



House of Commons

Wednesday 13 June 2018

CONSIDERATION OF LORDS AMENDMENTS

EUROPEAN UNION (WITHDRAWAL) BILL

On Consideration of Lords Amendments to the European Union (Withdrawal) Bill

NOTE

This document includes all remaining amendments and includes any withdrawn amendments at the end. The Lords Amendments have been arranged in accordance with the Order of the House [12 June 2018].

Lords Amendment No. **51**

As Amendments to the Lords Amendment:—

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

Helen Goodman

Line **3**, leave out “an international agreement has been made which enables the United Kingdom to continue to participate in the European Economic Area after exit day” and insert “the United Kingdom has full access to the internal market of the European Union, underpinned by shared institutions and regulations, with no new impediments to trade and common rights, standards and protections as a minimum.” **(a)**

European Union (Withdrawal) Bill, *continued*

Yvette Cooper
Hilary Benn
Seema Malhotra

Line 5, after “Area”, insert “with appropriate safeguard measures”

(b)

Secretary David Davis

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment No. 1

As an Amendment to the Lords Amendment:—

Liz Saville Roberts
Hywel Williams
Jonathan Edwards
Ben Lake

Line 2, leave out “condition in subsection (3)” and insert “conditions in subsections (3) and (4)”.

(a)

Secretary David Davis

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment No. 2

As an Amendment to the Lords Amendment:—

Liz Saville Roberts
Hywel Williams
Jonathan Edwards
Ben Lake
Tom Brake

Line 8, at end add—
“(4) For the purposes of subsection (3), “a customs union with the European Union” means the European Union Customs Union.”

(a)

European Union (Withdrawal) Bill, *continued*

Secretary David Davis

To move, That this House disagrees with the Lords in their Amendment.

To move the following Amendments to the Bill in lieu of the Lords Amendments Nos. 1 and 2:—

Secretary David Davis
 Sir Oliver Letwin
 Nicky Morgan
 Sir William Cash
 Mr Jacob Rees-Mogg
 Stephen Hammond

Mr John Hayes
 Antoinette Sandbach
 Damian Green

Mr John Baron
 Paul Masterton
 Sir Bernard Jenkin

Theresa Villiers
 Robert Neill
 Mr Iain Duncan Smith

(a)

Page 9, line 21, at end insert the following Clause—

“Customs arrangement as part of the framework for the future relationship

- (1) A Minister of the Crown must lay before each House of Parliament a statement in writing outlining the steps taken by Her Majesty’s Government, in negotiations under Article 50(2) of the Treaty on European Union, to seek to negotiate an agreement, as part of the framework for the United Kingdom’s future relationship with the EU, for the United Kingdom to participate in a customs arrangement with the EU.
- (2) The statement under subsection (1) must be laid before both Houses of Parliament before the end of 31 October 2018.”

Secretary David Davis
 Sir Oliver Letwin
 Nicky Morgan
 Sir William Cash
 Mr Jacob Rees-Mogg
 Stephen Hammond

Mr John Hayes
 Antoinette Sandbach
 Damian Green

Mr John Baron
 Paul Masterton
 Sir Bernard Jenkin

Theresa Villiers
 Robert Neill
 Mr Iain Duncan Smith

(b)

Page 15, line 13, at end insert—

“() section (*Customs arrangement as part of the framework for the future relationship*),”.

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European Union (Withdrawal) Bill, *continued*

Lords Amendment No. **5**

Secretary David Davis

To move, That this House disagrees with the Lords in their Amendment.

Lords Amendment No. **53**

Secretary David Davis

To move, That this House disagrees with the Lords in their Amendment.

Secretary David Davis

To move the following Amendment to the Bill in lieu of the Lords Amendment:—

Secretary David Davis

Page **64**, line **15**, leave out “3 months” and insert “three years”

(a)

Lords Amendment No. **4**

Secretary David Davis

To move, That this House disagrees with the Lords in their Amendment.

European Union (Withdrawal) Bill, *continued*

Lords Amendment No. 3

Secretary David Davis
 Sir Oliver Letwin
 Zac Goldsmith
 Richard Benyon
 Justine Greening
 Mr Bernard Jenkin

Sir Nicholas Soames
 Antoinette Sandbach
 Derek Thomas
 Mrs Sheryll Murray
 Dr Sarah Wollaston
 Mr Kenneth Clarke

Peter Aldous
 Mrs Anne Main
 Dr Matthew Offord
 John Penrose
 Colin Clark
 Vicky Ford

Alex Chalk
 Mr Simon Clarke
 Mr Andrew Mitchell
 Dame Caroline Spelman
 Jeremy Lefroy
 Andrew Selous

To move, That this House disagrees with the Lords in their Amendment.

To move the following Amendments to the Bill in lieu of the Lords Amendment:—

Secretary David Davis
 Sir Oliver Letwin
 Zac Goldsmith
 Richard Benyon
 Justine Greening
 Mr Bernard Jenkin

Sir Nicholas Soames
 Antoinette Sandbach
 Derek Thomas
 Mrs Sheryll Murray
 Dr Sarah Wollaston
 Mr Kenneth Clarke

Peter Aldous
 Mrs Anne Main
 Dr Matthew Offord
 John Penrose
 Colin Clark
 Vicky Ford

Alex Chalk
 Mr Simon Clarke
 Mr Andrew Mitchell
 Dame Caroline Spelman
 Jeremy Lefroy
 Andrew Selous

(c)

Page 9, line 21, at end insert the following Clause—

“Maintenance of environmental principles etc.

- (1) The Secretary of State must, within the period of six months beginning with the day on which this Act is passed, publish a draft Bill consisting of—
 - (a) a set of environmental principles,
 - (b) a duty on the Secretary of State to publish a statement of policy in relation to the application and interpretation of those principles in connection with the making and development of policies by Ministers of the Crown,
 - (c) a duty which ensures that Ministers of the Crown must have regard, in circumstances provided for by or under the Bill, to the statement mentioned in paragraph (b),
 - (d) provisions for the establishment of a public authority with functions for taking, in circumstances provided for by or under the Bill, proportionate enforcement action (including legal proceedings if necessary) where the authority considers that a Minister of the Crown is not complying with environmental law (as it is defined in the Bill), and
 - (e) such other provisions as the Secretary of State considers appropriate.

European Union (Withdrawal) Bill, *continued*

- (2) The set of environmental principles mentioned in subsection (1)(a) must (however worded) consist of—
- (a) the precautionary principle so far as relating to the environment,
 - (b) the principle of preventative action to avert environmental damage,
 - (c) the principle that environmental damage should as a priority be rectified at source,
 - (d) the polluter pays principle,
 - (e) the principle of sustainable development,
 - (f) the principle that environmental protection requirements must be integrated into the definition and implementation of policies and activities,
 - (g) public access to environmental information,
 - (h) public participation in environmental decision-making, and
 - (i) access to justice in relation to environmental matters.”

Mary Creagh
 Anna Turley
 Daniel Zeichner
 Gareth Thomas
 Martin Whitfield
 Peter Kyle

Liz Kendall
 Ann Coffey
 Tulip Siddiq
 Catherine West
 Matt Western
 Angela Smith
 Caroline Lucas

Alex Sobel
 Seema Malhotra
 Geraint Davies
 Chuka Umunna
 Mike Gapes
 Catherine McKinnell

Kate Green
 Mrs Madeleine Moon
 Rushanara Ali
 Stephen Doughty
 Ruth Cadbury
 Darren Jones

(e)

Page 9, line 21, at end insert the following Clause—

“Environmental Governance and Enforcement after leaving the EU

- (1) Before making regulations specifying exit day under section 14, the Secretary of State must prepare and publish proposals for a new public body (the ‘Environmental Protection Agency’) which will have the purposes, powers and form specified in this section.
- (2) The Environmental Protection Agency shall at minimum have the following purposes—
 - (a) to enforce the implementation of environmental law by public authorities,
 - (b) to uphold environmental rights,
 - (c) to oversee implementation of environmental law,
 - (d) to produce and receive reports about the condition of the environment,
 - (e) to provide citizens with a free and accessible way of raising complaints relating to alleged breaches of environmental law,
 - (f) to provide advice and information to Ministers about how best to implement policies promoting environmental principles, and
 - (g) to conduct investigations into matters relating to the environment as requested by select committees of the House of Commons, committees of the House of Lords, or petitions received by the House of Commons.

European Union (Withdrawal) Bill, *continued*

- (3) The Secretary of State must set out the steps he will take to ensure the Environmental Protection Agency shall have at minimum the following powers—
 - (a) to conduct thematic inquiries into systematic failures to implement or comply with environmental law by public authorities,
 - (b) to issue formal notices to public authorities requiring action,
 - (c) to apply—
 - (i) in England, Wales and Northern Ireland, to the county court for an injunction compelling or restraining action by a public authority, and
 - (ii) in Scotland, to the Sheriff for an interdict prohibiting or compelling action by a public authority,
 - (d) to issue structural injunctions requiring Ministers to take steps to ensure Government policy does not conflict with the environmental principles,
 - (e) to fine public authorities for failures to comply with structural injunctions.
- (4) The Secretary of State must take steps to ensure that the Environmental Protection Agency is constituted in such a way that—
 - (a) it may discharge its duties without interference from Ministers or other public authorities,
 - (b) it is primarily accountable to Parliament,
 - (c) it receives a level of funding necessary to carry out its duties, and
 - (d) a Minister of the Crown may not change the Environmental Protection Agency's constitution.
- (5) The Secretary of State must take steps to ensure that a set of robust environmental principles are clearly set out, enforced and that where any public authority fails to comply with the environmental principles the Environmental Protection Agency may use powers listed under subsection (3) to enforce compliance as soon as is practicable.
- (6) In this section, 'the environmental principles' means a set of objectives for government policy and the activities and policies of public authorities, including but not limited to—
 - (a) the sustainable development principle, which requires that the policies and activities of public authorities do not harm the ability of future generations to meet their needs,
 - (b) the precautionary principle, which requires that where there are threats of serious or irreversible environmental damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation,
 - (c) the prevention principle, which requires preventative action to be taken to avert environmental damage,
 - (d) the polluter pays principle, which requires the cost of pollution control and remediation to be borne by those who have caused the pollution,
 - (e) the rectification at source principle, which requires that environmental damage should as a priority be rectified by targeting its original cause and taking preventive action at source, and
 - (f) the integration principle, which requires that environmental protection requirements must be integrated into the definition and implementation of policies and activities.”

European Union (Withdrawal) Bill, *continued*

Secretary David Davis
 Sir Oliver Letwin
 Zac Goldsmith
 Richard Benyon
 Justine Greening
 Mr Bernard Jenkin

Sir Nicholas Soames
 Antoinette Sandbach
 Derek Thomas
 Mrs Sheryll Murray
 Dr Sarah Wollaston
 Mr Kenneth Clarke

Peter Aldous
 Mrs Anne Main
 Dr Matthew Offord
 John Penrose
 Colin Clark
 Vicky Ford

Alex Chalk
 Mr Simon Clarke
 Mr Andrew Mitchell
 Dame Caroline Spelman
 Jeremy Lefroy
 Andrew Selous

(d)

Page 15, line 13, at end insert—

“() section (Maintenance of environmental principles etc.),”

Lords Amendment No. 24

Secretary David Davis

To move, That this House disagrees with the Lords in their Amendment.

Secretary David Davis

To move the following Amendments to the Bill in lieu of the Lords Amendment:—

Secretary David Davis

Page 9, line 21, at end insert the following Clause—

(a)

“Family unity for those seeking asylum or other protection in Europe

- (1) A Minister of the Crown must seek to negotiate, on behalf of the United Kingdom, an agreement with the EU under which, after the United Kingdom’s withdrawal from the EU, in accordance with the agreement—
- 5 (a) an unaccompanied child who has made an application for international protection to a member State may, if it is in the child’s best interests, come to the United Kingdom to join a relative who is aged 18 or over and—
- 10 (i) is a lawful resident of the United Kingdom, or
- (ii) has made a protection claim which has not been decided, and
- (b) an unaccompanied child in the United Kingdom, who has made a protection claim, may go to a member State to join a relative there, in equivalent circumstances.
- 15 (2) For the purposes of subsection (1)(a)(i) a person is not a lawful resident of the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.

European Union (Withdrawal) Bill, *continued*

- 20 (3) For the purposes of subsection (1)(a)(ii), a protection claim is decided—
- (a) when the Secretary of State notifies the claimant of the Secretary of State’s decision on the claim, unless the claimant appeals against the decision, or
- (b) if the claimant appeals against the Secretary of State’s decision on the claim, when the appeal is disposed of.
- 25 (4) In this section—
- “application for international protection” has the meaning given by Article 2(h) of Directive 2011/95/EU of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted;
- 30 “protection claim” has the same meaning as in Part 5 of the Nationality, Immigration and Asylum Act 2002 (see section 82(2) of that Act);
- “relative”, in relation to an unaccompanied child, means—
- (a) a spouse or civil partner of the child or any person with whom the child has a durable relationship that is similar to marriage or civil partnership, or
- 35 (b) a parent, grandparent, brother or sister of the child;
- “unaccompanied child” means a person under the age of 18 (“the child”) who is not in the care of a person who—
- (a) is aged 18 or over, and
- 40 (b) by law or custom of the country or territory in which the child is present, has responsibility for caring for the child.”

As Amendments to Secretary David Davis’s proposed Amendment (a) in lieu of the Lords Amendment:—

Yvette Cooper
Tim Loughton

Line 7, leave out “is aged 18 or over and”

(i)

Secretary David Davis
Yvette Cooper
Tim Loughton

Line 36, after “grandparent,” insert “uncle, aunt,”

(ii)

Secretary David Davis

Page 15, line 13, at end insert—

“() section (*Family unity for those seeking asylum or other protection in Europe*),”

(b)

European Union (Withdrawal) Bill, *continued*

Lords Amendment No. 32

Secretary David Davis

To move, That this House agrees with the Lords in their Amendment.

ORDER OF THE HOUSE [12 JUNE 2018]

That the following provisions shall apply to the European Union (Withdrawal) Bill for the purpose of supplementing the Orders of 11 September 2017 (European Union (Withdrawal) Bill (Programme)) and 16 January 2018 (European Union (Withdrawal) Bill (Programme) (No.2)):

Consideration of Lords Amendments

1. Proceedings on consideration of Lords Amendments shall be completed in two days.
2. The proceedings shall be taken in the order shown in the first column of the following Table.
3. 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>Lords Amendments</i>	<i>Time for conclusion of proceedings</i>
Nos. 110, 128, 37, 39, 125, 19, 52, 10, 43, 45, 20, 11 to 14, 18, 21 to 23, 44, 47, 102 to 107, 112, 113, 115 to 119, 121 to 124, 126, 127, 130 to 134, 136 to 140, 142 to 148, 150, 152, 154, 156 to 158, 171, and 172.	Three hours after the commencement of proceedings on consideration of Lords Amendments on the first day
Nos. 25, 15 to 17, 26 to 31, 46, 48 to 50, 54 to 101, 108, 109, 111, 114, 120, 129, 135, 141, 149, 151, 153, 155, 162, 165, 169, and 173 to 196.	Six hours after the commencement of proceedings on consideration of Lords Amendments on the first day
Nos. 51, 1, 2, 5, 53, 4, 3, 24, 32, 6 to 9, 33 to 36, 38, 40 to 42, 159 to 161, 163, 164, 166 to 168, and 170.	Six hours after the commencement of proceedings on consideration of Lords Amendments on the second day

Subsequent stages

4. Any further Message from the Lords may be programmed.
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European Union (Withdrawal) Bill, *continued*

NOTICES WITHDRAWN

The following Notices were withdrawn on 7 June 2018:

Amendments to the Bill in lieu of Lords Amendment 3, (a) and (b)
