assent, the Secretary of State must consult on and bring forward proposals to—
 - (a) provide that all powers and functions relating to the environment or environmental protection that were exercisable by EU entities or other public authorities anywhere in the United Kingdom before exit day which do not cease to have effect as a result of the withdrawal agreement are fully carried out.
 - (b) introduce primary legislation to establish a new independent environmental regulator with the purpose of, responsibility for, and appropriate powers to oversee the implementation of, compliance with and enforcement of environmental law and principles by relevant public authorities.
 - (c) incorporate EU environmental principles in primary legislation as a basis for relevant decision-making by UK public bodies and public authorities.
 - (d) establish a process for the publication of a national environmental policy statement or statements describing how the environmental principles will be interpreted and applied.
- (2) EU Environmental principles include but are not limited to—
 - (a) the precautionary principle;
 - (b) the principle that preventive action should be taken to avert environmental damage;
 - (c) the principle that environmental damage should as a priority be rectified at source;
 - (d) the polluter pays principle;
 - (e) the principle that environmental protection requirements must be integrated into the definition and implementation of policies and activities, in particular with a view to promoting sustainable development;
- (3) In carrying out a consultation under this section, the Government must—
 - (a) consult with the devolved authorities;
 - (b) be open to responses for at least two months; and
 - (c) consider the resources and legal powers that the proposed regulator under (1)(b) will need in order to properly carry out its functions.”

Member’s explanatory statement

This new clause enshrines the Government’s stated intentions in respect of the environmental

European Union (Withdrawal) Bill, *continued*

principles and the establishment of a new independent environmental regulator. It sets out the minimum standards for consultation on these matters.

Stephen Doughty
Stella Creasy
Kate Green
Mike Gapes

NC20

To move the following Clause—

“Citizens’ Jury on Brexit Negotiations

- (1) A citizens’ jury shall be established to enable UK citizens to be consulted on the progress of negotiations between the UK and the EU on the withdrawal of the UK from the EU, and the approach outlined in UK Government White Papers.
 - (2) The citizens’ jury shall in total be composed of exactly 1501 persons.
 - (3) Members of the citizens’ jury shall be randomly selected by means of eligibility from UK citizens on the current electoral register as registered on the date of this Act receiving royal assent, with allocation across the 9 UK Government Regions, Scotland, Wales and Northern Ireland weighted by population, and a stratification plan, with the aim of securing a group of people who are broadly representative demographically of the UK electorate across characteristics including whether they voted Leave or Remain.
 - (4) The jury will be broken down into individual sittings for each of the 9 UK Government Regions in England, as well as Scotland, Wales and Northern Ireland.
 - (5) The sittings will be for no more than 72 hours at a time, facilitated by independent facilitators, and if required, by electing fore-people from within their number.
 - (6) Membership of the jury will be subject to the same regulations and exceptions as a regular jury, but membership can be declined without penalty.
 - (7) The citizens’ jury will be able to require Ministerial and official representatives of the UK Government and the Devolved Administrations to give testimony to them to inform their work, and to have the power to invite other witnesses to give evidence as required.
 - (8) The citizens’ jury shall publish reports setting out their conclusions on the negotiations and UK Government White Papers.
 - (9) The first report from the citizens’ jury shall be published within two months of this Act receiving Royal Assent, and subsequent reports shall be published at intervals of no more than two months.
 - (10) Costs incurred by the citizens’ jury shall be met by the Exchequer.”
-

European Union (Withdrawal) Bill, *continued*

Kerry McCarthy
 Caroline Lucas
 Stephen Gethins
 Tom Brake
 Liz Saville Roberts
 Lady Hermon

Patrick Grady
 Darren Jones
 Ben Lake
 Helen Hayes
 Mike Gapes

John McNally
 Hywel Williams
 Stephen Doughty
 Paul Farrelly
 Richard Burden

Mary Creagh
 Jonathan Edwards
 Ian Murray
 Mr David Lammy

NC21

To move the following Clause—

“Environmental protection and improvement: continuation of powers and functions

- (1) The Secretary of State must establish and maintain a publicly accessible register of EU environmental powers and functions.
- (2) The register produced pursuant to subsection (1) shall specify—
 - (a) the specific powers and functions relating to environmental protection or improvement exercised by EU institutions;
 - (b) the EU institution previously responsible for exercising those powers and functions; and
 - (c) the empowering provision in EU law relating to those powers and functions.
- (3) The register produced pursuant to subsection (1) shall include the following functions—
 - (a) monitoring and measuring compliance with legal requirements;
 - (b) reviewing and reporting on compliance with legal requirements;
 - (c) enforcement of legal requirements;
 - (d) setting standards or targets;
 - (e) co-ordinating action; and
 - (f) publicising information including regarding compliance with environmental standards.
- (4) Within one month of Royal Assent, the Secretary of State must—
 - (a) publish and lay before Parliament a statement identifying those powers and functions identified in the public register established under subsection (1) that will continue to be exercised by EU institutions or, alternatively, the existing or proposed new public authorities to which these powers and functions will be transferred; and
 - (b) make Regulations containing provisions to ensure that all relevant powers and functions relating to environmental protection or improvement exercisable by EU institutions anywhere in the United Kingdom before exit day continue on and after exit day.”

Member’s explanatory statement

This new clause would ensure oversight of the transfer of functions from EU institutions to domestic institutions, by requiring the Government to establish a publicly accessible register of environmental governance functions and powers exercised by EU institutions, and to make regulations that ensure that all relevant environmental powers and functions are continued.

European Union (Withdrawal) Bill, *continued*

Robert Neill
Mike Gapes

NC22

To move the following Clause—

“Dealing with deficiencies arising from withdrawal – further provisions

- (1) This section applies where there is a deficiency in retained EU law on and after exit day in respect of which regulations have not been made under section 7.
- (2) A deficiency includes, but is not limited to, retained EU law which—
 - (a) contains anything which has no practical application in relation to the United Kingdom or any part of it or is otherwise redundant or substantially redundant;
 - (b) confers functions on, or in relation to, EU entities which no longer have functions in that respect under EU law in relation to the United Kingdom or any part of it;
 - (c) makes provision for, or in connection with, reciprocal arrangements between—
 - (i) the United Kingdom or any part of it or a public authority in the United Kingdom, and
 - (ii) the EU, an EU entity, a member State or a public authority in a member State,
 which no longer exist or are no longer appropriate.
 - (d) makes provision for, or in connection with, other arrangements which—
 - (i) involve the EU, an EU entity, a member State or a public authority in a member State, or
 - (ii) are otherwise dependent upon the United Kingdom’s membership of the EU,
 and which no longer exist or are not longer appropriate
 - (e) makes provision for, or in connection with, any reciprocal or other arrangements not falling within paragraph (c) or (d) which no longer exist, or are no longer appropriate, as a result of the United Kingdom ceasing to be a party to any of the EU Treaties,
 - (f) does not contain any functions or restrictions which—
 - (i) were in an EU directive and in force immediately before exit day (including any power to make EU tertiary legislation), and
 - (ii) it is appropriate to retain, or
 - (g) contains EU references which are no longer appropriate.
- (3) A deficiency within the meaning of subsection (1) includes any failure or other deficiency arising from the United Kingdom’s withdrawal from the EU together with the operation of any provision, or the interaction between any provisions, made by or under this Act, but does not include any modification of EU law which is adopted or notified, comes into force or applies only on or after exit day.
- (4) Where this section applies, the retained EU law in respect of which the deficiency arises is to be interpreted in accordance with subsections (5) to (9).
- (5) The retained EU law does not allow, prevent, require or otherwise apply to acts or omissions outside the United Kingdom.
- (6) An EU reference is not to be treated, by reason of the UK having ceased to be a member State, as preventing or restricting the application of retained EU law within the United Kingdom or to persons or things associated with the United Kingdom.
- (7) Functions conferred on the EU or an EU entity are to be treated as functions of the Secretary of State.

European Union (Withdrawal) Bill, *continued*

- (8) Any provision which requires or would, apart from subsection (7), require a UK body to—
- (a) consult, notify, co-operate with, or perform any other act in relation to an EU body, or
 - (b) take account of an EU interest,
- is to be treated as empowering the UK body to do so in such manner and to such extent as it considers appropriate.
- (9) In subsection (8)—
- “a UK body” means the United Kingdom or a public authority in the United Kingdom;
- “an EU body” means the EU, an EU entity (other than the European Court), a member State or a public authority in a member State;
- “an EU interest” means an interest of an EU body or any other interest principally arising in or connected with the EU (including that of consistency between the United Kingdom and the EU);
- “requires” includes reference to a pre-condition to the exercise of any power, right or function;
- (10) This section ceases to have effect after the end of the period of two years beginning with exit day.”

Member’s explanatory statement

This new clause provides a scheme for interpretation as a backstop where the transposition necessary to avoid deficiencies has not been effected by regulations made under Clause 7.

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

Stephen Kinnock
Helen Hayes
Mike Gapes

Ian Murray
Paul Farrelly
Richard Burden

Seema Malhotra
Mr David Lammy

2

Clause 7, page 5, line 6, leave out subsections (1) to (6) and insert—

- “(1) A Minister of the Crown may by regulations make such provision as the Minister considers necessary to prevent, remedy or mitigate—
- (a) any failure of retained EU law to operate effectively, or
 - (b) any other deficiency in retained EU law,
- arising from the withdrawal of the United Kingdom from the EU.
- (2) Deficiencies in retained EU law are where the Minister considers that retained EU law—
- (a) contains anything which has no practical application in relation to the United Kingdom or any part of it or is otherwise redundant or substantially redundant,
 - (b) confers functions on, or in relation to, EU entities which no longer have functions in that respect under EU law in relation to the United Kingdom or any part of it,
 - (c) makes provision for, or in connection with, reciprocal arrangements between—

European Union (Withdrawal) Bill, *continued*

- (i) the United Kingdom or any part of it or a public authority in the United Kingdom, and
 - (ii) the EU, an EU entity, a member State or a public authority in a member State, which no longer exist or are no longer appropriate,
 - (d) makes provision for, or in connection with, other arrangements which—
 - (i) involve the EU, an EU entity, a member State or a public authority in a member State, or
 - (ii) are otherwise dependent upon the United Kingdom's membership of the EU, and which no longer exist or are no longer appropriate,
 - (e) makes provision for, or in connection with, any reciprocal or other arrangements not falling within paragraph (c) or (d) which no longer exist, or are no longer appropriate, as a result of the United Kingdom ceasing to be a party to any of the EU Treaties,
 - (f) does not contain any functions or restrictions which—
 - (i) were in an EU directive and in force immediately before exit day (including any power to make EU tertiary legislation), and
 - (ii) it is appropriate to retain, or
 - (g) contains EU references which are no longer appropriate.
- (3) But retained EU law is not deficient merely because it does not contain any modification of EU law which is adopted or notified, comes into force or only applies on or after exit day.
- (4) Regulations under this section may make any provision that could be made by an Act of Parliament.
- (5) Regulations under this section may provide for—
- (a) functions of EU entities or public authorities in member States (including making an instrument of a legislative character or providing funding) to be exercisable instead by a public authority (whether or not newly established or established for the purpose) in the United Kingdom,
 - (b) the establishment of public authorities in the United Kingdom to carry out functions provided for by regulations under this section.
- (6) Regulations to which subsection (5) apply must ensure that the functions of such EU entities or public authorities are exercised with equivalent scope, purpose and effect by public authorities in the United Kingdom.
- (7) But regulations under this section may not—
- (a) impose or increase taxation,
 - (b) make retrospective provision,
 - (c) create a relevant criminal offence,
 - (d) be made to implement the withdrawal agreement,
 - (e) amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it,
 - (f) amend or repeal the Northern Ireland Act 1998 (unless the regulations are made by virtue of paragraph 13(b) of Schedule 7 to this Act or are amending or repealing paragraph 38 of Schedule 3 to the Northern Ireland Act 1998 or any provision of that Act which modifies another enactment),
 - (g) contain any provision the effect of which is that, in comparison with the position immediately before the exit date—
 - (i) any right conferred on a person by retained EU law is either removed or made less favourable,
 - (ii) any standard laid by retained EU law is lowered, or

European Union (Withdrawal) Bill, continued

(iii) any remedy, procedure or method of enforcement, in relation to any rights or standards conferred by retained EU law, is made less effective, or

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

Member’s explanatory statement

This amendment restricts the Clause 7 powers so as to ensure they are only used as far as is necessary for the purposes of the Bill, that they do not abolish enforcement functions and that they do not reduce rights or protections.

Joanna Cherry

44

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

Member’s explanatory statement

This amendment would ensure that Ministers can only bring forward regulations under Clause 7 when it is necessary to do so.

Secretary David Davis

14

Clause 7, page 5, line 11, leave out “include (but are not limited to)” and insert “are”

Member’s explanatory statement

This amendment ensures that the deficiencies identified in Clause 7(2) form an exhaustive list rather than an illustrative list. Therefore nothing can be a deficiency for the purposes of Clause 7 unless it is identified in Clause 7(2) or provided for by Clause 7(2A) (for which see amendment 15).

Secretary David Davis

15

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

“(2A) There is also a deficiency in retained EU law where the Minister considers that there is—

(a) anything in retained EU law which is of a similar kind to any deficiency which falls within subsection (2), or

(b) a deficiency in retained EU law of a kind described, or provided for, in regulations made by a Minister of the Crown.”

Member’s explanatory statement

This amendment provides that anything which is of a similar kind to any deficiency falling within paragraphs (a) to (g) of Clause 7(2) is also a deficiency for the purposes of Clause 7. It also provides for a Minister of the Crown to describe, or provide for, other deficiencies in regulations. Both changes are to be read in the light of amendment 14 which restricts the type of things that can be deficiencies for the purposes of Clause 7.

Secretary David Davis

16

Clause 7, page 5, line 45, leave out “this section” and insert “subsection (1)”

Member’s explanatory statement

This amendment is consequential on amendment 15.

Secretary David Davis

17

Clause 7, page 6, line 1, leave out “this section” and insert “subsection (1)”

Member’s explanatory statement

This amendment is consequential on amendment 15.

European Union (Withdrawal) Bill, *continued*

Secretary David Davis

- Clause 7, page 6, line 10, leave out “this section” and insert “subsection (1)” 18
Member’s explanatory statement
This amendment is consequential on amendment 15.

Secretary David Davis

- Clause 7, page 6, line 12, leave out “this section” and insert “subsection (1)” 19
Member’s explanatory statement
This amendment is consequential on amendment 15.

Ian Blackford
Chris Stephens
Kirsty Blackman
Stephen Gethins
Peter Grant
Patrick Grady

Caroline Lucas

- Clause 7, page 6, line 16, at end insert— 9
“(da) amend, repeal or revoke any retained EU law which implements a provision listed in Schedule [Exceptions for Directives etc.]”
Member’s explanatory statement
This amendment, which is linked to NSI, would except EU Directives relating to workers’ rights from the power to make regulations to remedy deficiencies in retained EU law.

Stephen Doughty
Stephen Gethins
Ian Murray
Patrick Grady
Hywel Williams
Liz Saville Roberts

Ben Lake
Caroline Lucas

Jonathan Edwards
Paul Farrelly

Stephen Kinnock
Mike Gapes

- Clause 7, page 6, line 18, after “it”, insert— 5
“() modify the Scotland Act 1998 or the Government of Wales Act 2006,”
Member’s explanatory statement
This amendment would prevent the powers of a Minister of the Crown under Clause 7 of the Bill to fix problems in retained EU law from being exercised to amend the Scotland Act 1998 or the Government of Wales Act 2006.

Stuart C. McDonald

- Clause 7, page 6, line 23, at end insert— 56
“(6A) Within three months of this Act receiving Royal Assent, and every three months thereafter, a report must be laid before each House of Parliament listing—
(a) all deficiencies which Ministers of the Crown have identified would arise in retained EU law after exit day but which they do not intend to prevent, remedy or mitigate in advance using the powers under subsection (1);

European Union (Withdrawal) Bill, *continued*

- (b) the reasons for each decision not to prevent, remedy or mitigate such deficiencies, and
- (c) an assessment of the consequences of that decision.”

Member’s explanatory statement

This amendment (linked with Amendment 55 provides for Parliamentary scrutiny of any decision not to use clause 7 powers to save retained EU law from being unable to operate effectively.

Joanna Cherry

45

Clause 8, page 6, line 33, leave out “appropriate” and insert “necessary”

Member’s explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Joanna Cherry

46

Clause 9, page 7, line 3, leave out “appropriate” and insert “necessary”

Member’s explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Ian Blackford
 Sir Vince Cable
 Caroline Lucas
 Liz Saville Roberts
 Stephen Gethins
 Tom Brake

Hywel Williams

Layla Moran

59

Clause 9, page 7, line 16, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has signed an agreement with the European Union guaranteeing that the United Kingdom will remain a permanent member of the EU single market and customs union.”

Member’s explanatory statement

This amendment would mean the UK would confirm its continued membership of the single market and customs union before Ministers of the Crown carry out any actions under Clause 9 of the Bill.

European Union (Withdrawal) Bill, *continued*

Yvette Cooper
 Angus Brendan MacNeil
 Norman Lamb
 Ms Harriet Harman
 Anna Soubry
 Stephen Kinnock

Ian Murray
 Paul Farrelly
 Richard Burden

Caroline Lucas
 Mr David Lammy

Helen Hayes
 Mike Gapes

10

Clause 14, page 10, line 40, leave out from “means” to the end of line 41 and insert “the time specified by an Act of Parliament approving the final terms of withdrawal of the United Kingdom from the EU;”

Member’s explanatory statement

This amendment would require exit day to be specified in a separate bill on the terms of withdrawal.

Chris Leslie
 Dame Margaret Hodge
 Ian Murray
 Paul Farrelly
 Mike Gapes

39

Clause 14, page 11, line 37, at end insert “and the arrangements for a status quo transitional period which encompasses—

- (a) a “bridging period” to allow new agreements to be reached satisfactorily between the United Kingdom and the European Union lasting as long as necessary for a full trade agreement to be ratified, and
- (b) an “adaptation period” to allow the phasing in of new requirements over time to provide for the implementation of changes to new agreements in an orderly and efficient manner.”

Member’s explanatory statement

This amendment ensures that the meaning of “withdrawal agreement” is also taken to include a detailed transitional period with two distinct aspects, firstly allowing for a “bridging period” during which new agreements are concluded and secondly allowing for an “adaptation period” to give business and other organisations a period to adjust to those new arrangements.

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

Stephen Kinnock
 Paul Farrelly
 Richard Burden

Ian Murray
 Mr David Lammy

Helen Hayes
 Mike Gapes

1

Clause 14, page 11, line 40, at end insert—

“(2A) Subsection (2B) applies if any “exit day” appointed in this Act is not in accordance with any transitional arrangements agreed under Article 50 of the Treaty of the European Union.

(2B) A Minister of the Crown may by regulations—

- (a) amend the definition of “exit day” in the relevant sections to ensure that the day and time specified are in accordance with any transitional

European Union (Withdrawal) Bill, *continued*

arrangements agreed under Article 50 of the Treaty of the European Union, and

(b) amend subsection (2) in consequence of any such amendment.

(2C) Regulations under subsection (2B) are subject to the affirmative procedure.”

Member’s explanatory statement

This amendment ensures that the Bill can facilitate transitional arrangements within the single market and customs union.

Joanna Cherry

47

Clause 17, page 14, line 15, leave out “appropriate” and insert “necessary”

Member’s explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Joanna Cherry

48

Clause 17, page 14, line 22, leave out “appropriate” and insert “necessary”

Member’s explanatory statement

This amendment would ensure that Ministers can only bring forward regulations when it is necessary to do so.

Secretary David Davis

20

Clause 18, page 14, line 34, leave out “section 7” and insert “section 7(1)”

Member’s explanatory statement

This amendment is consequential on amendment 15.

Hywel Williams
Liz Saville Roberts
Jonathan Edwards
Ben Lake
Caroline Lucas

11

Clause 19, page 15, line 11, at beginning insert—

“(1) Subject to subsection (1A)”

Member’s explanatory statement

This amendment is consequential to Amendment 12 to Clause 19 that requires legislative consent from the sitting devolved administrations before any of the provisions in this Act come into force.

European Union (Withdrawal) Bill, *continued*

Hywel Williams
Liz Saville Roberts
Jonathan Edwards
Ben Lake
Caroline Lucas

12

Clause 19, page 15, line 18, at end insert—

“(1A) None of the provisions in this Act may come into force until the Prime Minister is satisfied that resolutions have been passed by the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly, signifying consent to the Act unless—

- (a) direct rule is in place;
- (b) the devolved administration has been formally suspended; or
- (c) if the devolved administration has been dissolved for reasons other than recess or an election.”

Member’s explanatory statement

This amendment requires the Prime Minister to gain legislative consent from the sitting devolved administrations before any of the provisions in this Act come into force.

Ian Blackford
Chris Stephens
Kirsty Blackman
Stephen Gethins
Peter Grant
Patrick Grady

NS1

To move the following Schedule—

“EXCEPTIONS FOR DIRECTIVES ETC.

The power to make regulations under subsection (1) of Clause 7 shall not apply to provisions listed in the Table.

ARTICLE 157 Treaty on the Functioning of the European Union (Equal pay for male and female workers)
COUNCIL DIRECTIVE NO 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security
COUNCIL DIRECTIVE NO 91/533/EEC of 14 October 1991 on an employer’s obligation to inform employees of the conditions applicable to the contract or employment relationship
COUNCIL DIRECTIVE NO 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC)
COUNCIL DIRECTIVE NO 94/33/EC of 22 June 1994 on the protection of young people at work

European Union (Withdrawal) Bill, *continued*

COUNCIL DIRECTIVE NO 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees
COUNCIL DIRECTIVE NO 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC
COUNCIL DIRECTIVE NO 96/71/EC of 16 December 1996 concerning the posting of workers in the framework of the provision of services
COUNCIL DIRECTIVE NO 97/74/EC of 15 December 1997 extending, to the United Kingdom of Great Britain and Northern Ireland, Directive 94/45/EC on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees
COUNCIL DIRECTIVE NO 97/75/EC of 15 December 1997 amending and extending, to the United Kingdom of Great Britain and Northern Ireland, Directive 96/34/EC on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC
COUNCIL DIRECTIVE NO 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC
COUNCIL DIRECTIVE NO 98/23/EC of 7 April 1998 on the extension of Directive 97/81/EC on the framework agreement on part-time work concluded by UNICE, CEEP and the ETUC to the United Kingdom of Great Britain and Northern Ireland
COUNCIL DIRECTIVE NO 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies
COUNCIL DIRECTIVE NO 99/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP
COUNCIL DIRECTIVE NO 99/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Ship-owners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST)
COUNCIL DIRECTIVE 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin
COUNCIL DIRECTIVE NO 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation
COUNCIL DIRECTIVE 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses
COUNCIL DIRECTIVE 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees

European Union (Withdrawal) Bill, *continued*

DIRECTIVE 2002/14/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community
DIRECTIVE 2002/15/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities
DIRECTIVE 2003/41/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 3 June 2003 on the activities and supervision of institutions for occupational retirement provision
COUNCIL DIRECTIVE 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees
DIRECTIVE 2003/88/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 November 2003 concerning certain aspects of the organisation of working time
DIRECTIVE 2005/56/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 October 2005 on cross-border mergers of limited liability companies
DIRECTIVE 2006/54/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)
DIRECTIVE 2008/94 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 October 2008 on the protection of employees in the event of the insolvency of their employer
DIRECTIVE 2008/104/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 November 2008 on temporary agency work
DIRECTIVE 2009/38/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of companies for the purposes of informing and consulting employees
COUNCIL DIRECTIVE 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC
DIRECTIVE 2010/41/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity

European Union (Withdrawal) Bill, *continued*

DIRECTIVE 2014/67/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (“the IMI Regulation”).”

Member’s explanatory statement

This new schedule, which is linked to Amendment 9, lists the EU Directives relating to workers’ rights which would be excepted from the power to make regulations to remedy deficiencies in retained EU law.

Secretary David Davis 30

Schedule 7, page 40, line 13, leave out “7” and insert “7(1)”

Member’s explanatory statement

This amendment is consequential on amendment 15.

Secretary David Davis 31

Schedule 7, page 40, line 30, leave out “7” and insert “7(1)”

Member’s explanatory statement

This amendment is consequential on amendment 15.

Secretary David Davis 32

Schedule 7, page 40, line 35, at end insert—

“() A statutory instrument containing regulations under section 7(2A)(b) (including as applied by paragraph 1(3) of Schedule 2) 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 amendment is consequential on amendment 15.

Secretary David Davis 33

Schedule 7, page 46, line 37, at end insert—

“Power to amend the definition of “exit day”

9A A statutory instrument containing regulations under section 14(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 amendment ensures that the power in Clause 14(4) to amend the definition of “exit day” is subject to the affirmative procedure.

 European Union (Withdrawal) Bill, *continued*

Stephen Doughty
Mike Gapes

58

Schedule 7, page 48, line 7, at end insert—

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

Member’s explanatory statement

The intention of this Amendment is to provide for a citizens’ jury to be consulted before regulations are made under this Act.

Secretary David Davis

34

Schedule 7, page 50, line 29, leave out “7” and insert “7(1)”

Member’s explanatory statement

This amendment is consequential on amendment 15.

Secretary David Davis

35

Schedule 7, page 50, line 30, after “Parliament” insert “or before the House of Commons only”

Member’s explanatory statement

This amendment ensures that the requirement for a Minister of the Crown to make an explanatory statement as to appropriateness and equalities etc. applies before a draft instrument containing regulations under Clause 7(1), 8 or 9 is laid before the House of Commons for the purposes of sifting as well as in other cases.

Secretary David Davis

36

Schedule 7, page 51, line 22, after “Houses” insert “or before the House of Commons only”

Member’s explanatory statement

This amendment ensures that, where a Minister of the Crown has been required to make an explanatory statement as to appropriateness and equalities etc. before a draft instrument containing regulations under Clause 7(1), 8 or 9 is laid before the House of Commons for the purposes of sifting, there is no need to make a further statement after sifting when an equivalent instrument is laid before both Houses of Parliament after being made or as a draft affirmative instrument.

Mr Dominic Grieve
Seema Malhotra
Paul Farrelly
Mr David Lammy
Mike Gapes

40

Schedule 8, page 54, line 6, at end insert “to which subsection (2) of section (*Classification of retained EU law (No.2)*) applies.”

Member’s explanatory statement

This amendment is consequential on NC13.

European Union (Withdrawal) Bill, *continued*

Mr Dominic Grieve
Seema Malhotra
Paul Farrelly
Mr David Lammy
Mike Gapes

41

Schedule 8, page 54, line 44, at end insert “to which subsection (2) of section (Classification of retained EU law (No.2)) applies.”

Member’s explanatory statement

This amendment is consequential on NC13.

Secretary David Davis

37

Schedule 8, page 62, line 25, at end insert—

“() Paragraph 3 of Schedule 1 does not apply in relation to any proceedings begun within the period of 3 months beginning with exit day so far as—

- (a) the proceedings involve a challenge to anything which occurred before exit day, and
- (b) the challenge is not for the disapplication or quashing of—
 - (i) an Act of Parliament or a rule of law which is not an enactment, or
 - (ii) any enactment, or anything else, not falling within sub-paragraph (i) which, as a result of anything falling within that sub-paragraph, could not have been different or which gives effect to, or enforces, anything falling within that sub-paragraph.”

Member’s explanatory statement

This amendment amends the effect of paragraph 3 of Schedule 1 by permitting legal challenges on or after exit day based on the general principles of EU law where those challenges relate to anything which happened before exit day, are made within 3 months of exit day and are not for the disapplication or quashing of an Act of Parliament or the common law or anything related to them.

Secretary David Davis

38

Schedule 8, page 62, line 29, at end insert “or made on or after that day by virtue of this paragraph”

Member’s explanatory statement

This amendment ensures that paragraph 3(2) of Schedule 1 does not prevent certain legal challenges and other action on or after exit day on the basis of incompatibility with any of the general principles of EU law where those challenges or that action is also based on the necessary consequences of a decision of a court or tribunal made on or after exit day as a result of amendment 37 or under other transitional provisions in paragraph 27 of Schedule 8.

ORDER OF THE HOUSE [11 SEPTEMBER 2017]

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

Committal

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

Proceedings in Committee

2. Proceedings in Committee of the whole House shall be completed in eight days.

European Union (Withdrawal) Bill, *continued*

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

TABLE

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

European Union (Withdrawal) Bill, *continued*

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
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Seventh day

New Clauses and new Schedules relating to Clause 9, Clause 9, new Clauses and new Schedules relating to Clause 16 or Schedule 7, Clause 16, Schedule 7, Clause 17	Six hours from the commencement of proceedings on the Bill on the seventh day
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New Clauses and new Schedules relating to Clause 8, Clause 8	Eight hours from the commencement of proceedings on the Bill on the seventh day
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Eighth day

New Clauses and new Schedules relating to Clause 13 or Schedule 5, Clause 13, Schedule 5	Four hours from the commencement of proceedings on the Bill on the eighth day
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New Clauses and new Schedules relating to Clause 14 or Schedule 6, Clause 14, Schedule 6, remaining new Clauses, remaining new Schedules, Clause 15, Schedules 8 and 9, Clauses 18 and 19, remaining proceedings on the Bill	Eight hours from the commencement of proceedings on the Bill on the eighth day
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Proceedings on Consideration and up to and including Third Reading

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

Programming committee

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

Other proceedings

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

EUROPEAN UNION (WITHDRAWAL) BILL PROGRAMME (NO.2)

Secretary David Davis

That the Order of 11 September 2017 (European Union (Withdrawal) Bill (Programme)) be varied as follows:

1. Paragraphs 5 to 7 of the Order shall be omitted.

European Union (Withdrawal) Bill, *continued*

2. Proceedings on Consideration and up to and including Third Reading shall be taken in two days in accordance with the following provisions of this Order.
3. Proceedings on Consideration shall be taken in the order shown in the first column of the following Table and (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
Amendments to Clauses 1 to 5; amendments to Schedule 1; amendments to Clause 6; new Clauses and new Schedules relating to any of Clauses 1 to 6 or Schedule 1	4.00 pm on the first day
Amendments to Clause 10; amendments to Schedule 2; amendments to Clause 11; amendments to Schedule 3; new Clauses and new Schedules relating to Clause 10 or 11 or Schedule 2 or 3	7.00 pm on the first day
Remaining proceedings on Consideration	4.30 pm on the second day

4. Any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion at 4.30 pm on the second day.
 5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at 7.00 pm on the second day.
-

NOTICES WITHDRAWN

The following Notices were withdrawn on 9 January 2018:

8

The following Notices were withdrawn on 11 January 2018:

NC8
