



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Tuesday 22 September 2020**

*New Amendments handed in are marked thus ★*

☆ *Amendments which will comply with the required notice period at their next appearance*

*Amendments tabled since the last publication: 1 to 16, NC1 to NC5 and NS1*

### CONSIDERATION OF BILL (REPORT STAGE)

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**This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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

#### **“Objectives 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

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

(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.”

***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.*

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Secretary Alok Sharma

NC5

★ To move the following Clause—

**“Office for the Internal Market panel and task groups**

(1) The CMA may authorise an OIM 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 sub-paragraph).

(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.*

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Edward Miliband  
Lucy Powell  
Paul Blomfield  
Mr Nicholas Brown

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.

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

- (3) An appropriate authority exercising any function to which this Part applies must comply with—
- (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.*

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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.*

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Edward Miliband  
Lucy Powell  
Paul Blomfield  
Mr Nicholas Brown

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.*

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United Kingdom Internal Market Bill, *continued*

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.*

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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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Secretary Alok Sharma

3

- ★ Clause 31, page 24, line 27, leave out “legislative”

***Member’s explanatory statement***

*See the explanatory statement for Amendment 11.*

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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.*

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

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.*

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,

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

- (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.*

Stephen Farry

16

- ★ Page 37, line 10, leave out Clause 45.

Secretary Alok Sharma

12

- ★ 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))”

***Member’s explanatory statement***

*See the explanatory statement for Amendment 13.*

Secretary Alok Sharma

13

- ★ Clause 45, page 37, line 40, at end insert—  
“(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

15

- ★ Clause 45, page 37, line 40, at end insert—  
“(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.*

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

Secretary Alok Sharma

14

- ★ Clause 45, page 38, line 31, at end insert “,  
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.*

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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).”
  - (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

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

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 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”.

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

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 this Part of this Act.

(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.

*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

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

(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.

(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.

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

*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 the new clause moved by NC5, and the establishment of a panel from whose members such groups may be selected.*

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ORDER OF THE HOUSE [14 SEPTEMBER 2020]

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

*Committal*

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

*Proceedings in Committee*

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

**TABLE**

| <i>Day</i> | <i>Proceedings</i>   | <i>Time for conclusion of proceedings</i>                                       |
|------------|--|---|
| First day  | Clauses 28 to 39; new Clauses and new Schedules relating to Part 4; other new Clauses and new Schedules relating generally to the internal market for goods and services in the United Kingdom | Six hours from the commencement of the proceedings on the Bill on the first day |

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

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

*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.