



SUPPLEMENT TO THE VOTES AND PROCEEDINGS

Tuesday 16 January 2018

REPORT STAGE PROCEEDINGS

EUROPEAN UNION (WITHDRAWAL) BILL, AS AMENDED

GLOSSARY

This document shows the fate of each clause, schedule, amendment and new clause.

The following terms are used:

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negatived: rejected without a vote.

Negatived on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Speaker.

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
Negatived on division 57

Page 2, line 42, leave out Clause 4

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

Negatived on division 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.
- (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.”

European Union (Withdrawal) Bill, *continued*

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

Hywel Williams
Jonathan Edwards

Liz Saville Roberts
Caroline Lucas

Ben Lake

Not called 7

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

AMENDMENTS TO CLAUSE 6

Joanna Cherry

Not called 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.”

Stuart C. McDonald

Not called 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.”

Joanna Cherry

Not called 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”

European Union (Withdrawal) Bill, *continued*
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
Negated on division **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.”

Mike Gapes
 Paul Farrelly
 Stella Creasy

Not called **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.
- (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.

European Union (Withdrawal) Bill, *continued*

- (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.”
-

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

Not called 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.”
-

Bambos Charalambous
Mr David Lammy
Mike Gapes

Not called 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—

European Union (Withdrawal) Bill, *continued*

- (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.”

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

Not called **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).”

European Union (Withdrawal) Bill, continued

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 *Negatived* 49
 Schedule 2, page 17, line 13, leave out “appropriate” and insert “necessary”
- Joanna Cherry *Not called* 50
 Schedule 2, page 17, line 18, leave out “appropriate” and insert “necessary”
- Secretary David Davis *Agreed to on division* 21
 Schedule 2, page 17, line 24, leave out “reference” and insert “references”
- Secretary David Davis *Agreed to on division* 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))”
- Secretary David Davis *Agreed to on division* 23
 Schedule 2, page 17, line 25, leave out “a reference” and insert “references”
- Secretary David Davis *Agreed to on division* 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”
- Secretary David Davis *Agreed to on division* 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.
 () This paragraph does not prevent a Northern Ireland department from making provision in regulations under this Part if—

European Union (Withdrawal) Bill, *continued*

- (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.”

Secretary David Davis

Agreed to on division **26**

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

Secretary David Davis

Agreed to on division **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.”

Joanna Cherry

Not called **51**

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

Joanna Cherry

Not called **52**

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

Secretary David Davis

Agreed to on division **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.”

European Union (Withdrawal) Bill, *continued*

Joanna Cherry

Not called 53

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

Joanna Cherry

Not called 54

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

Secretary David Davis

Agreed to on division 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.”
-

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

Negated on division 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.”

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

Ben Lake
Caroline Lucas

Jonathan Edwards
Paul Farrelly

Stephen Kinnock

Not called 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”.
- (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”.”

European Union (Withdrawal) Bill, *continued*

Hywel Williams
Liz Saville Roberts
Jonathan Edwards
Ben Lake
Caroline Lucas

Not called 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.
- (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.”

Bill to be further considered tomorrow.