



House of Commons

NOTICES OF AMENDMENTS

given up to and including
Monday 13 July 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: 6 to 10 and NC5 to NC8

CONSIDERATION OF BILL (REPORT STAGE)

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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

Trade Bill, continued

- (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.
- (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.

Trade Bill, *continued*

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
 - (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*).*

Trade Bill, continued

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.
- (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.

Trade Bill, *continued*

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.*

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.

Trade Bill, continued

- (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.

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

Peter Aldous

Sarah Olney

Angus Brendan MacNeil
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

Trade Bill, continued

- (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
 - (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.”

Stewart Hosie

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

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.

Stewart Hosie

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.

Trade Bill, continued

- (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.

Secretary Elizabeth Truss

6

- ★ Clause 8, page 5, line 21, for “the Secretary of State” substitute “a Minister of the Crown”

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

7

- ★ Clause 8, page 5, line 21, for “Secretary of State’s” substitute “Minister’s”

Member’s explanatory statement

This amendment is consequential on Amendment 6.

Secretary Elizabeth Truss

8

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

“() 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

9

- ★ 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)”

Member’s explanatory statement

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

Trade Bill, *continued*

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

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

1

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.

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

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

2

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

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

3

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

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

4

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”

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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