



House of Commons

Monday 20 July 2020

CONSIDERATION OF BILL (REPORT STAGE)

New Amendments handed in are marked thus ★

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

TRADE BILL

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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

Secretary Elizabeth Truss

NC5

To move the following Clause—

“Disclosure of information by other authorities

- (1) A public authority specified in subsection (3) may disclose information for the purpose of facilitating the exercise by a Minister of the Crown of the Minister’s functions relating to trade.
- (2) Those functions include, among other things, functions relating to—
 - (a) the analysis of the flow of traffic, goods and services into and out of the United Kingdom;
 - (b) the analysis of the impact, or likely impact, of measures or practices relating to imports, exports, border security and transport on such flow;
 - (c) the design, implementation and operation of such measures or practices.
- (3) The specified public authorities are—
 - (a) the Secretary of State;
 - (b) the Minister for the Cabinet Office;
 - (c) a strategic highways company appointed under section 1 of the Infrastructure Act 2015;
 - (d) a port health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984.

Trade Bill, *continued*

- (4) A person who receives information as a result of this section may only use the information for the purpose of facilitating the exercise by a public authority of the authority's functions relating to trade (which include, among other things, functions of a kind referred to in subsection (2)).
- (5) A person who receives information as a result of this section may further disclose the information, but only with the consent of the public authority that disclosed the information under subsection (1) (which may be general or specific).
- (6) This section does not limit the circumstances in which the information may be disclosed under any other enactment or rule of law.
- (7) A disclosure under this section does not breach—
 - (a) any obligation of confidence owed by the person disclosing the information, or
 - (b) any other restriction on the disclosure of information (however imposed).
- (8) But nothing in this section authorises the making of a disclosure which—
 - (a) contravenes the data protection legislation (save that the powers conferred by this section are to be taken into account in determining whether a disclosure contravenes that legislation), or
 - (b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
- (9) A Minister of the Crown may by regulations made by statutory instrument amend this section for the purpose of specifying a public authority in, or removing a public authority from, subsection (3).
- (10) A statutory instrument containing regulations under subsection (9) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (11) In this section—

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

“public authority” means an authority exercising functions of a public nature.”

Member's explanatory statement

This new clause would allow named public authorities to share information for the purpose of facilitating the exercise of a Minister's functions relating to trade.

Secretary Elizabeth Truss

NC6

To move the following Clause—

“Offences related to disclosure under section (*Disclosure of information by other authorities*)

- (1) If a person discloses information in contravention of section (*Disclosure of information by other authorities*)(5) which relates to a person whose identity—
 - (a) is specified in the disclosure, or
 - (b) can be deduced from it,
 the person who disclosed the information commits an offence.
- (2) It is a defence for a person charged with an offence under this section to prove that the person reasonably believed—
 - (a) that the disclosure was lawful, or

Trade Bill, *continued*

- (b) that the information had already lawfully been made available to the public.
- (3) A prosecution for an offence under this section—
 - (a) may be brought in England and Wales only with the consent of the Director of Public Prosecutions;
 - (b) may be brought in Northern Ireland only with the consent of the Director of Public Prosecutions for Northern Ireland.
- (4) A person guilty of an offence under this section is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
 - (b) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding 12 months, to a fine or to both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both;
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding the statutory maximum or to both.”

Member’s explanatory statement

This new clause would make it an offence to disclose identifiable personal information in breach of subsection (5) of clause (Disclosure of information by other authorities).

Mr Jonathan Djanogly
 Neil Parish
 Richard Fuller
 George Freeman
 Richard Graham
 Peter Aldous

NC1

To move the following Clause—

“Report on proposed free trade agreement

- (1) This section applies (subject to subsection (2)) where the United Kingdom has authenticated a free trade agreement (“the proposed agreement”), if —
 - (a) the other party (or each other party) and the European Union were signatories to a free trade agreement immediately before exit day, or
 - (b) where the proposed agreement was authenticated by the United Kingdom before exit day, the other party (or each other party) and the European Union were signatories to a free trade agreement on the day the proposed agreement was authenticated by the United Kingdom.
- (2) This section applies only if the proposed agreement is not binding on the United Kingdom as a matter of international law unless it is ratified by the United Kingdom.
- (3) Before the United Kingdom ratifies the proposed agreement, a Minister of the Crown must lay before Parliament a report which gives details of, and explains the reasons for, any significant differences between—
 - (a) the trade-related provisions of the proposed agreement, and
 - (b) the trade-related provisions of the existing free trade agreement.

Trade Bill, continued

- (4) Subsection (3) does not apply if a report in relation to the proposed agreement has been laid before Parliament under section [*Report to be laid with regulations under section 2(1)*2].
- (5) The duty imposed by subsection (3) applies only at a time when regulations may be made under section 2(1)(see section 2(7)).
- (6) In this section a reference to authenticating a free trade agreement is a reference to doing an act which establishes the text of the agreement as authentic and definitive as a matter of international law.
- (7) In this section—
 - “the existing free trade agreement” means the free trade agreement referred to in subsection (1) (a) or (b);
 - the “trade-related provisions” of a free trade agreement are the provisions of the agreement that mainly relate to trade.”

Member’s explanatory statement

This new clause reinserts a Government amendment made to the Trade Bill in 2018 and requires a Minister to lay a report before Parliament before the UK ratifies a new free trade agreement with a country that (before exit day) had a free trade agreement with the EU. The report must explain any significant differences between the proposed new agreement and the existing agreement with the EU.

Mr Jonathan Djanogly
Neil Parish
Richard Fuller
George Freeman
Richard Graham
Peter Aldous

NC2

To move the following Clause—

“Reporting requirement not to apply in exceptional cases

- (1) Section [*Report on proposed free trade agreement*] does not apply to a free trade agreement if a Minister of the Crown is of the opinion that, exceptionally, the agreement needs to be ratified without laying before Parliament a report which meets the requirements of subsection (3) of that section.
- (2) If a Minister determines that a free trade agreement is to be ratified without laying before Parliament a report which meets the requirements of section [*Report on proposed free trade agreement*] (3), the Minister must, as soon as practicable after the agreement is ratified, lay before Parliament—
 - (a) a report which meets those requirements, and
 - (b) a statement indicating that the Minister is of the opinion mentioned in subsection (1) and explain why.”

Member’s explanatory statement

*This new clause provides that the reporting requirement under section [*Report on proposed free trade agreement*] would not apply if a Minister takes the view that, exceptionally, the agreement should be ratified without the reporting requirement being met.*

Trade Bill, *continued*

Mr Jonathan Djanogly
 Neil Parish
 Richard Fuller
 George Freeman
 Richard Graham
 Peter Aldous

NC3

To move the following Clause—

“Report to be laid with regulations under section 2(1)

- (1) This section applies where a Minister of the Crown proposes to make regulations under section 2(1) for the purpose of implementing a free trade agreement to which the United Kingdom and another signatory (or other signatories) are signatories.
- (2) A draft of the statutory instrument containing the regulations may not be laid before Parliament unless, at least 10 Commons sitting days before the draft is laid, a Minister of the Crown has laid before Parliament a report which gives details of, and explains the reasons for, any significant differences between—
 - (a) the trade-related provisions of the free trade agreement to which the United Kingdom and the other signatory (or other signatories) are signatories, and
 - (b) the trade-related provisions of the existing free trade agreement.
- (3) Subsection (2) does not apply if, at least 10 Commons sitting days before a draft of the statutory instrument containing the regulations is laid, a report in relation to the agreement has been laid before Parliament under section [*Report on proposed free trade agreement*](3).
- (4) In this section—
 - “Commons sitting day” means a day on which the House of Commons begins to sit;
 - “the existing free trade agreement” means the free trade agreement to which the European Union and the other signatory (or other signatories) were signatories immediately before exit day;
 - the “trade-related provisions” of a free trade agreement are the provisions of the agreement that mainly relate to trade.”

Member’s explanatory statement

This new clause reinserts a Government amendment made to the Trade Bill in 2018 and requires a Minister to lay a report before Parliament at least 10 Commons sitting days before regulations implementing a new free trade agreement are laid in draft under clause 2(1). The report is required to explain any significant differences between the new agreement and the existing agreement with the EU.

Trade Bill, *continued*

Mr Jonathan Djanogly
Neil Parish
Richard Fuller
George Freeman
Richard Graham
Sir Roger Gale

Peter Aldous	Sarah Olney	Angus Brendan MacNeil
Fleur Anderson	Stewart Hosie	Damian Collins
Ben Lake	Joanna Cherry	Simon Hoare
Julian Sturdy	Taiwo Owatemi	Dr Neil Hudson
Debbie Abrahams	Layla Moran	Christine Jardine
Daisy Cooper	Munira Wilson	Caroline Lucas
Geraint Davies	Olivia Blake	Paula Barker
Wendy Chamberlain	Stephen Timms	Nadia Whittome
Mr Virendra Sharma	Mrs Emma Lewell-Buck	Colum Eastwood

NC4

To move the following Clause—

“Parliamentary approval of trade agreements

- (1) Negotiations towards a free trade agreement may not commence until the Secretary of State has laid draft negotiating objectives in respect of that agreement before both Houses of Parliament, and a motion endorsing draft negotiating objectives has been approved by a resolution of both Houses of Parliament.
- (2) Prior to the draft negotiating objectives being laid, the Secretary of State must have—
 - (a) consulted with each devolved authority on the content of the draft negotiating objectives, and
 - (b) produced a sustainability impact assessment including, but not limited to, an assessment of the impact on food safety, health, the environment and animal welfare.
- (3) The United Kingdom may not become a signatory to a free trade agreement to which this section applies unless a draft of the agreement in the terms in which it was to be presented for signature by parties to the agreement has been laid before, and approved by, a resolution of both Houses of Parliament.
- (4) Before either House of Parliament may be asked to approve by resolution the text of a proposed free trade agreement, the Secretary of State must—
 - (a) consult with each devolved authority on the text of the proposed agreement, and
 - (b) lay before both Houses a report assessing the compliance of the text of the proposed agreement with any standards laid down by primary or subordinate legislation in the United Kingdom including, but not limited to, legislation governing or prescribing standards on food safety, health, the environment and animal welfare.
- (5) In this section—

“devolved authority” has the meaning given in section 4(1) of this Act, and
“free trade agreement” means any agreement which is—

 - (a) within the definition given in section 4(1) of this Act, and

Trade Bill, *continued*

- (b) an agreement between the United Kingdom and one or more partners that includes components that facilitate the trade of goods, services or intellectual property.”
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Stewart Hosie
 Margaret Ferrier
 Ben Lake
 Joanna Cherry
 Caroline Lucas
 Colum Eastwood

NC7

To move the following Clause—

“Import standards

- (1) A Minister of the Crown may not lay a copy of an international trade agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 unless the agreement—
- (a) includes an affirmation of the United Kingdom’s rights and obligations under the SPS Agreement, and
 - (b) prohibits the importation into the United Kingdom of agricultural and food products in relation to which the relevant standards are lower than the relevant standards in the United Kingdom.
- (2) In subsection (1)—
- “international trade agreement” has the meaning given in section 2(2) of this Act;
 - “relevant standards” means standards relating to environmental protection, plant health and animal welfare applying in connection with the production of agricultural and food products;
 - “SPS Agreement” means the agreement on the Application of Sanitary and Phytosanitary Measures, part of Annex 1A to the WTO Agreement (as modified from time to time).”

Member’s explanatory statement

This new clause would ensure that HMG has a duty to protect the quality of the domestic food supply by ensuring that imported foodstuffs are held to the same standards as domestic foodstuffs are held to.

Trade Bill, *continued*

Stewart Hosie
 Margaret Ferrier
 Ben Lake
 Joanna Cherry
 Caroline Lucas
 Colum Eastwood

NC8

To move the following Clause—

“International trade agreements: public health services

- (1) A Minister of the Crown may not lay a copy of an international trade agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 if any provision of the agreement—
 - (a) would have the effect of, or could reasonably be expected to have the effect of, altering the way in which a service is provided by a specified body,
 - (b) would have the effect of, or could reasonably be expected to have the effect of, opening any part of a specified body to foreign investment,
 - (c) would open part or all of a specified body to market access but without any accompanying provision for the UK Government to reduce the level of market access in future,
 - (d) does not specify sectors or subsectors of a specified body to which the agreement would enable market access,
 - (e) includes investor-state dispute settlement mechanisms in relation to a specified body, or
 - (f) includes changes to mechanisms for the pricing of medical or pharmaceutical products for purchase by a specified body.
- (2) The specified bodies, for the purpose of subsection (1), are—
 - (a) NHS England,
 - (b) NHS Wales,
 - (c) a health board in Scotland, a special health board in Scotland or the Common Services Agency established by section 10 of the National Health Service (Scotland) Act 1978, and
 - (d) HSCNI.
- (3) In subsection (1), “international trade agreement” has the meaning given in section 2 of this Act.”

Member’s explanatory statement

This new clause would ensure that HMG has a duty to restrict market access to healthcare services, including medicines and medical devices.

Trade Bill, *continued*

Caroline Lucas
Ben Lake
Wera Hobhouse

NC9

To move the following Clause—

“International trade agreements: climate and environmental goals

- (1) An appropriate authority may not take action in relation to an international trade agreement unless nothing in the international trade agreement restricts the ability of that or any other appropriate authority to take action in pursuit of the UK’s climate and environmental goals.
- (2) In subsection (1) “action in relation to an international trade agreement” means—
 - (a) laying the agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 (treaties to be laid before Parliament before ratification),
 - (b) making regulations under section 2 for the purposes of implementing or facilitating the implementation of the agreement, or
 - (c) making subordinate legislation under any other enactment for those purposes.
- (3) In subsection (2) “laid”—
 - (a) where the appropriate authority is a Minister of the Crown, means laid before Parliament;
 - (b) where the appropriate authority is the Scottish Ministers, means laid before the Scottish Parliament;
 - (c) where the appropriate authority is the Welsh Ministers, means laid before Senedd Cymru; and
 - (d) where the appropriate authority is a Northern Ireland department, means laid before the Northern Ireland Assembly.
- (4) In conducting trade negotiations and in other related activity a Minister of the Crown—
 - (a) must give priority to nations that are fully implementing relevant multilateral environmental agreements; and
 - (b) must take all reasonable steps to facilitate the achievement of the UK’s climate and environmental goals (including, in particular, by pursuing where appropriate the introduction, amendment or application of rules within the World Trade Organisation and other international trade forums).
- (5) In subsection (4) “trade negotiations” means—
 - (a) negotiations with a view to entering into an international trade agreement; or
 - (b) negotiations in connection with the implementation or alteration of an international trade agreement, or otherwise connected with international trade.
- (6) In subsection (4) “relevant multilateral environmental agreements” means, so far as geographically applicable, any of—
 - (a) the United Nations Framework Convention on Climate Change done at New York on 9 May 1992 and Paris Agreement done at Paris on 12 December 2015,
 - (b) the United Nations Convention on Biological Diversity done at Rio de Janeiro on 5 June 1992 (including its protocols),
 - (c) the Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973,

Trade Bill, continued

- (d) United Nations Convention for the Law of the Sea 1982,
 - (e) the Aarhus Convention 1998,
 - (f) the United Nations Economic Commission for Europe Convention on Long-Range Transboundary Air Pollution 1979,
 - (g) the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR) Convention 1992, or
 - (h) the Basel Convention 1992.
- (7) The Secretary of State must lay before Parliament in each financial year a report about compliance with subsection (4).
- (8) In this section “the UK’s climate and environmental goals” means—
- (a) the target of achieving net zero carbon emissions by 2050;
 - (b) any other target set under or for purposes connected with any enactment (including devolved legislation and retained EU law) relating to the environment or climate change;
 - (c) any target to which the UK is committed by virtue of being party to a relevant multilateral environmental agreement; and
 - (d) the United Nations Sustainable Development Goals.”

Member’s explanatory statement

This new clause aligns the UK’s trade policy with the UK’s climate and environmental agenda. It would ensure that the negotiation of trade agreements facilitates the achievement of the UK’s domestic climate and environmental goals and would help prevent trade agreements from restricting action in pursuit of these goals.

Keir Starmer
Emily Thornberry
Bill Esterson
Gareth Thomas
Mr Nicholas Brown
Caroline Lucas

NC10

To move the following Clause—

“Availability of agreement texts

- (1) The text of any proposed international trade agreement which is being negotiated shall, so far as it is agreed or consolidated, be made publicly available within ten days of the close of each round of negotiations.
- (2) Every—
 - (a) document submitted formally by the United Kingdom government to the negotiations, and
 - (b) agenda for each new round of negotiations
 shall be made publicly available by the Secretary of State.
- (3) All other documents relating to the negotiations and not falling within the descriptions provided in subsections (1) and (2) shall be made publicly available by the Secretary of State, subject to subsection (4).
- (4) The Secretary of State may withhold from publication any document of a kind falling within the description in subsection (3) but must publish a statement of the reasons for doing so.

Trade Bill, *continued*

- (5) In the case of any document withheld under subsection (4), the Secretary of State shall provide full and unfettered access to that document to—
 - (a) any select committee of either House of Parliament to which, in the opinion of the Secretary of State, the proposed agreement is relevant, and
 - (b) any other person or body which the Secretary of State may authorise.
- (6) In the case of a document to which access is provided under subsection (5), the Secretary of State may specify conditions under which the text shall be made available.
- (7) The Secretary of State shall maintain an online public register of all documents published under subsections (1), (2) and (3) or withheld under subsection (4).”

Member’s explanatory statement

This new clause would give select committees access to more confidential negotiating documents and would provide a process for further transparency of negotiating texts beyond that.

Keir Starmer
 Emily Thornberry
 Bill Esterson
 Gareth Thomas
 Mr Nicholas Brown
 Caroline Lucas

NC11

To move the following Clause—

“Import of agricultural goods after IP completion day

- (1) After IP completion day, agricultural goods imported under a free trade agreement may be imported into the UK only if the standards to which those goods were produced were as high as, or higher than, standards which at the time of import applied under UK law relating to—
 - (a) animal health and welfare,
 - (b) protection of the environment,
 - (c) food safety, hygiene and traceability, and
 - (d) plant health.
- (2) The Secretary of State must prepare a register of standards under UK law relating to—
 - (a) animal health and welfare,
 - (b) protection of the environment,
 - (c) food safety, hygiene and traceability, and
 - (d) plant health
 which must be met in the course of production of any imported agricultural goods.
- (3) A register under subsection (2) must be updated within seven days of any amendment to any standard listed in the register.
- (4) “Agricultural goods”, for the purposes of this section, means anything produced by a producer operating in one or more agricultural sectors listed in Schedule 1.

Trade Bill, continued

- (5) “IP completion day” has the meaning given in section 39 of the European Union (Withdrawal Agreement) Act 2020.”

Member’s explanatory statement

This new clause would set a requirement for imported agricultural goods to meet animal health and welfare, environmental, plant health, food safety and other standards which are at least as high as those which apply to UK produced agricultural goods.

Keir Starmer
Emily Thornberry
Bill Esterson
Gareth Thomas
Mr Nicholas Brown
Caroline Lucas

NC12

To move the following Clause—

“Review of free trade agreements

- (1) The Secretary of State shall lay before Parliament a review of the operation and impacts of each free trade agreement to which this Act applies.
- (2) Each such review shall be laid before Parliament no later than five years from the day on which the agreement comes into force.
- (3) A further review of the operation of each agreement shall be laid no later than five years after the day on which the previous such review was laid before Parliament.
- (4) Each review shall be conducted by a credible body independent of government and shall include both qualitative and quantitative assessments of the impacts of the agreement, including as a minimum—
 - (a) the economic impacts on individual sectors of the economy, including, but not restricted to—
 - (i) the impacts on the quantity and quality of employment,
 - (ii) the various regional impacts across the different parts of the UK,
 - (iii) the impacts on small and medium-sized enterprises, and
 - (iv) the impacts on vulnerable economic groups;
 - (b) the social impacts, including but not restricted to—
 - (i) the impacts on public services, wages, labour standards, social dialogue, health and safety at work, public health, food safety, social protection, consumer protection and information, and
 - (ii) the government’s duties under the Equality Act 2010;
 - (c) the impacts on human rights, including but not restricted to—
 - (i) workers’ rights,
 - (ii) women’s rights,
 - (iii) cultural rights and
 - (iv) all UK obligations under international human rights law;
 - (d) the impacts on the environment, including but not restricted to—
 - (i) the need to protect and preserve the oceans,
 - (ii) biodiversity,
 - (iii) the rural environment and air quality, and
 - (iv) the need to meet the UK’s international obligations to combat climate change;

Trade Bill, *continued*

- (e) the impact of any investor-state dispute settlement which forms part of the agreement;
 - (f) the impacts on animal welfare, including but not restricted to the impacts on animal welfare in food production, both as it relates to food produced in the UK and as it relates to food imported into the UK from other countries; and
 - (g) the economic, social, cultural, food security and environmental interests of those countries considered to be developing countries for the purposes of clause 10 of the Taxation (Cross-border Trade) Act 2018, as defined in Schedule 3 to that Act and as amended by regulations.
- (5) The elements of the review to be undertaken under (4)(f) must be sufficiently disaggregated so as to capture the full range of impacts on different groups of developing countries, and must include both direct and indirect impacts, such as loss of market share through trade diversion or preference erosion.”

Member’s explanatory statement

This new clause would introduce a review of the functioning of each FTA to which the UK is a signatory to be brought forward after five years and again after a further five.

Keir Starmer
 Emily Thornberry
 Bill Esterson
 Gareth Thomas
 Mr Nicholas Brown

NC13

To move the following Clause—

“Role of Joint Ministerial Committee

- (1) The Joint Ministerial Committee is to be a forum—
 - (a) for discussing—
 - (i) the terms upon which the United Kingdom is to commence negotiations with respect to any international trade agreement;
 - (ii) proposals to amend retained EU law for the purposes of regulations made under section 1 or section 2;
 - (b) for seeking a consensus on the matters set out in subsection (1)(a) between Her Majesty’s Government and the other members of the Joint Ministerial Committee.
- (2) Before Her Majesty’s Government concludes an international trade agreement, the Secretary of State must produce a document for consideration by the Joint Ministerial Committee setting out—
 - (a) Her Majesty’s Government’s objectives and strategy in negotiating and concluding an international trade agreement;
 - (b) the steps Her Majesty’s Government intends to take to keep the Joint Ministerial Committee informed of progress in reaching an international trade agreement;
 - (c) the steps Her Majesty’s Government intends to take to consult each member of the Joint Ministerial Committee before entering into an international trade agreement and for taking the views of each member into account.

Trade Bill, continued

- (3) Before concluding an international trade agreement the Secretary of State must produce a document setting out the terms of the proposed agreement for consideration by the Joint Ministerial Committee.
- (4) In this section, “the Joint Ministerial Committee” means the body set up in accordance with Supplementary Agreement A of the Memorandum of Understanding on Devolution, between Her Majesty’s Government, the Scottish Government, the Welsh Government and the Northern Ireland Executive Committee.”

Member’s explanatory statement

This new clause would put on the face of the Bill a joint ministerial committee, and give it powers to discuss international trade issues with the devolved Administrations.

Keir Starmer
Emily Thornberry
Bill Esterson
Gareth Thomas
Mr Nicholas Brown
Caroline Lucas

NC14

To move the following Clause—

“Animal welfare and sentience

Regulations may only be made under section 2(1) if the provisions of the international trade agreement to which they relate are compatible with—

- (a) any provision in UK law (including retained EU law) relating to animal welfare standards and the welfare of animals in the production of food; and
- (b) any obligations relating to animal sentience by which the UK is bound, or any principles relating to animal sentience to which the UK adheres.”

Member’s explanatory statement

This new clause would ensure that any animal welfare or sentience regulations arising from trade agreements are aligned with existing commitments in UK and retained EU law.

Keir Starmer
Emily Thornberry
Bill Esterson
Gareth Thomas
Mr Nicholas Brown

NC15

To move the following Clause—

“Statement on equalities legislation

- (1) This section applies where a Minister of the Crown proposes to make regulations under section 2(1).
- (2) Before a draft of the statutory instrument containing the regulations is laid before either House of Parliament, the Minister must make a statement as to whether the

Trade Bill, continued

statutory instrument would, if made, modify any provision of equalities legislation.

- (3) If a Minister expresses a view in a statement under subsection (2) that the draft statutory instrument would, if made, modify any provision of equalities legislation, the Minister must explain in the statement what the effect of each such modification would be.
- (4) If the Minister fails to make a statement as required by subsection (2), the Minister must make a statement explaining why.
- (5) A statement under this section must be made in writing and published in such manner as the Minister making it considers appropriate.
- (6) In this section, “equalities legislation” means the Equality Act 2006, the Equality Act 2010 and any subordinate legislation made under either of those Acts.”

Member’s explanatory statement

This new clause would oblige the government to publish a statement outlining whether any equalities legislation would be modified by the proposed regulations.

Keir Starmer
 Emily Thornberry
 Bill Esterson
 Gareth Thomas
 Mr Nicholas Brown

NC16

To move the following Clause—

“UK participation in EU and EEA organisations

- (1) The Secretary of State must seek to negotiate an international trade agreement with the EU which will enable the United Kingdom to continue to co-operate closely with the bodies listed in subsection (2).
- (2) The bodies are—
 - (a) the European Medicines Agency;
 - (b) the European Chemicals Agency;
 - (c) the European Aviation Safety Agency;
 - (d) the European Maritime Safety Agency.”

Member’s explanatory statement

This new clause would oblige the Secretary of State to negotiate close cooperation with the four mentioned agencies.

Trade Bill, *continued*

Keir Starmer
 Emily Thornberry
 Bill Esterson
 Gareth Thomas
 Mr Nicholas Brown
 Margaret Greenwood

Caroline Lucas

NC17

To move the following Clause—

“International trade agreements: health or care services

- (1) Regulations under section 2(1) may make provision for the purpose of implementing an international trade agreement only if the conditions in subsections (2) and (3) are met in relation to the application of that agreement in any part of the United Kingdom.
- (2) The condition in this subsection is that no provision of that international trade agreement in any way undermines or restricts the ability of an appropriate authority—
 - (a) to provide a comprehensive publicly funded health service free at the point of delivery,
 - (b) to protect the employment rights or terms and conditions of employment for public sector employees and those working in publicly funded health or care sectors,
 - (c) to regulate and maintain the quality and safety of health or care services,
 - (d) to regulate and control the pricing and reimbursement systems for the purchase of medicines or medical devices, or
 - (e) to regulate and maintain the level of protection afforded in relation to patient data, public health data and publicly provided social care data relating to UK citizens.
- (3) The condition in this subsection is that the agreement—
 - (a) explicitly excludes application of any provision within that agreement to publicly funded health or care services,
 - (b) explicitly excludes provision for any Investor-State Dispute Settlement (ISDS) clause that provides, or is related to, the delivery of public services, health care, care or public health,
 - (c) explicitly excludes the use of any negative listing, standstill or ratchet clause that provides, or is related to, the delivery of public services, health care, care or public health,
 - (d) contains explicit recognition that an appropriate authority (within the meaning of section 4) has the right to enact policies, legislation and regulation which protects and promotes health, public health, social care and public safety in health or care services, and
 - (e) prohibits the sale of patient data, public health data and publicly provided social care data.
- (4) For the purposes of this section—

“negative listing” means a listing only of exceptions, exclusions or limits to commitments made by parties to the agreement;

“ratchet” in relation to any provision in an agreement means any provision whereby a party, if (after the agreement has been ratified) it has unilaterally removed a barrier in an area where it had made a commitment before the agreement was ratified, may not reintroduce that barrier, and

Trade Bill, *continued*

“standstill” in relation to any provision in an agreement means any provision by which parties list barriers which are in force at the time that they sign the agreement and undertake not to introduce any new barriers.”

Member’s explanatory statement

This amendment would aim to protect the NHS and publicly funded health and care services in other parts of the UK from any form of control from outside the UK.

Ben Lake
Liz Saville Roberts
Hywel Williams
Stewart Hosie
Colum Eastwood

NC18

To move the following Clause—

“Trade agreements: approval

A Minister of the Crown must not make regulations to implement an international trade agreement unless—

- (a) a statement on the terms of the agreement has been approved by the House of Commons on a motion moved by a Minister of the Crown,
- (b) a statement on the terms of the agreement has been approved by the House of Commons on a motion moved by a Minister of the Crown,
- (c) a motion relating to that statement has been approved by a resolution of Senedd Cymru,
- (d) a motion relating to that statement has been approved by a resolution of the Scottish Parliament, and
- (e) a motion relating to that statement has been approved by a resolution of the Northern Ireland Assembly.”

Member’s explanatory statement

This new clause would require the UK Government to secure the approval of both Houses of Parliament and the devolved Parliaments of Scotland and Wales, and the Northern Ireland Assembly before implementing any international trade agreement agreed after the passing of the Bill.

Trade Bill, continued

Sarah Olney
 Wera Hobhouse
 Layla Moran
 Mr Alistair Carmichael
 Jamie Stone
 Munira Wilson

Daisy Cooper
 Sir Edward Davey

Wendy Chamberlain
 Christine Jardine

Tim Farron
 Stephen Farry

NC19

To move the following Clause—

“Involvement of judicial systems in trade disputes

- (1) The United Kingdom may only become a signatory to an international trade agreement if the condition in subsection (3) is satisfied.
- (2) The Secretary of State may not lay a copy of an international trade agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 unless the condition in subsection (3) is satisfied.
- (3) Legal proceedings brought against the United Kingdom under investment protection provisions included in an international trade agreement must be heard by the courts and tribunals system of the United Kingdom.”

Member’s explanatory statement

This new clause would provide protection for UK firms, public bodies and the Government in the event of proceedings under investment protection provisions such as the Investor-State Dispute Scheme (ISDS).

Sarah Olney
 Wera Hobhouse
 Layla Moran
 Mr Alistair Carmichael
 Jamie Stone
 Munira Wilson

Daisy Cooper
 Sir Edward Davey

Wendy Chamberlain
 Christine Jardine

Tim Farron
 Stephen Farry

NC20

To move the following Clause—

“Multilateral investment tribunal

- (1) The United Kingdom may only become a signatory to an international trade agreement if the condition in subsection (3) is satisfied.
- (2) The Secretary of State may not lay a copy of an international trade agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010 unless the condition in subsection (3) is satisfied.
- (3) The condition under this subsection is that an international trade agreement must include a commitment by all parties to the agreement to pursue with other trading

Trade Bill, *continued*

partners the establishment of a multilateral investment tribunal and appellate mechanism for the resolution of investment disputes.”

Member’s explanatory statement

This new clause would ensure that a multilateral investment process would be used to adjudicate on investor disputes.

Sarah Olney
Wera Hobhouse
Layla Moran
Mr Alistair Carmichael
Jamie Stone
Munira Wilson

Daisy Cooper
Sir Edward Davey
Caroline Lucas

Wendy Chamberlain
Christine Jardine

Tim Farron
Stephen Farry

NC21

To move the following Clause—

“Human rights and economic impact assessments

- (1) Before laying a copy of an international trade agreement before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010, the Secretary of State must lay before Parliament an impact assessment taking account of short and long-term human rights and economic impacts of that agreement on different sectors including, but not limited to—
 - (a) gender,
 - (b) age
 - (c) race and
 - (d) class.
- (2) The Secretary of State must lay before Parliament reviews of each international trade agreement which has come into effect from January 2021.
- (3) A review under subsection (2) must include an assessment of short and long-term economic and human rights impacts on different sectors including, but not limited to—
 - (a) gender,
 - (b) age
 - (c) race and
 - (d) class.
- (4) Reviews under subsection (2) must be laid within two years of the day on which the agreement to which they relate comes into effect, and at intervals of no more than two years thereafter.”

Member’s explanatory statement

This new clause would ensure that the HMG has a duty to commit to undertaking human rights impact assessments of all trade deals before and after implementation, taking account of short and long-term economic impacts across different sectors, including but not limited to gender, age, race and class.

Trade Bill, *continued*

Keir Starmer
 Emily Thornberry
 Bill Esterson
 Gareth Thomas
 Mr Nicholas Brown

11

Clause 1, page 1, line 16, at end insert—

- “(1A) No regulations under subsection (1) may be made until the Secretary of State has entered into negotiations with other parties to the GPA with the objective of enabling greater labour market interventions and compliance with ILO standards in any UK procurement contract to which the GPA applies, and
- (a) the Secretary of State has made a statement to the House of Commons that the objective has been achieved either in full or in part, or
 - (b) the Secretary of State has made a statement to the House of Commons that the objective has not been achieved.”

Member’s explanatory statement

This amendment would require the Secretary of State to enter into negotiations to secure greater labour rights in procurement contracts that the GPA applies to, and to report back on the outcome of these negotiations.

Keir Starmer
 Emily Thornberry
 Bill Esterson
 Gareth Thomas
 Mr Nicholas Brown

12

Clause 1, page 1, line 16, at end insert—

- “(1A) No regulations under subsection (1) may be made until the Secretary of State has entered into negotiations with other parties to the GPA with the objective of securing greater environmental exceptions and carbon considerations in any UK procurement contract to which the GPA applies, and
- (a) the Secretary of State has made a statement to the House of Commons that the objective has been achieved either in full or in part, or
 - (b) the Secretary of State has made a statement to the House of Commons that the objective has not been achieved.”

Member’s explanatory statement

This amendment would require the Secretary of State to enter into negotiations to secure greater environmental protections in procurement contracts that the GPA applies to, and to report back on the outcome of these negotiations.

Keir Starmer
 Emily Thornberry
 Bill Esterson
 Gareth Thomas
 Mr Nicholas Brown

13

Clause 1, page 1, line 16, at end insert—

- “(1A) No regulations under subsection (1) may be made until the Secretary of State has entered into negotiations with other parties to the GPA with the objective of securing greater scope for UK small and medium-sized enterprises in any UK procurement contract to which the GPA applies, and
- (a) the Secretary of State has made a statement to the House of Commons that the objective has been achieved either in full or in part, or

Trade Bill, continued

- (b) the Secretary of State has made a statement to the House of Commons that the objective has not been achieved.”

Member’s explanatory statement

This amendment would require the Secretary of State to enter into negotiations to secure greater access for SMEs in procurement contracts that the GPA applies to, and to report back on the outcome of these negotiations.

Keir Starmer
Emily Thornberry
Bill Esterson
Gareth Thomas
Mr Nicholas Brown

14

Clause 1, page 1, line 16, at end insert—

“(1A) No regulations under subsection (1) may be made until the Secretary of State has entered into negotiations with other parties to the GPA with the objective of securing improvements to public health as a consequence of any UK procurement contract to which the GPA applies, and

- (a) the Secretary of State has made a statement to the House of Commons that the objective has been achieved either in full or in part, or
(b) the Secretary of State has made a statement to the House of Commons that the objective has not been achieved.”

Member’s explanatory statement

This amendment would require the Secretary of State to enter into negotiations to secure improvements to public health in procurement contracts that the GPA applies to, and to report back on the outcome of these negotiations.

Mr Jonathan Djanogly
Neil Parish
Richard Fuller
George Freeman
Richard Graham
Peter Aldous

1

Clause 2, page 2, line 10, leave out “is a signatory” and insert “was a signatory on 31 December 2019”

Member’s explanatory statement

The most recent EU FTA which was rolled over, was in December 2019. This amendment would provide that any further FTA entered into would not come under the EU FTA roll over provisions of Clause 2.

Trade Bill, *continued*

Keir Starmer
Emily Thornberry
Bill Esterson
Gareth Thomas
Mr Nicholas Brown

29

Clause 2, page 2, line 14, at end insert—

- “(2A) Regulations under subsection (1) to make provision for the purpose of implementing an international trade agreement may only be made if—
- (a) the requirements under subsection (3) and under paragraph 4(1) to (1D) of Schedule 2 have been met;
 - (b) the requirements under subsection (4) and under paragraph 4(1) to (1D) of Schedule 2 have been met; or
 - (c) the provisions of section [Parliamentary approval of trade agreements] have been complied with and the requirements under subparagraphs 4A(1) to (1D) of Schedule 2 have been met.”

Member’s explanatory statement

This amendment would put in place a structure for greater Parliamentary scrutiny of proposed international trade agreements.

Keir Starmer
Emily Thornberry
Bill Esterson
Gareth Thomas
Mr Nicholas Brown

15

Clause 2, page 2, line 15, leave out subsections (3) and (4) and insert—

- “(3) Paragraph 4 of Schedule 2 shall apply to any regulations under subsection (1) which make provision for the purpose of implementing a free trade agreement if the other signatory (or each other signatory) and the European Union were signatories to a free trade agreement immediately before exit day.
- (4) Paragraph 4 of Schedule 2 shall apply to any regulations under subsection (1) which make provision for the purpose of implementing an international trade agreement other than a free trade agreement if the other signatory (or each other signatory) and the European Union were signatories to an international trade agreement immediately before exit day.
- (4A) Paragraph 4A of Schedule 2 shall apply to any regulations under subsection (1) which make provision for the purpose of implementing any international trade agreement not falling within subsection (3) or subsection (4) above.”

Member’s explanatory statement

This amendment would apply the provisions of the Bill to trade agreements other than EU rollover trade agreements, allowing the Bill to act as a framework for a future trade policy.

Keir Starmer
Emily Thornberry
Bill Esterson
Gareth Thomas
Mr Nicholas Brown

16

Clause 2, page 2, line 15, leave out subsections (3) and (4) and insert—

- “(3) Regulations under subsection (1) may make provision for the purpose of implementing a free trade agreement only if the other signatory (or each other signatory) and the European Union had ratified a free trade agreement with each other immediately before exit day.

Trade Bill, continued

- (4) Regulations under subsection (1) may make provision for the purpose of implementing an international trade agreement other than a free trade agreement only if the other signatory (or each other signatory) and the European Union had ratified an international trade agreement with each other immediately before exit day.”

Member’s explanatory statement

This amendment would mean that a trade agreement would need to be ratified before regulations could be made to implement it.

Keir Starmer
Emily Thornberry
Bill Esterson
Gareth Thomas
Mr Nicholas Brown

17

Clause 2, page 2, line 23, at end insert—

- “(4A) Regulations under subsection (1) may make provision for the purpose of implementing an international trade agreement only if the provisions of that international trade agreement do not conflict with, and are consistent with—
- (a) the provisions of international treaties ratified by the United Kingdom;
 - (b) the provisions of the Sustainable Development Goals adopted by the United Nations General Assembly on 25 September 2015;
 - (c) the primacy of human rights law;
 - (d) international human rights law and international humanitarian law;
 - (e) the United Kingdom’s obligations on workers’ rights and labour standards as established by but not limited to—
 - (i) the commitments under the International Labour Organisation’s Declaration on Fundamental Rights at Work and its Follow-up Conventions; and
 - (ii) the fundamental principles and rights at work inherent in membership of the International Labour Organisation;
 - (f) women’s rights and are in accordance with the United Kingdom’s obligations established by but not limited to the Convention on the Elimination of All Forms of Discrimination Against Women;
 - (g) children’s rights and are in accordance with the United Kingdom’s obligations established by but not limited to the Convention on the Rights of the Child; and
 - (h) the sovereignty of Parliament, the legal authority of UK courts, the rule of law and the principle of equality before the law.”

Member’s explanatory statement

This amendment would ensure that regulations made under the Bill can only be made if the trade agreement which the regulations would implement does not contravene the UK’s international commitments with specific reference to human rights and related treaties, and must respect the sovereignty of parliament.

Trade Bill, *continued*

Keir Starmer
 Emily Thornberry
 Bill Esterson
 Gareth Thomas
 Mr Nicholas Brown
 Caroline Lucas

18

Clause 2, page 2, line 23, at end insert—

“(4A) Regulations under subsection (1) may make provision for the purpose of implementing an international trade agreement only if the provisions of that international trade agreement do not conflict with, and are consistent with the United Kingdom’s environmental obligations in international law and as established by but not limited to—

- (a) the Paris Agreement adopted under the United Nations Framework Convention on Climate Change;
- (b) the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); and
- (c) the Convention on Biological Diversity, including the Cartagena Protocol on Biosafety.”

Member’s explanatory statement

This amendment would ensure that regulations made under the Bill can only be made if the trade agreement which the regulations would implement does not contravene the UK’s environmental obligations.

Keir Starmer
 Emily Thornberry
 Bill Esterson
 Gareth Thomas
 Mr Nicholas Brown
 Caroline Lucas

19

Clause 2, page 2, line 23, at end insert—

“(4A) Regulations under subsection (1) may make provision for the purpose of implementing an international trade agreement only if the provisions of that international trade agreement do not in any way restrict the ability—

- (a) to make public services at a national or local level subject to public monopoly;
- (b) to make public services at a national or local level subject to exclusive rights granted to private operators; and
- (c) to bring public services at a national or local level back into the public sector for delivery by public sector employees.”

Member’s explanatory statement

This amendment would ensure that regulations made under the Bill can only be made if the trade agreement which the regulations would implement does not contravene the ability of a UK government to take public services back into public ownership.

Trade Bill, continued

Keir Starmer
Emily Thornberry
Bill Esterson
Gareth Thomas
Mr Nicholas Brown
Caroline Lucas

20

Clause 2, page 2, line 23, at end insert—

“(4A) Regulations may only be made under subsection (1) if—

- (a) the provisions of the international trade agreement to which they relate are consistent with standards for food safety and quality as set and administered by—
 - (i) the Department of Health;
 - (ii) the Food Standards Agency;
 - (iii) Food Standards Scotland; and
 - (iv) any other public authority specified in regulations made by the Secretary of State;
- (b) the Secretary of State is satisfied that mechanisms and bodies charged with enforcement of standards for food safety and quality have the capacity to absorb any extra requirement which may arise from the implementation of the agreement;
- (c) the provisions of the international trade agreement to which they relate are consistent with policy to achieve reduction in the risk of disease or contamination as set and administered by—
 - (i) the Department of Health;
 - (ii) the Food Standards Agency;
 - (iii) Food Standards Scotland; and
 - (iv) any other public authority specified in regulations made by the Secretary of State;
- (d) the provisions of the international trade agreement to which they relate are consistent with achieving improvements in public health through any food policy priorities set and administered by—
 - (i) the Department of Health;
 - (ii) the Food Standards Agency;
 - (iii) Food Standards Scotland; and
 - (iv) any other public authority specified in regulations made by the Secretary of State;
- (e) the provisions of the international trade agreement to which they relate are compliant with policy to achieve targets for farm antibiotic reduction set by the Veterinary Medicines Directorate;
- (f) the provisions of the international trade agreement to which they relate are compliant with retained EU law relating to food standards and the impact of food production upon the environment; and
- (g) any food or food products to which the provisions of the international trade agreement apply meet standards of labelling, indication of provenance, and packaging specified by the Food Standards Agency or Food Standards Scotland.”

Member’s explanatory statement

This amendment would ensure that regulations made under the Bill can only be made if the trade agreement which the regulations would implement enshrines UK standards in legislation and adheres to UK standards of food production and food safety.

Trade Bill, *continued*

Keir Starmer
 Emily Thornberry
 Bill Esterson
 Gareth Thomas
 Mr Nicholas Brown
 Caroline Lucas

21

Clause 2, page 2, leave out lines 27 and 28

Member's explanatory statement

This amendment would remove Henry VIII powers from the Bill.

Stewart Hosie
 Margaret Ferrier
 Ben Lake
 Joanna Cherry
 Colum Eastwood

10

Clause 2, page 2, line 33, at end insert—

“(6A) No regulations may be made under subsection (1) by a Minister of the Crown, so far as they contain provision which would be within the devolved competence of the Scottish Ministers (within the meaning given in paragraph 6 of Schedule 1), unless the Scottish Ministers consent.

(6B) No regulations may be made under subsection (1) by a Minister of the Crown, so far as they contain provision which would be within the devolved competence of the Welsh Ministers (within the meaning given in paragraph 7 of Schedule 1), unless the Welsh Ministers consent.

(6C) No regulations may be made under subsection (1) by a Minister of the Crown, so far as they contain provision which would be within the devolved competence of a Northern Ireland department (within the meaning given in paragraph 8 of Schedule 1), unless a Northern Ireland devolved authority (within the meaning of paragraph 9 of Schedule 1) gives consent.”

Member's explanatory statement

This amendment would ensure that the consent of a devolved government is required for regulations under section 2(1) if those regulations contain matters which are within the remit of the devolved government.

Keir Starmer
 Emily Thornberry
 Bill Esterson
 Gareth Thomas
 Mr Nicholas Brown

22

Clause 2, page 2, line 34, leave out subsections (7) and (8) and insert—

“(7) No regulations may be made under subsection (1) in relation to an agreement which meets the criteria in subsection (3) or (4) after the end of the period of five years beginning with IP completion day.”

Member's explanatory statement

This amendment would bar any extension to the five-year window for making regulations to implement EU rollover agreements.

Trade Bill, *continued*

Keir Starmer
Emily Thornberry
Bill Esterson
Gareth Thomas
Mr Nicholas Brown

23

Clause 2, page 2, line 34, leave out subsections (7) and (8) and insert—

- “(7) No regulations may be made under subsection (1) in relation to an agreement which meets the criteria in subsection (3) or (4) after the end of—
- (a) the period of five years beginning with IP completion day (“the initial five year period”), or
 - (b) such other period as is specified in regulations made by the Secretary of State in accordance with subsection (8).
- (8) Regulations under subsection (7)(b) may not extend the initial five year period or any subsequent period beyond the day which falls ten years after IP completion day.”

Member’s explanatory statement

This amendment would limit any extension of the window to a maximum of ten years.

Mr Jonathan Djanogly
Neil Parish
Richard Fuller
George Freeman
Richard Graham
Peter Aldous

2

Clause 2, page 2, line 35, leave out “five” and insert “three”

Member’s explanatory statement

This amendment reinserts a Government amendment made to the Trade Bill in 2018. It proposes to reduce, from five years to three, the time period during which a) EU FTAs can be rolled over and b) previously rolled over FTAs can be reamended.

Mr Jonathan Djanogly
Neil Parish
Richard Fuller
George Freeman
Richard Graham
Peter Aldous

3

Clause 2, page 2, line 36, leave out “five” and insert “three”

Mr Jonathan Djanogly
Neil Parish
Richard Fuller
George Freeman
Richard Graham
Peter Aldous

4

Clause 2, page 2, line 39, leave out “five” and insert “three”

Member’s explanatory statement

This amendment reinserts a Government amendment made to the 2018 Trade Bill in 2018. If the Government decides to extend the period to make regulations under Clause 2, any such period should not be more than three years.

Trade Bill, continued

Mr Jonathan Djanogly
Neil Parish
Richard Fuller
George Freeman
Richard Graham
Peter Aldous

5

Clause 2, page 2, line 41, leave out “five” and insert “three”

Keir Starmer
Emily Thornberry
Bill Esterson
Gareth Thomas
Mr Nicholas Brown

27

Clause 4, page 3, line 26, at end insert—

““international agreement that mainly relates to trade, other than a free trade agreement” means a strategic partnership agreement or mutual recognition agreement that is ancillary to a free trade agreement, or an investment agreement”

Member’s explanatory statement

This amendment defines what is meant by international agreement that mainly relates to trade, reducing ambiguity.

Keir Starmer
Emily Thornberry
Bill Esterson
Gareth Thomas
Mr Nicholas Brown

28

Clause 6, page 4, line 22, at end insert “and

- (c) analysis of the impact of any exercise by the Secretary of State of the power under section 15 of the Taxation (Cross-border Trade) Act 2018 (as amended by section 94 of the Finance Act 2020) to vary an amount of import duty if he or she considers that it is appropriate to do so.”

Member’s explanatory statement

This amendment would oblige the TRA to give advice on the impact of the Secretary of State’s actions in reducing import duty under the powers in the current Finance Bill.

Trade Bill, continued

Secretary Elizabeth Truss

Clause 8, page 5, line 21, leave out “the Secretary of State” and insert “a Minister of the Crown” 6

Member’s explanatory statement

This amendment would allow HMRC to share information with Ministers of the Crown rather than just the Secretary of State. In practical terms, it would allow sharing with the Cabinet Office, which is not headed by a Secretary of State.

Secretary Elizabeth Truss

Clause 8, page 5, line 21, leave out “Secretary of State’s” and insert “Minister’s” 7

Member’s explanatory statement

This amendment is consequential on Amendment 6.

Secretary Elizabeth Truss

Clause 8, page 5, line 24, at end insert— 8

“(1A) Those functions include, among other things, functions relating to—

- (a) the analysis of the flow of traffic, goods and services into and out of the United Kingdom;
- (b) the analysis of the impact, or likely impact, of measures or practices relating to imports, exports, border security and transport on such flow;
- (c) the design, implementation and operation of such measures or practices.”

Member’s explanatory statement

This amendment would specify some Ministerial functions relating to trade - in particular those of the Minister for the Cabinet Office.

Secretary Elizabeth Truss

Clause 8, page 5, line 43, after “legislation” insert “(save that the powers conferred by this section are to be taken into account in determining whether a disclosure contravenes that legislation)” 9

Member’s explanatory statement

This amendment seeks to clarify the interaction between the power to share information and the data protection legislation.

Keir Starmer
Emily Thornberry
Bill Esterson
Gareth Thomas
Mr Nicholas Brown

Schedule 2, page 11, line 26, leave out from “section 1(1)” to the end of line 27 and insert “may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.” 24

Member’s explanatory statement

This amendment would specify an affirmative resolution procedure for regulations under section 1 (1) (Regulations relating to the UK’s membership of the GPA).

Trade Bill, *continued*

Keir Starmer
 Emily Thornberry
 Bill Esterson
 Gareth Thomas
 Mr Nicholas Brown
 Caroline Lucas

25

Schedule 2, page 13, line 25, at end insert—

- “4A (1) A statutory instrument containing regulations of a Minister of the Crown acting alone under section 2(1) in respect of an international trade agreement which does not meet the criteria under section 2(3) or section 2(4) may not be made except in accordance with the steps in subparagraphs (1A) to (1D).
- (1A) The Minister shall lay before Parliament—
- (a) a draft of the regulations, and
 - (b) a document which explains why the Secretary of State believes that regulations should be made in terms of the draft regulations.
- (1B) The Minister may make an order in the terms of the draft regulations laid under subparagraph (1A) if—
- (a) after the expiry of a period of 21 sitting days after the draft regulations are laid, no committee of either House of Parliament has recommended that the regulations should not be made, and
 - (b) after the expiry of a period of 60 sitting days after the draft regulations are laid, the draft regulations are approved by a resolution of each House of Parliament.
- (1C) If a committee of either House of Parliament recommends that the regulations should not be made, the Secretary of State may—
- (a) lay before Parliament revised draft regulations, and
 - (b) after the expiry of a period of 40 sitting days after the revised draft regulations are laid, make a motion for a resolution in each House of Parliament for approval of the revised draft regulations.
- (1D) If a motion under subparagraph (1C)(b) is approved by a resolution of each House of Parliament, the Secretary of State may make the regulations.”

Member’s explanatory statement

This amendment would establish a form of super-affirmative procedure for scrutiny of regulations implementing all trade agreements covered by the bill. The procedure would apply to agreements other than EU rollover trade agreements if amendments extending the application of the bill were agreed to.

Keir Starmer
 Emily Thornberry
 Bill Esterson
 Gareth Thomas
 Mr Nicholas Brown

26

Schedule 2, page 13, leave out lines 33 to 35 and insert—

- “(3) A statutory instrument containing regulations of a Minister of the Crown acting jointly with a devolved authority under section 2(1) in respect of an agreement which falls within the description in section 2(3) or section 2(4) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3A) A statutory instrument containing regulations of a Minister of the Crown acting jointly with a devolved authority under section 2(1) in respect of an agreement

Trade Bill, continued

which falls within the description in section 2(4A) may not be made except in accordance with the steps in subparagraphs (1) to (1D) of paragraph 4A.”

Member’s explanatory statement

This amendment would extend the super-affirmative procedure under Amendment 25 to regulations where the Minister was acting jointly with a devolved authority.

Keir Starmer
Emily Thornberry
Bill Esterson
Gareth Thomas
Mr Nicholas Brown

31

Schedule 4, page 15, line 21, leave out subsection (3) and insert—

- “(3) No person may be appointed as a non-executive member of the Authority under subparagraph (1)(b) unless—
- (a) the Secretary of State has first consulted the Chair of the Authority on the proposed appointment, and
 - (b) the International Trade Committee of the House of Commons has consented to the appointment.”

Member’s explanatory statement

This amendment would establish a procedure for appointing non-executive members of the Trade Remedies Authority other than the Chair.

Keir Starmer
Emily Thornberry
Bill Esterson
Gareth Thomas
Mr Nicholas Brown
Caroline Lucas

30

Schedule 4, page 15, line 22, at end insert—

- “(3A) In making any proposal under subparagraph (3), the Secretary of State must ensure that there is on the Authority a representative of —
- (a) producers,
 - (b) trade unions,
 - (c) consumers, and
 - (d) each of the United Kingdom devolved administrations.”

Member’s explanatory statement

This amendment would ensure that the Trade Remedies Authority includes, among its non-executive members, representatives of stakeholder bodies potentially affected by its recommendations.

Trade Bill, *continued*

ORDER OF THE HOUSE [20 MAY 2020]

That the following provisions shall apply to the Trade Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 25 June 2020.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
-