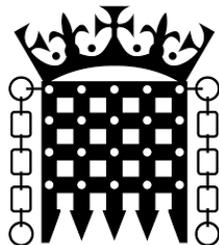


All line references relate to the large font accessible version of the Bill



House of Commons

Tuesday 15 September 2020

COMMITTEE OF THE WHOLE HOUSE

*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: 40 and NC5

UNITED KINGDOM INTERNAL MARKET BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the House [14 September 2020].

All line references relate to the large font accessible version of the Bill

CLAUSES 28 TO 39; NEW CLAUSES AND NEW SCHEDULES RELATING TO PART 4; OTHER NEW CLAUSES AND NEW SCHEDULES RELATING GENERALLY TO THE INTERNAL MARKET FOR GOODS AND SERVICES IN THE UNITED KINGDOM

Ian Blackford

28

☆ Clause **28**, page **49**, line 21 leave out “, Scotland”

Member’s explanatory statement

This amendment would exempt from the operation of Part 4 (independent advice on and monitoring of UK internal market) regulatory provisions applying in Scotland which did not apply to the whole of the UK.

Ian Blackford

29

☆ Clause **29**, page **50**, line **13**, at the beginning insert “Following legislative approval from all devolved administrations,”

All line references relate to the large font accessible version of the Bill

Member’s explanatory statement

This amendment would ensure that the CMA may only undertake a review following legislative approval from all devolved administrations.

Edward Miliband

8

Page 22, leave out Clause 30

Wendy Chamberlain

21

☆ Clause 35, page 62, line 10, at end insert—

“(1A) Prior to publishing the information in subsection (1) the CMA must consult the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland about how it is to approach the exercise of its functions.”

Member’s explanatory statement

The intention of this amendment is to ensure that the devolved administrations are consulted before the CMA determines how to exercise its functions in regard to the UK Internal Market.

All line references relate to the large font accessible version of the Bill

Ian Blackford

30

☆ Clause **38**, page **69**, line **15**, after “must” insert “obtain the agreement of the devolved administrations and”

Member’s explanatory statement

This amendment would ensure that the Secretary of State cannot decide amount for penalties with CMA without agreement from devolved administrations.

Wendy Chamberlain

NC1

To move the following Clause—

“Dispute resolution mechanism

- (1) Within the period of two months after the day on which this Act is passed, the Secretary of State must consult the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland about how any disputes relating to the functioning of the internal market will be resolved between the four parts of the United Kingdom.
- (2) Within the period of three months after the day on which this Act is passed, the Secretary of State

All line references relate to the large font accessible version of the Bill

must lay before each House of Parliament a report detailing how any disputes relating to the functioning of the internal market will be resolved between the four parts of the United Kingdom.

(3) Any dispute resolution mechanism established by the Secretary of State must provide for representation from each nation of the United Kingdom.”

Member’s explanatory statement

The intention of this clause is to help resolve the functioning of the internal market between the four nations of the United Kingdom.

Edward Miliband

NC2

To move the following Clause—

“Limits on powers to override common frameworks

The Secretary of State shall not make any order or regulations under this or any other Act of Parliament that has the effect of imposing lower standards on Scotland, Wales or Northern Ireland, in any area for which a common framework—

(a) has been agreed,

All line references relate to the large font accessible version of the Bill

(b) is in development, or
(c) becomes necessary,
unless, where subsection (b) or (c) above applies, the Secretary of State judges that a reasonable period has passed and the negotiations have failed to reach agreement, and a draft of the order or regulations has been laid before and approved by resolution of each House of Parliament.”

Member’s explanatory statement

This new clause puts common frameworks on a statutory footing. Where there is a common framework agreed, Ministers would not be able to override them through secondary legislation to impose lower standards on devolved nations. Where a common framework was in development, or a new common framework became necessary, Ministers could not impose standards until the negotiation of common frameworks had taken place between the nations of the UK and failed to reach agreement after a reasonable period. The UK Parliament would be the ultimate arbiter of standards if reasonable agreement could not be reached.

All line references relate to the large font accessible version of the Bill

Edward Miliband

NC3

To move the following Clause—

“Duty to consult, monitor and report

The CMA has a duty to consult with all relevant national authorities and shall produce monitoring reports on

- (a) changes in standards, and
 - (b) assessments of whether standards have been met.”
-

Wendy Chamberlain

NC4

☆ To move the following Clause—

“Appointment of members to the Competition and Markets Authority board by the devolved administrations

- (1) Schedule 4 of the Enterprise and Regulatory Reform Act 2013 is amended as follows.
- (2) After sub-paragraph 1(1) insert—
 - “(1A) The members appointed under sub-paragraph (1)(b) must include—

All line references relate to the large font accessible version of the Bill

- (a) a member appointed by the Scottish Ministers,
- (b) a member appointed by the Welsh Ministers, and
- (c) a member appointed by the ministers of the Northern Ireland Executive.”

Member’s explanatory statement

This new clause gives the devolved administrations the power to each appoint a member to the board of the Competition and Markets Authority.

CLAUSES 46 AND 47; NEW CLAUSES AND NEW SCHEDULES RELATING TO PART 6

Ian Blackford

33

- ☆ Clause **46**, page **85**, line **5**, after “Crown” insert “, after obtaining the agreement of the relevant devolved Minister,”

Member’s explanatory statement

This amendment is intended to ensure that Ministers of the Crown obtain the agreement of the relevant devolved minister before operating within devolved competencies.

All line references relate to the large font accessible version of the Bill

Liz Saville Roberts

11

- ☆ Clause **46**, page **85**, line **6**, after “Parliament” insert
“upon the approval of the relevant devolved authorities”

Colum Eastwood

19

- ☆ Clause **46**, page **85**, line **27**, at end insert—
 - “(1A) If provision to be made by a Minister of the Crown under subsection (1) would relate to any matter for which a relevant body has legislative competence, the provision may only be made after that body has approved a motion consenting to that provision.
 - (1B) In this section, a “relevant body” is—
 - (a) the Scottish Parliament,
 - (b) Senedd Cymru, or
 - (c) the Northern Ireland Assembly.
 - (1C) A matter is within the devolved competence of a relevant body if it would be within the legislative competence of that body if it were contained in an Act of that body.”

All line references relate to the large font accessible version of the Bill

Caroline Lucas

20

☆ Clause **46**, page **85**, line **27**, at end insert—

“(1A) Any financial assistance provided under this section must be consistent with the achievement of any climate and environmental goals and targets applicable in the relevant part or parts of the United Kingdom.”

Member’s explanatory statement

The intention of this amendment is to ensure that financial assistance for economic development, etc under this Act is consistent with the achievement of applicable climate and environmental goals and targets.

Colum Eastwood

17

☆ Page **85**, leave out Clause 46

Secretary Alok Sharma

23

☆ Clause **47**, page **86**, line **24**, leave out “take the form” and insert “be provided by way”

All line references relate to the large font accessible version of the Bill

Member's explanatory statement

This amendment, together with Amendment 24, would allow financial assistance under Clause 46 to take any form.

Secretary Alok Sharma

24

☆ Clause **47**, page **86**, line **24**, after “indemnities” insert “or in any other form”

Member's explanatory statement

This amendment, together with Amendment 23, would allow financial assistance under Clause 46 to take any form.

Secretary Alok Sharma

25

☆ Clause **47**, page **86**, line **28**, after “interest” insert “or other return”

Member's explanatory statement

This amendment would ensure that the Minister could provide financial assistance in a way that generates a return other than interest - which might be the case for investment in investment funds.

All line references relate to the large font accessible version of the Bill

Secretary Alok Sharma

26

☆ Clause 47, page 86, line 29, at end insert—

“(d) may be provided to an investment fund for onward investment or administrative costs relating to onward investment.”

Member’s explanatory statement

This amendment would enable the Minister to provide financial assistance to investment funds for onward investment.

Liz Saville Roberts

12

☆ Clause 47, page 86, line 29, at end insert—

“(1A) In Wales, Scotland and Northern Ireland, powers over the administration and management of financial assistance under section 46 shall be fully devolved to Senedd Cymru, the Scottish Parliament and the Northern Ireland Assembly respectively.

(1B) The total amounts made available for financial assistance under section 46 must be pre-allocated based on each nation’s relative wealth expressed as Gross Domestic Product (GDP) per capita.

All line references relate to the large font accessible version of the Bill

(1C) The total amounts made available for financial assistance under section 46 must take the form of a multi-annual funding programme to allow long-term planning and funding security.”

Member’s explanatory statement

This amendment is intended to ensure that the administration and management of funding for financial assistance shall be entirely devolved to the devolved legislatures, that funding levels shall be pre-allocated according to need, and that there shall be a multi-annual funding programme for funding financial assistance under this Act.

Edward Miliband

14

☆ Clause 47, page 87, line 4, at end, insert—

“(3A) Financial assistance under section 46 must be the subject of a framework agreement to be agreed by resolution of each House of Parliament.”

Member’s explanatory statement

The intention of this amendment is to provide a policy framework for the allocation of financial assistance.

All line references relate to the large font accessible version of the Bill

Edward Miliband

15

☆ Clause 47, page 87, line 4, at end, insert—

“(3B) The Treasury must include in the Estimates presented to the House of Commons proposals for funding each of the devolved administrations to provide financial assistance for the purposes set out in section 46 in relation to the areas of the United Kingdom covered by that devolved administration.”

Member’s explanatory statement

The intention of this amendment is to ensure that devolved administrations in Scotland, Wales and Northern Ireland are funded to provide financial assistance under this Act.

Edward Miliband

16

☆ Clause 47, page 87, line 4, at end, insert—

“(3C) Any financial assistance provided under section 46 in relation to areas of the United Kingdom covered by a devolved administration must be subject to allocation by the relevant devolved administration.”

All line references relate to the large font accessible version of the Bill

Member’s explanatory statement

The intention of this amendment is to ensure that devolved administrations in Scotland, Wales and Northern Ireland retain current powers over devolved matters.

Sir Jeffrey M Donaldson

22

☆ Clause **47**, page **87**, line **4**, at end insert—

“(3) No enactment or rule of law prior to the passing of this Act prevents financial assistance being provided under section 46 to any person in Northern Ireland.”

Member’s explanatory statement

This amendment is intended to ensure that Part 6 of the Act will apply to Northern Ireland in the same way as to the other parts of the United Kingdom.

Colum Eastwood

18

☆ Page **87**, leave out Clause 47

All line references relate to the large font accessible version of the Bill

CLAUSE 11; CLAUSES 40 TO 45; CLAUSE 50; NEW CLAUSES AND NEW SCHEDULES RELATING TO PART 5

Alistair Carmichael

1

Page **78**, leave out Clause 42

Alistair Carmichael

2

Page **79**, leave out Clause 43

Ian Blackford

31

☆ Clause **45**, page **84**, line **5**, at end insert—

“(3A) The meaning of “incompatible”, “inconsistent”, “incompatibility” and “inconsistency” in this Part shall be determined by regulations made by statutory instrument by the Secretary of State.

(3B) Regulations under subsection (3A) may not be made unless a draft of the regulations has been

All line references relate to the large font accessible version of the Bill

laid before Parliament and approved by resolution of the House of Commons.

(3C) Any draft of regulations laid before Parliament under subsection (3B) must be accompanied by an impact assessment of Her Majesty's Government's obligations under international law on Part 5 of this Act."

Member's explanatory statement

This amendment would require the definition of incompatible, inconsistent, incompatibility and inconsistency to be determined only after an impact assessment of the UK Government's obligations under international law has been carried out (see Amendment 32).

Ian Blackford

32

☆ Clause **45**, page **84**, line **6**, after "section —" insert

—

““incompatible”, “inconsistent”, “incompatibility” and “inconsistency” have the meaning given in accordance with subsection (3A);”

Member's explanatory statement

This amendment would require the definition of incompatible, inconsistent, incompatibility and

All line references relate to the large font accessible version of the Bill

inconsistency to be determined only after an impact assessment of the UK Government's obligations under international law has been carried out (see Amendment 31).

Alistair Carmichael

3

Page **82**, leave out Clause 45

CLAUSES 1 TO 10; SCHEDULE 1; CLAUSES 12 TO 16; SCHEDULE 2; CLAUSES 17 TO 27; NEW CLAUSES AND NEW SCHEDULES RELATING TO PARTS 1 TO 3; CLAUSES 48 AND 49; CLAUSES 51 TO 54; REMAINING NEW CLAUSES; REMAINING NEW SCHEDULES; REMAINING PROCEEDINGS IN COMMITTEE ON THE BILL

Ian Blackford

34

☆ Clause **3**, page **7**, line **23**, leave out “consult” and insert “gain the agreement of”

All line references relate to the large font accessible version of the Bill

Ian Blackford

35

☆ Clause **6**, page **11**, line **23**, leave out “consult” and insert “gain the agreement of”

Ian Blackford

36

☆ Clause **8**, page **15** line **16**, after “State” insert “after, obtaining the agreement of the devolved administrations,”

Secretary Alok Sharma

5

Schedule **1**, page **96**, line **5**, leave out from “The” to “not” on line 6 and insert

“United Kingdom market access principles do not apply to (and sections 2(3) and 5(3) do”

Member’s explanatory statement

This amendment means that measures aimed at preventing the spread of pests or diseases are capable of being excluded from the non discrimination principle for goods (as well as the mutual recognition principle for goods).

All line references relate to the large font accessible version of the Bill

Secretary Alok Sharma

6

Schedule 1, page 97, line 13, at end insert—

“(6A) In determining whether the fifth condition is met the following consideration is to be taken into account: whether the legislation, taken together with any similar legislation applying in the restricting part, imposes measures of similar severity in response to threats of similar severity arising from the potential movement of the pest or disease into, or within, the restricting part (wherever those threats originate).”

Member’s explanatory statement

This amendment means that, in assessing whether a measure aimed at preventing the spread of pests or diseases can reasonably be justified as necessary, account will be taken of whether similar threats are addressed with similar severity.

Secretary Alok Sharma

7

Schedule 1, page 103, line 15, at end insert—

“Fertilisers and pesticides

All line references relate to the large font accessible version of the Bill

8A The mutual recognition principle for goods does not apply to (and section 2(3) does not affect the operation of) any of the following—

(a) a prohibition or condition imposed in accordance with Article 15(1) of Regulation (EC) No 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers, as it forms part of retained EU law;

(b) regulations under section 74A(1) of the Agriculture Act 1970, to the extent that such regulations can reasonably be justified as a response to a risk to—

(i) the health or safety of humans, animals or plants, or

(ii) the environment.

8B The mutual recognition principle for goods does not apply to (and section 2(3) does not affect the operation of) any of the following—

(a) Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market (etc), as it forms part of retained EU law;

(b) the Plant Protection Products Regulations 2011 (S.I. 2011/2131);

All line references relate to the large font accessible version of the Bill

(c) the Plant Protection Products Regulations (Northern Ireland) 2011 (S.R. (N.I.) 2011 No. 295).”

Member’s explanatory statement

This amendment excludes certain measures in relation to fertilisers and pesticides from the operation of the mutual recognition principle for goods.

Ian Blackford

40

* Clause **14**, page **22**, line **9**, at end insert—

“(8A) A reference in this Part to “regulations” must take into account the requirements of section (Maintenance of minimum standards).”

Ian Blackford

27

☆ Clause **27**, page **47**, line **27**, after “training” insert “that has been agreed and approved by the devolved ministers”

All line references relate to the large font accessible version of the Bill

Ian Blackford

NC5

* To move the following Clause—

“Maintenance of minimum standards

Regulations under this Part must not result in lower food or environmental standards applying in any part of the United Kingdom than apply in the European Union.”

Liz Saville Roberts

13

☆ Page **87**, leave out Clause 48.

Ian Blackford

38

☆ Clause **54**, page **95**, line **15**, leave out “Scotland”

Member’s explanatory statement

This amendment would prevent this Act extending to Scotland.

All line references relate to the large font accessible version of the Bill

Sir Robert Neill

4

Clause **54**, page **95**, line **18**, at end insert—

“(2A) The relevant sections of this Act come into force in accordance only if—

(a) a Minister of the Crown has moved a motion in the House of Commons specifying on which date a relevant section comes into force, and

(b) that motion is approved by resolution of the House of Commons.

(2B) The relevant sections for the purposes of subsection (2A) are sections 42, 43 and 45.”

Member’s explanatory statement

This amendment would prevent any of sections 42 (Power to disapply or modify export declarations and other exit procedures), 43 (Regulations about Article 10 of the Northern Ireland Protocol) and 45 (Further provision related to sections 42 and 43 etc) coming into force before the House of Commons had approved by resolution the date from which they would take effect.

Liz Saville Roberts

9

☆ Clause **54**, page **95**, line **19**, leave out subsections (3) and (4) and insert—

All line references relate to the large font accessible version of the Bill

“(2A) The other provisions of this Act may not come into force (and in particular no additions may be made to Part 2 of Schedule 7A to the Government of Wales Act 2006 (specific reservations), Part 2 of Schedule 5 to the Scotland Act 1998 (specific reservations) or Schedule 2 to the Northern Ireland Act 1998 (excepted matters)) until the Prime Minister is satisfied that resolutions have been passed in Senedd Cymru, the Scottish Parliament and the Northern Ireland Assembly in favour of those provisions coming into force.”

Member’s explanatory statement

This amendment would ensure that no additional powers are reserved to Westminster through this Bill unless either the devolved legislatures of Wales, Scotland and Northern Ireland give their consent.

Liz Saville Roberts

10

☆ Clause **54**, page **95**, line **19**, leave out subsections (3) and (4) and insert—

“(2A) The other provisions of this Act may not come into force (and in particular no additions may be made to Part 2 of Schedule 7A to the Government of Wales Act 2006 (specific reservations), Part 2 of Schedule 5 to the Scotland

All line references relate to the large font accessible version of the Bill

Act 1998 (specific reservations) or Schedule 2 to the Northern Ireland Act 1998 (excepted matters)) until the Prime Minister is satisfied that majority votes in favour of this Bill are achieved in referendums in Wales, Scotland and Northern Ireland.”

Member’s explanatory statement

This amendment would ensure that no additional powers are reserved to Westminster through this Bill unless a majority of the electorate of Wales, Scotland and Northern Ireland vote in favour of the Bill through referendums.

Ian Blackford

39

☆ Clause **54**, page **95**, line **22**, at end insert—

“(3A) Regulations under subsection (3) may not be made before a legislative consent motion relating to this Act has been approved by the each of the devolved legislatures in Scotland, Wales and Northern Ireland.”

Member’s explanatory statement

This amendment would require the remainder of the Act to have gained consent of the devolved legislatures before coming into effect.

All line references relate to the large font accessible version of the Bill

ORDER OF THE HOUSE [14 SEPTEMBER 2020]

That the following provisions shall apply to the United Kingdom Internal Market Bill:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee

2. Proceedings in Committee of the whole House shall be completed in four days.
3. The proceedings—
 - (a) shall be taken on each of those days as shown in the first and second columns of the following Table;
 - (b) shall be so taken in the order shown in the second column of that Table; and
 - (c) shall (so far as not previously concluded) respectively be brought to a conclusion at the times specified in the third column of that Table.

All line references relate to the large font accessible version of the Bill

TABLE

<i>Day</i>	<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
First day	Clauses 28 to 39; new Clauses and new Schedules relating to Part 4; other new Clauses and new Schedules relating generally to the internal market for goods and services in the United Kingdom	Six hours from the commencement of the proceedings on the Bill on the first day
Second day	Clauses 46 and 47; new Clauses and new Schedules relating to Part 6	Six hours from the commencement of the proceedings on the Bill on the second day
Third day	Clause 11; Clauses 40 to 45; Clause 50; new Clauses and	Six hours from the commencement of the proceedings

All line references relate to the large font accessible version of the Bill

	new Schedules relating to Part 5	on the Bill on the third day
Fourth day	Clauses 1 to 10; Schedule 1; Clauses 12 to 16; Schedule 2; Clauses 17 to 27; new Clauses and new Schedules relating to Parts 1 to 3; Clauses 48 and 49; Clauses 51 to 54; remaining new Clauses; remaining new Schedules; remaining proceedings in Committee on the Bill	Six hours from the commencement of the proceedings on the Bill on the fourth day

Proceedings on Consideration and up to and including Third Reading

4. Any proceedings on Consideration, any proceedings in legislative grand committee and

All line references relate to the large font accessible version of the Bill

proceedings on Third Reading shall be taken in two days.

5. Any proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion two hours before the moment of interruption on the second day.
6. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.

Programming committee

7. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to other proceedings up to and including Third Reading.

Consideration of Lords Amendments

8. Any proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.

All line references relate to the large font accessible version of the Bill

Subsequent stages

9. Any further Message from the Lords may be considered forthwith without any Question being put.
10. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.

NOTICES WITHDRAWN

The following Notices were withdrawn on 14 September 2020:

Amendment 37
