
Committee Stage: Wednesday 20 July 2022

Northern Ireland Protocol Bill (Committee Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at committee stage. A glossary with key terms can be found at the end of this document.

First to Third Day

FIRST DAY

CLAUSES 1 TO 3, 15 AND 16; NEW CLAUSES AND NEW SCHEDULES RELATING TO THE SUBJECT MATTER OF THOSE CLAUSES

Sir Robert Neill Sir Roger Gale Damian Green Julian Sturdy	Withdrawn after debate	1
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Clause 1, page 1, line 3, at end insert—

“(za) comes into effect only in accordance with section 26(2A) to (2D);”

Layla Moran Mr Alistair Carmichael Stephen Farry	Negatived on division	26
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Clause 1, page 1, line 3, at end insert —

“(za) requires Ministers of the Crown to set out a legal justification for altering the effect of the Northern Ireland Protocol in domestic law”

Mr David Lammy Peter Kyle Stephen Doughty	Not called	31
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Clause 1, page 1, line 4, leave out paragraphs (a) and (b)

Mr David Lammy Peter Kyle Stephen Doughty	Not called	32
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Clause 1, page 1, line 14, leave out from “Protocol” to end of line 15

Colum Eastwood **Not called** 5
 Claire Hanna
 Stephen Farry

Clause 1, page 1, line 15, at end insert—

“(e) provides powers to Ministers of the Crown that may be exercised only after good faith negotiations with the EU (through the mechanisms provided for in the Northern Ireland Protocol) have been exhausted and only with the approval of both Houses of Parliament and, where relevant, the consent of the Northern Ireland Assembly.”

Clause agreed to.

Stephen Farry **Not called** 25
 Layla Moran
 Mr Alistair Carmichael

Clause 2, page 1, line 17, at end insert—

“(A1) This section is subject to section (*Limitation of general implementation of the Northern Ireland Protocol: approval of Northern Ireland Assembly*).”

Stephen Farry **Not selected** 23
 Layla Moran
 Mr Alistair Carmichael
 Colum Eastwood
 Claire Hanna

Page 2, line 17, leave out Clause 2

Clause agreed to.

Clause 3 agreed to.

Colum Eastwood **Not called** 6
 Claire Hanna
 Stephen Farry

Clause 15, page 8, line 47, at end insert—

“(1A) In this section “necessary” means the existence of a situation of grave and imminent peril that relates to one or more of the permitted purposes.”

Colum Eastwood **Not called** **14**
 Claire Hanna
 Stephen Farry

Clause 15, page 8, line 47, at end insert—

- “(1A) In this section “unpermitted consequence” means an outcome that would constitute a risk to or detrimental on—
- (a) Strand Two of the Belfast Agreement including the North-South Ministerial Council, cooperation and action under the Council or consultation and agreements in all its formats, areas of cooperation and agreed implementation bodies;
 - (b) Strand Three of the Belfast Agreement, the British-Irish Council and cooperation, common policies or common actions on matters of mutual interest for relevant administrations including on issues, and in ways, referenced in that section of the Agreement;
 - (c) the single electricity market;
 - (d) Northern Ireland’s access to the EU Single Market to the fullest extent permitted by the Protocol;
 - (e) continuing opportunities for institutions, economic operators and civic interests in Northern Ireland to access and participate in EU programmes and frameworks as permitted under and/or alongside the Protocol;
 - (f) Northern Ireland’s access to trade deals between the EU and third countries to the fullest extent permitted by the Protocol;
 - (g) the productivity of businesses in Northern Ireland and the competitive marketability of goods produced there (through costs or complications associated with possible dual route regulatory compliances).”

Stella Creasy **Not called** **27**

Clause 15, page 8, line 47, at end insert—

- “(1A) But subsection (1) is subject to section (*Excluded provision: Parliamentary approval*).”

Hilary Benn **Not selected** **11**

Clause 15, page 9, line 1, leave out subsection (2)

Colum Eastwood **Not called** **7**
 Claire Hanna
 Stephen Farry

Clause 15, page 9, line 8, after “if” insert “it does not cause one or more unpermitted consequence and if”

Colum Eastwood **Negated on division** 8
 Claire Hanna
 Stephen Farry

Clause 15, page 9, line 15, at end insert—

“(d) Article 18 (Democratic Consent in Northern Ireland)”

Colum Eastwood **Not called** 9
 Claire Hanna
 Stephen Farry

Clause 15, page 9, line 15, at end insert—

“(3A) A Minister of the Crown may not exercise the power conferred by subsection (2) until and unless the Minister has laid a report before both Houses of Parliament setting out the Minister of the Crown’s assessment of the necessity to exercise the power for, or in connection with, one or more of the permitted purposes and to state the one or more permitted purposes in question.”

Colum Eastwood **Not called** 10
 Claire Hanna
 Stephen Farry

Clause 15, page 9, line 15, at end insert—

“(3A) A Minister of the Crown may not exercise the power conferred by subsection (2) before full consultation on proposed changes with, in particular—

- (a) the Northern Ireland Human Rights Commission,
- (b) the Equality Commission for Northern Ireland,
- (c) the Committee of representatives of the Human Rights Commission of Northern Ireland and Ireland, and
- (d) persons whom the Minister considers appropriate as representatives of business, trade, economic interests and civic groups.”

Richard Thomson **Not selected** 29

Page 8, line 27, leave out Clause 15

Clause agreed to on division.

Mr David Lammy
Peter Kyle
Stephen Doughty

Not called 40

Clause 16, page 9, line 19, leave out “the Minister considers appropriate” and insert “is necessary”

Richard Thomson

Not selected 30

Page 9, line 18, leave out Clause 16

Clause agreed to on division.

Colum Eastwood
Claire Hanna
Stephen Farry

Not called NC1

To move the following Clause—

“Maintaining levels of environmental protection

- (1) A Minister of the Crown must, before exercising the powers conferred by this Act, make a statement to the effect that in the Minister of the Crown’s view the exercise of the powers would not to any extent have the effect of reducing the level of environmental protection provided for by any existing environmental law.
- (2) The Minister of the Crown must seek the views of the Office for Environmental Protection before making a statement under this section.
- (3) Any statement under this section must be published in such manner as the Minister of the Crown considers appropriate
- (4) The Minister of the Crown must lay a copy of any statement under this section before each House of Parliament.”

Colum Eastwood
Claire Hanna
Stephen Farry

Not called NC2

To move the following Clause—

“Environmental principles

No regulations may be made under this Act unless—

- (a) a policy statement on environmental principles has been laid before the Northern Ireland Assembly under paragraph 7(6) of Schedule 2 to the Environment Act 2021, and
- (b) paragraph 8 of Schedule 2 to the Environment Act 2021 is in force.”

Colum Eastwood
Claire Hanna
Stephen Farry

Not called NC3

To move the following Clause—

“Meaning of “environmental protection”

In this Act “environmental protection” means any of the following—

- (a) protection of the natural environment from the effects of human activity;
- (b) protection of people from the effects of human activity on the environment;
- (c) maintenance, restoration or enhancement of the natural environment;
- (d) monitoring, assessing, considering, advising or reporting on anything in paragraphs (a) to (c).”

Stephen Farry
Layla Moran
Mr Alistair Carmichael

Not called NC7

To move the following Clause—

“Limitation of general implementation of the Northern Ireland Protocol: approval of Northern Ireland Assembly

Section 2 of this Act has no effect unless it has been approved by a resolution of the Northern Ireland Assembly.”

Layla Moran
Mr Alistair Carmichael
Stephen Farry

Not called NC8

To move the following Clause—

“Publication of legal advice

- (1) The Prime Minister must lay before each House of Parliament a copy of the legal advice considered by the Government in respect to this Act which it received before the day of the First Reading in the House of Commons of the Bill for this Act.
- (2) The Attorney General must lay before each House of Parliament the assessment made by Her Majesty’s Government of the doctrine of necessity in relation to the operation of the Northern Ireland Protocol prior to the First Reading in the House of Commons of the Bill for this Act.
- (3) The Lord Chancellor must lay before each House of Parliament a report on to what extent the Bill for this Act was in accordance with Lord Chancellor’s constitutional role in relation to the constitutional principle of the rule of law.”

Stella Creasy

Not called NC9

To move the following Clause—

“Excluded provision: Parliamentary approval

- (1) A Minister of the Crown may not make regulations that either bring into force any provision of this Act that makes any provision of the Protocol (or any related provision of the Withdrawal Agreement) excluded provision, or that make any such provision excluded provision, unless all three conditions in this section are met.
- (2) The first condition in this section is that a Minister of the Crown has laid a statement before both Houses of Parliament setting out reasons—
 - (a) why, if no safeguard measures under Article 16 of the Protocol have been taken by the United Kingdom, the Minister of the Crown considers it appropriate to exclude a provision or provisions at that time rather than to do so only after the United Kingdom has taken such safeguard measures; and
 - (b) why and how, in the view of the Minister of the Crown, making the regulations is consistent with the international obligations of the United Kingdom.
- (3) The second condition in this section is that the House of Commons has resolved, on a motion moved by a Minister of the Crown, to take note of the statement under subsection (2).
- (4) The third condition in this section is that a motion for the House of Lords to take note of that statement has been tabled in the House of Lords by a Minister of the Crown and—

- (a) the House of Lords has debated the motion, or
- (b) 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 (a)."

Mr David Lammy
Peter Kyle
Stephen Doughty

Negatived on division NC10

To move the following Clause—

“Condition prior to limitation of the Northern Ireland Protocol

- (1) This section sets out the condition which must be satisfied before a provision of—
 - (a) the Northern Ireland Protocol, or
 - (b) any other part of the EU withdrawal agreement,
 is excluded provision.
 - (2) The condition must be either—
 - (a) the agreement condition (see subsection (3)), or
 - (b) the Article 16 condition (see subsection (4)).
 - (3) The agreement condition is that the United Kingdom and the EU have agreed following negotiations that the provision is excluded provision.
 - (4) The Article 16 condition is that—
 - (a) the United Kingdom is unilaterally taking appropriate safeguard measures, in accordance with Article 16 of the Northern Ireland Protocol,
 - (b) before taking those measures, the United Kingdom has followed the procedure set out in Annex 7 to the Protocol (which governs the taking of safeguard measures), and
 - (c) the safeguard measures being taken necessarily require that the provision is excluded provision.
 - (5) Where the condition is no longer satisfied, then the provision ceases to be excluded provision, and as a consequence any regulations made dealing with excluded provision lapse to the extent that they relate to provision which is no longer excluded provision.
 - (6) For the avoidance of doubt, the provisions of this Act remain subject to section 7A(2) of the European Union (Withdrawal) Act 2018, save where a provision of—
 - (a) the Northern Ireland Protocol, or
 - (b) any other part of the EU withdrawal agreement,
 is excluded provision which has satisfied the requirements set out in this section.”
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CLAUSES 4 TO 6 AND 24; NEW CLAUSES AND NEW SCHEDULES RELATING TO THE SUBJECT MATTER OF THOSE CLAUSES

Stephen Farry
Layla Moran
Mr Alistair Carmichael
Colum Eastwood
Claire Hanna

Negatived on division 24

Clause 4, page 3, line 3, leave out subsections (1) to (3)

Clause agreed to.

Mr David Lammy
Peter Kyle
Stephen Doughty

Not called 34

Clause 5, page 4, line 14, leave out "the Minister considers appropriate" and insert "is necessary"

Clause agreed to.

Mr David Lammy
Peter Kyle
Stephen Doughty

Not called 35

Clause 6, page 4, line 29, leave out "they consider appropriate" and insert "is necessary"

Clause agreed to.

Richard Thomson

Not called 15

Clause 24, page 13, line 16, leave out from "to" to the end of line 22 and insert "House of Commons draft affirmative procedure"

Richard Thomson Not called 16
 Clause 24, page 13, line 27, leave out from “procedure” to the end of line 32

Richard Thomson Not called 17
 Clause 24, page 13, line 34, leave out “draft affirmative procedure” and insert “super-affirmative procedure (see section (*Super-affirmative resolution procedure: general provisions*))”

Richard Thomson Not called 18
 Clause 24, page 13, line 36, leave out subsections (7) to (9)
Clause agreed to.

Colum Eastwood Not called NC4
 Claire Hanna
 Stephen Farry

To move the following Clause—

“UK-EU Joint Committee: reduction of sanitary and phytosanitary checks

A Minister of the Crown may not exercise any powers conferred by this Act until a Minister of the Crown has sought an agreement at the UK-EU Joint Committee on reducing sanitary and phytosanitary checks and laid a report setting out the details of those discussions before each House of Parliament and provided a copy of that report to the Speaker of the Northern Ireland Assembly.”

Richard Thomson Not called NC5

To move the following Clause—

“Super-affirmative resolution procedure: tax or customs matters

- (1) For the purposes of this Act the “super-affirmative resolution procedure” in relation to the making of regulations subject to the super-affirmative resolution procedure is as follows.
- (2) The Treasury or HMRC must have regard to—
 - (a) any representations,
 - (b) any resolution of the House of Commons, and

- (c) any recommendations of a committee of the House of Commons charged with reporting on the draft regulations, made during the 60-day period with regard to the draft regulations.
- (3) If, after the expiry of the 60-day period, the Treasury or HMRC wish to make regulations in the terms of the draft, the Treasury or HMRC must lay before the House of Commons a statement—
 - (a) stating whether any representations were made under subsection (2)(a); and
 - (b) if any representations were so made, giving details of them.
- (4) The Treasury or HMRC may after the laying of such a statement make regulations in the terms of the draft if the regulations are approved by a resolution of the House of Commons.
- (5) However, a committee of the House of Commons charged with reporting on the draft regulations may, at any time after the laying of a statement under subsection (3) and before the draft regulations are approved by that House under subsection (4), recommend under this subsection that no further proceedings be taken in relation to the draft regulations.
- (6) Where a recommendation is made by a committee of the House of Commons under subsection (5) in relation to draft regulations, no proceedings may be taken in relation to the draft regulations in that House under subsection (4) unless the recommendation is, in the same Session, rejected by resolution of that House.
- (7) If, after the expiry of the 60-day period, the Treasury or HMRC wish to make regulations order consisting of a version of the draft regulations with material changes, the Treasury or HMRC must lay before the House of Commons—
 - (a) revised draft regulations; and
 - (b) a statement giving details of—
 - (i) any representations made under subsection (2)(a); and
 - (ii) the revisions proposed.
- (8) The Treasury or HMRC may after laying revised draft regulations and a statement under subsection (7) make regulations in the terms of the revised draft regulations if the revised draft regulations are approved by a resolution of the House of Commons.
- (9) However, a committee of the House charged with reporting on the revised draft regulations may, at any time after the revised draft regulations are laid under subsection (7) and before the revised draft regulations are approved by that House under subsection (8), recommend under this subsection that no further proceedings be taken in relation to the revised draft regulations.
- (10) Where a recommendation is made by a committee of the House of Commons under subsection (9) in relation to revised draft regulations, no proceedings may be taken in relation to the revised draft regulations in that House under subsection (8) unless the recommendation is, in the same Session, rejected by resolution of that House.

- (11) For the purposes of subsections (4) and (8) regulations are made in the terms of draft regulations if the regulations contain no material changes to the provisions of the draft regulations.
- (12) In this section the “60-day period” means the period of 60 days beginning with the day on which the draft regulations were laid before the House of Commons under section 24 of this Act.”

SECOND DAY

CLAUSES 7 TO 11; NEW CLAUSES AND NEW SCHEDULES RELATING TO THE SUBJECT MATTER OF THOSE CLAUSES

Stephen Farry

Layla Moran

Mr Alistair Carmichael

Claire Hanna

Colum Eastwood

Negated on division 44

Clause 7, page 5, line 5, at end insert—

“(1A) This section applies only if the following conditions have been met.

(1B) The first condition is that a Minister of the Crown has consulted appropriately with representatives of Northern Ireland business organisations on the option to choose between dual routes.

(1C) The second condition is that a Minister of the Crown has reached an agreement with the European Union on the option to choose between dual routes.

(1D) The third condition is that the Northern Ireland Assembly has approved by resolution the option to choose between dual routes.”

Clause agreed to.

Stephen Farry **Not called** 45
Layla Moran
Mr Alistair Carmichael

Clause 8, page 5, line 24, at end insert “only if the conditions in subsection 7(1A) to (1D) have been met.”

Clause agreed to.

Mr David Lammy **Not called** 36
Peter Kyle
Stephen Doughty

Clause 9, page 5, line 27, leave out “the Minister considers appropriate” and insert “is necessary”

Mr David Lammy **Negatived on division** 28
Peter Kyle
Stephen Doughty

Clause 9, page 5, line 34, at end insert—

- “(3) Before making regulations under this section, a Minister of the Crown must carry out an economic impact assessment of the proposed regulations, and conduct a consultation on the proposed regulations with any stakeholders whom the Minister of the Crown considers appropriate.
- (4) The Minister of the Crown making regulations under this section must lay before each House of Parliament with a copy or draft of the regulations a copy of the relevant economic impact assessment and a report of the relevant consultation.”

Clause agreed to.

Clauses 10 and 11 agreed to.

Colum Eastwood
Claire Hanna
Stephen Farry

Not called NC13

To move the following Clause—

“Report on dual access

A Minister of the Crown must, at least once in every three months from the day on which this Act is passed, lay before each House of Parliament a report stating what, if any, steps are being taken by Her Majesty’s Government to promote, uphold, support and facilitate dual access to the British market and European markets for Northern Ireland businesses either as a consequence of the exercise of the powers conferred by this Act or by alternative means.”

Colum Eastwood
Claire Hanna

Not called NC14

To move the following Clause—

“UK-EU Joint Committee: duty to give primary regard to North-South proposals

A Minister of the Crown must respect, reflect and support in UK-EU Joint Committee meeting proposals relating to the regulation of goods made by the North-South Ministerial Council and other North-South Implementation bodies to the Specialised Committee on the implementation of the Protocol on Ireland and Northern Ireland pursuant to Article 14(b) of the Northern Ireland Protocol.”

Colum Eastwood
Claire Hanna
Stephen Farry

Negated on division NC15

To move the following Clause—

“UK-EU Joint Committee: report to Parliament

- (1) When the UK-EU Joint Committee has discussed regulation of goods in connection with the Northern Ireland Protocol, a Minister of the Crown must lay a report before each House of Parliament detailing those discussions within 21 days of the meeting of the UK-EU Joint Committee at which those matters were discussed.
- (2) Each such report must include information on how UK representatives adhered to and sought agreement with representatives of the European Union on relevant proposals—

- (a) agreed by the Northern Ireland Executive or endorsed by the Northern Ireland Assembly, or both, and promoted by the First Minister and deputy First Minister acting jointly, or
- (b) agreed by the North-South Ministerial Council or North-South Implementation bodies and made to the Specialised Committee, pursuant to Article 14 (b) of the Northern Ireland Protocol."

CLAUSES 12 AND 17; NEW CLAUSES AND NEW SCHEDULES RELATING TO THE SUBJECT MATTER OF THOSE CLAUSES

Mr David Lammy
Peter Kyle
Stephen Doughty

Withdrawn after debate 37

Clause 12, page 7, line 10, leave out "the Minister considers appropriate" and insert "is necessary"

Clause agreed to.

Mr David Lammy
Peter Kyle
Stephen Doughty

Not called 41

Clause 17, page 9, line 40, leave out "they consider appropriate" and insert "is necessary"

Clause agreed to.

THIRD DAY

CLAUSES 13, 14, 18 AND 20; NEW CLAUSES AND NEW SCHEDULES RELATING TO THE SUBJECT MATTER OF THOSE CLAUSES

Mr David Lammy
Peter Kyle
Stephen Doughty

Withdrawn after debate 38

Clause 13, page 7, line 27, leave out "the Minister considers appropriate" and insert "is necessary"

Clause agreed to.

Mr David Lammy
Peter Kyle
Stephen Doughty

Not called 39

Clause 14, page 8, line 22, leave out “the Minister considers appropriate” and insert “is necessary”

Clause agreed to.

Hilary Benn

Negatived on division 12

Clause 18, page 10, line 9, leave out subsection (1)

Mr David Lammy
Peter Kyle
Stephen Doughty

Not called 42

Clause 18, page 10, line 11, leave out “the Minister of the Crown considers it appropriate” and insert “it is necessary”

Colum Eastwood
Claire Hanna
Stephen Farry

Not called 48

Clause 18, page 10, line 12, after “this Act” insert “and a motion approving the conduct has been passed by the Northern Ireland Assembly.”

Colum Eastwood
Claire Hanna
Stephen Farry

Negatived on division 49

Clause 18, page 10, line 15, at end insert—

- “(3) Each Minister of the Crown must have due regard for the principle that the Belfast Agreement, including its subsequent implementation agreements and arrangements, should be protected in all its parts.”

Clause agreed to.

Stephen Farry Layla Moran Mr Alistair Carmichael Claire Hanna Colum Eastwood	Not called	46
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Clause 20, page 10, line 32, at end insert—

“But this section may not be brought into force unless it has previously been approved by a resolution of the Northern Ireland Assembly.”

Hilary Benn	Not called	13
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Clause 20, page 10, line 37, leave out subsection 2(b)

Mr David Lammy Peter Kyle Stephen Doughty	Not called	43
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Clause 20, page 10, line 38, leave out “the Minister considers appropriate” and insert “is necessary”

Clause agreed to.

CLAUSES 19, 21 TO 23, 25 AND 26; NEW CLAUSES AND NEW SCHEDULES RELATING TO THE SUBJECT MATTER OF THOSE CLAUSES; REMAINING PROCEEDINGS ON THE BILL

Clause 19 agreed to.

Clause 21 agreed to.

Colum Eastwood Claire Hanna Stephen Farry	Not called	50
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Clause 22, page 11, line 16, at end insert—

“(1A) A Minister of the Crown may not exercise any power to make regulations conferred by this Act unless a Legislative Consent Motion approving a draft of the regulations has been passed by the Northern Ireland Assembly.”

Colum Eastwood **Not called** 51
 Claire Hanna
 Stephen Farry

Clause 22, page 11, line 16, at end insert—

“(1A) A Minister of the Crown may not exercise any power to make regulations conferred by this Act before a Minister of the Crown has presented a draft of the regulations to the UK-EU Joint Committee for discussion and has laid a full report setting out the details of those discussions before each House of Parliament and provided a copy to the Speaker of the Northern Ireland Assembly.”

Colum Eastwood **Not called** 55
 Claire Hanna
 Stephen Farry

Clause 22, page 11, line 16, at end insert—

“(1A) A Minister of the Crown may not exercise any power to make regulations conferred by this Act in contravention of views agreed by the North-South Ministerial Council on EU matters, including those regarding future policies, legislative proposals and programmes under consideration in the EU framework as provided for in Paragraph 17 of Strand Two of the Belfast Agreement.”

Colum Eastwood **Not called** 53
 Claire Hanna
 Stephen Farry

Clause 22, page 12, line 15, at end insert—

“(6A) A Minister may not exercise the power to make regulations under subsection (6) with respect to a devolved authority in Northern Ireland unless the exercise of any power by that devolved authority is approved by the First Minister and deputy First Minister acting jointly—

- (a) on behalf of the Northern Ireland Executive,
- (b) following a resolution by the Northern Ireland Assembly,

or both.”

Clause agreed to.

Richard Thomson **Not called** 19

Clause 23, page 12, line 25, leave out from “to” to “unless” in line 26 and insert “draft affirmative procedure”

Richard Thomson Not called 20

Clause 23, page 12, line 33, leave out “draft affirmative procedure” and insert “super-affirmative procedure (see section (*Super-affirmative resolution procedure: general provisions*))”

Richard Thomson Not called 21

Clause 23, page 12, line 33, leave out from “procedure” to the end of line 37

Richard Thomson Not called 22

Clause 23, page 12, line 38, leave out subsections (7) to (9)

Clause agreed to.

Clause 25 agreed to.

Sir Robert Neill Not called 2
 Sir Roger Gale
 Damian Green

Clause 26, page 15, line 41, leave out subsections (2) to (5) and insert—

- “(2A) This section comes into force on the day on which this Act is passed.
- (2B) The other provisions of this Act come into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.
- (2C) A statutory instrument containing regulations under subsection (2B) may not appoint a day for the commencement of any section unless—
- (a) a Minister of the Crown has moved a motion in the House of Commons to the effect that a section or sections 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.
- (2D) Regulations under subsection (2B) may—
- (a) appoint different days for different purposes;
 - (b) make transitional or saving provision in connection with the coming into force of any provision of this Act.”

Mr David Lammy **Not called** 33
 Peter Kyle
 Stephen Doughty

Clause 26, page 15, line 42, after “section” insert “, section [*consistency with international law*]”

Colum Eastwood **Not selected** 54
 Claire Hanna

Clause 26, page 15, line 42, after “sections” insert “section [*UK-EU Joint Committee: reduction of sanitary and phytosanitary checks*] and”

Stephen Farry **Negated on division** 3
 Claire Hanna
 Colum Eastwood
 Layla Moran
 Mr Alistair Carmichael

Clause 26, page 15, line 44, at beginning insert “Provided that the Northern Ireland Assembly has first passed a resolution indicating support for this Act,”

Stephen Farry **Not called** 4
 Claire Hanna
 Colum Eastwood
 Layla Moran
 Mr Alistair Carmichael

Clause 26, page 15, line 45, at end insert—

- “(3A) A motion for a resolution of the Northern Ireland Assembly referred to in subsection (3) must be tabled by either—
- (a) the First Minister and Deputy First Minister jointly, or
 - (b) any Member of the Northern Ireland Assembly.”

Sir Robert Neill **Not called** 47
 Damian Green

Clause 26, page 15, line 45, at end insert—

- “(3A) Regulations under subsection (3) may not be made unless a draft of the regulations has been laid before, and approved by resolution of, each House of Parliament, except that regulations under subsection (2) relating to tax or customs matters may not be made unless a draft of the regulations has been laid before, and approved by resolution of, the House of Commons.”

Clause agreed to.

Richard Thomson

Not called NC6

To move the following Clause—

“Super-affirmative resolution procedure: general provisions

- (1) For the purposes of this Act the “super-affirmative resolution procedure” in relation to the making of regulations subject to the super-affirmative resolution procedure is as follows.
- (2) The Minister of the Crown must have regard to—
 - (a) any representations,
 - (b) any resolution of either House of Parliament, and
 - (c) any recommendations of a committee of either House of Parliament charged with reporting on the draft regulations, made during the 60-day period with regard to the draft regulations.
- (3) If, after the expiry of the 60-day period, the Minister of the Crown wishes to make regulations in the terms of the draft, the Minister of the Crown must lay before each House of Parliament a statement—
 - (a) stating whether any representations were made under subsection (2)(a); and
 - (b) if any representations were so made, giving details of them.
- (4) The Minister of the Crown may after the laying of such a statement make regulations in the terms of the draft if the regulations are approved by a resolution of each House of Parliament.
- (5) However, a committee of either House charged with reporting on the draft regulations may, at any time after the laying of a statement under subsection (3) and before the draft regulations are approved by that House under subsection (4), recommend under this subsection that no further proceedings be taken in relation to the draft regulations.
- (6) Where a recommendation is made by a committee of either House under subsection (5) in relation to draft regulations, no proceedings may be taken in relation to the draft regulations in that House under subsection (4) unless the recommendation is, in the same Session, rejected by resolution of that House.
- (7) If, after the expiry of the 60-day period, the Minister of the Crown wishes to make regulations order consisting of a version of the draft regulations with material changes, the Minister of the Crown lay before Parliament—
 - (a) revised draft regulations; and
 - (b) a statement giving details of—
 - (i) any representations made under subsection (2)(a); and
 - (ii) the revisions proposed.

- (8) The Minister of the Crown may after laying revised draft regulations and a statement under subsection (7) make regulations in the terms of the revised draft regulations if the revised draft regulations are approved by a resolution of each House of Parliament.
- (9) However, a committee of either House charged with reporting on the revised draft regulations may, at any time after the revised draft regulations are laid under subsection (7) and before the revised draft regulations are approved by that House under subsection (8), recommend under this subsection that no further proceedings be taken in relation to the revised draft regulations.
- (10) Where a recommendation is made by a committee of either House under subsection (9) in relation to revised draft regulations, no proceedings may be taken in relation to the revised draft regulations in that House under subsection (8) unless the recommendation is, in the same Session, rejected by resolution of that House.
- (11) For the purposes of subsections (4) and (8) regulations are made in the terms of draft regulations if the regulations contain no material changes to the provisions of the draft regulations.
- (12) In this section the “60-day period” means the period of 60 days beginning with the day on which the draft regulations were laid before Parliament under section 23 of this Act.”

Mr David Lammy
Peter Kyle
Stephen Doughty

Not called NC11

To move the following Clause—

“Consistency with international law

- (1) A Minister of the Crown must not make regulations under this Act unless both the conditions in subsections (2) and (5) have been satisfied.
- (2) The condition in this subsection is that a Minister of the Crown has laid before both Houses of Parliament a consistency report from a qualified person in relation to the provisions of the Northern Ireland Protocol that are, in consequence of the regulations, to become excluded provision (“the provisions at issue”).
- (3) For the purposes of subsection (2), a “consistency report” is a report as to whether, in the opinion of the qualified person, it is consistent with the international obligations of the United Kingdom for the provisions at issue to become excluded provision, and which—
 - (a) sets out the reasons for its conclusions;
 - (b) sets out the steps taken by the qualified person to obtain the views of persons appearing to the qualified person to have appropriate expertise in questions of international law; and
 - (c) attaches, or contains references to a publicly available version of, all materials considered by the qualified person in the course of preparing the report.

- (4) For the purposes of subsection (2) a “qualified person” is a judge or former judge of—
- (a) the Supreme Court of the United Kingdom;
 - (b) the Court of Appeal of England and Wales;
 - (c) the Inner House of the Court of Session; or
 - (d) the Court of Appeal of Northern Ireland.
- (5) The condition in this subsection is that—
- (a) the House of Commons has approved a resolution to take note of the consistency report on a motion moved by a Minister of the Crown; and
 - (b) a motion for the House of Lords to take note of the consistency report has been tabled in the House of Lords by a Minister of the Crown and—
 - (i) the House of Lords has approved a resolution to take note of the report, 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 (a).”

Mr David Lammy
Peter Kyle
Stephen Doughty

Negatived on division NC12

To move the following Clause—

“Adjudications of matters pertaining to international law

No later than two weeks after any finding by any international court, tribunal or arbitration panel that any provision of this Act, or any action taken by a Minister in exercise of powers granted by this Act, is inconsistent with the international obligations of the United Kingdom, a Minister of the Crown must—

- (a) report to each House of Parliament setting out the extent to which the relevant court, tribunal or arbitration panel has found that any provision of, or any exercise of power under, this Act is inconsistent with the international legal obligations of the United Kingdom; and
- (b) set out what steps Ministers propose take in order to bring the United Kingdom into compliance with those international obligations.”

Colum Eastwood
Claire Hanna

Not called NC16

To move the following Clause—

“Impact assessment

Within six months of a Minister of the Crown exercising any power conferred by this Act to make regulations, a Minister of the Crown must publish a full impact assessment of the effect of the regulations on businesses and consumers in Northern Ireland.”

Colum Eastwood
Claire Hanna

Not called NC17

To move the following Clause—

“Consent of the Northern Ireland Assembly

- (1) A Minister of the Crown may not exercise the powers to make regulations conferred by this Act before a Legislative Consent Motion approving a draft of the regulations has been passed by the Northern Ireland Assembly.
- (2) A Minister of the Crown must, at the end of the relevant period, seek a Legislative Consent Motion approving the continued application of regulations made under the powers conferred by this Act.
- (3) For the purposes of subsection (2), the “relevant period” is—
 - (a) the period ending four years after the powers are exercised; or
 - (b) the period ending eight years after the powers are exercised where the original Legislative Consent Motion was approved by—
 - (i) the support of a majority of Members, a majority of designated Nationalists and a majority of Unionists,
 - (ii) the support of 60 per cent of Members, 40 per cent of designated Nationalists and 40 per cent of designated Unionists, or
 - (iii) the support of two thirds of Members.”

Colum Eastwood
Claire Hanna

Not called NC19

To move the following Clause—

“Expiry

- (1) The powers conferred by this Act upon a Minister of the Crown will expire if the Northern Ireland Assembly passes a resolution pursuant to Article 18 of the Northern Ireland Protocol (Democratic Consent in Northern Ireland).
- (2) A resolution of the Northern Ireland Assembly under subsection (1) can only pass with one or more of the following measures of representational support—
 - (a) the support of a majority of Members, a majority of designated Nationalists and a majority of Unionists,
 - (b) the support of 60 per cent of Members, 40 per cent of designated Nationalists and 40 per cent of designated Unionists, or
 - (c) the support of two thirds of Members.”

Colum Eastwood
Claire Hanna

Not selected NC20

To move the following Clause—

“Report on the Economy in Northern Ireland (No. 2)

- (1) A Minister of the Crown must, at least once in every six months from the day on which this Act is passed, lay before each House of Parliament and provide to the Speaker of the Northern Ireland Assembly a report detailing the Minister’s assessment of the state of economic sectors in Northern Ireland that are not addressed in the Northern Ireland Protocol.
- (2) The sectors include, in particular—
 - (a) financial services;
 - (b) tourism;
 - (c) telecommunications;
 - (d) labour availability;
 - (e) cross-border data sharing;
 - (f) healthcare;
 - (g) further and higher education; and
 - (h) research collaboration.
- (3) In preparing the report, the Minister must—
 - (a) consult with such other persons as the Minister considers appropriate representatives of the sectors set out in subsection (2); and
 - (b) take into account—
 - (i) relevant decisions and discussions in the North-South Ministerial Council,

- (ii) the remits of implementation bodies, and
- (iii) the UK-EU commitment to protect the basis for further potential North-South cooperation expressed in Article 11 of the Northern Ireland Protocol.”

Bill read the third time on division, and passed.

Glossary

Added: New Clause agreed without a vote and added to the Bill.

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negated: rejected without a vote.

Negated on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Chair.
