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Committee Stage: Tuesday 29 November 2022

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## Retained EU Law (Revocation and Reform) 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 Eighth Sittings

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### *First and Second Sittings*

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Ms Nusrat Ghani

Agreed to

That—

(1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 8 November) meet—

- (a) at 2.00 pm on Tuesday 8 November;
- (b) at 9.25 am and 2.00 pm on Tuesday 22 November;
- (c) at 11.30 am and 2.00 pm on Thursday 24 November;
- (d) at 9.25 am and 2.00 pm on Tuesday 29 November;

(2) the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Tuesday 8 November	Until no later than 9.50 am	Sir Stephen Laws KCB KC
Tuesday 8 November	Until no later than 10.25 am	Professor Catherine Barnard, Professor of European & Employment Law, University of Cambridge; Professor Alison Young;

Date	Time	Witness
		Sir David Williams, Professor of Public Law, University of Cambridge
Tuesday 8 November	Until no later than 10.55 am	Tom Sharpe KC, One Essex Court; Martin Howe KC, 8 New Square
Tuesday 8 November	Until no later than 11.25 am	The Bar Council; Eleanor Duhs, Bates Wells
Tuesday 8 November	Until no later than 2.35 pm	Sir Richard Aikens, Brick Court Chambers; Barnabas Reynolds, Shearman and Sterling; Jack Williams, Monckton Chambers
Tuesday 8 November	Until no later than 3.05 pm	Sir Jonathan Jones KC, Linklaters; Hansard Society
Tuesday 8 November	Until no later than 3.35 pm	Trades Union Congress; Unison
Tuesday 8 November	Until no later than 4.20 pm	Green Alliance; Wildlife & Countryside Link; Unchecked UK; RSPCA
Tuesday 8 November	Until no later than 4.40 pm	The Scottish Government
Tuesday 8 November	Until no later than 5.10 pm	Law Society of Scotland; Charles Whitmore, Research Associate, Cardiff University; Dr Viviane Gravey, Senior Lecturer, Queen's University Belfast

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 10, Schedule 1, Clauses 11 to 20, Schedules 2 and 3, Clauses 21 to 23, new Clauses, new Schedules, remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 29 November.

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**Ms Nusrat Ghani**

**Agreed to**

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

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**Ms Nusrat Ghani**

**Not moved**

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

**The following Witnesses gave oral evidence:**

**Sir Stephen Laws KCB KC**, Former First Parliamentary Counsel

**Professor Catherine Barnard**, Professor of European & Employment Law, University of Cambridge, and **Professor Alison Young**, **Sir David Williams** Professor of Public Law, University of Cambridge

**Martin Howe KC**, 8 New Square, and **Tom Sharpe KC**, One Essex Court

**Mark Fenhalls KC**, Chair, Bar Council, **George Peretz KC**, Working Group on REUL, Bar Council, and **Eleonor Duhs**, Partner, Head of Data Privacy, Bate Wells

**Barnabas Reynolds**, Shearman and Sterling, **Sir Richard Aikens**, Brick Court Chambers, and **Jack Williams**, Monckton Chambers

**Sir Jonathan Jones KC**, former Treasury Solicitor, and **Dr Ruth Fox**, Director, Hansard Society

**Tim Sharp**, Senior Policy Officer, TUC, and **Shantha David**, Head of Legal Services, Unison

**Ruth Chambers**, Senior Fellow, Green Alliance, **Dr Richard Benwell**, CEO, Wildlife & Countryside Link, **David Bowles**, Head of Public Affairs and Campaigns, RSPCA, and **Phoebe Clay**, Co-director, Unchecked UK

**Angus Robertson MSP**, Cabinet Secretary for the Constitution, External Affairs and Culture, Scottish Government

**Michael Clancy OBE**, Director of Law Reform, Law Society of Scotland, **Charles Whitmore**, Research Associate, School of Law and Politics, Cardiff University, and **Dr Viviane Gravey**, School of History, Anthropology, Philosophy and Politics, Queen's University Belfast

*Third and Fourth Sitings*

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**Brendan O'Hara**

Peter Grant  
Justin Madders  
Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

**Withdrawn after debate 26**

Clause 1, page 1, line 4, leave out "2023" and insert "2026"

**Member's explanatory statement**

This amendment, together with Amendment 28, changes the date that the revocation of EU-derived subordinate legislation and retained direct EU legislation would take effect to the end of 2026.

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**Brendan O'Hara**

**Negated on division 68**

Peter Grant

Clause 1, page 1, line 6, at end insert—

- “(1A) Subsection (1) does not apply to an instrument, or a provision of an instrument, that—
- (a) would be within the legislative competence of the Scottish Parliament if it were contained in an Act of the Scottish Parliament, or
  - (b) could be made in subordinate legislation by the Scottish Ministers, the First Minister or the Lord Advocate acting alone.”

**Member's explanatory statement**

This amendment restricts the automatic revocation or “sunsetting” of EU-derived subordinate legislation and retained direct EU legislation under Clause 1 of the Bill so that it does not apply to legislation that is within the legislative competence of the Scottish Parliament.

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**Justin Madders**

**Negated on division 90**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

Clause 1, page 1, line 6, at end insert—

- “(1A) Schedule [the Definitive List] sets out a complete list of instruments to be revoked by subsection (1) (referred to as the “Definitive List”).
- (1B) The Secretary of State must by regulation add all relevant instruments referred to in subsection (1), so far as they are known to the Secretary of State at that date, to the Definitive List within 14 days of the date of Royal Assent to this Act.”

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**Justin Madders**

**Not called 91**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

Clause 1, page 1, line 7, leave out subsection (2) and insert—

- “(2) Before 30 June 2023 a relevant national authority must consult such organisations as appear to it to be representative of interests substantially

affected by the inclusion of an instrument in the Definitive List, and any other persons potentially affected as the relevant national authority considers appropriate.

- (2A) Following the consultation referred to in subsection (2), where a relevant national authority considers it appropriate, it may by regulations made no later than 31 May 2023—
- (a) add any EU-derived subordinate legislation or retained direct EU legislation to the Definitive List, or
  - (b) remove any EU-derived subordinate legislation or retained direct EU legislation from the Definitive List.
- (2B) No later than 30 June 2023 the Secretary of State must publish and lay a report before Parliament setting out—
- (a) a summary of the objectives and effect in law of each instrument listed in the Definitive List and of the legal consequences of its revocation;
  - (b) whether that instrument affords any protections for consumers, workers, businesses, the environment, or animal welfare, and, if so, whether and how that protection is to be continued when the instrument is revoked;
  - (c) any benefits which are expected to flow from the revocation of that instrument;
  - (d) the consultation undertaken as required by subsection (2), together with any representations received in the course of the consultation;
  - (e) the reason why the relevant national authority considers that it is appropriate to revoke the instrument having considered those representations;
  - (f) the likely effect of the revocation of that instrument on the operation of the Trade and Cooperation Agreement between the United Kingdom and the EU, and on UK exports of goods or services to the European Economic Area; and
  - (g) the likely effect of the revocation of that instrument on the operation of the Protocol on Ireland/Northern Ireland in the EU Withdrawal Agreement.
- (2C) The Secretary of State must by regulations remove an instrument from the Definitive List following an order of either House of Parliament (or, as the case may be, the Scottish Parliament, Senedd Cymru, or the Northern Ireland Assembly) calling on the Secretary of State to remove that instrument from the Definitive List.
- (2D) If the Secretary of State is required by subsection (2C) to make regulations removing any instrument from the Definitive List but the Secretary of State has either—
- (a) not made such regulations, or
  - (b) has made such regulations but they will not come into force on or before 31 December 2023,
- then such regulations will be deemed to have been made and to have come into force on 31 December 2023.””

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**Brendan O'Hara**

**Withdrawn after debate 22**

Peter Grant

Clause 1, page 1, line 9, at end insert—

“(2A) Subsection (1) does not apply unless a motion approving the revocation of any piece of legislation to be revoked has been passed by the House of Commons, the Scottish Parliament, Senedd Cymru and the Northern Ireland Assembly.”

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**Justin Madders**

**Negated on division 73**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glindon

Clause 1, page 1, line 9, at end insert—

“(2A) Subsection (1) does not apply to the following instruments—

- (a) Management of Health and Safety at Work Regulations 1999,
- (b) Children and Young Person Working Time Regulations 1933,
- (c) Posted Workers (Enforcement of Employment Rights) Regulations 2020,
- (d) Part Time Employees (Prevention of Less Favourable Treatment) Regulations 2000,
- (e) Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002,
- (f) Transfer of Undertakings (Protection of Employment) Regulations 2006,
- (g) Information and Consultation of Employees Regulations 2004,
- (h) Road Transport (Working Time) Regulations 2005,
- (i) Working Time Regulations 1998,
- (j) Agency Workers Regulations 2010,
- (k) Maternity and Parental Leave etc Regulations 1999,
- (l) Trade Secrets (Enforcement etc) Regulations 2018,
- (m) The Health and Safety (Consultation with Employees) Regulations 1996, and
- (n) Information and Consultation of Employees Regulations 2004.”

**Member's explanatory statement**

This amendment would exclude certain regulations which provide for workers' protections from the sunset in subsection (1).

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**Justin Madders**

**Negated on division 74**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glindon

Clause 1, page 1, line 9, at end insert—

“(2A) Subsection (1) does not apply to the following instruments—

- (a) The REACH Regulation and the REACH Enforcement Regulations 2008,
- (b) The Conservation of Habitats and Species Regulations 2017,
- (c) The Conservation of Offshore Marine Habitats and Species Regulations 2017,
- (d) The Urban Waste Water Treatment (England and Wales) Regulations 1994,
- (e) The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010,
- (f) The Bathing Waters Regulations 2013,
- (g) Water Environment (Water Framework Directive) (England and Wales) Regulations 2017,
- (h) The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 (also known as the Farming Rules for Water),
- (i) The Marine Strategy Regulations 2010,
- (j) The Marine Works (Environmental Impact Assessment) Regulations 2007,
- (k) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017,
- (l) The Plant Protection Products Regulations 1107/2009,
- (m) The Sustainable Use Directive Regulation (EC) 396/2005,
- (n) The National Emission Ceilings Regulations 2018,
- (o) Invasive Alien Species (Enforcement and Permitting) Order (2019),
- (p) Directive 2010/63 on the protection of animals used for scientific purposes,
- (q) Directive 1999/74 laying down minimum standards for the protection of laying hens,
- (r) Regulation 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof, and
- (s) The Welfare of Animals (Transport) (England) Order 2006.”

**Member's explanatory statement**

This amendment would exclude certain legislation which provides for environmental protections from the sunset in subsection (1).

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**Justin Madders**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

**Negated on division 75**

Clause 1, page 1, line 9, at end insert—

“(2A) Subsection (1) does not apply to the following instruments—

- (a) The Civil Aviation (Denied Boarding, Compensation and Assistance) Regulations 2005,
- (b) Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations,
- (c) The Consumer Rights (Payment Surcharges) Regulations 2012,
- (d) The Electrical Equipment (Safety) Regulations 2016,
- (e) The Toys (Safety) Regulations 2011,
- (f) The Control of Asbestos Regulations 2012,
- (g) The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015,
- (h) The Cocoa and Chocolate Products (England) Regulations 2003,
- (i) Commission Regulation (EU) No 748/2012 of 3 August 2012,
- (j) The Representation of the People (England and Wales) Regulations 2001, and
- (k) The Bauer [C-168/18] and Hampshire [C-17/17] judgements."

**Member's explanatory statement**

This amendment would exclude certain retained EU law which provides for consumer protections from the sunset in subsection (1).

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**Ms Nusrat Ghani**

**Agreed to Gov 2**

Clause 1, page 1, line 10, after "instrument" insert ", or a provision of an instrument,"

**Member's explanatory statement**

This amendment and Amendment 3 provide that the revocation of a provision of an instrument does not affect any amendment made by the provision to any other enactment.

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**Ms Nusrat Ghani**

**Agreed to Gov 3**

Clause 1, page 1, line 11, after "instrument" insert "or provision"

**Member's explanatory statement**

See the statement for Amendment 2.

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**Ms Nusrat Ghani**

**Agreed to Gov 4**

Clause 1, page 2, line 3 at end insert—

- "(6) Any reference in regulations under subsection (2) to an instrument or a provision of an instrument is, unless otherwise stated, to the instrument or provision as it subsists immediately before the time when the revocation under subsection (1) would otherwise apply in relation to it."

**Member's explanatory statement**

This amendment clarifies that the effect of regulations under subsection (2) exempting an instrument (or a provision of an instrument) from the sunset is to exempt that instrument (or that provision) as it subsists immediately before the sunset.

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**Brendan O'Hara**

**Not selected 16**

Peter Grant

Page 1, line 2, leave out Clause 1

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**Clause, as amended, agreed to on division.**


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**Justin Madders**

**Withdrawn after debate 72**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glindon

Clause 2, page 2, line 5, leave out "Minister of the Crown" and insert "relevant national authority"

**Member's explanatory statement**

This amendment provides devolved assemblies the power to make the decision to delay the sunset of legislation, and not just a Minister of the Crown.

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**Brendan O'Hara**

**Not called 28**

Peter Grant

Clause 2, page 2, line 8, leave out "2023" and insert "2026"

**Member's explanatory statement**

This amendment, together with Amendment 26, changes the date that the revocation of EU-derived subordinate legislation and retained direct EU legislation would take effect to the end of 2026.

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**Brendan O'Hara**

**Negated on division 31**

Peter Grant

Clause 2, page 2, line 8, at end insert—

“(1A) Subsection (1) has effect in relation to provision which is within the competence of the Scottish Ministers as if, after “A Minister of the Crown”, there were inserted “or the Scottish Ministers”.

- (1B) A provision is within the devolved competence of the Scottish Ministers for the purposes of this section if—
- (a) it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament, or
  - (b) it is provision which could be made in other subordinate legislation by the Scottish Ministers, the First Minister or the Lord Advocate acting alone.”

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**Brendan O'Hara**

**Withdrawn after debate 32**

Peter Grant

Clause 2, page 2, line 10, leave out subsection (3)

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**Brendan O'Hara**

**Not called 29**

Peter Grant

Clause 2, page 2, line 11, leave out “2026” and insert “2029”

**Member's explanatory statement**

This amendment changes the date that the revocation of EU-derived subordinate legislation and retained direct EU legislation may be extended to, up to a final deadline of 23 June 2029.

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**Brendan O'Hara**

**Not selected 17**

Peter Grant

Page 2, line 4, leave out Clause 2

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**Clause agreed to.**

*Fifth and Sixth Sittings*

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**Brendan O'Hara**

**Not selected 18**

Peter Grant

Page 2, line 12, leave out Clause 3

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**Clause agreed to.**

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**Brendan O'Hara**

**Not selected 33**

Peter Grant

Page 2, line 21, leave out Clause 4

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**Clause agreed to.**

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**Brendan O'Hara**

**Not selected 34**

Peter Grant

Page 3, line 11, leave out Clause 5

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**Clause agreed to.**

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**Clause 6 agreed to.**

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**Justin Madders**

**Withdrawn after debate 79**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

Clause 7, page 4, line 32, at end insert—

- “(d) the undesirability of disturbing settled understandings of the law, on the basis of which individuals and businesses may have made decisions of importance to them;
- (e) the importance of legal certainty, clarity and predictability; and
- (f) the principle that significant changes in the law should be made by Parliament (or, as the case may be, the relevant devolved legislature).”

**Member's explanatory statement**

This amendment adds further conditions for higher courts to regard when deciding to diverge from retained EU case law.

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**Brendan O'Hara**

**Withdrawn after debate 38**

Peter Grant

Clause 7, page 5, line 39, after “court)” insert “in England and Wales or Northern Ireland”

**Member's explanatory statement**

This amendment, together with Amendments 39 to 47 and (a) to Amendment 5, would remove the Scottish courts and Scottish law officers from the case law reference procedure provided for by new sections 6A, 6B and 6C of the EU Withdrawal Act 2018.

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**Brendan O'Hara**

**Not called 39**

Peter Grant

Clause 7, page 5, line 42, leave out from "Court," to the end of line 2 on page 6

**Member's explanatory statement**

See explanatory statement to Amendment 38.

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**Brendan O'Hara**

**Not called 40**

Peter Grant

Clause 7, page 6, line 35, after "court)" insert "in England and Wales or Northern Ireland"

**Member's explanatory statement**

See explanatory statement to Amendment 38.

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**Brendan O'Hara**

**Not called 41**

Peter Grant

Clause 7, page 7, leave out lines 4 and 5

**Member's explanatory statement**

See explanatory statement to Amendment 38.

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**Brendan O'Hara**

**Withdrawn after debate 35**

Peter Grant

Clause 7, page 7, line 4, leave out ", if the point of law relates to the meaning or effect of relevant Scotland legislation"

**Member's explanatory statement**

This amendment, together with Amendment 36, modifies the points of law on which the Lord Advocate may make a reference under the new section 6B of the European Union (Withdrawal) Act 2018 so that it is not restricted to points of law which relate to the meaning or effect of relevant Scotland legislation.

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**Brendan O'Hara**

**Not called 37**

Peter Grant

Clause 7, page 7, line 5, after "legislation" insert ", or to the retained functions of the Lord Advocate (within the meaning of section 52(6) of the Scotland Act 1998)"

**Member's explanatory statement**

This amendment modifies the points of law on which the Lord Advocate may intervene under the new section 6B of the European Union (Withdrawal) Act 2018 so that the power to intervene may be exercised in relation to points of law which concern the retained functions of the Lord Advocate.

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**Brendan O'Hara**

**Not called 42**

Peter Grant

Clause 7, page 7, line 19, leave out from "Court," to the end of line 21

**Member's explanatory statement**

See explanatory statement to Amendment 38.

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**Brendan O'Hara**

**Not called 36**

Peter Grant

Clause 7, page 8, leave out lines 8 to 21

**Member's explanatory statement**

This amendment, which is consequential to Amendment 35, modifies the points of law on which the Lord Advocate may make a reference under the new section 6B of the European Union (Withdrawal) Act 2018, omitting the definition of "relevant Scotland legislation" from section 6B.

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**Brendan O'Hara**

**Not called 44**

Peter Grant

Clause 7, page 8, line 40, leave out ", the Advocate General for Scotland"

**Member's explanatory statement**

See explanatory statement to Amendment 38.

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**Brendan O'Hara**

**Not called 45**

Peter Grant

Clause 7, page 9, line 2, after "court", insert "in England and Wales or Northern Ireland"

**Member's explanatory statement**

See explanatory statement to Amendment 38.

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**Ms Nusrat Ghani**

**Agreed to Gov 5**

Clause 7, page 9, leave out lines 5 and 6 and insert—

“(2) The following are entitled to notice of the proceedings—

- (a) each UK law officer;
- (b) the Lord Advocate;
- (c) the Counsel General for Wales;
- (d) the Attorney General for Northern Ireland.”

5

**Member's explanatory statement**

This amendment and Amendment 6 leave out the definition of “devolved law officer” from subsection (5) of new section 6C of EUWA and instead mention each devolved law officer in subsection (2) of that section.

As an Amendment to Ms Nusrat Ghani’s proposed Amendment 5:—

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**Brendan O'Hara**

**Not called (a)**

Peter Grant

Line 4, leave out “(b) the Lord Advocate”

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**Brendan O'Hara**

**Not called 46**

Peter Grant

Clause 7, page 9, leave out lines 10 and 11

**Member's explanatory statement**

See explanatory statement to Amendment 38.

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**Brendan O'Hara**

**Not called 93**

Peter Grant

Clause 7, page 9, line 10, leave out “, if the argument relates to the meaning or effect of relevant Scotland legislation”

**Member's explanatory statement**

This amendment, together with Amendment 48, modifies the arguments in legal proceedings on which the lord Advocate may intervene under the new section 6C of the European Union (Withdrawal)

Act 2018 so that that section is not restricted to arguments which relate to the meaning or effect of relevant Scotland legislation.

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**Brendan O'Hara**

**Not called 47**

Peter Grant

Clause 7, page 9, line 11, after "legislation" insert ", or to the retained functions of the Lord Advocate (within the meaning of section 52(6) of the Scotland Act 1998)"

**Member's explanatory statement**

See explanatory statement to Amendment 38.

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**Ms Nusrat Ghani**

**Agreed to Gov 6**

Clause 7, page 9, leave out lines 20 and 21

**Member's explanatory statement**

See the statement for Amendment 5.

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**Brendan O'Hara**

**Not called 48**

Peter Grant

Clause 7, page 9, line 22, leave out "relevant Scotland legislation,"

**Member's explanatory statement**

This amendment, which is consequential to Amendment 93, modifies the arguments in legal proceedings on which the Lord Advocate may intervene under the new section 6C of the European Union (Withdrawal) Act 2018, omitting the definition of "relevant Scotland legislation" from section 6C.

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**Brendan O'Hara**

**Withdrawn after debate 49**

Peter Grant

Clause 7, page 9, line 33, at end insert—

"(11) Within three months of the passage of this Act, the Secretary of State must lay before both Houses of Parliament an assessment of the impact of this section on the commitment of the UK enshrined in article 2(2) of the Northern Ireland Protocol."

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**Clause, as amended, agreed to.**

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**Clause agreed to.**

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**Justin Madders****Withdrawn after debate 80**Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

Clause 9, page 10, line 36, at end insert—

“(4A) Within 28 days of the making of an incompatibility order, a Minister of the Crown must, by written statement, set out the Government’s view on the incompatibility. The statement must include consideration of the impact the incompatibility order has on rights of and protections for consumers, workers, and businesses, and protections of the environment and animal welfare, and whether the Government intends to produce regulations to revoke, amend or clarify the law in light of the order.”

**Member's explanatory statement**

This amendment requires ministers to set out, through a ministerial statement, their position on an incompatibility order that includes a consideration of the impact it will have on the rights of people.

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**Brendan O'Hara****Withdrawn after debate 50**

Peter Grant

Clause 10, page 11, line 12, leave out paragraph (b) and insert—

“(b) for sub-paragraph (2), substitute—

(2) Power may only be exercised by virtue of sub-paragraph (1) if—

- (a) a written statement explaining the modification has been published by the Secretary of State,
- (b) the Secretary of State has made an oral statement on the modification to both Houses of Parliament, and
- (c) the Secretary of State has published an assessment of the impact of the modification.”

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**Brendan O'Hara****Withdrawn after debate 51**

Peter Grant

Clause 10, page 11, line 18, leave out from “paragraph 3” to the end of line 23 and insert “may not be so made, confirmed or approved unless a draft of the legislation has been laid before, and approved by resolution of, (as the case may be) both Houses of Parliament, the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly.”

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**Clause agreed to.**

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**Schedule 1 agreed to.**

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**Justin Madders**

**Negatived on division 81**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

Clause 11, page 13, line 26, leave out subsections (1) and (2)

**Member's explanatory statement**

This amendment removes the subsections that omit and replace paragraphs 13, 14, and 15 from the European Withdrawal Act 2018, and thereby leaves intact the existing scrutiny procedure for instruments which amend or revoke subordinate legislation made under s2(2) of the ECA 1972.

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**Brendan O'Hara**

**Not Selected 52**

Peter Grant

Page 13, line 25, leave out Clause 11

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**Clause agreed to on division.**

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**Brendan O'Hara**

**Withdrawn after debate 53**

Peter Grant

Clause 12, page 15, line 1, leave out subsection (3)

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**Ms Nusrat Ghani**

**Agreed to Gov 8**

Clause 12, page 15, line 2, leave out "legislation" and insert "the thing"

**Member's explanatory statement**

This amendment provides that effects produced by virtue of the retained EU law referred to in subsection (5) do not apply in relation to anything that is codified.

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**Ms Nusrat Ghani**

**Agreed to Gov 9**

Clause 12, page 15, line 10, leave out “of legislation”

**Member's explanatory statement**

This amendment enables regulations to produce, in relation to anything that is codified, an effect equivalent to an effect mentioned in subsection (4).

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**Brendan O'Hara**

**Not called 54**

Peter Grant

Clause 12, page 15, line 13, leave out subsection (7)

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**Clause, as amended, agreed to.**

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**Ms Nusrat Ghani**

**Agreed to Gov 10**

Clause 13, page 15, line 29, leave out “legislation” and insert “thing”

**Member's explanatory statement**

This amendment provides that effects produced by virtue of the retained EU law referred to in subsection (4) do not apply in relation to anything that is codified.

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**Ms Nusrat Ghani**

**Agreed to Gov 11**

Clause 13, page 15, line 33, leave out “of legislation”

**Member's explanatory statement**

This amendment enables regulations to produce, in relation to anything that is codified, an effect equivalent to an effect mentioned in subsection (4).

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**Ms Nusrat Ghani**

**Agreed to Gov 12**

Clause 13, page 15, line 36, leave out “of legislation”

**Member's explanatory statement**

This amendment enables regulations to produce, in relation to anything that is codified, an effect equivalent to an effect mentioned in subsection (7).

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**Ms Nusrat Ghani**

**Agreed to Gov 13**

Clause 13, page 15, line 40, leave out “legislation” and insert “thing”

**Member's explanatory statement**

This amendment enables regulations to produce, in relation to anything that is codified, an effect equivalent to an effect mentioned in subsection (7).

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**Clause, as amended, agreed to.**

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**Justin Madders**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

**Negatived on division 82**

Clause 14, page 16, line 18, at end insert—

- “(1A) No regulations may be made under section 12 or 13 unless all the following conditions have been satisfied.
- (1B) The first condition is that the relevant national authority has consulted on a draft of the regulations with organisations and persons representative of interests substantially affected by, or with expertise in the likely legal effect of, those regulations.
- (1C) The second condition is that, after that consultation has concluded, the relevant national authority has laid a report before each House of Parliament (or, as the case may be, the Scottish Parliament, Senedd Cymru, or the Northern Ireland Assembly) setting out—
- (a) the authority’s view as to whether the proposed regulations make any change in the rights of and protections for consumers, workers, and businesses, and protections of the environment and animal welfare, and the reasons for that view;
  - (b) whether in making the regulations the national authority has considered using its discretion under section 12(6), section 13(6), or subsection (2), (3) or (4) of this section, and if so, the reason why it does or does not intend to exercise that discretion.
- (1D) The third condition is that a period of sixty days has passed since that report was laid, with no account to be taken of any time during which Parliament (or, as the case may be, the Scottish Parliament, Senedd Cymru, or the Northern Ireland Assembly) is dissolved or prorogued or during which it was adjourned for more than four days, and where they were laid before Parliament, paragraph 8(11)(a) of Schedule 3 shall apply in determining the commencement of that period.”

**Member's explanatory statement**

This amendment requires the national authority to consult on a draft text of “restatement” regulations, and to set out its reasoning on the choices made when drafting those regulations to Parliament or the relevant devolved legislature.

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**Justin Madders**

**Not called 83**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

Clause 14, page 16, line 26, at end insert—

“(3A) A restatement may not be made unless such consultation with relevant stakeholders as the relevant national authority considers appropriate has taken place on whether the conditions set out in subsection (3) are met.”

**Member's explanatory statement**

This amendment ensures that relevant stakeholders are consulted to ensure that the conditions for the exercise of the power to restate set under clause 14(3) are met.

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**Ms Nusrat Ghani**

**Agreed to Gov 14**

Clause 14, page 16, line 31, at end insert—

“(4A) Regulations under section 12 or 13 may not codify or reproduce the principle of the supremacy of EU law or a retained general principle of EU law.

(4B) Nothing in subsection (4A)—

- (a) prevents regulations under section 12 or 13 from codifying or reproducing, in relation to a particular enactment, an effect equivalent to an effect which is produced, or would but for sections 3 to 5 be produced, in relation to the enactment by virtue of the principle of supremacy of EU law or retained general principles of EU law, or
- (b) prevents regulations under section 12 or 13 which codify or reproduce anything which is or was retained EU law by virtue of section 4 of the European Union (Withdrawal) Act 2018 from producing an effect equivalent to an effect which is produced, or would but for sections 3 to 5 be produced, in relation to that thing by virtue of the principle of supremacy of EU law or retained general principles of EU law.”

**Member's explanatory statement**

This amendment and Amendment 15 clarify that the powers under Clauses 12 and 13 may not be used so as to codify or reproduce the principle of supremacy of EU law or a retained general principle of EU law.

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**Brendan O'Hara**

**Not called 56**

Peter Grant

Clause 14, page 16, line 32, leave out subsection (5)

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**Ms Nusrat Ghani**

**Agreed to Gov 15**

Clause 14, page 16, line 40, at end insert—

“(7A) In subsections (4A) and (4B) “retained general principles of EU law” has the same meaning as in section 12 or 13 (as the case may be).”

**Member's explanatory statement**

This amendment and Amendment 14 clarify that the powers under Clauses 12 and 13 may not be used so as to codify or reproduce the principle of supremacy of EU law or a retained general principle of EU law.

---

**Brendan O'Hara**

**Not called 55**

Peter Grant

Clause 14, page 17, line 2, at end insert—

“(9) Regulations under section 12 or 13 may not be made unless the relevant national authority has consulted all parties that authority considers relevant.”

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**Brendan O'Hara**

**Not called 23**

Peter Grant

Clause 15, page 17, line 4, at beginning insert “Subject to subsection (1A),”

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**Brendan O'Hara**

**Not called 24**

Peter Grant

Clause 15, page 17, line 5, at end insert—

“(1A) A Minister of the Crown may not make regulations under subsection (1) unless a motion approving the revocation of the secondary retained EU law has been passed by the House of Commons, the Scottish Parliament, Senedd Cymru and the Northern Ireland Assembly.

(1B) A motion under subsection (1A) must state the date on which the secondary retained EU law is to be repealed, and any regulations under subsection (1) which follow such a motion must provide for the revocation to take place on that date.”

---

**Justin Madders**

**Not called 76**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

Clause 15, page 17, line 5, at end insert—

- “(1A) Subsection (1) does not apply to the following instruments—
- (a) Management of Health and Safety at Work Regulations 1999,
  - (b) Children and Young Person Working Time Regulations 1933,
  - (c) Posted Workers (Enforcement of Employment Rights) Regulations 2020,
  - (d) Part Time Employees (Prevention of Less Favourable Treatment) Regulations 2000,
  - (e) Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002,
  - (f) Transfer of Undertakings (Protection of Employment) Regulations 2006,
  - (g) Information and Consultation of Employees Regulations 2004,
  - (h) Road Transport (Working Time) Regulations 2005,
  - (i) Working Time Regulations 1998,
  - (j) Agency Workers Regulations 2010,
  - (k) Maternity and Parental Leave etc Regulations 1999,
  - (l) Trade Secrets (Enforcement etc) Regulations 2018,
  - (m) The Health and Safety (Consultation with Employees) Regulations 1996, and
  - (n) Information and Consultation of Employees Regulations 2004.”

**Member's explanatory statement**

This amendment would exclude certain legislation which provides for workers' protections from the power to revoke without replacement in subsection (1).

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**Justin Madders**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glindon

**Not called 77**

Clause 15, page 17, line 5, at end insert—

- “(1A) Subsection (1) does not apply to the following instruments—
- (a) The REACH Regulation and the REACH Enforcement Regulations 2008,
  - (b) The Conservation of Habitats and Species Regulations 2017,
  - (c) The Conservation of Offshore Marine Habitats and Species Regulations 2017,
  - (d) The Urban Waste Water Treatment (England and Wales) Regulations 1994,
  - (e) The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010,
  - (f) The Bathing Waters Regulations 2013,
  - (g) Water Environment (Water Framework Directive) (England and Wales) Regulations 2017,

- (h) The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 (also known as the Farming Rules for Water),
- (i) The Marine Strategy Regulations 2010,
- (j) The Marine Works (Environmental Impact Assessment) Regulations 2007,
- (k) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017,
- (l) The Plant Protection Products Regulations 1107/2009,
- (m) The Sustainable Use Directive Regulation (EC) 396/2005,
- (n) The National Emission Ceilings Regulations 2018,
- (o) Invasive Alien Species (Enforcement and Permitting) Order (2019),
- (p) Directive 2010/63 on the protection of animals used for scientific purposes,
- (q) Directive 1999/74 laying down minimum standards for the protection of laying hens,
- (r) Regulation 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof, and
- (s) The Welfare of Animals (Transport) (England) Order 2006.”

#### Member's explanatory statement

This amendment would exclude certain legislation which provides for environmental protections from the power to revoke without replacement in subsection (1).

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**Justin Madders**

**Not called 78**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

Clause 15, page 17, line 5, at end insert—

“(1A) Subsection (1) does not apply to the following instruments—

- (a) The Civil Aviation (Denied Boarding, Compensation and Assistance) Regulations 2005,
- (b) Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers’ rights and obligations,
- (c) The Consumer Rights (Payment Surcharges) Regulations 2012,
- (d) The Electrical Equipment (Safety) Regulations 2016,
- (e) The Toys (Safety) Regulations 2011,
- (f) The Control of Asbestos Regulations 2012,
- (g) The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015,
- (h) The Cocoa and Chocolate Products (England) Regulations 2003,
- (i) Commission Regulation (EU) No 748/2012 of 3 August 2012,

- (j) The Representation of the People (England and Wales) Regulations 2001, and
- (k) The Bauer [C-168/18] and Hampshire [C-17/17] judgements.”

**Member's explanatory statement**

This amendment would exclude certain legislation which provides for consumer protections from the power to revoke without replacement in subsection (1).

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**Justin Madders****Withdrawn after debate 84**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glindon

Clause 15, page 17, line 30, at end insert—

“(4A) No regulations may be made under this section unless the conditions set out in section [*Conditions on the exercise of powers under section 15 and 16*] have been complied with.”

**Member's explanatory statement**

This amendment ensures that the powers to revoke or replace would be subject to restrictions as laid out in NC9.

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**Justin Madders****Negated on division 85**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glindon

Clause 15, page 17, line 31, leave out subsections (5) and (6)

**Member's explanatory statement**

This amendment will remove the restriction on the replacement of EU law that states it must not add to the regulatory burden.

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**Justin Madders****Not called 94**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glindon

Clause 15, page 17, line 37, at end insert—

“(6A) No provision may be made under this section unless the relevant national authority considers that the effect of the provision will lead to an increase in levels of environmental protection.

- (6B) The relevant national authority must consult its environmental governance body before making any provision under this section.
- (6C) The relevant national authority must publish any advice it receives from its environmental governance body, as well as the authority's response and reasons for any departure from this advice, and lay these documents before the relevant parliament or assembly.
- (6D) No provision may be made by the relevant national authority under this section until the final version of its policy statement or statutory guidance on environmental principles, as set out in Section 14 of the Environment Act 2021 for England, Schedule 2 paragraph (6) for Northern Ireland, and Section 14 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 for Scotland, has been laid before the respective Parliament and the relevant legal duty commenced.
- (6E) The relevant national authority must consult persons or bodies representing the interests of those likely to be affected by the provisions before making regulations under this section.
- (6F) No provision may be made under this section by a Minister of the Crown until the legally binding targets required under the Environment Act 2021 have been published, and the Secretary of State has laid before Parliament a statement setting out how the provision is compatible with the delivery of these targets."

**Member's explanatory statement**

This amendment sets a number of conditions which must be met before provision under this clause revoking or replacing retained EU law may be made.

---

**Justin Madders****Not called 86**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

Clause 15, page 18, leave out lines 1 to 7

**Member's explanatory statement**

This amendment is consequential on Amendment 85.

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**Brendan O'Hara****Not selected 57**

Peter Grant

Page 17, line 3, leave out Clause 15

**Member's explanatory statement**

This amendment leaves out Clause 15 of the Bill, on powers to revoke and replace secondary retained EU law, in its entirety.

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**Clause agreed to on division**

*Seventh and Eighth Sittings*

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**Brendan O'Hara****Withdrawn after debate 70**

Peter Grant

Clause 16, page 18, line 25, at end insert—

“(1A) Before the power in subsection (1) may be exercised, the relevant national authority must publish a written statement on any societal and economic changes relevant to the intended modifications.”

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**Justin Madders****Not called 87**Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

Clause 16, page 18, line 27, at end insert—

“(3) No regulations may be made under this section unless the conditions set out in section [*Conditions on the exercise of powers under section 15 and 16*] have been complied with.”

**Member's explanatory statement**

This amendment would ensure that the power to update would be subject to the restrictions laid out in NC9.

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**Clause agreed to.**

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**Clause 17 agreed to.**

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**Brendan O'Hara****Not selected 20**

Peter Grant

Page 19, line 2, leave out Clause 18

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**Clause agreed to on division.**

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**Clause 19 agreed to.**

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**Brendan O'Hara**

**Withdrawn after debate 64**

Peter Grant

Clause 20, page 20, line 13, at end insert—

“(1A) A Minister of the Crown may not include in regulations under this Act any provision which is within the devolved competence of any devolved authority as defined in paragraph 2 of Schedule 2.”

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**Clause agreed to.**

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**Schedule 2 agreed to on division.**

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**Ms Nusrat Ghani**

**Agreed to Gov 1**

Schedule 3, page 30, line 5, leave out paragraph 2 and insert—

- “2 (1) Sub-paragraph (2) applies to a statutory instrument containing regulations under this Act which is subject to a procedure before Parliament for the approval of the instrument in draft before it is made.
- (2) The statutory instrument may also include regulations under this Act or another enactment which are made by statutory instrument which is not subject to the procedure mentioned in sub-paragraph (1) (whether or not it is subject to any other procedure before Parliament).
- (3) Where regulations are included as mentioned in sub-paragraph (2), the statutory instrument is subject to the procedure mentioned in sub-paragraph (1) (and is not subject to any other procedure before Parliament).
- (4) Sub-paragraphs (1) to (3) apply in relation to a statutory instrument containing regulations under this Act which is subject to a procedure before Senedd Cymru as they apply in relation to a statutory instrument containing regulations under this Act which is subject to a procedure before Parliament, but as if references to Parliament were references to the Senedd.
- ”

- (5) Sub-paragraphs (1) to (3) apply in relation to a statutory rule as they apply in relation to a statutory instrument but as if references to Parliament were references to the Northern Ireland Assembly.
- (6) Sub-paragraphs (1) to (3) apply in relation to a statutory instrument containing regulations under this Act which is subject to a procedure before a devolved legislature as well as a procedure before Parliament as they apply in relation to a statutory instrument containing regulations under this Act which is subject to a procedure before Parliament, but as if references to Parliament were references to Parliament and the devolved legislature.
- (7) In sub-paragraph (6) “devolved legislature” means the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly.
- (8) Nothing in this paragraph prevents the inclusion of other regulations in a statutory instrument or statutory rule which contains regulations under this Act.”

**Member's explanatory statement**

This amendment enables regulations under this Act subject to the draft affirmative procedure to be combined with regulations that are not subject to that procedure.

---

**Justin Madders**

**Negatived on division 88**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

Schedule 3, page 31, line 6, leave out from “15” to the end of line 8 and insert—

“(d) regulations under section 16.”

**Member's explanatory statement**

This amendment, together with Amendment 89, would make all regulations under Clause 15 (regulations that are intended to achieve the same or similar objectives as the REUL being replaced) and under section 16 (technological developments) subject to affirmative procedure.

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**Justin Madders**

**Not called 89**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

Schedule 3, page 31, line 17, leave out paragraph (c)

**Member's explanatory statement**

See explanatory statement to Amendment 88.

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**Brendan O'Hara**

**Withdrawn after debate 69**

Peter Grant

Schedule 3, page 33, line 10, at end insert—

*"Consent of Scottish Ministers*

8A Before making regulations to which this Part of this Schedule applies, a Minister of the Crown must obtain the consent of the Scottish Ministers."

**Member's explanatory statement**

This amendment modifies the powers which are conferred on Ministers of the Crown in devolved areas so that they may only be exercised with the consent of the Scottish Ministers.

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**Schedule, as amended, agreed to.**

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**Clause 21 agreed to.**

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**Brendan O'Hara**

**Withdrawn after debate 66**

Peter Grant

Clause 22, page 21, line 39, at end insert—

*"(aa) section [Impact assessments];"*

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**Brendan O'Hara**

**Withdrawn after debate 71**

Peter Grant

Clause 22, page 21, line 39, at end insert—

*"(aa) section [Assessment of the impact of repeal of retained EU law];"*

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**Brendan O'Hara**

**Withdrawn after debate 61**

Peter Grant

Clause 22, page 21, line 42, at end insert—

*"(da) section [Impact on the UK's obligations under the Trade and Cooperation Agreement];"*

---

**Brendan O'Hara**

**Negatived on division 65**

Peter Grant

Clause 22, page 21, line 42, at end insert—

“(da) section [*Disapplication of the UK Internal Market Act 2020*];”

---

**Brendan O'Hara**

**Not called 67**

Peter Grant

Clause 22, page 21, line 42, at end insert—

“(da) section [*Workers' rights*];”

---

**Brendan O'Hara**

**Withdrawn after debate 62**

Peter Grant

Clause 22, page 22, line 5, at end insert—

“(3A) But no provision of this Act, other than this section, may come into force in relation to Scotland unless the Scottish Parliament has passed a motion consenting to the Act.”

---

**Ms Nusrat Ghani**

**Agreed to Gov 7**

Clause 22, page 22, line 9, at end insert—

- “(b) the revocation of anything by section 1, or
- (c) anything ceasing to be recognised or available in domestic law (and, accordingly, ceasing to be enforced, allowed or followed) as a result of section 3.”

**Member's explanatory statement**

This amendment provides that transitional, transitory or saving provision may be made in connection with anything sunsetted under Clause 1 or 3.

---

**Brendan O'Hara**

**Not called 60**

Peter Grant

Clause 22, page 22, line 19, at end insert—

“(d) any regulations made under section 2 of the European Communities Act 1972 which have the effect of conferring rights or protections on workers.”

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**Clause, as amended, agreed to.**

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**Brendan O'Hara**

**Not selected 21**

Peter Grant

Clause 23, page 22, line 23, leave out "Scotland"

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**19 July 2022 17:35 Clause agreed to.**

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**Brendan O'Hara**

**Not called NC1**

Peter Grant

To move the following Clause—

**"Impact on the UK's obligations under the Trade and Cooperation Agreement**

Within three months of the passage of this Act, the Secretary of State must lay before Parliament an assessment of the impact of this Act on the UK's obligations under the Trade and Cooperation Agreement between the UK and the European Union done at Brussels and London on 30 December 2020."

---

**Brendan O'Hara**

**Not called NC2**

Peter Grant

To move the following Clause—

**"Disapplication of the UK Internal Market Act 2020**

Where Scottish Ministers have used any power granted to them under this Act—

- (a) to provide that any EU-derived subordinate legislation or retained direct EU legislation is not subject to revocation at the end of 2023, or
- (b) to restate any provision of retained EU law (or, as the case may be, assimilated law),

that legislation or provision shall apply notwithstanding any provision of the UK Internal Market Act 2020."

---

**Brendan O'Hara**

**Not called NC3**

Peter Grant

To move the following Clause—

**“Impact assessments**

The Secretary of State must publish an assessment of the impact of the

- (a) revocation of any—
  - (i) EU-derived subordinate legislation, or
  - (ii) retained direct EU legislation, or
- (b) removal under section 3 of any rights, powers, liabilities, obligations, restrictions, remedies or procedures saved by virtue of section 4 of the European Union (Withdrawal) Act 2018 at least three months before the revocation or (as the case may be) removal takes effect.”

---

Brendan O'Hara

Not called NC4

Peter Grant

To move the following Clause—

**“Workers’ rights**

The Secretary of State must by 1 January 2023 publish a list of any provision to which this Act applies which confers rights or protections on workers which has not been—

- (a) subject to regulations under section 1(2),
- (b) restated under section 12 or 13,
- (c) replaced under section 15(2), or
- (d) revoked under section 15(3) and replaced with alternative provision as at 1 January 2023.”

---

Brendan O'Hara

Not called NC5

Peter Grant

To move the following Clause—

**“Extension of sunset to 2026 under section 1 by Scottish Ministers**

- (1) The Scottish Ministers may by regulations provide that section 1, as it applies in relation to a specified instrument or a specified description of legislation within section 1(1)(a) or (b), has effect as if the reference in section 1(1) to the end of 2023 were a reference to a later specified time.
- (2) In subsection (1) “specified” means specified in the regulations.
- (3) Regulations under subsection (1) may not specify a time later than the end of 23 June 2026.”

**Member's explanatory statement**

This amendment would give the Scottish Ministers a power to extend the sunset date for devolved retained EU law equivalent to that conferred on a Minister of the Crown by Clause 2 of the Bill.

---

**Brendan O'Hara**

**Not called NC6**

Peter Grant

To move the following Clause—

**“Extension of sunset to 2029 under section 1 by Scottish Ministers**

- (1) The Scottish Ministers may by regulations provide that section 1, as it applies in relation to a specified instrument or a specified description of legislation within section 1(1)(a) or (b), has effect as if the reference in section 1(1) to the end of 2026 were a reference to a later specified time.
- (2) In subsection (1) “specified” means specified in the regulations.
- (3) Regulations under subsection (1) may not specify a time later than the end of 23 June 2029.”

**Member's explanatory statement**

This new clause confers a power on the Scottish Ministers to modify the date that the revocation of EU-derived subordinate legislation and retained direct EU legislation may take effect, to a date no later than 23 June 2029.

---

**Brendan O'Hara**

**Not called NC7**

Peter Grant

To move the following Clause—

**“Assessment of the impact of repeal of retained EU law**

Within three months of the passage of this Act, the Secretary of State must publish an assessment of the impact of the repeal of any retained EU law done under the provisions of this Act.”

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**Justin Madders**

**Negated on division NC8**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

To move the following Clause—

**“Conditions for bringing sections 3, 4 and 5 into force**

- (1) None of sections 3, 4 or 5 may be brought into force unless all the following conditions have been satisfied.
- (2) The first condition is that a Minister of the Crown has, after consulting organisations and persons representative of interests substantially affected by, or with expertise in the likely legal effect of, that section on a draft of that report, laid a report before each House of Parliament setting out, with reasons, the Minister’s view as to the likely advantages and disadvantages of bringing that section into force, setting out in particular the effect of that section on—
  - (a) the rights of and protections for consumers, workers, and businesses, and protections of the environment and animal welfare;
  - (b) legal certainty, and the clarity and predictability of the law;
  - (c) the operation of the Trade and Cooperation agreement between the United Kingdom and the EU, and UK exports of goods and services to the European Economic Area; and
  - (d) the operation of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.
- (3) In relation to section 4, that report must take into account any regulation made or likely to be made by a relevant national authority under section 8(1).
- (4) The second condition is that a period of sixty days has passed since that report was laid before Parliament, with no account to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than four days.
- (5) The third condition is that, after the end of that period, both Houses of Parliament have approved a resolution that that section come into force.
- (6) If both Houses of Parliament have approved a resolution that that section should not come into force unless it is amended in a way set out in that resolution, then the Minister may by regulation amend that section accordingly, and that section may not be brought into force until that amendment has been made.”

**Member's explanatory statement**

This new clause requires Ministers to analyse, and to explain their analysis of, the effect of the removal of retained EU law rights, the principle of supremacy of EU law, and of the general principles. It also includes opportunity for Parliamentary approval and timeframes for laying reports before both Houses.

---

**Justin Madders**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

**Not called NC9**

To move the following Clause—

**“Conditions on the exercise of powers under section 15 and 16**

- (1) The first condition is that the relevant national authority has consulted such organisations as appear to it to be representative of interests substantially affected by its proposals, and any such other persons as it considers appropriate, on a draft of those regulations.
- (2) The second condition is that the national authority has, after that consultation has concluded and after considering any representations made to it, laid a draft of the regulations before each House of Parliament (or, as the case may be, the Scottish Parliament, Senedd or Northern Ireland Assembly), together with a report setting out, with reasons, the authority’s view as to the likely advantages and disadvantages of making those regulations, setting out in particular—
  - (a) a summary of the objectives and effect of those regulations as compared to the instrument that they will revoke, replace or modify;
  - (b) any difference as between that instrument and the proposed regulations in terms of protections for consumers, workers, businesses, the environment, or animal welfare;
  - (c) any benefits which are expected to flow from the revocation or replacement of that instrument;
  - (d) the consultation undertaken as required by subsection (2);
  - (e) any representations received as a result of that consultation;
  - (f) the reason why the national authority considers that it is appropriate to make those regulations, having considered those representations;
  - (g) the reasons why the national authority considers that section 15(5) (overall reduction in burdens) does not preclude the making of the regulations, explaining what burdens are reduced or increased as a result of the making of the regulations;
  - (h) the compatibility of the revocation, modification, or replacement of that instrument with obligations in the Trade and Cooperation Agreement between the United Kingdom and the EU, and the likely effect on UK exports of goods or services to the European Economic Area; and
  - (i) the likely effect of the revocation, modification, or replacement of that instrument on the operation of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.
- (3) The third condition is that a period of sixty days has passed since those draft regulations or that report were laid as required by subsection (2) with no account to be taken of any time during which Parliament (or, as the case may be, the Scottish Parliament, Senedd Cymru or Northern Ireland Assembly) is dissolved or prorogued or during which either House or that body is adjourned for more than four days, and where they were laid before Parliament, paragraph 8(11)(a) of Schedule 3 shall apply in determining the commencement of that period.
- (4) The fourth condition is that the national authority has considered any representations made during the period provided for by subsection (3) and,

in particular, any resolution or report of, or of any committee of, either House of Parliament (or, as the case may be of the Scottish Parliament, Senedd Cymru or Northern Ireland Assembly) with regard to the proposals, and has published its reasons for accepting or rejecting any such representations, resolution, or report.”

**Member's explanatory statement**

This new clause requires the relevant national authorities to consult with key stakeholders on proposed regulations revoking or replacing REUL, and to show Parliament their assessment of the impact of the changes.

---

**Justin Madders**

**Withdrawn after debate NC10**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

To move the following Clause—

**“Equality impact assessments**

- (1) This section applies when—
  - (a) a relevant national authority is making regulations under section 12, 13, 15 or 16, or
  - (b) EU-derived subordinate legislation or retained direct EU legislation is to be revoked under section 1(1) of this Act and regulations made under section 2 do not apply to that legislation.
- (2) Six weeks prior to the coming into force of the regulations or (as the case may be) three months before the revocation of the legislation, a relevant national authority must lay before Parliament a report demonstrating that in making the regulations or allowing the revocation of the legislation the authority has fulfilled its obligations under section 149 of the Equality Act 2010.
- (3) If the report required by subsection (2) is not laid before Parliament by the date required by subsection (2), the regulations may not be made or (as the case may be) the legislation is, notwithstanding section 1(1), not revoked.”

**Member's explanatory statement**

This new clause will insert the requirement for undertaking an equality impact assessment when using the powers afforded by sections 12, 13, 15, and 16, and before the application of section 1(1) (sunset of retained EU law).

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**Justin Madders**

**Not called NC11**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

To move the following Clause—

**“Impact assessments**

- (1) This section applies when—
  - (a) a relevant national authority is making regulations under section 12, 13, 15 or 16, or
  - (b) EU-derived subordinate legislation or retained direct EU legislation is to be revoked under section 1(1) of this Act and regulations made under section 2 do not apply to that legislation.
- (2) Six weeks prior to the coming into force of the regulations or (as the case may be) three months before the revocation of the legislation, a relevant national authority must lay before Parliament the report required by subsection (3).
- (3) The report required by this subsection must outline the impact the authority expects the regulations or (as the case may be) revocation to have on—
  - (a) the UK’s obligations under the Trade and Cooperation Agreement,
  - (b) divergence in standards, rights, protections and regulatory burden between component parts of the UK,
  - (c) the regulatory burden for businesses seeking to import or export goods or services, and
  - (d) level playing field provisions contained within bilateral trade agreements between the UK and countries outside the EU.
- (4) If the report required by subsection (3) is not laid before Parliament by the date required by subsection (2), the regulations may not be made or (as the case may be) the legislation is, notwithstanding section 1(1), not revoked.”

**Member's explanatory statement**

This new clause will insert the requirement for taking out a comprehensive impact assessment when using the powers afforded by sections 12, 13, 15, and 16, and before the application of section 1(1) (sunset of retained EU law).

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**Justin Madders**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

**Withdrawn after debate NC12**

To move the following Clause—

**“Assessment of impact on governance**

- (1) Each relevant national authority must, within 28 days of the passage of this Act, lay before Parliament a report on—
  - (a) the projected cost incurred by each Government department or relevant national authority of complying with the requirements of sections 1 to 23 of this Act;

- (b) the projected number of staff required by each Government department or relevant national authority to process all of the relevant retained EU law by the deadline in section 1(1);
  - (c) the amount of Parliamentary time expected to be needed to process the legislation relevant to each Government department or relevant national authority; and
- a timeline outlining how each Government department or relevant national authority plans to meet the deadline in section 1(1)."

**Member's explanatory statement**

This new clause will establish the requirement for relevant departments to publish an assessment of the impact of processing through all the retained EU Law before the deadline set by Clause 1(1).

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**Justin Madders**

**Not called NS1**

Alex Sobel  
Stella Creasy  
Paul Blomfield  
Mary Glendon

To move the following Schedule—

**"SCHEDULE**

**THE DEFINITIVE LIST**

This schedule sets out the Definitive List in accordance with section 1 of this Act."

Bill, as amended, to be reported.

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**Glossary**

**Agreed to:** agreed without a vote.

**Agreed to on division:** agreed following a vote.

**Negatived:** rejected without a vote.

**Negatived 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 Speaker/Chair.