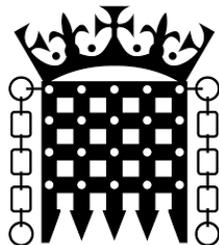


All line references relate to the large font accessible version of the Bill



House of Commons

Monday 21 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

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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

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

Colum Eastwood

45

Clause 40, page 73, line 11, at end insert—

“(d) the need to maintain the necessary conditions for continued North-South cooperation in—

(i) the areas of environment, health, agriculture, transport, education and tourism, energy, telecommunications, broadcasting, inland fisheries, justice and security, trade and business development, higher education and sport, and

(ii) any other area that may be agreed by a body established under the provisions of the Good Friday Agreement.”

Member’s explanatory statement

This amendment would aim to build into the Bill the need for ministers to maintain the conditions necessary for North-South co-operation in areas specified under the Good Friday Agreement.

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

Colum Eastwood

48

Clause 40, page 73, line 11, at end insert —

“(d) the need to ensure that there would be no new checks on goods moving *from Northern Ireland to Ireland, and*

(e) the need to ensure that there would be no new checks on goods moving from Ireland to Northern Ireland.”

Member’s explanatory statement

This amendment would aim to require Ministers to have special regard to ensuring that there are no new checks on goods moving from Northern Ireland to Ireland or vice versa.

Stephen Farry

41

Clause 40, page 73, line 11, 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;

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

- (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.

Sir Jeffrey M Donaldson

68

Clause 40, page 73, line 11, at end insert—

“(1A) Regulations that would introduce new requirements for goods traded from Great Britain to Northern Ireland may not come into force without the consent of the Northern Ireland Assembly.

(1B) No additional official or administrative costs consequent on any regulations of the kind mentioned in subsection (1A) may be recouped from the private sector.

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

Member's explanatory statement

The intention of this amendment is to require the consent of the Northern Ireland Assembly before trade frictions are imposed on goods traded from Great Britain to Northern Ireland, and to protect Northern Ireland businesses from paying for any new administrative costs.

Sir Jeffrey M Donaldson

67

Clause 40, page 73, line 11, at end insert—

“(2A) On or after IP completion day, an appropriate authority must not exercise any function in a way that would—

(a) result in an existing kind of GB-NI check, control or administrative *process being used*—

(i) for the first time, or

(ii) for a new purpose or to a new extent; or

(b) result in a new kind of GB-NI check, control or administrative process—

(i) being introduced, or

(ii) being used.

“(2B) For the purposes of this section—

(a) a “GB-NI” check, control or administrative process is one applicable to the direct movement of goods produced in a part of the

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

United Kingdom from Great Britain to Northern Ireland;

(b) goods are to be regarded as “produced in” a part of the United Kingdom (if not wholly produced there) if the most recent significant regulated step in their production has occurred there.”

(c) an “existing kind” of GB-NI check, control or administrative process is one that—

(i) was in use or available for use immediately before IP completion day, or

(ii) is the same as, or substantially similar to, one that was in use or available for use immediately before IP completion day (the “predecessor”);

(d) a “new kind of” GB-NI check, control or administrative process is one that is not of an existing kind;

(e) where an GB-NI check, control or administrative process is of an existing kind because of paragraph (b)(ii), that check, control or administrative process and the predecessor are to be treated as a single function for the purpose of determining whether subsection (1)(a) prevents its exercise;

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

(f) the purpose for which, or extent to which, a function would be used is “new” if the function has not been used for that purpose, or to that extent, before IP completion day.

(2C) A Minister of the Crown may by regulations amend this section so that it applies to a type of movement instead of, or in addition to, a type of movement to which *it already applies (whether that type of movement is direct movement or another type of movement provided for by regulations under this subsection).*”

Member’s explanatory statement

The intention of this amendment is to mirror in Clause 40, in relation to the movement of goods from Great Britain to Northern Ireland, the unfettered access NI-GB provisions in Clause 41.

Colum Eastwood

49

Page 72, leave out Clause 40

Sir Jeffrey M Donaldson

69

Clause 41, page 74, line 20, at end insert—

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

“(c) result in a new cost on an Northern Ireland business in accessing the market or in meeting conditions of sale on the market that would not exist *for Great Britain businesses.*”

Member’s explanatory statement

The intention of this amendment is to make unlawful both direct costs and administrative processes and indirect costs such as labelling etc being imposed on Northern Ireland businesses after IP completion day.

Edward Miliband

52

Clause 41, page 74, line 20, at end insert—

“(1A) An appropriate authority exercising any function to which this section applies must have regard to the obligations of the United Kingdom under the Withdrawal Agreement, including in particular the duty to seek resolution of disputes through the Joint Committee.”

Member’s explanatory statement

The intention of this amendment is to confirm the process agreed in the Withdrawal Agreement as the mechanism for dispute resolution.

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

Secretary Alok Sharma

61

Clause 41, page 75, line 5, at end insert—

“(d) is necessary for the purposes of VAT or excise duty in consequence of the Northern Ireland Protocol, or

(e) is necessary for the purpose of dealing with a threat to biosecurity in Great Britain.”

Member’s explanatory statement

This amendment introduces additional exceptions to the restriction in clause 41(1). The exceptions are for any exercise of functions that is necessary for the purposes of VAT or excise duty in consequence of the Northern Ireland Protocol; or necessary to deal with a threat to biosecurity (human, animal or plant health).

Edward Miliband

53

Clause 41, page 75, line 13, leave out paragraph (b).

Member’s explanatory statement

The intention of this amendment is to omit the disapplication of international domestic law under Clause 45.

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

Secretary Alok Sharma

62

Clause 41, page 75, line 18, at end insert—

“(3A) For the purposes of this section the exercise of a function “is necessary for the *purposes of VAT or excise duty in consequence of the Northern Ireland Protocol*” if—

(a) the appropriate authority exercising the function is the Treasury, the Commissioners for Her Majesty’s Revenue and Customs, or the Director of Border Revenue,

(b) the function is exercised for the purposes of VAT or excise duty (including for the purposes of preventing double taxation, partial or complete non-taxation, or evasion), and

(c) the appropriate authority exercising the function considers that the exercise is necessary in consequence of the Northern Ireland Protocol.”

(3B) For the purposes of this section the exercise of a function “is necessary for the *purpose of dealing with a threat to biosecurity in Great Britain*” if the exercise of the function consists of—

(a) the making, or operation, of legislation which satisfies the conditions set out in paragraph 1 of Schedule 1, or

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

(b) any other activity which satisfies the conditions set out in paragraph 1(2) (3), (4) and (6) of Schedule 1 (reading any reference in those conditions to “legislation” as a reference to the activity in question).

(3C) In determining for the purposes of subsection (3B)(b) whether the condition in paragraph 1(3) of Schedule 1 is met, a pest or disease is to be taken to be present in Northern Ireland if it is, or may be, present in qualifying Northern Ireland goods (including when the goods are in Great Britain).”

Member’s explanatory statement

This amendment contains interpretation provision relating to the new exceptions introduced by Amendment 61. The exception for threats to biosecurity applies in the same circumstances as the exclusion from the market access principles that is set out in paragraph 1 of Schedule 1.

Sir Jeffrey M Donaldson

70

Clause 41, page 75, line 21, after “direct” insert “or indirect”

Member’s explanatory statement

The intention of this amendment is to include within the definition of “NI-GB check” goods which travel

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

indirectly (via Dublin, for example) from Northern Ireland to Great Britain.

Sir Jeffrey M Donaldson

71

Clause 41, page 76, line 22, at end insert—

“(5A) Before making regulations under this section, a Minister of the Crown must consult and have regard to the views of the Northern Ireland Executive on the *proposed regulations*.”

Member’s explanatory statement

The intention of this amendment is to require the Minister to consult the Northern Ireland Executive before making amending the Clause on unfettered access.

Secretary Alok Sharma

63

Clause 41, page 77, line 14, at end insert—

““excise duty” means any excise duty under—

- (a) the Alcoholic Liquor Duties Act 1979,
- (b) the Hydrocarbon Oil Duties Act 1979, or
- (c) the Tobacco Products Duty Act 1979;”

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

Member’s explanatory statement

This amendment contains interpretation provision relating to the new exceptions introduced by Amendment 61.

Colum Eastwood

50

Page 74, leave out Clause 41

Edward Miliband

54

Clause 42, page 78, line 20, at end insert “, and (c) the need to respect the rule of law.”

Member’s explanatory statement

This amendment would require Ministers to take into account the rule of law when making regulations about exit procedures for goods moving from Northern Ireland to Great Britain.

Edward Miliband

55

Clause 42, page 78, line 27, leave out subsection (5).

Member’s explanatory statement

This amendment would remove the provision allowing international and domestic law to be disregarded when regulating exit procedures.

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

Alistair Carmichael

1

Page 78, leave out Clause 42

Edward Miliband

56

Clause 43, page 80, line 2, after “provision” insert “while having due regard to the rule of law and human rights”

Member’s explanatory statement

This amendment would require the Secretary of State to respect the rule of law and human rights while making provisions under this Clause.

Edward Miliband

57

Clause 43, page 80, leave out line 4.

Member’s explanatory statement

This amendment would prevent the disapplication or modification of NI Protocol Article 10 under this Clause.

Edward Miliband

58

Clause 43, page 80, leave out lines 10 to 13.

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

Member's explanatory statement

This amendment would protect, under this section about Article 10 of the Northern Ireland Protocol, persons having a right of action in respect of aid.

Edward Miliband

59

Clause 43, page 81, leave out lines 1 to 6.

Member's explanatory statement

This amendment would stop regulations under this section about NI Protocol Article 10 having the effect that making rights, powers, liabilities, obligations, restrictions, remedies and procedures that would otherwise apply in relation to aid, would not be recognised because they are derived from international or domestic law.

Alistair Carmichael

2

Page 79, leave out Clause 43

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

Edward Miliband

60

Clause 44, page 82, line 8, at end insert—

“(1A) The Secretary of State must take into account the need to respect the rule of law in considering whether and how to comply with the requirements mentioned in subsection (1).”

Member’s explanatory statement

This amendment would require the Secretary of State to respect the rule of law in complying with the duty to notify state aid in accordance with Article 10 of the Northern Ireland Protocol.

Colum Eastwood

51

Page 82, leave out Clause 44

Secretary Alok Sharma

64

Clause 45, page 83, line 27, at end insert—

“(2A) The period mentioned in each of the following provisions (standard time limits for seeking judicial review), or any corresponding successor provision, may not be extended under

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

any circumstances in relation to a relevant claim or application—

(a) rule 54.5(1)(b) of the Civil Procedure Rules in relation to England and Wales;

(b) section 27A(1)(a) of the Court of Session Act 1988 in relation to Scotland;

(c) rule 4(1) of Order 53 of the Rules of the Court of Judicature (Northern Ireland) 1980 (S.R. (N.I.) 1980 No. 346) in relation to Northern Ireland.

(2B) The jurisdiction and powers of a court or tribunal in relation to a relevant claim or application are subject to subsections (1) and (2).”

Member’s explanatory statement

This amendment and Amendment 65 would provide that the standard time limit for an application for judicial review of regulations under clause 42 or 43 could not be extended.

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

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

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).

Sir Edward Leigh

42

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

“(3A) If no agreement has been reached before IP completion day between the EU and the United Kingdom on the free movement of goods in both directions between Northern Ireland and the rest

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

of the United Kingdom, a Minister of the Crown may lay before each House of Parliament a conditional unilateral interpretative declaration, applicable to the Protocol on Ireland/Northern Ireland, setting out how interruption of the free movement of goods between Northern Ireland and the rest of the United Kingdom would not be in accord with the Protocol.”

Member’s explanatory statement

The purpose of this amendment would be for the Government to utilise a conditional unilateral interpretative declaration in order to preserve free movement of goods between Northern Ireland and the rest of the UK without tariffs or controls in the event of no deal.

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).

Secretary Alok Sharma

65

Clause 45, page 84, line 6, at end insert—

““relevant claim or application” means—

- (a) a claim for judicial review in relation to England and Wales,
- (b) an application to the supervisory jurisdiction of the Court of Session in relation to Scotland, or
- (c) an application for judicial review in relation to Northern Ireland, where the claim or application is for the purpose of questioning the validity or lawfulness of regulations under section 42(1) or 43(1);”

Member's explanatory statement

See the explanatory statement for Amendment 64.

Colum Eastwood

46

Clause 45, page 84, leave out line 10.

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

Member's explanatory statement

This amendment would aim to put in place an understanding that each section of the Act should be compatible or consistent with the Northern Ireland Protocol.

Joanna Cherry

43

Clause 45, page 84, line 21, leave out “whatsoever” and insert “other than the Human Rights Act 1998 and the European Convention on Human Rights”

Member's explanatory statement

This amendment excepts the Human Rights Act 1998 and the European Convention on Human Rights from the definition of “relevant domestic and international law.”

Joanna Cherry

44

Clause 45, page 84, line 24, at end insert “other than the High Court, Upper Tribunal or Court of Session when considering an application for judicial review.”

Member's explanatory statement

This amendment seeks to make it clear that nothing in Clause 45 ousts the jurisdiction of domestic courts

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

in respect of judicial review of regulations made under Clauses 42 and 43.

Colum Eastwood

47

☆ *Clause 45, page 84, line 24, insert —*

“but excludes any provision of—

- (a) the European Convention on Human Rights,
- (b) the Human Rights Act 1998,
- (c) the Northern Ireland Act 1998, or
- (d) the Northern Ireland (St Andrews Agreement) Act 2006.”

Member’s explanatory statement

This amendment would aim to put in place an understanding that each section of the Act should be compatible or consistent with the legislation specified.

Alistair Carmichael

3

Page **82**, leave out Clause 45

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

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.

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

Colum Eastwood

NC7

To move the following Clause—

“Compatibility

No power under this Act may be exercised by an appropriate authority unless the exercise (or purpose of the exercise) would be compatible and consistent with—

- (a) the Good Friday or Belfast Agreement of 10 April 1998 between the Government of the United Kingdom and the Government of Ireland and *the other participants in the multi-party negotiations, which is annexed to the British-Irish Agreement of the same date, or*
- (b) any domestic legislation or subsequent agreement implementing the Agreement.”

Member’s explanatory statement

This new clause would aim to ensure that powers could not be used under the Bill if they were incompatible or inconsistent with the Good Friday Agreement or its associated documents.

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

Colum Eastwood

NC8

To move the following Clause—

“Exercise of power in connection with Ireland/Northern Ireland Protocol

- (1) In section 8C of the European Union (Withdrawal) Act 2018 (as inserted by section 21 of the European Union (Withdrawal Agreement) Act 2020), in subsection (1), leave out “may” and insert “shall”.
- (2) In Part 1C of Schedule 2 to the European Union (Withdrawal) Act 2018 (as inserted by section 22 of the European Union (Withdrawal Agreement) Act 2020)—
 - (a) in sub-paragraph 11M(1), leave out “may” and insert “shall”, and
 - (b) in sub-paragraph 11M(2), leave out “may” and insert “shall”.

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

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

*NEW SCHEDULES; REMAINING PROCEEDINGS
IN COMMITTEE ON THE BILL*

Secretary Alok Sharma

90

☆ Clause 2, page 3, line 4, leave out paragraph (b) and insert—

“(b) can be sold there without contravening any relevant requirements that would apply to their sale.”

Member’s explanatory statement

The amendment makes a drafting correction to clause 2(1)(b) to cater more clearly for relevant requirements that take the form of a prohibition. The new wording means that the previous reference in parenthesis to a case where there are no relevant requirements is no longer necessary.

Ian Blackford

89

☆ Clause 2, page 3, line 8, leave out from “requirements)” to end of line 10 and insert “must meet the relevant requirements of the part of the United Kingdom with the highest level of standards for that sale of that good.”

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

Member’s explanatory statement

This amendment would ensure that any good produced, or imported, into the United Kingdom would have to meet the level of standards for sale of that good in the part of the UK with the highest level standards.

Secretary Alok Sharma

91

☆ Clause **2**, page **3**, line **21**, leave out from “can” to end of line 24 and insert “be sold by auction in the originating part without contravening any applicable relevant requirements there”

Member’s explanatory statement

The amendment makes clause 2|(2) conform to the wording of clause 2)1)(b) as amended by Amendment 90.

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

Sir Jeffrey M Donaldson

73

Clause 4, page 7, line 12, leave out “not”

Member’s explanatory statement

The intention of this amendment, linked to Amendment 74, is to ensure that mutual recognition applies to existing legislation as well as future legislation.

Sir Jeffrey M Donaldson

74

Clause 4, page 7, line 14, leave out from “principle” to end of line 18 on page 8.

Member’s explanatory statement

The intention of this amendment, linked to Amendment 73, is to ensure that mutual recognition applies to existing legislation as well as future legislation.

Sir Jeffrey M Donaldson

75

Page 7, leave out Clause 4.

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”

Edward Miliband

86

☆ Clause **8**, page **15**, line **15**, at end insert—

“(c) the promotion of environmental, social and labour standards.”

Member’s explanatory statement

This amendment would expand the definition of “legitimate aim” that could permit discrimination against incoming goods to include the promotion of environmental, social and labour standards.

Ian Blackford

36

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

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

Sir Jeffrey M Donaldson

76

Clause **9**, page **16**, line **3**, leave out “not”

Member’s explanatory statement

The intention of this amendment, linked to Amendment 77, is to ensure that the non-discrimination principle applies to existing legislation as well as future legislation.

Sir Jeffrey M Donaldson

77

Clause **9**, page **16**, line **10**, leave out subsections (2) and (3).

Member’s explanatory statement

The intention of this amendment, linked to Amendment 76, is to ensure that the non-discrimination principle applies to existing legislation as well as future legislation.

Sir Jeffrey M Donaldson

78

Clause **10**, page **16**, line **27**, at end, insert—

“(2A) In making these regulations, the Secretary of State must have special regard to the need to

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

maintain the integral place of Northern Ireland in the United Kingdom internal market.

Member’s explanatory statement

The intention of this amendment is to ensure that further exclusions from the application of the access principles have regard to safeguarding unfettered access of NI businesses to the UK Internal Market.

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).

Secretary Alok Sharma

6

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

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

“(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.

Sir Jeffrey M Donaldson

79

Schedule 1, page 102, line 28, at end, insert—

“(6A) In the case that there is one REACH authorisation process for Great Britain, an authorisation that is lawful for the Northern Ireland market will be valid for the Great Britain market.”

Member’s explanatory statement

The intention of this amendment is to apply the non-discrimination principle to the REACH (Registration,

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

Evaluation, Authorisation and Restriction of Chemicals) regime.

Secretary Alok Sharma

7

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

“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 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.

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

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.

Ian Blackford

80

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

“(8A) The United Kingdom market access principles do not apply to fisheries within the jurisdiction of Scottish Government Ministers.”

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

Member’s explanatory statement

This amendment would exempt fisheries in Scotland from market access principles.

Edward Miliband

87

☆ Schedule **1**, page **104**, line **20**, at end insert—

“11 The United Kingdom market access principles do not apply to (and sections 2(3) and 5(3) do not affect the operation of) any legislation so far as it relates to public procurement.”

Member’s explanatory statement

This amendment would include specific reference to public procurement within those areas of regulation that are exempt from market access principles under Schedule 1.

Secretary Alok Sharma

93

☆ Clause **14**, page **20**, line **11**, after “thing” insert “(including any packaging or label)”

Member’s explanatory statement

The amendment clarifies that “goods” for the purposes of Part 1 includes their packaging and any label attached to them.

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

Secretary Alok Sharma

94

☆ Clause **14**, page **20**, line **17**, leave out “significant regulated step in their production” and insert “significant production step which is a regulated step”

Member’s explanatory statement

The amendment, with Amendment 95 clarifies the rule for determining whether goods have been produced in a part of the United Kingdom for the purposes of Part 1.

Secretary Alok Sharma

95

☆ Clause **14**, page **20**, line **19**, leave out subsection (4) and insert—

“(4) A production step occurring in a part of the United Kingdom is “regulated” for the purposes of subsection (3) if —

(a) it is the subject of any statutory requirement in that part of the United Kingdom, or

(b) it is a step that could materially affect a person’s ability to sell the goods without contravening—

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

(i) any relevant requirement for the purposes of the mutual recognition principle for goods, or

(ii) any statutory requirement that is excluded from being a relevant requirement by section 4(1), that would be applicable to a sale of the goods in that part of the United Kingdom (being a sale of a kind for which the goods are being produced).

(4A) A production step is “significant” for the purposes of subsection (3) if it is significant in terms of the character of the goods being produced and the purposes for which they are to be sold or used (but see subsections (4B) and (4C)).

(4B) A production step falling within any of the following descriptions is not significant (whether or not it is regulated)—

(a) activities carried out specifically to ensure goods do not deteriorate before being sold (such as maintaining them at or below a particular temperature);

(b) activities carried out solely for purposes relevant to their presentation for sale (such as cleaning or pressing fabrics or sorting different coloured items for packaging together);

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

(c) activities involving a communication of any kind with a regulatory or trade body (such as registering the goods or notifying the goods or anything connected with them or their production);

(d) activities carried out for the purpose of testing or assessing any characteristic of the goods (such as batch testing a pharmaceutical product).

(4C) A production step involving the packaging, labelling or marking of goods is not significant (whether or not it is regulated) unless the step is fundamental to the character of the goods and the purposes for which they are to be sold or used.”

Member’s explanatory statement

The amendment explains terms used in clause 14(3) as amended by Amendment 94.

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).”

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

Secretary Alok Sharma

92

☆ Clause 14, page 22, line 13, at end insert—
“(4) “Contravening” includes failing to comply.”

Member’s explanatory statement

This drafting amendment ensures that references to contravening a relevant requirement cover a failure to comply with such a requirement (for example a failure to comply with a condition).

Secretary Alok Sharma

97

☆ Clause 15, page 22, line 17, after “application” insert “and effect”

Member’s explanatory statement

This amendment would ensure the introductory provision in clause 15 properly reflects the effects of clauses 18 and 19.

Secretary Alok Sharma

98

☆ Clause 15, page 23, line 7, after “requirements” insert “as defined”

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

Member's explanatory statement

This amendment is a textual clarification to accommodate the change in Amendment 99.

Secretary Alok Sharma

99

☆ Clause **15**, page **23**, line **7**, leave out from “of” to end and insert “the mutual recognition principle for goods (see section 3);”

Member's explanatory statement

This amendment would allow provision within the scope of the non-discrimination principle for goods to also fall within the scope of the services provisions.

Secretary Alok Sharma

100

☆ Clause **15**, page **23**, line **10**, leave out paragraph (b) and insert—

“(b) provision of the sort described in section 22(1) or 26(1) (professional qualifications and regulation) to the extent it has the effect described in those subsections;”

Member's explanatory statement

This amendment would clarify what it means for provision to be within the scope of Part 3.

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

Secretary Alok Sharma

101

☆ Clause **15**, page **23**, line **14**, after “force” insert “, or otherwise has effect,”

Member’s explanatory statement

This amendment would clarify how the exception for existing requirements is to apply to requirements not contained in legislation.

Secretary Alok Sharma

102

☆ Clause **15**, page **23**, line **16**, after “force” insert “and has not been substantively changed after that day”

Member’s explanatory statement

This amendment would clarify how the exception for existing requirements is to apply to requirements not contained in legislation.

Secretary Alok Sharma

103

☆ Clause **15**, page **23**, line **17**, after “force” insert “, or otherwise takes effect,”

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

Member's explanatory statement

This amendment would clarify how the exception for existing requirements is to apply to requirements not contained in legislation.

Secretary Alok Sharma

104

☆ Clause **15**, page **23**, line **18**, after “reenacts” insert “or replicates”

Member's explanatory statement

This amendment would clarify how the exception for existing requirements is to apply to requirements not contained in legislation.

Secretary Alok Sharma

105

☆ Clause **15**, page **23**, line **21**, after “force” insert “or having effect”

Member's explanatory statement

This amendment would clarify how the exception for existing requirements is to apply requirements not contained in legislation.

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

Secretary Alok Sharma

106

☆ Clause **15**, page **24**, line **1**, leave out from “of” to end and insert “being authorised to provide services in a part of the United Kingdom other than the part in which the requirement applies.”

Member’s explanatory statement

This amendment would clarify that it is requirements to provide evidence of having been authorised that are excluded from Part 2.

Secretary Alok Sharma

107

☆ Clause **15**, page **24**, line **2**, at end insert—

“(5A) Subsection (5)(c) does not exclude (and, accordingly, references to authorisation requirements do include) an authorisation requirement that applies in a part of the United Kingdom if, after the relevant day, a corresponding authorisation requirement in another part of the United Kingdom is substantively changed.

(5B) For the purposes of subsection (5A)—

(a) an authorisation requirement corresponds to another authorisation requirement if it relates

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

to the same, or substantially the same, services;

(b) an authorisation requirement is substantively changed if, for example, the circumstances in which permission may be granted are changed;

(c) the “relevant day” is the day before the day on which this section comes into force.”

Member’s explanatory statement

This amendment would bring a requirement into the scope of Part 2 if a corresponding requirement in another part of the UK was substantively changed after the section comes into force.

Secretary Alok Sharma

108

☆ Clause **16**, page **25**, line **24**, leave out “Part” and insert “section”

Member’s explanatory statement

This amendment would mean that the time limit will be counted from the day the section comes into force.

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

Secretary Alok Sharma

112

☆ Schedule 2, page 110, line 23, at end insert—

“Notarial services”

Member’s explanatory statement

This amendment would list notarial services as an exception to services non-discrimination.

Secretary Alok Sharma

111

☆ Schedule 2, page 106, line 27, at end insert—

“Notarial services”

Member’s explanatory statement

This amendment would list notarial services as an exception to services mutual regulation.

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

Secretary Alok Sharma

109

☆ Clause **21**, page **32**, line **5**, leave out from ““regulator”” to end and insert “means a person exercising regulatory functions, and includes—

- (a) a Minister of the Crown,
- (b) the Scottish Ministers,
- (c) the Welsh Ministers, and
- (d) a Northern Ireland department;”

Member’s explanatory statement

This amendment is consequential on the omission of clause 20 - it replicates subsections (1) and (2) of that clause, leaving subsections (3) and (4) to be omitted.

Secretary Alok Sharma

110

☆ Clause **21**, page **32**, line **11**, at end insert—

“(2) Any effect of sections 5, 18 or 19 (direct and indirect discrimination for goods and services) is to be disregarded when considering whether a person is authorised to provide services in another part of the United Kingdom for the purposes of section 17 (mutual recognition for services).”

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

Member's explanatory statement

This amendment would ensure that a service provider may rely on an authorisation based on discriminatory requirements when demonstrating existing authorisations for mutual recognition.

Colum Eastwood

81

☆ Clause 22, page 32, line 22, after “23)” insert “or frontier worker”

Member's explanatory statement

This amendment would accord to frontier workers the rights accorded to qualifying UK residents under this clause, to have experience or qualifications awarded in one part of the UK to be recognised in another part.

Colum Eastwood

82

☆ Clause 22, page 32, line 25, after “resident” insert “or frontier worker”

Member's explanatory statement

This amendment is linked to Amendment 81.

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

Colum Eastwood

83

☆ Clause 22, page 33, line 7, at end insert—

“(3A) For the purposes of this Part, “Frontier worker” shall have the meaning given in Article 9(b) of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.”

Member’s explanatory statement

This amendment is linked to Amendment 81.

Colum Eastwood

84

☆ Clause 24, page 36, line 4, after “resident” insert “or frontier worker”

Member’s explanatory statement

This amendment would accord the same rights to frontier workers as to qualifying UK residents under this clause.

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

Colum Eastwood

85

☆ Clause **24**, page **36**, line **16**, leave out “, the resident” and insert “or frontier worker, the resident or frontier worker”

Member’s explanatory statement

This amendment is linked to Amendment 84.

Secretary Alok Sharma

96

☆ Clause **27**, page **45**, line **28**, leave out “all or any”

Member’s explanatory statement

This amendment ensures that registration or licensing requirements that relate only to a specific professional or occupational activity, rather than to activities that (as a whole) comprise the practice of a profession or occupation, do not fall within clause 22.

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

Secretary Alok Sharma

NC12

☆ To move the following Clause—

“Guidance relating to Part 1

- (1) The Secretary of State may issue guidance on any matter relating to—
 - (a) the practical operation of the market access principles, or
 - (b) the effect of any provision of this Part.
- (2) Guidance may be directed towards the public generally or towards any description of persons (such as traders, persons with enforcement functions or a class of such traders or persons).
- (3) In subsection (2) “enforcement function” means a function relating to the enforcement of anything which is (or is capable of being) a relevant requirement for the purposes of either of the market access principles for goods.
- (4) The power of the Secretary of State under subsection (1) includes power to revise or withdraw (in whole or part) any guidance previously issued.
- (5) The Secretary of State must arrange for the publication of—

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

- (a) any guidance that has been issued, as revised from time to time;
- (b) any revisions made under subsection (4);
- (c) notice of the withdrawal of any guidance under subsection (4).

(6) In this section “guidance” means guidance under subsection (1).”

Member’s explanatory statement

The new clause confers a statutory power on the Secretary of State to issue and publish guidance in relation to Part 1 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.”

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

Caroline Lucas

NC10

☆ To move the following Clause—

“Environmental derogation for market access principles

The United Kingdom market access principles do not apply to (and sections 2(3) and 5(3) do not affect the operation of) any legislation or other requirement so far as—

(a) its purpose is to protect the environment, and

(b) it is a proportionate means of achieving a legitimate aim.”

Member’s explanatory statement

The purpose of this new clause is to provide for exceptions and derogations that allow all four UK nations to put in place proportionate measures to protect the environment and improve environmental standards.

Sir Jeffrey M Donaldson

72

Clause **48**, page **90**, line **2**, at end insert—”or

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

(b) has the effect of making Northern Ireland businesses less competitive in the Great Britain market.”

Member’s explanatory statement

The intention of this amendment is to include within the definition of distortive or harmful subsidies a subsidy which has the effect of making NI businesses less competitive in the GB market.

Liz Saville Roberts

13

Page **87**, leave out Clause 48.

Margaret Ferrier

88

☆ Clause **49**, page **90**, line **2**, leave out subsection (1)

Member’s explanatory statement

This amendment would prevent the United Kingdom Internal Market Act 2020 from being inserted into Schedule 4 of the Scotland Act 1998, meaning that this Bill would not become a “protected enactment” under that legislation.

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

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.

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

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

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—

“(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.

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

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 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.

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

Secretary Alok Sharma

66

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

“(3A) A statutory instrument containing regulations under subsection (3) may not appoint a day for the commencement of section 42, 43 or 45 unless—

(a) a Minister of the Crown has moved a motion in the House of Commons to the effect that sections 42, 43 and 45 may be commenced on or after a day specified in the motion (“the specified day”),

(b) the motion has been approved by a resolution of that House,

(c) a motion to the effect that the House of Lords takes note of the specified day (or the day which is proposed to be the specified day) has been tabled in the House of Lords by a Minister of the Crown, and

(d) the day appointed by the regulations is the same as or is after the specified day.”

Member’s explanatory statement

This amendment would provide that clauses 42, 43 and 45 could only be commenced on or after a day approved by the House of Commons and referred to in a motion tabled in the House of Lords.

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

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.

Wendy Chamberlain

NC9

☆ To move the following Clause—

“UK Council of Ministers

- (1) The Secretary of State must publish no later than three months from the date on which this Act is passed a framework for a UK Council of Ministers to be agreed by resolution of each House of Parliament.
- (2) The responsibilities of the UK Council of Ministers must include—

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

- (a) considering the UK Government's use of financial assistance for economic development in terms of section 46 of this Act;
 - (b) considering the terms of any reports prepared by the Competition and Markets Authority in terms of section 29 of this Act;
 - (c) considering the extent to which its members have acted in a manner consistent with the devolved settlement;
 - (d) reviewing and considering the impact of any aspect of the internal market of the United Kingdom on any part of the United Kingdom;
 - (e) requesting that the Secretary of State take specific necessary action to facilitate policy objectives in an area within the competence of the Secretary of State.
- (3) The membership of the UK Council of Ministers must include representatives from all parts of the United Kingdom and its devolved administrations." Member's explanatory

Member's explanatory statement

This new clause establishes a UK Council of Ministers to ensure the effective functioning of the Internal Market and to examine spending under this Bill.

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

Edward Miliband

NC11

☆ To move the following Clause—

“Review of the Act

- (1) Within three months of the date on which this Act is passed, the Secretary of State must lay a report before each House of Parliament on the dates on which each section—
 - (a) was commenced; or
 - (b) is planned to be commenced.
- (2) The Secretary of State must arrange for a review to be carried out within three months of the date on which this Act is passed, and thereafter at least once in each calendar year on the operation of this Act.
- (3) The Secretary of State must invite the Scottish Government, the Welsh Government and the Northern Ireland Executive to contribute to the reviews in subsection (2).
- (4) The reviews under subsection (2) must make an assessment of—
 - (a) the functioning of the United Kingdom internal market;
 - (b) the effectiveness of market access principles;

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

- (c) progress towards agreeing common frameworks with the devolved administrations;
 - (d) progress towards drawing up a shared prosperity fund framework; and
 - (e) progress in resolving issues through the Joint Committee machinery in the Withdrawal Agreement.
- (5) The Prime Minister must arrange for a report of any review under this section to be laid before each House of Parliament as soon as practicable after its completion.”

Member’s explanatory statement

The intention of this new clause is to provide Parliament with information on the working of this Act in the context of developing common frameworks.

ORDER OF THE HOUSE [14 SEPTEMBER 2020]

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

Committal

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

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	Six hours from the commencement of the proceedings

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

	relating to Part 4; other new Clauses and new Schedules relating generally to the internal market for goods and services in the United Kingdom	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
Fourth day	Clauses 1 to 10; Schedule 1; Clauses 12 to 16; Schedule 2; Clauses 17 to 27; new Clauses and new Schedules	Six hours from the commencement of the proceedings on the Bill on the fourth day

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

	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	
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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.

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

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.

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

NOTICES WITHDRAWN

The following Notices were withdrawn on 14
September 2020:

Amendment 37
