



House of Commons

Tuesday 29 September 2020

CONSIDERATION OF BILL (REPORT STAGE)

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, AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Secretary Alok Sharma

NC4

To move the following Clause—

“Objective and general functions

- (1) In carrying out its functions under this Part the CMA must have regard to the objective in subsection (2).
- (2) The objective is to support, through the application of economic and other technical expertise, the effective operation of the internal market in the United Kingdom (with particular reference to the purposes of Parts 1, 2 and 3).
- (3) The following do not apply in relation to the carrying out of the CMA’s functions under this Part—
 - (a) section 25(3) of the Enterprise and Regulatory Reform Act 2013 (duty to seek to promote competition), and
 - (b) sections 6(1)(b) (function of giving information or advice to the public) and 7 (provision of information and advice to Ministers etc) of the Enterprise Act 2002.
- (4) The CMA may give information or advice to the Secretary of State on matters relating to any of its functions under this Part.”

United Kingdom Internal Market Bill, *continued*

Member's explanatory statement

This new clause makes provision about the objective to which the Competition and Markets Authority must have regard in carrying out its functions under Part 4, and the application of certain general functions of the CMA in relation to its functions under Part 4. The clause would be inserted after Clause 28.

Secretary Alok Sharma

NC5

To move the following Clause—

“Office for the Internal Market panel and task groups

- (1) The CMA may authorise an Office for the Internal Market task group constituted under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 to do anything required or authorised to be done by the CMA under this Part (and such an authorisation may include authorisation to exercise the power conferred on the CMA by this subsection).
- (2) Schedule (*Constitution etc of Office for the Internal Market panel and task groups*) contains provision about the Office for the Internal Market panel and Office for the Internal Market task groups.”

Member's explanatory statement

This new clause enables functions of the Competition and Markets Authority under Part 4 to be carried out on the authority's behalf by Office for the Internal Market task groups constituted under Schedule 4 to the Enterprise and Regulatory Reform Act 2013: see NS1. This new clause would be inserted after Clause 28.

Edward Miliband
Lucy Powell
Paul Blomfield
Mr Nicholas Brown
Caroline Lucas
Claire Hanna

NC1

To move the following Clause—

“Withdrawal Agreement and rule of law duty

- (1) An appropriate authority exercising any function to which this Part (Northern Ireland Protocol) applies must—
 - (a) respect the rule of law;
 - (b) allow for the possibility of judicial review of an enactment, decision, act or omission by the appropriate authority;
 - (c) use the provisions of Article 16 of the Protocol to protect the interests of the United Kingdom.
- (2) An appropriate authority exercising any function to which this Part applies must comply with the obligations of the United Kingdom under international law.
- (3) An appropriate authority exercising any function to which this Part applies must comply with—

United Kingdom Internal Market Bill, *continued*

- (a) the requirement under Article 5 (Good faith) of the Withdrawal Agreement for the EU and the United Kingdom to assist each other in full mutual respect and good faith to carry out the tasks which flow from the Agreement;
 - (b) the requirement under Article 167 (Consultations and communications within the Joint Committee) for the EU and the United Kingdom to endeavour to resolve any dispute regarding the interpretation and application of the provisions of the Agreement by entering into consultations in the Joint Committee in good faith, with the aim of reaching a mutually agreed solution;
 - (c) the requirement under Article 184 (Negotiations on the future relationship) of the Withdrawal Agreement for the EU and the United Kingdom to use their best endeavours, in good faith and in full respect of their respective legal orders, to take the necessary steps to negotiate expeditiously the agreements governing their future relationship referred to in the Political Declaration of 17 October 2019 and to conduct the relevant procedures for the ratification or conclusion of those agreements, with a view to ensuring that those agreements apply, to the extent possible, as from the end of the transition period;
 - (d) the requirements of 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.
- (4) An appropriate authority exercising any function to which this Part applies must comply with the Human Rights Act 1998.

Member's explanatory statement

This new clause is intended to replace Clauses 42, 43 and 45 of the Bill, to require Ministers to respect the rule of law and uphold the independence of the courts and the practice of judicial review, and to require UK Ministers to implement the Withdrawal Agreement.

Edward Miliband
 Lucy Powell
 Paul Blomfield
 Mr Nicholas Brown

NC2

To move the following Clause—

“Internal market common framework

- (1) The Secretary of State must seek to reach agreement with the Scottish Government, the Welsh Government and the Northern Ireland Executive on a common framework on the United Kingdom internal market.
- (2) A common framework under subsection (1) may cover—
 - (a) the functioning of the United Kingdom internal market;
 - (b) the effectiveness of market access principles; and
 - (c) drawing up a shared prosperity fund to balance economic development across the whole of the United Kingdom.

United Kingdom Internal Market Bill, *continued*

- (3) The Secretary of State must take into account the common framework on the United Kingdom internal market in exercising any powers under Part 6 (Financial assistance powers) of this Act.”

Member’s explanatory statement

This new clause would put the Common Framework process on a statutory footing.

Edward Miliband
Lucy Powell
Paul Blomfield
Mr Nicholas Brown
Claire Hanna

NC3

To move the following Clause—

“Duty to consult, monitor, report and review

- (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 commence.
- (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 (1).
- (4) The reviews under subsection (1) must make an assessment of—
- (a) the functioning of the United Kingdom internal market;
 - (b) the effectiveness of market access principles;
 - (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

This new clause would ensure Ministers have a duty to report back to Parliament on the progress of the functioning of the internal market; market access; progress towards agreeing common frameworks; progress towards drawing up a shared prosperity fund; and progress in resolving issues through the Joint Committee machinery in the Withdrawal Agreement.

United Kingdom Internal Market Bill, *continued*

Caroline Lucas
 Stephen Farry
 Claire Hanna
 Liz Saville Roberts
 Hywel Williams
 Ben Lake

Jonathan Edwards

Tommy Sheppard

NC6

To move the following Clause—

“Economic development: climate and nature emergency impact statement

- (1) Any financial assistance provided under Part 6 of this Act for the purpose of economic development must take into account the overarching need for a sustainable strategy aimed at long-term national well-being.
- (2) Every proposal for financial assistance under this Act must be accompanied by a climate and nature emergency impact statement.
- (3) Responsibility for the production of the climate and nature emergency impact statement required in subsection (2) resides with the applicant for financial assistance.
- (4) Responsibility for assessment of the climate and nature emergency impact statement required in subsection (2) resides with Ministers, who are required to publish this assessment for any successful proposal.
- (5) The climate and nature emergency impact statement produced should take account of any carbon budget, climate, nature and environmental goals approved by the relevant Parliament.
- (6) In subsection (5), the “relevant Parliament” means—
 - (a) where the proposed financial assistance relates to a person in England, the House of Commons and the House of Lords;
 - (b) where the proposed financial assistance relates to a person in Scotland, the Scottish Parliament;
 - (c) where the proposed financial assistance relates to a person in Wales, Senedd Cymru;
 - (d) where the proposed financial assistance relates to a person in Northern Ireland, the Northern Ireland Assembly.”

Member’s explanatory statement

The intention of this new clause is to ensure that those seeking financial assistance for economic development, etc under this Act are obliged to undertake a climate and nature emergency impact statement to ensure public money is only granted to development consistent with climate, nature and environmental goals and targets.

United Kingdom Internal Market Bill, *continued*

Sir Jeffrey M Donaldson
Sammy Wilson
Gavin Robinson
Louise Haigh
Edward Miliband
Stephen Farry

Simon Hoare

NC7

To move the following Clause—

“Northern Ireland’s place in the UK internal market

- (1) As part of its obligation under Article 6.2 of the Protocol on Ireland/Northern Ireland to use its best endeavours to facilitate trade between Northern Ireland and other parts of the UK, the UK Government must—
 - (a) publish an assessment at least every 12 months of any impact on businesses and consumers arising from the Protocol on trade between Great Britain and Northern Ireland and vice versa; and
 - (b) develop mitigations to safeguard the place of Northern Ireland businesses and consumers in the UK internal market.
- (2) The assessment published under paragraph (1)(a) must include assessment of the impact of any actual or proposed regulatory or trade policy divergence on Northern Ireland’s place in the UK Internal Market.
- (3) Any official or administrative costs arising from the duties under subsections (1) and (2) may not be recouped from the private sector.”

Sir Edward Leigh
Simon Hoare

NC8

To move the following Clause—

“Interpretation of the Northern Ireland Protocol in accordance with International Law

- (1) In the event that the European Union fails to act in accordance with the principles of public international law in its implementation of the Northern Ireland Protocol, by
 - (a) failing to undertake acts that are required by the provisions of the Northern Ireland Protocol;
 - (b) committing acts that are not in accordance with the provisions of the Northern Ireland Protocol;
 - (c) failing to undertake acts that are necessary for the effective implementation of the Northern Ireland Protocol;
 - (d) asserting positions in the Joint Committee that are not in accord with the provisions of the Northern Ireland Protocol; or
 - (e) refusing to discuss in the Joint Committee proposals on implementation of the Northern Ireland Protocol tabled by the United Kingdom;a Minister of the Crown may submit a unilateral interpretative declaration, covering the specific provisions of the Northern Ireland Protocol that are under dispute with the European Union as to their interpretation.

United Kingdom Internal Market Bill, *continued*

- (2) For the purposes of subsection (1), the principles of public international law that may be invoked include—
 - (a) the provisions of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations 1986, including, in particular,
 - (i) the need to act in “good faith” and
 - (ii) the need to avoid results that are “manifestly absurd or unreasonable”;
 - (b) established international practices, having the status of customary international law; and
 - (c) the commitments made in the preambular paragraphs of the Northern Ireland Protocol.
- (3) A unilateral interpretative declaration issued under subsection (1) may not be submitted unless—
 - (a) a Minister of the Crown has laid before each House of Parliament
 - (i) a copy of the proposed declaration,
 - (ii) a statement on the nature of the dispute with the European Union,
 - (iii) a statement of the intended effect of the proposed declaration; and
 - (b) the declaration has been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown; and
 - (c) a motion for the House of Lords to take note of the declaration has been tabled in the House of Lords by a Minister of the Crown and—
 - (i) the House of Lords has debated the motion, or
 - (ii) the House of Lords has not concluded a debate on the motion before the end of the period of five Lords sitting days beginning with the first Lords sitting day after the day on which the House of Commons passes the resolution mentioned in paragraph (b).
- (4) When a response to the submission of any unilateral interpretative declaration is received from the European Union, a Minister of the Crown shall lay before each House of Parliament the response received from the European Union, and—
 - (a) in the case of the approval of the declaration by the European Union, the Minister shall issue a written statement confirming that the declaration has obtained the status of an authentic interpretation of the Northern Ireland Protocol;
 - (b) in the case of opposition to the declaration by the European Union, the Minister shall issue a written statement, assessing any alternative interpretation formulated by the European Union and indicating the government’s intended response; or
 - (c) in the case of the recharacterisation of the declaration by which the European Union purports to treat the declaration as an illegal reservation, the Minister shall issue a written statement of what action it intends to take to resolve the dispute.
- (5) In this section—

“approval”, “opposition” or “recharacterisation” of a declaration shall have the meaning given in Guideline 2.9 of the Guide to Practice on Reservations to Treaties, contained in the report of the International Law Commission on its Sixty-Third Session in 2011;

“Joint Committee” means the Joint Committee established under Article 164 of the EU Withdrawal Agreement;

“Lords sitting day” means a day on which the House of Lords is sitting (and a day is only a day on which the House of Lords is sitting if the House begins to sit on that day);

United Kingdom Internal Market Bill, *continued*

“submit” means to make a submission to the depositary of the EU Withdrawal Agreement, as specified in Article 183 of the EU Withdrawal Agreement; and

“unilateral interpretative declaration” means an interpretative declaration as defined by Guideline 1.2 of the Guide to Practice on Reservations to Treaties, contained in the report of the International Law Commission on its Sixty-Third Session in 2011.”

Secretary Alok Sharma

31

Clause 3, page 2, line 30, leave out subsection (3)

Member’s explanatory statement

The amendment omits subsection (3) of Clause 3, which is superseded by the subsection (4A) inserted by Amendment 32.

Secretary Alok Sharma

32

Clause 3, page 3, line 10, at end insert—

“(4A) A manner of sale requirement is not within the scope of the mutual recognition principle unless subsection (4C) applies.

(4B) For this purpose a “manner of sale requirement” is a statutory requirement that governs any aspect of the circumstances or manner in which the goods are sold (such as where, when, by whom, to whom, or the price or other terms on which they may be sold).

(4C) A statutory requirement that—

(a) is worded as a manner of sale requirement, but

(b) appears to be designed artificially to avoid the operation of the mutual recognition principle in relation to what would otherwise be a requirement within the scope of that principle,

is to be regarded as a relevant requirement, despite subsection (4A).

This subsection would apply, for example, where a manner of sale requirement involves an unusually restrictive condition such that it would be impossible to comply with the condition and have a practical chance of selling the goods.”

Member’s explanatory statement

The amendment makes clear that manner of sale requirements (as defined in the proposed subsection (4B)) are outside the scope of the mutual recognition principle. The only exception will be where a requirement appears to be designed artificially to present something that would otherwise be a relevant requirement in the form of a manner of sale requirement.

Secretary Alok Sharma

19

Clause 3, page 3, line 11, leave out subsection (5)

Member’s explanatory statement

The amendment is consequential on Amendment 21 which inserts into Clause 15 (interpretation of Part 1) a new subsection explaining references to production, in relation to plants or fungi or to livestock or other animals. The new general subsection supersedes Clause 3(5) which this amendment leaves out.

United Kingdom Internal Market Bill, *continued*

- Secretary Alok Sharma 33
- Clause 6, page 5, line 4, after “as” insert “where,”
Member’s explanatory statement
The amendment, with Amendment 34, brings the wording of Clause 6(4)(a) into line with the new clause 3(4B) inserted by Amendment 32.
- Secretary Alok Sharma 34
- Clause 6, page 5, line 5, after “or the” insert “price or other”
Member’s explanatory statement
The amendment, with Amendment 33, brings the wording of Clause 6(4)(a) into line with the new clause 3(4B) inserted by Amendment 32.
-
- Secretary Alok Sharma 35
- Clause 7, page 5, line 39, leave out “Local goods” and insert “Goods (“the other goods”)
Member’s explanatory statement
This amendment and Amendments 36 to 38 correct a drafting error. Clause 7(4) helps to determine whether or not goods are “local goods”, so should not be worded as applying only to “local goods”.
- Secretary Alok Sharma 36
- Clause 7, page 5, line 42, leave out “local” and insert “other”
Member’s explanatory statement
See the explanatory statement for Amendment 35.
- Secretary Alok Sharma 37
- Clause 7, page 6, line 2, leave out “local” and insert “other”
Member’s explanatory statement
See the explanatory statement for Amendment 35.
- Secretary Alok Sharma 38
- Clause 7, page 6, line 5, leave out “local” and insert “other”
Member’s explanatory statement
See the explanatory statement for Amendment 35.
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- Secretary Alok Sharma 20
- Clause 11, page 8, line 3, at end insert—
 “(5A) Subsection (5B) applies for the purposes of paragraph 1 of Schedule 1 in a case where Northern Ireland is the “affected part” within the meaning of subparagraph (2) of that paragraph.

United Kingdom Internal Market Bill, *continued*

- (5B) In determining whether the condition in sub-paragraph (3) of that paragraph 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 modifies the exclusion in paragraph 1 of Schedule 1 so that it applies to threats posed by pests or diseases that are or may be transmitted in qualifying Northern Ireland goods (without necessarily being established in Northern Ireland).

Secretary Alok Sharma

21

Clause 15, page 10, line 26, at end insert—

“(10A) A reference (however expressed) to the production of anything includes—

- (a) cultivation, harvesting and similar activities (in relation to plants or fungi) and
- (b) rearing, keeping, handling, killing and similar activities (in relation to livestock or other animals).”

Member’s explanatory statement

The amendment clarifies, for the purposes of Part 1 that references to production include various activities carried out in relation to plants or fungi or to livestock or other (live) animals.

Secretary Alok Sharma

22

Clause 16, page 11, line 34, leave out paragraph (b)

Member’s explanatory statement

This amendment is consequential on Amendment 23.

Secretary Alok Sharma

23

Clause 16, page 11, line 37, at end insert—

“(7A) For the purposes of this section, an authorisation requirement is substantively changed if a legislative requirement that would, if not satisfied, prevent a service provider from satisfying the authorisation requirement is substantively changed.”

Member’s explanatory statement

This amendment would ensure changes to the conditions attached to authorisation requirements would bring the authorisation requirement (and corresponding authorisation requirements) within the scope of Part 2.

Secretary Alok Sharma

24

Clause 16, page 12, leave out line 1

Member’s explanatory statement

This amendment would omit the definition of business.

United Kingdom Internal Market Bill, *continued*

Secretary Alok Sharma

25

Clause 21, page 14, line 24, at end insert—

“(1A) If a function conferred by legislation may only be exercised in a way that would impose a regulatory requirement in respect of which section 19(1) or 20(1) applies, the function is to be treated as though it were a regulatory requirement for the purposes of those sections (and ignoring section 16(5)).

(1B) Subsection (1A) does not affect the continuation in force or the continuing effect of a requirement of the sort described in section 16(5)(c) and not preserved by section 16(6) (existing requirements).”

Member’s explanatory statement

This amendment would deal with a case where a regulator has an obligation to apply discriminatory requirements.

Secretary Alok Sharma

26

Clause 25, page 18, line 17, after “re-enactment” insert “or replication”

Member’s explanatory statement

This amendment adjusts the definition of “existing provision” in Clause 25 so as to cater for replications of provision other than legislation (for which “re-enactment” would not be the appropriate term).

Secretary Alok Sharma

1

Clause 28, page 21, line 38, at end insert—

“(6A) For the purposes of the law relating to defamation, absolute privilege attaches to any advice given, or report made, by the CMA (or a person acting on the CMA’s behalf) in the exercise of any functions of the CMA under this Part.”

Member’s explanatory statement

This amendment provides a defence of absolute privilege in relation to advice given, or reports made, in the exercise of functions under Part 4.

Secretary Alok Sharma

2

Clause 30, page 23, line 17, leave out “legislative”

Member’s explanatory statement

See the explanatory statement for Amendment 11.

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United Kingdom Internal Market Bill, *continued*

- Secretary Alok Sharma 3
- Clause 31, page 24, line 27, leave out “legislative”
Member’s explanatory statement
See the explanatory statement for Amendment 11.
-
- Secretary Alok Sharma 4
- Clause 33, page 26, line 39, leave out “legislative” and insert “devolved”
Member’s explanatory statement
See the explanatory statement for Amendment 11.
- Secretary Alok Sharma 5
- Clause 33, page 26, line 43, leave out “legislative” and insert “devolved”
Member’s explanatory statement
See the explanatory statement for Amendment 11.
- Secretary Alok Sharma 6
- Clause 33, page 27, line 3, leave out “legislative” and insert “devolved”
Member’s explanatory statement
See the explanatory statement for Amendment 11.
-
- Secretary Alok Sharma 7
- Clause 39, page 31, line 10, leave out “legislative”
Member’s explanatory statement
See the explanatory statement for Amendment 11.
- Secretary Alok Sharma 8
- Clause 39, page 31, line 11, leave out “legislative” and insert “devolved”
Member’s explanatory statement
See the explanatory statement for Amendment 11.
- Secretary Alok Sharma 9
- Clause 39, page 31, line 12, leave out “legislative” and insert “devolved”
Member’s explanatory statement
See the explanatory statement for Amendment 11.
- Secretary Alok Sharma 10
- Clause 39, page 31, line 14, leave out “legislative” and insert “devolved”
Member’s explanatory statement
See the explanatory statement for Amendment 11.

United Kingdom Internal Market Bill, *continued*

Secretary Alok Sharma

11

Clause 39, page 31, line 21, leave out subsection (7) and insert—

- “(7) “Scottish devolved competence”, “Welsh devolved competence”, “Northern Ireland devolved competence” and “reserved competence” are to be interpreted in accordance with subsections (8) to (11).
- (8) A regulatory provision, so far as applying to Scotland—
- (a) is within Scottish devolved competence if it—
 - (i) would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament, or
 - (ii) is provision which could be made in subordinate legislation by the Scottish Ministers, the First Minister or the Lord Advocate acting alone;
 - (b) otherwise, is within reserved competence.
- (9) A regulatory provision, so far as applying to Wales—
- (a) is within Welsh devolved competence if it—
 - (i) would be within the legislative competence of Senedd Cymru if contained in an Act of Senedd Cymru (assuming that any consent by a Minister of the Crown were given), or
 - (ii) is provision which could be made in subordinate legislation by the Welsh Ministers acting alone;
 - (b) otherwise, is within reserved competence.
- (10) A regulatory provision, so far as applying to Northern Ireland—
- (a) is within Northern Ireland devolved competence if it—
 - (i) would be within the legislative competence of the Northern Ireland Assembly, and would not require the consent of the Secretary of State, if contained in an Act of that Assembly,
 - (ii) is contained in, or was made under, Northern Ireland legislation, and would be within the legislative competence of the Northern Ireland Assembly, and would require the consent of the Secretary of State, if contained in an Act of that Assembly, or
 - (iii) is provision which could be made in subordinate legislation by the First Minister and deputy First Minister in Northern Ireland acting jointly, a Northern Ireland Minister or a Northern Ireland department;
 - (b) otherwise, is within reserved competence.
- (11) A regulatory provision, so far as applying to England, is within reserved competence.”

Member’s explanatory statement

This amendment and amendments 2, 3, 4, 5, 6, 7, 8, 9 and 10 widen certain references to competence in Part 4 so that executive competence (as well as legislative competence) in each jurisdiction is included.

United Kingdom Internal Market Bill, *continued*

Stephen Farry
Caroline Lucas
Ed Davey
Daisy Cooper
Wendy Chamberlain
Layla Moran

Mr Alistair Carmichael
Christine Jardine
Munira Wilson
Liz Saville Roberts

Sarah Olney
Wera Hobhouse
Drew Hendry
Hywel Williams

Tim Farron
Jamie Stone
Claire Hanna
Ben Lake

Page 37, line 10, leave out Clause 45. 16

Secretary Alok Sharma

Clause 45, page 37, line 23, after “law” insert “(and section 6(1) of the Human Rights Act 1998 does not apply in relation to the making of regulations under section 42(1) or 43(1))” 12
Member’s explanatory statement
See the explanatory statement for Amendment 13.

Secretary Alok Sharma

Clause 45, page 37, line 40, at end insert— 13
“(2A) Regulations under section 42(1) or 43(1) are to be treated for the purposes of the Human Rights Act 1998 as if they were within the definition of “primary legislation” in section 21(1) of that Act.”
Member’s explanatory statement
This amendment, and amendments 12 and 14, would provide that regulations under section 42(1) or 43(1) are to be treated as primary legislation for the purposes of the Human Rights Act 1998.

Secretary Alok Sharma

Clause 45, page 37, line 40, at end insert— 15
“(2B) No court or tribunal may entertain any proceedings for questioning the validity or lawfulness of regulations under section 42(1) or 43(1) other than proceedings on a relevant claim or application.”
Member’s explanatory statement
This amendment would provide that no court or tribunal may entertain proceedings for questioning the validity or lawfulness of regulations under section 42(1) or 43(1) apart from proceedings on a claim or application for judicial review.

Secretary Alok Sharma

Clause 45, page 38, line 31, at end insert “, 14
but does not include the Convention rights within the meaning of the Human Rights Act 1998 (see section 1(1) of that Act);”
Member’s explanatory statement
See the explanatory statement for Amendment 13.

United Kingdom Internal Market Bill, *continued*

Ian Blackford
Kirsten Oswald
Drew Hendry
Alison Thewliss
Mhairi Black
Patrick Grady

Alan Brown

18

Page 38, line 36, leave out Clause 46.

Ian Blackford
Kirsten Oswald
Drew Hendry
Alison Thewliss
Mhairi Black
Patrick Grady

Alan Brown

29

Page 39, line 27, leave out Clause 47.

Secretary Alok Sharma

NS1

To move the following Schedule—

“CONSTITUTION ETC OF OFFICE FOR THE INTERNAL MARKET PANEL AND TASK GROUPS

- 1 Schedule 4 to the Enterprise and Regulatory Reform Act 2013 (the Competition and Markets Authority) is amended as follows.
- 2 (1) Paragraph 1 is amended as follows.
 - (2) In sub-paragraph (1)(b)—
 - (a) in the words before paragraph (i), for “to membership of” substitute “as follows”;
 - (b) in paragraph (i), at the beginning insert “persons appointed to membership of”;
 - (c) in paragraph (ii), at the beginning insert “persons appointed to membership of”;
 - (d) in paragraph (iii), at the beginning insert “persons appointed to membership of”;
 - (e) after paragraph (iii) insert—
 - “(iv) a person (the “OIM panel chair”) appointed to chair the Office for the Internal Market panel and to membership of the CMA Board;
 - (v) other persons appointed to membership of the Office for the Internal Market panel (“the OIM panel”) (see Part 3A).”

United Kingdom Internal Market Bill, *continued*

- (3) After sub-paragraph (2) insert—
- “(2A) Before making an appointment under paragraph (iv) or (v) of sub-paragraph (1)(b), the Secretary of State must consult—
- (a) the Scottish Ministers,
 - (b) the Welsh Ministers, and
 - (c) the Department for the Economy in Northern Ireland.”
- 3 (1) Paragraph 3 is amended as follows.
- (2) After sub-paragraph (2), insert—
- “(2A) Appointment to membership of the OIM panel under paragraph 1(1)(b) is to be for a term of not more than eight years.”
- (3) At the end insert—
- “(4) Where at the beginning of a person’s term of appointment to membership of the CMA panel the person has already begun (and continues) to hold office as a member of the OIM panel, the term of the person’s appointment to membership of the CMA panel is to be treated for the purposes of sub-paragraph (2) as beginning when the person’s term of appointment to membership of the OIM panel began.
- (5) Where at the beginning of a person’s term of appointment to membership of the OIM panel the person has already begun (and continues) to hold office as a member of the CMA panel, the term of the person’s appointment to membership of the OIM panel is to be treated for the purposes of sub-paragraph (2A) as beginning when the person’s term of appointment to membership of the CMA panel began.”
- 4 (1) Paragraph 4 is amended as follows.
- (2) After sub-paragraph (1), insert—
- “(1A) A person who has been appointed to membership of the OIM panel may be re-appointed to membership of the OIM panel only for the purpose of continuing to act as a member of a group constituted under paragraph 58B before the expiry of the person’s term of office.”
- (3) In sub-paragraph (2), for “sub-paragraph (1)” substitute “sub-paragraphs (1) and (1A)”.
- 5 (1) Paragraph 6 is amended as follows.
- (2) In sub-paragraph (2), for “of either the CMA Board or the CMA panel (but not of both)” substitute “of one, but not more than one, of the CMA Board, the CMA panel and the OIM panel,”.
- (3) In sub-paragraph (3)—
- (a) in the words before paragraph (a), after “panel” insert “or both the CMA panel and the OIM panel”;
 - (b) for paragraph (a) substitute—
 - “(a) resign from one of those memberships (without resigning from the other), or”.
- (4) After sub-paragraph (3) insert—
- “(4) The OIM panel chair may at any time resign from membership of the CMA by giving written notice to this effect to the Secretary of State (and may not resign from the OIM panel, or any other office

United Kingdom Internal Market Bill, *continued*

to which the person is appointed by virtue of paragraph 1(1)(b)(iv), except in accordance with this sub-paragraph).”

- 6 In paragraph 9(2)—
- (a) omit “or” at the end of paragraph (a);
 - (b) after paragraph (b) insert “, or
 - (c) a member of the OIM panel.”
- 7 In paragraph 10(2)(b), at the end insert “or the OIM panel”.
- 8 After Part 3 insert—

“PART 3A

THE OIM PANEL

The OIM panel

- 58A (1) The OIM panel is a panel of persons available for selection as members of a group constituted in accordance with this Part of this Schedule.
- (2) The OIM panel is to consist of—
- (a) the OIM panel chair appointed under paragraph 1(1)(b)(iv), and
 - (b) the other members of the panel appointed under paragraph 1(1)(b)(v).

Constitution of OIM task groups

- 58B (1) The OIM panel chair may at any time constitute a group in accordance with this Part of this Schedule for the purpose of carrying out on the CMA’s behalf functions of the CMA under Part 4 of the United Kingdom Internal Market Act 2020.
- (2) A group constituted as mentioned in sub-paragraph (1) is to be known as an Office for the Internal Market task group (or “OIM task group”).

Membership of OIM task groups

- 58C (1) The members of an OIM task group are to be selected by the OIM panel chair.
- (2) Each OIM task group is to consist of at least three members of the OIM panel.
- (3) The OIM panel chair must appoint one of the members of an OIM task group to chair the group (“the task group chair”).
- 58D The validity of anything done by an OIM task group is not affected by—
- (a) a vacancy;
 - (b) a defective appointment.

United Kingdom Internal Market Bill, *continued*

Termination of person's membership of an OIM task group

58E A member of the OIM panel may at any time resign from an OIM task group by giving written notice to this effect to the OIM panel chair.

58F (1) Sub-paragraph (2) applies if the OIM panel chair considers that—
(a) a member of an OIM task group will be unable, for a substantial period, to perform their duties as a member of the group, or
(b) because of a particular interest of a member of an OIM task group, it is inappropriate for that person to remain a member of the group.

(2) The OIM panel chair may remove the person in question from membership of the task group.

58G A person ceases to be a member of an OIM task group on ceasing to be a member of the OIM panel.

Replacement of a member of an OIM task group

58H (1) Sub-paragraph (2) applies if a person ceases to be a member of an OIM task group, whether by being removed under paragraph 58F, or otherwise.

(2) The OIM panel chair may select a replacement member of the group from the OIM panel.

Continuity on removal or replacement

58I (1) A person's ceasing to be a member of an OIM task group, whether by being removed under paragraph 58F, or otherwise, does not prevent—

- (a) the group from continuing with anything begun before the person ceased to be a member of it;
- (b) any decision made or direction given by the person while a member of the group from having effect after they have ceased to be a member of the group.

(2) Sub-paragraph (1) applies whether or not a replacement member of the group is selected under paragraph 58H.

Powers of chair pending group's constitution and first meeting

58J (1) While an OIM task group is being constituted, the OIM panel chair may take such steps as the OIM panel chair considers appropriate to facilitate the work of the group once it has been constituted.

(2) The steps taken must be steps that it would be within the power of the group to take, had it already been constituted.

Independence of OIM task groups

58K (1) In exercising functions which they are authorised to exercise by virtue of any enactment, OIM task groups must act independently of the CMA Board.

United Kingdom Internal Market Bill, *continued*

- (2) Nothing in sub-paragraph (1) prevents—
- (a) the CMA Board giving information in its possession to an OIM task group, or
 - (b) an OIM task group giving information in its possession to the CMA Board.

Casting votes

58L If an OIM task group’s vote on any decision is tied, the task group chair is to have a casting vote.

Procedure of OIM task groups

58M (1) An OIM task group may determine its own procedure (including determining its quorum).

- (2) In determining its procedure under sub-paragraph (1), an OIM task group must have regard to any guidance issued by the CMA Board.”

Member’s explanatory statement

This new schedule is about the constitution of Office for the Internal Market task groups, to which functions of the Competition and Markets Authority may be delegated by virtue of NC5, and the establishment of a panel from whose members such groups may be selected.

Sir Jeffrey M Donaldson
 Sammy Wilson
 Gavin Robinson
 Mr Gregory Campbell
 Ian Paisley
 Jim Shannon

Paul Girvan

Carla Lockhart

Stephen Farry

17

Schedule 1, page 48, line 14, at end insert—

“(8A) 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, Evaluation, Authorisation and Restriction of Chemicals) regime.

Secretary Alok Sharma

27

Schedule 2, page 53, leave out lines 28 and 29

Member’s explanatory statement

This amendment would remove private international law from the list of exclusions in Schedule 2

United Kingdom Internal Market Bill, *continued*

Secretary Alok Sharma

28

Schedule 2, page 53, leave out line 35

Member's explanatory statement

This amendment would remove private international law from the list of exclusions in Schedule 2

Ian Blackford
Kirsten Oswald
Drew Hendry
Alison Thewliss
Mhairi Black
Patrick Grady

Alan Brown

30

Title, line 7, leave out from “aid” to “to” in line 10.

Member's explanatory statement

Amendments 18 and 29 would remove both clauses in Part 6 (Financial assistance powers). This consequential Amendment removes from the long Title “to authorise the provision of financial assistance by Ministers of the Crown in connection with economic development, infrastructure, culture, sport and educational or training activities and exchanges”.

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.

United Kingdom Internal Market Bill, *continued*

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
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.

United Kingdom Internal Market Bill, *continued*

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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