



# House of Commons

Wednesday 16 September 2020

## COMMITTEE OF THE WHOLE HOUSE

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*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: 41 and NC6*

## UNITED KINGDOM INTERNAL MARKET BILL

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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

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

Ian Blackford  
Drew Hendry  
Patrick Grady  
Margaret Ferrier  
Alison Thewliss  
Liz Saville Roberts

Hywel Williams

Ben Lake

Jonathan Edwards

33

Clause 46, page 36, line 34, 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..*

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 United Kingdom Internal Market Bill, *continued*

Liz Saville Roberts  
 Drew Hendry  
 Hywel Williams  
 Ben Lake  
 Stephen Farry  
 Jonathan Edwards

11

Clause 46, page 36, line 34, after “Parliament” insert “upon the approval of the relevant devolved authorities”

Colum Eastwood  
 Claire Hanna  
 Stephen Farry

19

Clause 46, page 37, line 3, 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.”

Caroline Lucas  
 Stephen Farry  
 Liz Saville Roberts  
 Hywel Williams  
 Ben Lake  
 Jonathan Edwards

Claire Hanna

20

Clause 46, page 37, line 4, 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  
 Claire Hanna  
 Stephen Farry

Page 36, leave out Clause 46

17

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United Kingdom Internal Market Bill, *continued*

Secretary Alok Sharma

23

Clause 47, page 37, line 23, leave out “take the form” and insert “be provided by way”

**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 37, line 23, 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 37, line 25, 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.*

Secretary Alok Sharma

26

Clause 47, page 37, line 26, 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

Drew Hendry

Hywel Williams

Ben Lake

Jonathan Edwards

12

Clause 47, page 37, line 26, 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.

(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.*

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 United Kingdom Internal Market Bill, *continued*

Edward Miliband  
 Lucy Powell  
 Paul Blomfield  
 Mr Nicholas Brown

14

Clause 47, page 37, line 29, 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.*

Edward Miliband  
 Lucy Powell  
 Paul Blomfield  
 Mr Nicholas Brown

15

Clause 47, page 37, line 29, 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  
 Lucy Powell  
 Paul Blomfield  
 Mr Nicholas Brown  
 Stephen Farry

16

Clause 47, page 37, line 29, 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.”

***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  
 Sammy Wilson  
 Gavin Robinson  
 Carla Lockhart  
 Ian Paisley  
 Jim Shannon

Paul Girvan

Mr Gregory Campbell

22

Clause 47, page 37, line 29, 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.*

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 United Kingdom Internal Market Bill, *continued*

Colum Eastwood  
 Claire Hanna  
 Stephen Farry

18

Page 37, leave out Clause 47

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

Stephen Farry

41

★ Clause 40, page 31, line 16, at end insert—

“(1A) When exercising any functions covered by this Part, any appropriate authority has a paramount duty—

- (a) to act without prejudice to all international and domestic law, including the Withdrawal Agreement;
- (b) to address the unique circumstances on the island of Ireland;
- (c) to maintain the necessary conditions for continued North-South cooperation;
- (d) to avoid a hard border on the island of Ireland;
- (e) to protect the Belfast/Good Friday Agreement in all its dimensions.”

***Member’s explanatory statement***

*This amendment is intended to provide a safeguard so that any actions with respect to Part 5 of the Bill must be consistent with relevant existing international and domestic law commitments, including the terms of the Withdrawal Agreement and its Ireland/Northern Ireland Protocol.*

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Mr Alistair Carmichael  
 Wendy Chamberlain  
 Sir Edward Davey  
 Sarah Olney  
 Tim Farron  
 Christine Jardine

Wera Hobhouse  
 Daisy Cooper  
 Caroline Lucas

Jamie Stone  
 Munira Wilson

Layla Moran  
 Stephen Farry

1

Page 33, leave out Clause 42

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 United Kingdom Internal Market Bill, *continued*

Mr Alistair Carmichael  
 Wendy Chamberlain  
 Sir Edward Davey  
 Sarah Olney  
 Tim Farron  
 Christine Jardine

Wera Hobhouse  
 Daisy Cooper  
 Caroline Lucas

Jamie Stone  
 Munira Wilson

Layla Moran  
 Stephen Farry

2

Page 34, leave out Clause 43

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Ian Blackford  
 Drew Hendry  
 Patrick Grady  
 Margaret Ferrier  
 Kirsten Oswald

31

Clause 45, page 36, line 17, 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 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  
 Drew Hendry  
 Patrick Grady  
 Margaret Ferrier  
 Kirsten Oswald

32

Clause 45, page 36, line 18, 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 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).*

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 United Kingdom Internal Market Bill, *continued*

Mr Alistair Carmichael  
 Wendy Chamberlain  
 Sir Edward Davey  
 Sarah Olney  
 Tim Farron  
 Christine Jardine

Wera Hobhouse  
 Daisy Cooper  
 Caroline Lucas

Jamie Stone  
 Munira Wilson

Layla Moran  
 Stephen Farry

3

Page 35, leave out Clause 45

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Stephen Farry

NC6

★ To move the following Clause—

**“Duty to seek free movement of goods from Northern Ireland to Great Britain**

Ministers of the Crown must use their best endeavours to seek through the Joint Committee (established in the Withdrawal Agreement) the disapplication of export declarations and other exit procedures for goods of Northern Ireland moving to Great Britain, in a manner consistent with the terms of the Withdrawal Agreement and other international obligations.”

***Member’s explanatory statement***

*This new clause, while recognising that under the Withdrawal Agreement export declarations and exit procedures fall under the ambit of the EU Customs Code, would mandate the UK Government to use its endeavours to achieve a waiver for Northern Ireland origin goods moving to Great Britain.*

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*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  
 Drew Hendry  
 Patrick Grady  
 Margaret Ferrier

34

Clause 3, page 3, line 24, leave out “consult” and insert “gain the agreement of”

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 United Kingdom Internal Market Bill, *continued*

Ian Blackford  
Drew Hendry  
Patrick Grady  
Margaret Ferrier

Clause 6, page 5, line 22, leave out “consult” and insert “gain the agreement of”

35

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Ian Blackford  
Drew Hendry  
Patrick Grady  
Margaret Ferrier

Clause 8, page 6, line 41, after “State” insert “, after obtaining the agreement of the devolved administrations,”

36

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Secretary Alok Sharma

Schedule 1, page 42, 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”

5

***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).*

Secretary Alok Sharma

Schedule 1, page 42, line 26, at end insert—

6

“(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

Schedule 1, page 45, line 2, at end insert—

7

*“Fertilisers and pesticides*

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

**United Kingdom Internal Market Bill, *continued***

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);
- (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.*

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Ian Blackford  
Drew Hendry  
Patrick Grady  
Margaret Ferrier

40

☆ Clause 14, page 9, line 26, at end insert—

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

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Ian Blackford  
Drew Hendry  
Patrick Grady  
Margaret Ferrier

27

Clause 27, page 19, line 42, after “training” insert “that has been agreed and approved by the devolved ministers”

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 United Kingdom Internal Market Bill, *continued*

Ian Blackford  
 Drew Hendry  
 Patrick Grady  
 Stephen Farry  
 Margaret Ferrier

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.”

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Liz Saville Roberts  
 Drew Hendry  
 Hywel Williams  
 Ben Lake

13

Page 37, leave out Clause 48.

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Ian Blackford  
 Drew Hendry  
 Patrick Grady  
 Margaret Ferrier

38

Clause 54, page 41, line 23, leave out “Scotland”  
*Member’s explanatory statement*  
*This amendment would prevent this Act extending to Scotland.*

Sir Robert Neill  
 Damian Green  
 Sir Oliver Heald  
 Simon Hoare  
 George Freeman  
 Damian Collins

Sir Roger Gale  
 Mr Tobias Ellwood  
 Karen Bradley  
 Ms Nusrat Ghani

Dr Ben Spencer  
 Stephen Hammond  
 Julian Sturdy  
 David Simmonds

Rehman Chishti  
 John Stevenson  
 Mr Jonathan Djanogly  
 Mr Andrew Mitchell

4

Clause 54, page 41, line 24, 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

**United Kingdom Internal Market Bill, continued**

(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  
Drew Hendry  
Hywel Williams  
Ben Lake  
Stephen Farry

9

Clause 54, page 41, line 25, 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 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 the devolved legislatures of Wales, Scotland and Northern Ireland give their consent.*

Liz Saville Roberts  
Hywel Williams  
Ben Lake

10

Clause 54, page 41, line 25, 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 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.*

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 United Kingdom Internal Market Bill, *continued*

Ian Blackford  
 Drew Hendry  
 Patrick Grady  
 Margaret Ferrier

39

Clause 54, page 41, line 26, 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.*

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 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.

**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 new Schedules relating to Part 5	Six hours from the commencement of the proceedings on the Bill on the third day

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**United Kingdom Internal Market Bill, *continued***

<i>Day</i>	<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
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 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.

*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.

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**NOTICES WITHDRAWN***The following Notices were withdrawn on 14 September 2020:*Amendment 37

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