



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Friday 12 June 2020**

*New Amendments handed in are marked thus ★*

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

*Amendments tabled since the last publication: 4-7 and NC5 to NC10*

### **PUBLIC BILL COMMITTEE**

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**This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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

Gareth Thomas  
 Bill Esterson  
 Charlotte Nichols  
 Matt Western  
 Fleur Anderson

4

★ 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 provisions of section [*Parliamentary scrutiny of free trade agreements before signature*] were complied with before the United Kingdom had ratified the agreement;
- (b) the requirements under subsection (3) and under paragraph 4(1) to (1D) of Schedule 2 have been met;

**Trade Bill, continued**

- (c) the requirements under subsection (4) and under paragraph 4(1) to (1D) of Schedule 2 have been met; or
- (d) the requirements under subparagraph 4A(1) to (1D) of Schedule 2 have been met.”

**Member’s explanatory statement**

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

Gareth Thomas  
Bill Esterson  
Charlotte Nichols  
Matt Western  
Fleur Anderson

5

- ★ 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.*

Bill Esterson  
Gareth Thomas  
Matt Western  
Charlotte Nichols  
Fleur Anderson

NC1

- ☆ To move the following Clause—

**“Regulations: review of social impact**

- (1) The Secretary of State must conduct reviews of the social impact of any regulations made under section 1(1).
- (2) “Social impact” shall include but not be limited to the impact upon—
  - (a) the exercise of any right for workers under the Employment Rights Act 1996,
  - (b) the exercise of any right for consumers under the Consumer Rights Act 2015,
  - (c) the exercise of any right under the Trade Union Act 2016, and

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**Trade Bill, *continued***

- (d) the fulfilment of any obligation held by the United Kingdom by virtue of its membership of the International Labour Organisation.
  - (3) A review under subsection (1) must be laid before both Houses of Parliament.
  - (4) The first review under subsection (1) shall be laid by 31 December 2021, and subsequent reviews shall be laid at least once in each calendar year.”
- 

Bill Esterson  
 Gareth Thomas  
 Matt Western  
 Charlotte Nichols  
 Fleur Anderson

NC2

☆ To move the following Clause—

**“Regulations: review of climate and environmental impact**

- (1) The Secretary of State must conduct reviews of the environmental impact of any regulations made under section 1(1).
  - (2) “Environmental impact” shall mean the impact upon—
    - (a) progress toward meeting the UK’s Net Zero targets,
    - (b) global emissions,
    - (c) producer responsibility,
    - (d) resource efficiency,
    - (e) management of waste,
    - (f) regulation and enforcement of waste management,
    - (g) air quality,
    - (h) the recall of motor vehicles for the purpose of protecting the environment,
    - (i) regulation of water and sewerage undertakers,
    - (j) water abstraction,
    - (k) water quality,
    - (l) land drainage,
    - (m) biodiversity gain in planning,
    - (n) biodiversity objectives and reporting,
    - (o) local nature recovery strategies,
    - (p) tree felling and planting,
    - (q) creation of conservation covenants, and
    - (r) the effect of conservation covenants.
  - (3) A review under subsection (1) must be laid before both Houses of Parliament.
  - (4) The first review under subsection (1) shall be laid by 31 December 2021, and subsequent reviews shall be laid at least once in each calendar year.”
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**Trade Bill, *continued***

Bill Esterson  
Gareth Thomas  
Matt Western  
Charlotte Nichols  
Fleur Anderson

NC3

☆ To move the following Clause—

**“Regulations: review of impact on public health**

- (1) The Secretary of State must conduct reviews of the impact in England of any regulations made under section 1(1) upon—
    - (a) food safety,
    - (b) standards in food production, including the treatment of animals and impact on consumer choice, and
    - (c) any public health outcome within the definition used by Public Health England.
  - (2) A review under subsection (1) must be laid before both Houses of Parliament.
  - (3) The first review under subsection (1) shall be laid by 31 December 2021, and subsequent reviews shall be laid at least once in each calendar year.”
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Bill Esterson  
Gareth Thomas  
Matt Western  
Charlotte Nichols  
Fleur Anderson

NC4

☆ To move the following Clause—

**“Regulations: review of economic impact**

- (1) The Secretary of State must conduct reviews of the economic impact of any regulations made under section 1(1).
  - (2) A review under subsection (1) must be laid before both Houses of Parliament.
  - (3) The first review under subsection (1) shall be laid by 31 December 2021, and subsequent reviews shall be laid at least once in each calendar year.”
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**Trade Bill, continued**

Gareth Thomas  
 Bill Esterson  
 Charlotte Nichols  
 Matt Western  
 Fleur Anderson

NC5

★ To move the following Clause—

**“Parliamentary scrutiny of free trade agreements before signature**

- (1) The United Kingdom may not become a signatory to a free trade agreement which does not meet the criteria under section 2(3) unless—
  - (a) before entering negotiations on the proposed agreement, the Secretary of State has—
    - (i) laid before Parliament a sustainability impact assessment carried out following consultation as prescribed by section *[Sustainability impact assessments]*, and
    - (ii) published a response to any report which a committee of either House of Parliament may have published expressing an opinion on the sustainability impact assessment, as long as that report is published within 30 sitting days of the day on which the sustainability impact assessment is laid before Parliament;
  - (b) both Houses of Parliament have passed a resolution authorising the Secretary of State to enter negotiations on the proposed agreement as prescribed by section *[Parliamentary consent to launch of trade negotiations]*;
  - (c) during the course of negotiations, the text of the agreement as so far agreed or consolidated has been made available as prescribed by section *[Availability of agreement texts]*;
  - (d) the Secretary of State has, within ten sitting days of the close of each round of negotiations on the proposed agreement, laid before Parliament a statement detailing the progress made in each area of the negotiations and the obstacles still remaining at the close of that round;
  - (e) the text of the agreement in the form to which it is proposed that the United Kingdom should become a signatory has been made available to Parliament for a period of 21 sitting days; and
  - (f) a resolution has been passed by the House of Commons approving the Secretary of State’s intention to sign the agreement.
- (2) “Sitting day”, for the purposes of subsection (1)(a)(ii) shall mean any day on which both Houses of Parliament begin to sit”

***Member’s explanatory statement***

*This new clause would set out a structure for parliamentary scrutiny of negotiations on proposed trade agreements.*

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Trade Bill, *continued*

Gareth Thomas  
 Bill Esterson  
 Charlotte Nichols  
 Matt Western  
 Fleur Anderson

NC6

★ To move the following Clause—

**“Sustainability impact assessments**

- (1) A sustainability impact assessment laid before Parliament under section [*Parliamentary scrutiny of free trade agreements before signature*](1)(a) shall be carried out following consultation.
- (2) A consultation under subsection (1) shall—
  - (a) be carried out in line with any guidance or code of practice on consultations issued by Her Majesty’s Government, and
  - (b) actively seek the views of—
    - (i) Scottish Ministers,
    - (ii) Welsh Ministers,
    - (iii) a Northern Ireland devolved authority,
    - (iv) representatives of businesses and trade unions in sectors which, in the opinion of the Secretary of State, are likely to be affected by the proposed international trade agreement, and
    - (v) any other person or organisation which appears to the Secretary of State to be representative of interests affected by the proposed international trade agreement.
- (3) The Secretary of State shall ensure that public bodies, non-governmental organisations and the public may be made aware of the consultation by circulating and publishing details of it prominently on relevant government websites.
- (4) A sustainability impact assessment under subsection (1) shall be conducted by a credible body independent of government and shall include both qualitative and quantitative assessments of the potential impacts of the proposed trade 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,

**Trade Bill, continued**

- (ii) biodiversity,
  - (iii) the rural environment and air quality, and
  - (iv) the need to meet the UK's international obligations to combat climate change;
  - (e) 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
  - (f) 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 sustainability impact assessment 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.
- (6) A sustainability impact assessment under subsection (1) shall include recommendations for possible action to maximise any positive impacts and to prevent or offset any negative impacts foreseen, including the possible limitation of the negotiating mandate so as to exclude those sectors most at risk from the proposed trade agreement.”

Gareth Thomas  
 Bill Esterson  
 Charlotte Nichols  
 Matt Western  
 Fleur Anderson

NC7

★ To move the following Clause—

**“Parliamentary consent to launch of trade negotiations**

- (1) The Secretary of State shall not commence negotiations relating to a free trade agreement which does not meet the criteria under section 2(3) unless all provisions of this section have been satisfied.
- (2) A Minister of the Crown shall lay before Parliament a draft of a negotiating mandate relating to the proposed international trade agreement.
- (3) The draft mandate under subsection (2) shall set out—
  - (a) all fields and sectors to be included in the proposed negotiations;
  - (b) the principles to underpin the proposed negotiations;
  - (c) any limits on the proposed negotiations, including sectors to be excluded from the proposed negotiations; and
  - (d) the desired outcomes from the proposed negotiations.
- (4) The Secretary of State shall make a motion for a resolution in the House of Commons in respect of the draft, setting out the elements listed in subsection (3), but such a motion shall be made—
  - (a) no earlier than 25 sitting days after the day on which the draft of the negotiating mandate is laid under subsection (2), and
  - (b) not before the Secretary of State has published a response to any report which a committee of either House of Parliament may have published

**Trade Bill, continued**

expressing an opinion on the draft negotiating mandate, as long as that report is published within 20 sitting days of the day on which the draft mandate is laid before Parliament.

- (5) A motion for a resolution under subsection (4) shall be made in such a way as to permit amendment of any of the elements prescribed under subsection (3).
- (6) A motion to enable consideration of the negotiating mandate shall be laid before the House of Lords.
- (7) The terms of any negotiating mandate authorised by a resolution under subsection (4) shall be binding upon the Secretary of State and anyone acting on his or her behalf in the course of negotiation.
- (8) “Sitting day” shall, for the purposes of subsection (4), mean any day on which both Houses of Parliament begin to sit.”

Gareth Thomas  
 Bill Esterson  
 Charlotte Nichols  
 Matt Western  
 Fleur Anderson

NC8

★ 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.
- (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).”

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**Trade Bill, *continued***

Bill Esterson  
Gareth Thomas  
Charlotte Nichols  
Matt Western  
Fleur Anderson

NC9

★ 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 healthwhich 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.
- (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.*

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**Trade Bill, *continued***

Bill Esterson  
 Gareth Thomas  
 Charlotte Nichols  
 Matt Western  
 Fleur Anderson

NC10

★ To move the following Clause—

**“Regulations: review of impact on SMEs**

- (1) The Secretary of State must conduct reviews of the impact upon small and medium-sized enterprises of any regulations made under section 1(1).
  - (2) A review under subsection (1) must be laid before both Houses of Parliament.
  - (3) The first review under subsection (1) shall be laid by 31 December 2021, and subsequent reviews shall be laid at least once in each calendar year.”
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Gareth Thomas  
 Bill Esterson  
 Charlotte Nichols  
 Matt Western  
 Fleur Anderson

6

★ Schedule 2, page 13, leave out lines 13 to 16 and insert—

- “4 (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 meets the criteria under section 2(3) or 2(4) may not be made unless all provisions of sub-paragraphs (1A) to (1D) have been satisfied.
- (1A) The Secretary of State must lay before Parliament—
- (a) a draft of an order to the effect that the agreement be ratified, and
  - (b) a document which explains why the Secretary of State believes that the agreement should be ratified.
- (1B) The Secretary of State may make an order in the terms of the draft order laid under subparagraph (1A) if—
- (a) after the expiry of a period of 21 sitting days after the draft order is laid, no committee of either House of Parliament has recommended that the order should not be made, and
  - (b) after the expiry of a period of 40 sitting days after the draft order is laid, a motion in the terms of the draft order is approved by a resolution of each House of Parliament.
- (1C) If a committee of either House of Parliament recommends that an order should not be made under subparagraph (2), the Secretary of State may, after the expiry of a period of 60 sitting days after the draft order is laid, make a motion for a resolution in each House of Parliament in the terms of the draft order.
- (1D) If a motion in the terms of the draft order is approved by a resolution of each House of Parliament under subparagraph (1B)(b), the Secretary of State may make an order in the terms of the draft order.

**Trade Bill, continued**

- (1E) A free trade agreement to which this paragraph applies shall not be deemed to be a treaty for the purposes of Part 2 of the Constitutional Reform and Governance Act 2010.
- (1F) In section 25 of the Constitutional Reform and Governance Act 2010, after subsection (1)(b), at end insert “but does not include an international trade agreement to which paragraph 4(1) of Schedule 2 to the Trade Act 2020 applies.””

**Member’s explanatory statement**

*This amendment would establish a form of super-affirmative procedure for scrutiny of an international trade agreement before ratification and before regulations implementing the agreement could be made.*

Gareth Thomas  
Bill Esterson  
Charlotte Nichols  
Matt Western  
Fleur Anderson

7

## ★ 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.*

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**Trade Bill, continued**

Bill Esterson  
Gareth Thomas  
Matt Western  
Charlotte Nichols  
Fleur Anderson

1

☆ Schedule 4, page 15, leave out line 14 and insert—

“(a) a member to chair it, appointed by the Secretary of State with the consent of the International Trade Committee of the House of Commons,”

***Member’s explanatory statement***

*This amendment would establish the requirement for Parliament, through the relevant committee, to give its consent to the Secretary of State’s recommendation for appointment to the Chair of the Trade Remedies Authority.*

Bill Esterson  
Gareth Thomas  
Matt Western  
Charlotte Nichols  
Fleur Anderson

2

☆ Schedule 4, page 19, line 26, at end insert—

“no later than 1 August of the calendar year in which the last day of the financial year covered by the report falls”.

***Member’s explanatory statement***

*This amendment would ensure that the Secretary of State must lay the annual report of the Trade Remedies Authority before Parliament within a reasonable time frame.*

Bill Esterson  
Gareth Thomas  
Matt Western  
Charlotte Nichols  
Fleur Anderson

3

☆ Schedule 4, page 19, line 26, at end insert—

***Recommendation reports***

“31A(1) The TRA must prepare a report on each of the individual recommendations it makes to the Secretary of State in connection with the conduct of an international trade dispute.

(2) The report must accompany the recommendation submitted to the Secretary of State.

(3) The Secretary of State must lay the report before Parliament as soon as reasonably practicable, and not later than five days from the time it is submitted to the Secretary of State by the TRA.”

***Member’s explanatory statement***

*This amendment would ensure that Parliament is kept informed, in a timely fashion, of the individual recommendations made by the Trade Remedies Authority to the Secretary of State in connection with cases of dumping, foreign subsidies and import increases causing injury to UK producers.*

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**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.
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