



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Wednesday 10 January 2018**

*New Amendments handed in are marked thus ★*

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

*Amendments tabled since the last publication: NC10 to NC12*

### CONSIDERATION OF BILL (REPORT STAGE)

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**This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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

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

Stephen Kinnock

Ian Murray

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.

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

- (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,
  - (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.*

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

Catherine McKinnell  
 Mr Ben Bradshaw  
 Peter Kyle  
 Stephen Kinnock

Stephen Doughty  
 Ian Murray  
 Wes Streeting

Paul Farrelly  
 Mary Creagh  
 Dame Margaret Hodge

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

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

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,
- (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.*

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 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  
 Liz Saville Roberts  
 Dame Margaret Hodge

Stephen Doughty  
 Ian Murray  
 Wes Streeting  
 Ben Lake  
 Stephen Kinnock

Paul Farrelly  
 Mary Creagh  
 Hywel Williams  
 Jonathan Edwards

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 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.*

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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

Stephen Doughty  
 Ian Murray  
 Wes Streeting

Paul Farrelly  
 Mary Creagh  
 Dame Margaret Hodge

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.*

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

Catherine McKinnell  
 Mr Ben Bradshaw  
 Peter Kyle  
 Stephen Kinnock

Stephen Doughty  
 Ian Murray  
 Wes Streeting

Paul Farrelly  
 Mary Creagh  
 Dame Margaret Hodge

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*

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

*existing Single Market and Customs Union arrangements by virtue of membership of the European Union.*

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

Catherine McKinnell  
Mr Ben Bradshaw  
Peter Kyle  
Stephen Kinnock

Stephen Doughty  
Ian Murray  
Wes Streeting

Paul Farrelly  
Mary Creagh  
Dame Margaret Hodge

**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 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.*

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

Paul Flynn  
Jonathan Edwards

Layla Moran  
Ian Murray

Hywel Williams

**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

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

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.*

Mr Dominic Grieve  
Stephen Hammond

NC8

To move the following Clause—

**“Classification of retained EU law**

- (1) Any direct EU legislation that was a legislative act enacted under Article 289 of the Treaty on the Functioning of the European Union is deemed to be primary legislation when it forms part of retained EU law on or after exit day.
- (2) Direct EU legislation that was a delegated act under Article 290 of the Treaty on the Functioning of the European Union or an implementing act under Article 291 of the Treaty on the Functioning of the European Union is deemed to be a statutory instrument when it forms part of Retained EU Law on or after exit day.
- (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***

*The purpose is to provide greater legal certainty by classifying retained EU law as either primary or secondary legislation.*

Mike Gapes

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

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

- (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.*

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Geraint Davies

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.*

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European Union (Withdrawal) Bill, *continued*

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

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 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

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

- (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.*

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Mary Creagh

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);
  - (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.

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

- (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.*

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

Stephen Kinnock

Ian Murray

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

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

- 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.”

***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

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.*

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

Stephen Kinnock

Ian Murray

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.

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

- (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—
    - (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,

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

- (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
  - (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 necessary for the purposes of the Bill, that they do not abolish enforcement functions and that they do not reduce rights or protections.*

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.*

European Union (Withdrawal) Bill, *continued*

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.*

Secretary David Davis 18

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

Secretary David Davis 19

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

Ian Blackford  
 Chris Stephens  
 Kirsty Blackman  
 Stephen Gethins  
 Peter Grant  
 Patrick Grady 9

Clause 7, page 6, line 16, at end insert—  
 “(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 Jonathan Edwards Stephen Kinnock 5

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

European Union (Withdrawal) Bill, *continued*

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

Stephen Kinnock

Ian Murray

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

Jonathan Edwards

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”.
- (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*



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

*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

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.”

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

**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.*

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

Ian Murray

**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

**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.*

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European Union (Withdrawal) Bill, *continued*

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

Stephen Kinnock

Ian Murray

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 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.*

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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.*

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Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards  
Ben Lake

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.*

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

Hywel Williams  
Liz Saville Roberts  
Jonathan Edwards  
Ben Lake

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.*

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*NEW SCHEDULE*

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)

European Union (Withdrawal) Bill, *continued*

COUNCIL DIRECTIVE NO 94/33/EC of 22 June 1994 on the protection of young people at work
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

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

COUNCIL DIRECTIVE 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees
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

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.

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

- ( ) 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, 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.*

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



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

- (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.*

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

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

- (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.*

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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.*

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European Union (Withdrawal) Bill, *continued*

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.*
- 

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.*

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 European Union (Withdrawal) Bill, *continued*

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.*

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## ORDER OF THE HOUSE [11 SEPTEMBER 2017]

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

*Committal*

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

*Proceedings in Committee*

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

**TABLE**

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

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

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
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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
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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
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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
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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
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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.

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

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.
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**NOTICES WITHDRAWN**

*The following Notices were withdrawn on 9 January 2018:*