



House of Commons

Tuesday 9 February 2021

CONSIDERATION OF LORDS MESSAGE

New Amendments handed in are marked thus ★

Motions and Amendments tabled since the last publication: LA 1B and LA 6B (a), (b) and (c)

TRADE BILL

On Consideration of Lords Message

Lords Amendment No. **1B**

Secretary Elizabeth Truss

To move, That this House disagrees with the Lords in their Amendment No. 1B in lieu.

Lords Amendments Nos. **2B and 3B**

Secretary Elizabeth Truss
 Sir Robert Neill
 Damian Green
 Sir Oliver Heald
 Simon Hoare
 Caroline Nokes

John Penrose
 Marco Longhi
 Sir Edward Leigh
 Robert Largan

Henry Smith
 Sir Roger Gale
 Sir Geoffrey Cox
 Dr Liam Fox

Steve Brine
 Matt Vickers
 Jeremy Wright

To move, That this House disagrees with the Lords in their Amendments Nos. 2B and 3B in lieu but proposes the following Amendments to the Bill in lieu of those amendments:—

Trade Bill, *continued*

(a)

Insert the following Clause—

- 5 **“2A Free trade agreements and genocide**
- (1) Subsection (2) applies if the responsible committee of the House of Commons publishes a report which—
- (a) states that there exist credible reports of genocide in the territory of a prospective FTA counter-party, and
- 10 (b) confirms that, in preparing the report, the committee has taken such evidence as it considers appropriate.
- (2) If, after receiving a response from the Secretary of State, the committee publishes a report which—
- (a) includes a statement to the effect that the committee is not satisfied by the Secretary of State’s response, and
- 15 (b) sets out the wording of a motion to be moved in the House of Commons in accordance with subsection (3),
- subsection (3) applies.
- (3) A Minister of the Crown must make arrangements for the motion mentioned in subsection (2)(b) to be debated and voted on by the House of Commons.
- 20 (4) Subsection (5) applies if the responsible committee of the House of Lords publishes a report which—
- (a) states there exist credible reports of genocide in the territory of a prospective FTA counter-party, and
- 25 (b) confirms that, in preparing the report, the committee has taken such evidence as it considers appropriate.
- (5) If, after receiving a response from the Secretary of State, the committee publishes a statement to the effect that—
- (a) it is not satisfied by the Secretary of State’s response, and
- 30 (b) it seeks a debate on the report,
- subsection (6) applies.
- (6) A Minister of the Crown must make arrangements for a motion for the House of Lords to take note of the report and the Secretary of State’s response to be moved in that House by a Minister of the Crown.
- 35 (7) References in this section to genocide are references to genocide occurring, or continuing, after this section comes into force.
- (8) In this section—
- “genocide” has the same meaning as in the Convention on the Prevention and Punishment of the Crime of Genocide (see Article 2 of the
- 40 convention);
- “prospective FTA counter-party” means a state with which the United Kingdom is engaged in formal negotiations for a bilateral free trade agreement;
- “the responsible committee of the House of Commons” means the select committee of the House of Commons charged with responsibility for this
- 45 section;
- “the responsible committee of the House of Lords” means the select committee of the House of Lords charged with responsibility for this section.”

(b)

Title, line 1, leave out “the implementation of”

Trade Bill, *continued*

Sir Iain Duncan Smith

As an Amendment to Secretary Elizabeth Truss's proposed Motion:—

(i)

Line 20, at end insert—

- “(3A) If the motion mentioned in subsection (2)(b)—
- (a) is approved by the House of Commons, and
 - (b) authorises the Treasury Solicitor to refer the matter to court,
- the Treasury Solicitor must within a reasonable period make arrangements in accordance with regulations under subsection (3E) below for an application to be made to the High Court of England and Wales, or the Court of Session in Scotland, or the High Court of Justice in Northern Ireland, for a preliminary determination under subsection (3B).
- (3B) A preliminary determination under this subsection is a finding by the High Court of England and Wales, or the Court of Session in Scotland, or the High Court of Justice in Northern Ireland, that a prospective FTA counter-party represents a state which is committing genocide.
- (3C) The Lord Chancellor must lay before both Houses of Parliament any preliminary determination made by the Court under subsection (3B).
- (3D) After the laying before Parliament of a preliminary determination under subsection (3C) a Minister of the Crown must, after a reasonable period, make arrangements for a motion to be debated in each House of Parliament requiring the Government to set out its course of action relating to the formal negotiations in which the United Kingdom is engaged with the prospective FTA counter-party.
- (3E) A Minister of the Crown may by regulations made by statutory instrument make provision for or in connection with an application and preliminary determination made pursuant to subsections (3A) and (3B).
- (3F) Regulations under subsection (3E) above may in particular—
- (a) specify the form, content, and criteria for applications;
 - (b) make provision about the procedure to be followed in relation to applications;
 - (c) make provision about the procedure and rules of evidence necessary for consideration of an application by the Court, allowing for representations to be made in support of and contradictory to the proposed preliminary determination.
- (3G) In making such regulations the Minister of the Crown must have regard to—
- (a) the experience gained in the operation of this section;
 - (b) the object and intended purpose behind the operation of this section including—
 - (i) the upholding of all undertakings in and international obligations arising from the United Nations Convention on the Prevention and Punishment of the Crime of Genocide;
 - (ii) provision of meaningful access without unreasonable hindrance to the Court by persons making representations under subsection (3F)(c), including a person or group of persons belonging to a national, ethnic, racial or religious group, or an organisation representing such a group, which is alleged to be the subject of the genocide.
- (3H) Regulations under subsection (3E) may contain supplemental, incidental, consequential and transitional provision.

Trade Bill, *continued*

- (3I) A statutory instrument containing regulations under subsection (3E) is subject to annulment in pursuance of a resolution of either House of Parliament.”

Lords Amendment No. 6B

Secretary Elizabeth Truss

To move, That this House disagrees with the Lords in their Amendment No. 6B in lieu but proposes the following Amendments to the Bill in lieu of that amendment—

- (a)
- ★ Page 2, line 23, at end insert—
- “(4A) If regulations under subsection (1) contain provision about healthcare services, the provision must be consistent with maintaining UK publicly-funded clinical healthcare services.
- (4B) If regulations under subsection (1) contain provision in any of the areas listed in subsection (4C), the provision must be consistent with maintaining UK levels of statutory protection in that area.
- (4C) The areas referred to in subsection (4B) are—
- (a) the protection of human, animal or plant life or health;
 - (b) animal welfare;
 - (c) environmental protection;
 - (d) employment and labour;
 - (e) data protection;
 - (f) the protection of children and vulnerable adults online.”
- (b)
- ★ Page 2, line 41, at end insert—
- “(9) In this section—
- “UK publicly-funded clinical healthcare services” means publicly-funded clinical healthcare services provided in the United Kingdom, or in the part of the United Kingdom in which the regulations have effect, on the date on which a draft of the regulations is laid;
- “UK levels of statutory protection” means levels of protection provided by or under—
- (a) primary legislation,
 - (b) subordinate legislation, or
 - (c) retained direct EU legislation,
- which has effect in the United Kingdom, or in the part of the United Kingdom in which the regulations have effect, on the date on which a draft of the regulations is laid.”
- (c)
- ★ Page 3, line 40, at end insert—
- “(2A) In this Part a reference to a draft of regulations being laid is a reference to a draft of the regulations, or a draft of the instrument containing the regulations, being laid before—
- (a) each House of Parliament, in the case of regulations to which paragraph 4(1) or 5 of Schedule 2 applies;

Trade Bill, *continued*

- (b) the Scottish Parliament, in the case of regulations to which paragraph 4(2) of Schedule 2 applies;
 - (c) Senedd Cymru, in the case of regulations to which paragraph 4(3) of Schedule 2 applies;
 - (d) the Northern Ireland Assembly, in the case of regulations to which paragraph 4(4) of Schedule 2 applies.”
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