



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 21 December 2017

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: 11 to 13

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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.

NEW CLAUSES

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

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 rights can be amended only by primary legislation, subordinate legislation made under this Act, or subordinate legislation which has been approved through an enhanced scrutiny procedure.

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

Catherine McKinnell
Mr Ben Bradshaw
Peter Kyle

Stephen Doughty
Ian Murray
Wes Streeting

Paul Farrelly
Mary Creagh

NC2

☆ To move the following Clause—

“Meaning of Withdrawal Agreement

It shall be the objective of Her Majesty’s Government to ensure that the arrangements for the UK’s withdrawal from the EU which comprise the “withdrawal agreement” specified in subsection (1) of section 14 shall include full, comprehensive and sufficient detail as if it were a legal instrument capable of acceptance and deposit as an international trade agreement at the World Trade

European Union (Withdrawal) Bill, *continued*

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

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

Stephen Doughty
Ian Murray
Wes Streeting
Ben Lake

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.

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 Doughty
 Ian Murray
 Wes Streeting

Paul Farrelly
 Mary Creagh

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.

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

Catherine McKinnell
 Mr Ben Bradshaw
 Peter Kyle

Stephen Doughty
 Ian Murray
 Wes Streeting

Paul Farrelly
 Mary Creagh

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.

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

Catherine McKinnell
Mr Ben Bradshaw
Peter Kyle

Stephen Doughty
Ian Murray
Wes Streeting

Paul Farrelly
Mary Creagh

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.

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

Paul Flynn
Jonathan Edwards

Layla Moran

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 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

European Union (Withdrawal) Bill, continued

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 of the primary or secondary legislation.

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

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.

European Union (Withdrawal) Bill, *continued*

“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.”

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.

European Union (Withdrawal) Bill, *continued*

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

2

- ☆ Clause 7, page 5, line 6, leave out subsections (1) to (6) and insert—
- “(1) A Minister of the Crown may by regulations make such provision as the Minister considers necessary to prevent, remedy or mitigate—
- (a) any failure of retained EU law to operate effectively, or
 - (b) any other deficiency in retained EU law,
- arising from the withdrawal of the United Kingdom from the EU.
- (2) Deficiencies in retained EU law are where the Minister considers that retained EU law—
- (a) contains anything which has no practical application in relation to the United Kingdom or any part of it or is otherwise redundant or substantially redundant,
 - (b) confers functions on, or in relation to, EU entities which no longer have functions in that respect under EU law in relation to the United Kingdom or any part of it,
 - (c) makes provision for, or in connection with, reciprocal arrangements between—
 - (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,

European Union (Withdrawal) Bill, *continued*

- (b) the establishment of public authorities in the United Kingdom to carry out functions provided for by regulations under this section.
- (6) Regulations to which subsection (5) apply must ensure that the functions of such EU entities or public authorities are exercised with equivalent scope, purpose and effect by public authorities in the United Kingdom.
- (7) But regulations under this section may not—
 - (a) impose or increase taxation,
 - (b) make retrospective provision,
 - (c) create a relevant criminal offence,
 - (d) be made to implement the withdrawal agreement,
 - (e) amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it,
 - (f) amend or repeal the Northern Ireland Act 1998 (unless the regulations are made by virtue of paragraph 13(b) of Schedule 7 to this Act or are amending or repealing paragraph 38 of Schedule 3 to the Northern Ireland Act 1998 or any provision of that Act which modifies another enactment),
 - (g) contain any provision the effect of which is that, in comparison with the position immediately before the exit date—
 - (i) any right conferred on a person by retained EU law is either removed or made less favourable,
 - (ii) any standard laid by retained EU law is lowered, or
 - (iii) any remedy, procedure or method of enforcement, in relation to any rights or standards conferred by retained EU law, is made less effective, or
 - (h) amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under that Act.”

Member’s explanatory statement

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

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 NS1, would except EU Directives relating to workers’ rights from the power to make regulations to remedy deficiencies in retained EU law.

European Union (Withdrawal) Bill, *continued*

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

Ben Lake

Jonathan Edwards

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.

Ian Blackford
 Kirsty Blackman
 Peter Grant
 Stephen Gethins
 Patrick Grady
 Hywel Williams

Liz Saville Roberts

Ben Lake

Jonathan Edwards

8

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

“(5) No regulations may be made under this section until the Secretary of State has signed an agreement with the EU guaranteeing that the UK will remain a permanent member of the EU Single Market.”

Member’s explanatory statement

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

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

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”.

European Union (Withdrawal) Bill, *continued*

- (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

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 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”.

European Union (Withdrawal) Bill, *continued*

- (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.”

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.

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

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.

European Union (Withdrawal) Bill, *continued*

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

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.

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.

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

European Union (Withdrawal) Bill, *continued*

- (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.

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) |
| 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 |

European Union (Withdrawal) Bill, *continued*

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

European Union (Withdrawal) Bill, *continued*

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| 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 |
| 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.

European Union (Withdrawal) Bill, *continued*

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 |
| Fourth day | |
| New Clauses and new Schedules relating to Clause 11 or Schedule 3, Clause 11, Schedule 3 | Eight hours from the commencement of proceedings on the Bill on the fourth day |
| Fifth day | |
| New Clauses and new Schedules relating to Clause 10 or Schedule 2, Clause 10, Schedule 2 | Four hours from the commencement of proceedings on the Bill on the fifth day |
| New Clauses and new Schedules relating to Clause 12 or Schedule 4, Clause 12, Schedule 4 | Eight hours from the commencement of proceedings on the Bill on the fifth day |

European Union (Withdrawal) Bill, *continued*

| <i>Proceedings</i> | <i>Time for conclusion of proceedings</i> |
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Sixth day

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| 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

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| 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

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

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

Programming committee

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

Other proceedings

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