

European Union (Withdrawal) Bill

LORDS NON-INSISTENCE, AGREEMENT, AMENDMENTS IN LIEU AND AMENDMENTS TO AMENDMENTS

[Page and line references to the Bill are to HL Bill 79, the bill as first printed for the Lords.]

LORDS AMENDMENT 4

After Clause 3

- 4 Insert the following new Clause –
- “Enhanced protection for certain areas of EU law**
- (1) Following the day on which this Act is passed, a Minister of the Crown may not amend, repeal or revoke retained EU law relating to –
 - (a) employment entitlements, rights and protection,
 - (b) equality entitlements, rights and protection,
 - (c) health and safety entitlements, rights and protection,
 - (d) consumer standards, or
 - (e) environmental standards and protection,except by primary legislation, or by subordinate legislation made under any Act of Parliament insofar as this subordinate legislation meets the requirements in subsections (2) to (5).
 - (2) Subordinate legislation which amends, repeals or revokes retained EU law in the areas set out in subsection (1) must be subject to an enhanced scrutiny procedure, to be established by regulations made by the Secretary of State.
 - (3) Regulations under subsection (2) may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.
 - (4) The enhanced scrutiny procedure provided for by subsection (2) must include a period of consultation with relevant stakeholders.
 - (5) When making regulations relating to the areas of retained EU law set out in subsection (1), whether under this Act or any other Act of Parliament, a Minister of the Crown must –
 - (a) produce an explanatory statement under paragraph 22 of Schedule 7, and
 - (b) include a certification that the regulation does no more than make technical changes to retained EU law in order for it to work following exit.”

COMMONS REASON

The Commons disagree to Lords Amendment 4 for the following Reason –

4A *Because the Bill already contains sufficient protection for the areas of EU law concerned.*

LORDS NON-INSISTENCE AND AMENDMENTS IN LIEU

The Lords do not insist on their Amendment 4, to which the Commons have disagreed for their Reason 4A, and do propose Amendment 4B as an amendment to the Bill, and Amendments 4C to 4E as amendments to their Amendments 9, 161 and 162, in lieu –

4B Page 56, line 32, at end insert –

“Affirmative procedure for instruments which amend or revoke subordinate legislation made under section 2(2) of the ECA (including subordinate legislation implementing EU directives)

5CA(1) A statutory instrument which –

- (a) is to be made on or after exit day by a Minister of the Crown under a power conferred before the beginning of the Session in which this Act is passed,
- (b) is not to be made jointly with any person who is not a Minister of the Crown,
- (c) amends or revokes any subordinate legislation made under section 2(2) of the European Communities Act 1972, and
- (d) would otherwise be subject to a lower procedure before each House of Parliament and no procedure before any other legislature,

may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(2) Sub-paragraph (1) has effect instead of any other provision which would otherwise apply in relation to the procedure for such an instrument before each House of Parliament but does not affect any other requirements which apply in relation to making, confirming or approving the instrument.

(3) Any provision which –

- (a) may be made under the power mentioned in sub-paragraph (1)(a),
- (b) is not provision which falls within sub-paragraph (1)(c), and
- (c) is subject to a lower procedure than the procedure provided for by sub-paragraph (1),

may be included in an instrument to which sub-paragraph (1) applies (and is accordingly subject to the procedure provided for by that sub-paragraph instead of the lower procedure).

(4) If a draft of a statutory instrument which –

- (a) is to be made on or after exit day by a Minister of the Crown under a power conferred before the beginning of the Session in which this Act is passed,
- (b) is not to be made jointly with any person who is not a Minister of the Crown,

- (c) amends or revokes any provision, made otherwise than under section 2(2) of the European Communities Act 1972 (whether or not by way of amendment), of subordinate legislation made under that section, and
 - (d) would otherwise be subject to a lower procedure before each House of Parliament and no procedure before any other legislature,

is laid before, and approved by a resolution of, each House of Parliament, then the instrument is not subject to the lower procedure.
- (5) This paragraph applies to an instrument which is subject to a procedure before the House of Commons only as it applies to an instrument which is subject to a procedure before each House of Parliament but as if the references to each House of Parliament were references to the House of Commons only.
- (6) For the purposes of this paragraph, the order of procedures is as follows (the highest first) –
 - (a) a procedure which requires a statement of urgency before the instrument is made and the approval of the instrument after it is made to enable it to remain in force,
 - (b) a procedure which requires the approval of the instrument in draft before it is made,
 - (c) a procedure not falling within paragraph (a) which requires the approval of the instrument after it is made to enable it to come into, or remain in, force,
 - (d) a procedure which provides for the annulment of the instrument after it is made,
 - (e) a procedure not falling within any of the above paragraphs which provides for the laying of the instrument after it is made,
 - (f) no procedure.
- (7) For the purposes of this paragraph a power is conferred whether or not it is in force.
- (8) References in this paragraph, other than in sub-paragraph (4), to subordinate legislation made under section 2(2) of the European Communities Act 1972 –
 - (a) do not include references to any provision of such legislation which is made (whether or not by way of amendment) otherwise than under section 2(2) of that Act, and
 - (b) do include references to subordinate legislation made otherwise than under section 2(2) of that Act so far as that legislation is amended by provision made under that section (but do not include references to any primary legislation so far as so amended).
- (9) This paragraph is subject to any other provision made by or under this Act or any other enactment.

Enhanced scrutiny procedure for instruments which amend or revoke subordinate legislation under section 2(2) of the ECA (including subordinate legislation implementing EU directives)

- 5CB (1) This paragraph applies where, on or after exit day –
- (a) a statutory instrument which –
 - (i) amends or revokes subordinate legislation made under section 2(2) of the European Communities Act 1972, and
 - (ii) is made under a power conferred before the beginning of the Session in which this Act is passed, or
 - (b) a draft of such an instrument,
- is to be laid before each House of Parliament and subject to no procedure before any other legislature.
- (2) The relevant authority must publish, in such manner as the relevant authority considers appropriate, a draft of the instrument at least 28 days before the instrument or draft is laid.
 - (3) The relevant authority must make a scrutiny statement before the instrument or draft is laid.
 - (4) A scrutiny statement is a statement –
 - (a) setting out the steps which the relevant authority has taken to make the draft instrument published in accordance with sub-paragraph (2) available to each House of Parliament,
 - (b) containing information about the relevant authority's response to –
 - (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and
 - (ii) any other representations made to the relevant authority about the published draft instrument, and
 - (c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid.
 - (5) A scrutiny statement must be in writing and must be published in such manner as the relevant authority considers appropriate.
 - (6) Sub-paragraphs (2) to (5) do not apply if the relevant authority –
 - (a) makes a statement in writing to the effect that the relevant authority is of the opinion that, by reason of urgency, sub-paragraphs (2) to (5) should not apply, and
 - (b) publishes the statement in such manner as the relevant authority considers appropriate.
 - (7) This paragraph does not apply in relation to any laying before each House of Parliament of an instrument or draft instrument where an equivalent draft instrument (ignoring any differences relating to procedure) has previously been laid before both Houses.
 - (8) This paragraph applies to an instrument which is subject to a procedure before the House of Commons only as it applies to an instrument which is subject to a procedure before each House of Parliament but as if references to each or either House of Parliament, or both Houses, were references to the House of Commons only.

- (9) For the purposes of this paragraph –
- (a) a power is conferred whether or not it is in force,
 - (b) the draft instrument published under sub-paragraph (2) need not be identical to the final version of the instrument or draft instrument as laid,
 - (c) where an instrument or draft is laid before each House of Parliament on different days, the earlier day is to be taken as the day on which it is laid before both Houses, and
 - (d) in calculating the period of 28 days, no account is to be taken of any time during which –
 - (i) Parliament is dissolved or prorogued, or
 - (ii) either House of Parliament is adjourned for more than four days.
- (10) Sub-paragraph (8) of paragraph 5CA applies for the purposes of this paragraph as it applies for the purposes of sub-paragraph (1) of that paragraph.
- (11) In this paragraph “the relevant authority” means –
- (a) in the case of an Order in Council or Order of Council, the Minister of the Crown who has responsibility in relation to the instrument,
 - (b) in the case of any other statutory instrument which is not to be made by a Minister of the Crown, the person who is to make the instrument, and
 - (c) in any other case, the Minister of the Crown who is to make the instrument.
- (12) This paragraph is subject to any other provision made by or under this Act or any other enactment.”

Amendment to Lords Amendment 9 (see Bill 212)

- 4C** After subsection (5)(c) insert –
- “(ca) paragraphs 5CA to 5E of Schedule 8 (affirmative and enhanced scrutiny procedure for, and information about, instruments which amend or revoke subordinate legislation under section 2(2) of the European Communities Act 1972 including subordinate legislation implementing EU directives),”

Amendment to Lords Amendment 161 (see Bill 212)

- 4D** After paragraph 5D(8) insert –
- “(8A) Sub-paragraph (8) of paragraph 5CA applies for the purposes of this paragraph as it applies for the purposes of sub-paragraph (1) of that paragraph.”

Amendment to Lords Amendment 162 (see Bill 212)

- 4E** After paragraph 5E(6) insert –
- “(6A) Sub-paragraph (8) of paragraph 5CA applies for the purposes of this paragraph as it applies for the purposes of sub-paragraph (1) of that paragraph.”

LORDS AMENDMENT 19

Before Clause 9

19 Insert the following new Clause—

“Parliamentary approval of the outcome of negotiations with the European Union

- (1) Without prejudice to any other statutory provision relating to the withdrawal agreement, Her Majesty’s Government may conclude such an agreement only if a draft has been—
 - (a) approved by a resolution of the House of Commons, and
 - (b) subject to the consideration of a motion in the House of Lords.
- (2) So far as practicable, a Minister of the Crown must make arrangements for the resolution provided for in subsection (1)(a) to be debated and voted on before the European Parliament has debated and voted on the draft withdrawal agreement.
- (3) Her Majesty’s Government may implement a withdrawal agreement only if Parliament has approved the withdrawal agreement and any transitional measures agreed within or alongside it by an Act of Parliament.
- (4) Subsection (5) applies in each case that any of the conditions in subsections (6) to (8) is met.
- (5) Her Majesty’s Government must follow any direction in relation to the negotiations under Article 50(2) of the Treaty on European Union which has been—
 - (a) approved by a resolution of the House of Commons, and
 - (b) subject to the consideration of a motion in the House of Lords.
- (6) The condition in this subsection is that the House of Commons has not approved the resolution required under subsection (1)(a) by 30 November 2018.
- (7) The condition in this subsection is that the Act of Parliament required under subsection (3) has not received Royal Assent by 31 January 2019.
- (8) The condition in this subsection is that no withdrawal agreement has been reached between the United Kingdom and the European Union by 28 February 2019.
- (9) In this section, “withdrawal agreement” means an agreement (whether or not ratified) 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 and the framework for the United Kingdom’s future relationship with the European Union.”

COMMONS AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 19 but propose Amendments 19A and 19B in lieu—

19A Page 8, line 43, at end insert the following new Clause—

“Parliamentary approval of the outcome of negotiations with the EU

- (1) The withdrawal agreement may be ratified only if—
- (a) a Minister of the Crown has laid before each House of Parliament—
 - (i) a statement that political agreement has been reached,
 - (ii) a copy of the negotiated withdrawal agreement, and
 - (iii) a copy of the framework for the future relationship,
 - (b) the negotiated withdrawal agreement and the framework for the future relationship have been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown,
 - (c) a motion for the House of Lords to take note of the negotiated withdrawal agreement and the framework for the future relationship has been tabled in the House of Lords by a Minister of the Crown and—
 - (i) the House of Lords has debated the motion, or
 - (ii) the House of Lords has not concluded a debate on the motion before the end of the period of five sitting days beginning with the first sitting day after the day on which the House of Commons passes the resolution mentioned in paragraph (b), and
 - (d) an Act of Parliament has been passed which contains provision for the implementation of the withdrawal agreement.
- (2) So far as practicable, a Minister of the Crown must make arrangements for the motion mentioned in subsection (1)(b) to be debated and voted on by the House of Commons before the European Parliament decides whether it consents to the withdrawal agreement being concluded on behalf of the EU in accordance with Article 50(2) of the Treaty on European Union.
- (3) Subsection (4) applies if the House of Commons decides not to pass the resolution mentioned in subsection (1)(b).
- (4) A Minister of the Crown must, within the period of 28 days beginning with the day on which the House of Commons decides not to pass the resolution, make a statement setting out how Her Majesty’s Government proposes to proceed in relation to negotiations for the United Kingdom’s withdrawal from the EU under Article 50(2) of the Treaty on European Union.
- (5) A statement under subsection (4) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (6) This section does not affect the operation of Part 2 of the Constitutional Reform and Governance Act 2010 (ratification of treaties) in relation to the withdrawal agreement.
- (7) In this section—
- “framework for the future relationship” means the document or documents identified, by the statement that political agreement has been reached, as reflecting the agreement in principle on the substance of the framework for the future relationship between the EU and the United Kingdom after withdrawal;
 - “negotiated withdrawal agreement” means the draft of the withdrawal agreement identified by the statement that political agreement has been reached;

- “ratified”, in relation to the withdrawal agreement, has the same meaning as it does for the purposes of Part 2 of the Constitutional Reform and Governance Act 2010 in relation to a treaty (see section 25 of that Act);
- 54 “sitting day” means a day on which the House of Lords is sitting (and
56 a day is only a day on which the House of Lords is sitting if the
House begins to sit on that day);
- “statement that political agreement has been reached” means a statement made in writing by a Minister of the Crown which –
- (a) states that, in the Minister’s opinion, an agreement in principle has been reached in negotiations under Article 50(2) of the Treaty on European Union on the substance of –
 - (i) the arrangements for the United Kingdom’s withdrawal from the EU, and
 - (ii) the framework for the future relationship between the EU and the United Kingdom after withdrawal,
 - (b) identifies a draft of the withdrawal agreement which, in the Minister’s opinion, reflects the agreement in principle so far as relating to the arrangements for withdrawal, and
 - (c) identifies one or more documents which, in the Minister’s opinion, reflect the agreement in principle so far as relating to the framework.”

- 19B** Page 15, line 12, at end insert –
“() section (*Parliamentary approval of the outcome of negotiations with the EU*),”

LORDS NON-INSISTENCE, AGREEMENT AND AMENDMENTS

The Lords do not insist on their Amendment 19 and do agree with the Commons in their Amendments 19A and 19B in lieu and do propose Amendments 19C to 19E, 19G to 19L and 19P as amendments to Commons Amendment 19A –

- 19C** Line 17, after “five” insert “Lords”
- 19D** Line 18, after “first” insert “Lords”
- 19E** Line 30, leave out “28” and insert “21”
- 19G** Line 40, at end insert –
“(6A) In subsection (1) “framework for the future relationship” means the document or documents identified, by the statement that political agreement has been reached, as reflecting the agreement in principle on the substance of the framework for the future relationship between the EU and the United Kingdom after withdrawal.”
- 19H** Line 41, at end insert –
““Commons sitting day” means a day on which the House of Commons is sitting (and a day is only a day on which the House of Commons is sitting if the House begins to sit on that day);”
- 19J** Line 42, leave out from beginning of line 42 to end of line 46

- 19K** Line 46, at end insert –
““Lords sitting day” means a day on which the House of Lords is sitting (and a day is only a day on which the House of Lords is sitting if the House begins to sit on that day);”
- 19L** Line 54, leave out from beginning of line 54 to end of line 56
- 19P** Line 37, at end insert –
“(5A) A Minister of the Crown must make arrangements for –
(a) a motion for the House of Commons to approve the statement mentioned in subsection (4), to be moved in that House by a Minister of the Crown within the period of seven Commons sitting days beginning with the day on which the statement is made, and
(b) a motion for the House of Lords to take note of the statement to be moved in that House by a Minister of the Crown within the period of seven Lords sitting days beginning with the day on which the statement is made.
- (5B) Subsection (5C) applies if the Prime Minister makes a statement before the end of 21 January 2019 that no agreement in principle can be reached in negotiations under Article 50(2) of the Treaty on European Union on the substance of –
(a) the arrangements for the United Kingdom’s withdrawal from the EU, and
(b) the framework for the future relationship between the EU and the United Kingdom after withdrawal.
- (5C) A Minister of the Crown must, within the period of 14 days beginning with the day on which the statement mentioned in subsection (5B) is made –
(a) make a statement setting out how Her Majesty’s Government proposes to proceed, and
(b) make arrangements for –
(i) a motion for the House of Commons to approve the statement mentioned in paragraph (a), to be moved in that House by a Minister of the Crown within the period of seven Commons sitting days beginning with the day on which the statement mentioned in paragraph (a) is made, and
(ii) a motion for the House of Lords to take note of the statement mentioned in paragraph (a) to be moved in that House by a Minister of the Crown within the period of seven Lords sitting days beginning with the day on which the statement mentioned in paragraph (a) is made.
- (5D) A statement under subsection (5B) or (5C)(a) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (5E) Subsection (5F) applies if, at the end of 21 January 2019, there is no agreement in principle in negotiations under Article 50(2) of the Treaty on European Union on the substance of –
(a) the arrangements for the United Kingdom’s withdrawal from the EU, and
(b) the framework for the future relationship between the EU and the United Kingdom after withdrawal.

- (5F) A Minister of the Crown must, within the period of five days beginning with the end of 21 January 2019—
- (a) make a statement setting out how Her Majesty’s Government proposes to proceed, and
 - (b) make arrangements for—
 - (i) a motion for the House of Commons to approve the statement mentioned in paragraph (a), to be moved in that House by a Minister of the Crown within the period of five Commons sitting days beginning with the end of 21 January 2019, and
 - (ii) a motion for the House of Lords to take note of the statement mentioned in paragraph (a) to be moved in that House by a Minister of the Crown within the period of five Lords sitting days beginning with the end of 21 January 2019.
- (5G) A statement under subsection (5F)(a) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (5H) For the purposes of this section—
- (a) a statement made under subsection (4), (5C)(a) or (5F)(a) may be combined with a statement made under another of those provisions,
 - (b) a motion falling within subsection (5A)(a), (5C)(b)(i) or (5F)(b)(i) may be combined into a single motion with another motion falling within another of those provisions, and
 - (c) a motion falling within subsection (5A)(b), (5C)(b)(ii) or (5F)(b)(ii) may be combined into a single motion with another motion falling within another of those provisions.”

LORDS AMENDMENT 24

After Clause 9

24 Insert the following new Clause—

“Maintenance of refugee family unity within Europe

- (1) A Minister of the Crown must make appropriate arrangements with the aim of preserving specified effects in the United Kingdom of Regulation (EU) No. 604/2013 (the “Dublin Regulation”), including through negotiations with the EU.
- (2) “Specified effects” under subsection (1) are those provisions, and associated rights and obligations, that allow for those seeking asylum, including unaccompanied minors, adults and children, to join a family member, sibling or relative in the United Kingdom.
- (3) Within six months of the passing of this Act, and then every six months thereafter, a Minister of the Crown must report to Parliament on progress made in negotiations to secure the continuation of reciprocal arrangements between the United Kingdom and member States as they relate to subsection (1).”

COMMONS AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 24 but propose Amendments 24A and 24B in lieu —

24A Page 9, line 21, at end insert the following new Clause—

“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—
- 8 (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—
- (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.
- (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.
- (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.
- (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;
- “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
- (b) a parent, grandparent, uncle, aunt, 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
- (b) by law or custom of the country or territory in which the child is present, has responsibility for caring for the child.”

24B Page 15, line 13, at end insert

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

LORDS NON-INSISTENCE, AGREEMENT AND AMENDMENT

The Lords do not insist on their Amendment 24 and do agree with the Commons in their Amendments 24A and 24B in lieu and do propose Amendment 24C as an amendment to Commons Amendment 24A –

24C Line 8, leave out “is aged 18 or over and”.

LORDS AMENDMENTS 110 AND 128

Schedule 7

110 Page 44, line 35, leave out from beginning to end of line 20 on page 45 and insert –

“Parliamentary committees to sift regulations made under section 7, 8, 9 or 17

- 3 (1) This paragraph applies if a Minister of the Crown –
 - (a) proposes to make a statutory instrument, whether under this Act or any other Act of Parliament, to which paragraph 1(3), 6(3), 7(3), or 11 applies or which has the same purpose as an instrument to which those paragraphs apply, and
 - (b) is of the opinion that the instrument should be subject to annulment in pursuance of a resolution of either House of Parliament (“the negative procedure”).
- (2) Before making the instrument, the Minister must lay before both Houses of Parliament a draft of the instrument together with a memorandum setting out the reasons for the Minister’s opinion that the instrument should be subject to the negative procedure.
- (3) The negative procedure applies unless within the relevant period either House of Parliament requires the affirmative procedure to apply, in which case the affirmative procedure applies.
- (4) A House of Parliament is taken to have required the affirmative procedure to apply within the relevant period if –
 - (a) a committee of the House charged with reporting on the instrument has recommended, within the period of 10 sitting days beginning with the first sitting day after the day on which the draft instrument was laid before the House, that the affirmative procedure should apply, and
 - (b) that House has not by resolution rejected the recommendation within a period of 5 sitting days beginning with the first sitting day after the day on which the recommendation is made, or
 - (c) irrespective of the committee reporting on the instrument, that House has resolved, within the period of 15 sitting days beginning with the first sitting day after the day on which the draft instrument was laid before the House, that the affirmative procedure should apply to the instrument.
- (5) For the purposes of this paragraph –
 - (a) where an instrument is subject to the affirmative procedure, it may not be made unless the draft of the instrument laid under sub-paragraph (2) has been approved by a resolution of each House of Parliament,

(b) “sitting day” means, in respect of either House, a day on which that House sits.

(6) Nothing in this paragraph prevents a Minister of the Crown from deciding, at any time before a statutory instrument mentioned in sub-paragraph (1)(a) is made, that another procedure should apply in relation to the instrument.”

128 Page 49, line 4, leave out paragraph 13

COMMONS REASON

The Commons disagree to Lords Amendments 110 and 128 for the following Reason –

110A *Because the Commons prefer their proposed arrangements for sifting.*

LORDS NON-INSISTENCE AND AMENDMENTS IN LIEU

The Lords do not insist on their Amendments 110 and 128, to which the Commons have disagreed for their Reason 110A, and do propose Amendments 110B to 110J in lieu –

110B Page 45, line 4, leave out “the House of Commons” and insert “each House of Parliament”

110C Page 45, line 9, leave out from “so” to end of line 16 and insert “and a committee of the House of Lords charged with doing so have, within the relevant period, each made a recommendation as to the appropriate procedure for the instrument.

(4A) Condition 3 is that the relevant period has ended without condition 2 being met.

(4B) Sub-paragraph (4C) applies if –

- (a) a committee makes a recommendation as mentioned in sub-paragraph (4) within the relevant period,
- (b) the recommendation is that the appropriate procedure for the instrument is for a draft of it to be laid before, and approved by a resolution of, each House of Parliament before it is made, and
- (c) the Minister who is to make the instrument is nevertheless of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.

(4C) Before the instrument is made, the Minister must make a statement explaining why the Minister does not agree with the recommendation of the committee.

(4D) If the Minister fails to make a statement required by sub-paragraph (4C) before the instrument is made, a Minister of the Crown must make a statement explaining why the Minister has failed to do so.

(4E) A statement under sub-paragraph (4C) or (4D) must be made in writing and be published in such manner as the Minister making it considers appropriate.

(4F) In this paragraph “the relevant period” means the period –

- (a) beginning with the first day on which both Houses of Parliament are sitting after the day on which the draft instrument was laid before each House as mentioned in sub-paragraph (3)(b)(i), and

- (b) ending with whichever of the following is the later –
 - (i) the end of the period of 10 Commons sitting days beginning with that first day, and
 - (ii) the end of the period of 10 Lords sitting days beginning with that first day.

(4G) For the purposes of sub-paragraph (4F) –

- (a) where a draft of an instrument is laid before each House of Parliament on different days, the later day is to be taken as the day on which it is laid before both Houses,
- (b) “Commons sitting day” means a day on which the House of Commons is sitting, and
- (c) “Lords sitting day” means a day on which the House of Lords is sitting,

and, for the purposes of sub-paragraph (4F) and this sub-paragraph, a day is only a day on which the House of Commons or the House of Lords is sitting if the House concerned begins to sit on that day.”

- 110D** Page 49, line 5, leave out “6(3) or”
- 110E** Page 49, line 5, after “7(3)” insert “or 11”
- 110F** Page 49, line 16, leave out “the House of Commons” and insert “each House of Parliament”
- 110G** Page 49, line 21, leave out from “so” to end of line 28 and insert “and a committee of the House of Lords charged with doing so have, within the relevant period, each made a recommendation as to the appropriate procedure for the instrument.
- (4A) Condition 3 is that the relevant period has ended without condition 2 being met.
 - (4B) Sub-paragraph (4C) applies if –
 - (a) a committee makes a recommendation as mentioned in sub-paragraph (4) within the relevant period,
 - (b) the recommendation is that the appropriate procedure for the instrument is for a draft of it to be laid before, and approved by a resolution of, each House of Parliament before it is made, and
 - (c) the Minister who is to make the instrument is nevertheless of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.
 - (4C) Before the instrument is made, the Minister must make a statement explaining why the Minister does not agree with the recommendation of the committee.
 - (4D) If the Minister fails to make a statement required by sub-paragraph (4C) before the instrument is made, a Minister of the Crown must make a statement explaining why the Minister has failed to do so.
 - (4E) A statement under sub-paragraph (4C) or (4D) must be made in writing and be published in such manner as the Minister making it considers appropriate.

- (4F) In this paragraph “the relevant period” means the period –
- (a) beginning with the first day on which both Houses of Parliament are sitting after the day on which the draft instrument was laid before each House of Parliament as mentioned in sub-paragraph (3)(b)(i), and
 - (b) ending with whichever of the following is the later –
 - (i) the end of the period of 10 Commons sitting days beginning with that first day, and
 - (ii) the end of the period of 10 Lords sitting days beginning with that first day.
- (4G) For the purposes of sub-paragraph (4F) –
- (a) where a draft of an instrument is laid before each House of Parliament on different days, the later day is to be taken as the day on which it is laid before both Houses,
 - (b) “Commons sitting day” means a day on which the House of Commons is sitting, and
 - (c) “Lords sitting day” means a day on which the House of Lords is sitting,
- and, for the purposes of sub-paragraph (4F) and this sub-paragraph, a day is only a day on which the House of Commons or the House of Lords is sitting if the House concerned begins to sit on that day.”

110H Page 49, line 30, leave out “6(3) or”

110J Page 49, line 30, after “7(3)” insert “or 11”

LORDS NON-INSISTENCE, AGREEMENT,
AMENDMENTS IN LIEU AND
AMENDMENTS TO AMENDMENTS
EUROPEAN UNION (WITHDRAWAL)
BILL

*Ordered, by The House of Commons,
to be Printed, 18 June 2018.*

© Parliamentary copyright 2018

*This publication may be reproduced under the terms of the Open Parliament Licence, which is published at
www.parliament.uk/site-information/copyright.*