
Report Stage: Wednesday 18 January 2023

Retained EU Law (Revocation and Reform) Bill (Report Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at report stage.

A glossary with key terms can be found at the end of this document.

Secretary Grant Shapps

Added Gov NC1

To move the following Clause—

“Assimilated law”

- (1) As regards all times after the end of 2023, the things listed in the left-hand column are to be known by the names in the right-hand column.

<i>At or before the end of 2023</i>	<i>After the end of 2023</i>
Retained EU law	Assimilated law
Retained case law	Assimilated case law
Retained direct EU legislation	Assimilated direct legislation
Retained direct minor EU legislation	Assimilated direct minor legislation
Retained direct principal EU legislation	Assimilated direct principal legislation
Retained domestic case law	Assimilated domestic case law
Retained EU case law	Assimilated EU case law
Retained EU obligation	Assimilated obligation

- (2) Accordingly, as regards all times at or before the end of 2023, the things listed in the right-hand column continue to be known by the names in the left-hand column.
- (3) Schedule (“Assimilated law”: consequential amendments) contains amendments consequential on subsection (1).

- (4) A reference in an enactment to a thing in the left-hand column of the table in subsection (1) is to be read, as regards all times after the end of 2023, as a reference to the thing by its name in the right-hand column.
- (5) Subsection (4) does not apply to any title of an enactment (including any provision about how an enactment may be cited) or any reference to a title of an enactment.
- (6) The provision that may be made by regulations under section 19 (power to make consequential provision) in consequence of subsection (1) of this section includes, in particular—
- (a) provision adding entries to the table in subsection (1) for things which relate to the things for which there are entries in the table (and adding definitions for those things to subsection (7));
 - (b) provision amending an enactment in consequence of the name of a thing being changed by subsection (1) (including by virtue of regulations under section 19).
- (7) In this section—
- “retained case law”, “retained domestic case law” and “retained EU case law” have the meaning given by section 6(7) of the European Union (Withdrawal) Act 2018 (as it has effect on the day on which this Act is passed);
- “retained EU law”, “retained direct EU legislation”, “retained direct minor EU legislation”, “retained direct principal EU legislation” and “retained EU obligation” have the meaning given by Schedule 1 to the Interpretation Act 1978 (as it has effect on the day on which this Act is passed).”dde

Member's explanatory statement

This new clause renames “retained EU law” and related bodies or types of law and makes related provision.

Justin Madders

Not called NC2

Jonathan Reynolds

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

Not called NC3

Jonathan Reynolds

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

Hywel Williams

Not selected NC4

Liz Saville Roberts
Ben Lake

To move the following Clause—

“Assessment of the merits of devolving employment law

- (1) Within one month of the date of Royal Assent to this Act, the Secretary of State must work with the Welsh Government to carry out an assessment of the potential merits of fully devolving employment law to Senedd Cymru to empower the Welsh Government to legislate in relation to saving, reforming or removing those parts of retained EU law which provide for employment rights.
- (2) A report on the findings of the assessment must be laid before Parliament within three months of its publication.
- (3) The Secretary of State must make an oral statement to the House of Commons when any report under subsection (2) is laid.”

Member's explanatory statement

This new clause would require the UK Government to work with the Welsh Government to conduct an assessment of the merits of devolving employment law to the Senedd in the context of enabling the Senedd to decide how to legislate in relation to retained EU law which provide for employment rights.

Justin Madders

Not called NC5

Jonathan Reynolds

To move the following Clause—

“Powers to revoke or replace: application to environmental law

- (1) This section applies in respect of provision which may be made by a relevant national authority under section 15 where the provision is in respect of secondary retained EU law which is environmental law.
- (2) No provision may be made unless the relevant national authority considers that the provision will contribute to a significant improvement in environmental protection.
- (3) The relevant national authority must—
 - (a) have regard to international environmental protection legislation and international best practice on environmental protection,
 - (b) comply with the requirements and objectives of the Aarhus, Bonn, Bern, Ramsar, OSPAR and Biodiversity Conventions, and
 - (c) comply with environmental principles and the policy statement on environmental principles.
- (4) The relevant national authority must—

- (a) seek advice from persons who are independent of it and have relevant expertise,
 - (b) seek advice from, as appropriate, the Office for Environmental Protection, Environmental Standards Scotland, a devolved environmental governance body or other person exercising similar functions, and
 - (c) publish a report setting out—
 - (i) how the provision will contribute to a significant improvement in environmental protection, and
 - (ii) how the authority has taken into account the advice from the persons referred to in paragraphs (a) and (b).
- (5) In this section—
- “Aarhus Convention” means The UNECE Convention on access to information, public participation in decision making and access to justice in environmental matters (Aarhus, 25 June 1998);
 - “Bern Convention” means the Council of Europe's Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979) [ratified / signed];
 - “Biodiversity Convention” means the UN Convention on Biodiversity (Rio, 1992);
 - “Bonn Convention” means The Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979);
 - “devolved environmental governance body” has the same meaning as in section 47 of the Environment Act 2021;
 - “environmental law” has the same meaning as in section 46 of the Environment Act 2021, but without the exception set out in section 46(3) and (4) (devolved legislative provision);
 - “environmental protection” has the same meaning as in section 45 of the Environment Act 2021;
 - “environmental principles” and “policy statement on environmental principles” have the same meanings as in section 17 of the Environment Act 2021;
 - “Environmental Standards Scotland” has the same meaning as in section 19 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021;
 - “international environmental protection legislation” has the same meaning as in section 21 of the Environment Act 2021;
 - “Office for Environmental Protection” has the same meaning as in section 22 of the Environment Act 2021;
 - “OSPAR Convention” means The Convention for the Protection of the Marine Environment of the North-East Atlantic (1992);
 - “RAMSAR Convention” means The Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, 1971).”

Member's explanatory statement

This new clause creates additional conditions to be satisfied before the powers set out in clause 15 can be exercised where the subject matter of their exercise concerns environmental law.

Brendan O'Hara

Not called 33

Martin Docherty-Hughes
Stephen Flynn
Mhairi Black
Caroline Lucas

Page 1, line 2, leave out Clause 1

Member's explanatory statement

This amendment deletes the sunset clause.

Justin Madders

Negatived on division 18

Jonathan Reynolds

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

Member's explanatory statement

This amendment moves the sunset of legislation from 2023 to 2026.

Brendan O'Hara

Negatived on division 28

Martin Docherty-Hughes
Stephen Flynn
Mhairi Black

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.

Stephen Farry

Not called 37

Claire Hanna
Colum Eastwood

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 Northern Ireland Assembly if it were contained in an Act of the Northern Ireland Assembly, or
 - (b) could be made in subordinate legislation by Ministers of the Northern Ireland Executive.”

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 Northern Ireland Executive and Assembly.

Hywel Williams

Not called 38

Liz Saville Roberts
Ben Lake

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 Senedd Cymru if it were contained in an Act of Senedd Cymru, or
 - (b) could be made in subordinate legislation by the Welsh Ministers 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 Senedd.

Justin Madders

Negated on division 19

Jonathan Reynolds

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 and
- (m) The Health and Safety (Consultation with Employees) Regulations 1996.”

Member's explanatory statement

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

Justin Madders

Not called 21

Jonathan Reynolds

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).

Justin Madders

Not called 24

Jonathan Reynolds

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).

Stella Creasy**Negatived on division 36**

Mr David Davis
 Dr Dan Poulter
 Sir Robert Buckland
 Sir Robert Neill
 David Simmonds

Sarah Olney
 Caroline Nokes
 Joanna Cherry
 Marsha De Cordova
 Kim Leadbeater
 Colum Eastwood
 Mr Ben Bradshaw
 Olivia Blake
 Patrick Grady
 Clive Lewis
 Alison Thewliss
 Liz Saville Roberts

Hilary Benn
 Claire Hanna
 Stephen Farry
 Mike Amesbury
 Layla Moran
 Marion Fellows
 Mr Tobias Ellwood
 Ian Byrne
 Jon Trickett
 Neale Hanvey
 Ben Lake

Brendan O'Hara
 Paul Blomfield
 Valerie Vaz
 Daisy Cooper
 Mr Virendra Sharma
 Munira Wilson
 Caroline Lucas
 Rebecca Long Bailey
 Neil Coyle
 Clive Efford
 Hywel Williams

Clause 1, page 1, line 12, at end insert—

- “(3A) The Secretary of State must, no later than three months before the date specified in subsection (1), publish a list of all legislation being revoked under this section (the “revocation list”) and lay a copy before Parliament.
- (3B) With each update of the revocation list up to the date specified in subsection (1), the Secretary of State must lay an updated copy of the revocation list before Parliament.
- (3C) Any legislation not included in the revocation list, as updated, on the date specified in subsection (1) is not revoked.
- (3D) At any time before the date specified in subsection (1), the House of Commons may by resolution amend the revocation list by adding or removing instruments specified in the resolution, and the Secretary of State must accordingly lay the updated revocation list before Parliament.
- (3E) At any time before the date specified in subsection (1), the House of Lords may by resolution propose amendment of the revocation list by adding or removing instruments specified in the resolution.
- (3F) If the House of Commons does not pass a motion disagreeing with a resolution of the House of Lords under subsection (3E) within ten days of the date of that resolution, the Secretary of State must amend the revocation list in accordance with the resolution of the House of Lords and lay the updated version before Parliament.
- (3G) If the Secretary of State does not amend the revocation list when required to do so by paragraphs (3D) or (3F) before the date specified in paragraph (1), the revocation list will be deemed to have been amended as specified in the resolution of the relevant House of Parliament, and the relevant legislation will be treated as though the change has been made.
- (3H) Any legislation to which section (3C) applies is not to be considered as either retained EU law or assimilated law.”

Member's explanatory statement

This amendment would require the Government to publish an exhaustive list of every piece of legislation being revoked under the Sunset Clause, and allow for Parliamentary oversight of this process so that it is the House of Commons which has the ultimate say on which legislation is affected.

Brendan O'Hara**Not called 29**

Martin Docherty-Hughes
Stephen Flynn
Mhairi Black

Clause 2, page 2, line 12, 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.”

Member's explanatory statement

This amendment clarifies what provisions would be devolved and therefore under the competence of Scottish Ministers for decision, rather than a Secretary of State.

Hywel Williams**Not called 39**

Liz Saville Roberts
Ben Lake

Clause 2, page 2, line 12, at end insert—

- “(1A) Subsection (1) has effect in relation to provision which is within the competence of the Welsh Ministers as if, after “A Minister of the Crown”, there were inserted “or the Welsh Ministers”.
- (1B) A provision is within the devolved competence of the Welsh Ministers for the purposes of this section if—
- (a) it would be within the legislative competence of Senedd Cymru if it were contained in an Act of Senedd Cymru, or
 - (b) it is provision which could be made in other subordinate legislation by the Welsh Ministers acting alone.”

Member's explanatory statement

This amendment clarifies what provisions would be devolved and therefore under the competence of Welsh Ministers for decision, rather than a Secretary of State.

Secretary Grant Shapps

Agreed to Gov 1

Clause 2, page 2, line 13, at end insert—

“(2A) Any reference in regulations under subsection (1) to an instrument or description of legislation is, unless otherwise stated, to the instrument or description of legislation as it subsists immediately before the time when the revocation under section 1(1) would otherwise apply in relation to it.”

Member's explanatory statement

This amendment clarifies that regulations under subsection (1) that specify an instrument or description of legislation are to be read as referring to the instrument or description as it has effect immediately before the time when the sunset would otherwise apply in relation to it.

Secretary Grant Shapps

Agreed to Gov 3

Page 4, line 2, leave out clause 6

Member's explanatory statement

This amendment is consequential on NC1.

Secretary Grant Shapps

Agreed to Gov 6

Clause 7, page 4, line 19, at end insert—

- “(za) in paragraph (b)—
- (i) in sub-paragraph (i) omit the words from “otherwise” to “1998”;
 - (ii) after sub-paragraph (ii) (and on a new line) insert “(except, when sitting as a court of appeal in relation to a compatibility issue or devolution issue, so far as there is relevant domestic case law which modifies or applies the retained EU case law and is binding on the court);”;

Member's explanatory statement

This amendment is a drafting change, bringing together provisions relating to the High Court of Justiciary.

Justin Madders

Not called 26

Jonathan Reynolds

Clause 7, page 4, line 36, 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.

Secretary Grant Shapps

Agreed to Gov 7

Clause 7, page 5, line 11, after "section" insert—

"compatibility issue" has the meaning given by section 288ZA(2) of the Criminal Procedure (Scotland) Act 1995;

"devolution issue" has the meaning given by paragraph 1 of Schedule 6 to the Scotland Act 1998;

"relevant appeal court" means—

- (a) the Court Martial Appeal Court,
- (b) the Court of Appeal in England and Wales,
- (c) the Inner House of the Court of Session,
- (d) the court for hearing appeals under section 57(1)(b) of the Representation of the People Act 1983,
- (e) the Lands Valuation Appeal Court, or
- (f) the Court of Appeal in Northern Ireland;"

Member's explanatory statement

This amendment is consequential on Amendment 6.

Secretary Grant Shapps

Agreed to Gov 8

Clause 7, page 5, leave out lines 20 to 32

Member's explanatory statement

This amendment is consequential on Amendment 7.

Secretary Grant Shapps

Agreed to Gov 9

Clause 7, page 6, leave out lines 6 and 7

Member's explanatory statement

This amendment is consequential on Amendment 6.

Secretary Grant Shapps

Agreed to Gov 10

Clause 7, page 6, line 9, leave out "relevant"

Member's explanatory statement

This amendment, and Amendments 10 to 13, enable a reference to be made to the High Court of Justiciary in all relevant cases.

Secretary Grant Shapps**Agreed to Gov 11**

Clause 7, page 6, line 27, leave out "a relevant" and insert "the appropriate"

Member's explanatory statement

See the statement for Amendment 10.

Secretary Grant Shapps**Agreed to Gov 12**

Clause 7, page 6, line 30, leave out from "appropriate" to "point" in line 33 and insert "appeal court" means, in relation to proceedings before a court or tribunal, the court mentioned in subsection (10) to which an appeal from the court or tribunal in those proceedings on the"

Member's explanatory statement

See the statement for Amendment 10.

Secretary Grant Shapps**Agreed to Gov 13**

Clause 7, page 6, line 36, at end insert—

"(10) The courts referred to in subsection (9) are—

- (a) the Court Martial Appeal Court;
- (b) the Court of Appeal in England and Wales;
- (c) the Inner House of the Court of Session;
- (d) the High Court of Justiciary when sitting as a court of appeal or on a reference under section 123(1) of the Criminal Procedure (Scotland) Act 1995;
- (e) the court for hearing appeals under section 57(1)(b) of the Representation of the People Act 1983;
- (f) the Lands Valuation Appeal Court;
- (g) the Court of Appeal in Northern Ireland."

Member's explanatory statement

See the statement for Amendment 10.

Secretary Grant Shapps**Agreed to Gov 14**

Clause 7, page 7, leave out lines 24 and 25

Member's explanatory statement

This amendment is consequential on Amendment 6.

Secretary Grant Shapps

Agreed to Gov 15

Clause 7, page 7, line 27, leave out "relevant"

Member's explanatory statement

This amendment enables a reference under new section 6B to be made to the High Court of Justiciary in all relevant cases.

Secretary Grant Shapps

Agreed to Gov 16

Clause 7, page 7, line 33, leave out "a relevant" and insert "the appropriate"

Member's explanatory statement

This amendment is consequential on Amendment 15.

Secretary Grant Shapps

Agreed to Gov 17

Clause 7, page 9, line 30, leave out paragraph (b)

Member's explanatory statement

This amendment is consequential on Amendment 8.

Secretary Grant Shapps

Agreed to Gov 2

Clause 14, page 17, line 24, leave out ", a reference to restatement includes reproduction" and insert "'restatement"—

- "(a) in relation to section 12, has the same meaning as in that section;
- (b) in relation to section 13, has the same meaning as in that section but also includes reproduction;"

Member's explanatory statement

This amendment clarifies that references to "restatement" in this clause have the same meaning as in clause 12 or 13 (as well as including, in relation to clause 13, reproduction).

Justin Madders

Not called 20

Jonathan Reynolds

Clause 15, page 17, line 28, 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 and
- (m) The Health and Safety (Consultation with Employees) Regulations 1996.”

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).

Justin Madders

Not called 22

Jonathan Reynolds

Clause 15, page 17, line 28, 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).

Justin Madders

Not called 25

Jonathan Reynolds

Clause 15, page 17, line 28, 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).

Justin Madders

Not called 34

Jonathan Reynolds

Clause 15, page 18, line 12, 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 NC3.

Justin Madders

Not called 23

Jonathan Reynolds

Clause 15, page 18, line 13, 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.

Justin Madders

Not called 35

Jonathan Reynolds

Clause 16, page 19, line 9, 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 NC3.

Brendan O'Hara

Not called 30

Martin Docherty-Hughes

Stephen Flynn

Mhairi Black

Hywel Williams

Liz Saville Roberts

Ben Lake

Clause 20, page 20, line 38, 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.”

Member's explanatory statement

This amendment adds protection for devolved competence, denying any Secretary of State the chance to revoke REUL within devolved competence.

Secretary Grant Shapps

Agreed to Gov 4

Clause 22, page 22, line 21, leave out paragraph (b) and insert—

“(b) section (“*Assimilated law*”)(1), (2) and (4) to (7);”

Member's explanatory statement

This amendment is consequential on NC1.

Secretary Grant Shapps

Agreed to Gov 5

Clause 22, page 23, line 7, at end insert—

“(7) The amendments made by Schedule (“*Assimilated law*”: *consequential amendments*) do not apply as regards any time at or before the end of 2023.”

Member's explanatory statement

This amendment provides that the amendments made by the Schedule inserted by NS1 do not apply as regards any time at or before the end of 2023.

Brendan O'Hara

Not selected 32

Martin Docherty-Hughes
Stephen Flynn
Mhairi Black

Clause 23, page 23, line 9, leave out “, Scotland”

Member's explanatory statement

The amendment simply removes Scotland from the territorial extent of the Bill.

Secretary Grant Shapps

Added Gov NS1

To move the following Schedule—

“SCHEDULE

“ASSIMILATED LAW”: CONSEQUENTIAL AMENDMENTS

European Union (Withdrawal) Act 2018

- 1 (1) The European Union (Withdrawal) Act 2018 (as amended by this Act) is amended as follows.

- (2) In section 5 (exceptions to savings and incorporation), in subsections (A2) and (8), for “retained direct EU” substitute “assimilated direct”.
- (3) In section 6 (interpretation of retained EU law)—
- (a) in the heading for “retained EU” substitute “assimilated”;
 - (b) in subsection (3)—
 - (i) for “retained EU” substitute “assimilated”;
 - (ii) in paragraph (a) for “retained” (in the first place it appears) substitute “assimilated”;
 - (c) in subsections (4) to (5ZA), for “retained” (in each place it appears) substitute “assimilated”;
 - (d) in subsection (6), for “retained EU” substitute “assimilated”;
 - (e) in subsection (7)—
 - (i) before the definition of “higher court” insert—

“assimilated case law” means—

 - (a) assimilated domestic case law, and
 - (b) assimilated EU case law;

“assimilated domestic case law” means any principles laid down by, and any decisions of, a court or tribunal in the United Kingdom, as they have effect immediately before IP completion day and so far as they—

 - (a) relate to anything to which section 2 or 3 applies, and
 - (b) are not excluded by section 5 or Schedule 1, (as those principles and decisions are modified by or under this Act or by other domestic law from time to time);

“assimilated EU case law” means any principles laid down by, and any decisions of, the European Court, as they have effect in EU law immediately before IP completion day and so far as they—

 - (a) relate to anything to which section 2 or 3 applies, and
 - (b) are not excluded by section 5 or Schedule 1, (as those principles and decisions are modified by or under this Act or by other domestic law from time to time);

“assimilated law” means anything which, on or after IP completion day, continues to be, or forms part of, domestic law by virtue of section 2 or 3 or subsection (3) or (6) above (as that body of law is added to or otherwise modified by or under this Act or by other domestic law from time to time);”;
 - (ii) omit the definitions of “retained case law”, “retained domestic case law”, “retained EU case law” and “retained EU law”.

- (4) In section 6A (references on retained case law by lower courts or tribunals), for “retained” (in each place it appears, including the heading) substitute “assimilated”.
- (5) In section 6B (references on retained case law by UK or devolved law officers), for “retained” (in each place it appears, including the heading) substitute “assimilated”.
- (6) In section 6C (interventions on retained case law by UK or devolved law officers), for “retained” (in each place it appears, including the heading) substitute “assimilated”.
- (7) In section 6D (incompatibility orders), in subsection (1)(a) and (b), for “retained direct EU” substitute “assimilated direct”.
- (8) In section 7 (status of retained EU law)—
 - (a) in the heading for “retained EU” substitute “assimilated”;
 - (b) in subsection (4A) for “Retained direct EU” substitute “Assimilated direct”;
 - (c) in subsection (5)—
 - (i) for “retained EU” (in each place it appears) substitute “assimilated”;
 - (ii) in paragraph (b), for “retained” (in the first place it appears) substitute “assimilated”;
 - (iii) in paragraphs (e) and (f), for “retained direct EU” substitute “assimilated direct”.
 - (d) omit subsection (6).
- (9) In section 20(1) (interpretation)—
 - (a) before the definition of “Charter of Fundamental Rights” insert—

““assimilated direct legislation” means any direct EU legislation which forms part of domestic law by virtue of section 3 (as modified by or under this Act or by other domestic law from time to time, and including any instruments made under it on or after IP completion day);

“assimilated direct minor legislation” means any assimilated direct legislation which is not assimilated direct principal legislation;

“assimilated direct principal legislation” means—

 - (a) any EU regulation so far as it—
 - (i) forms part of domestic law on and after IP completion day by virtue of section 3, and
 - (ii) was not EU tertiary legislation immediately before IP completion day, or
 - (b) any Annex to the EEA agreement so far as it—
 - (i) forms part of domestic law on and after IP completion day by virtue of section 3, and
 - (ii) refers to, or contains adaptations of, any EU regulation so far as it falls within paragraph (a),

- (as modified by or under this Act or by other domestic law from time to time);”;
- (b) in the definition of “enactment”, in paragraph (h), for “retained direct EU” substitute “assimilated direct”;
- (c) omit the definition of “retained direct EU legislation”;
- (d) in the definition of “subordinate legislation” for “retained direct EU” substitute “assimilated direct”.
- (10) In section 21(1) (index of defined expressions), in the table—
- (a) after the entry for “Article (in relation the Treaty on European Union or the Treaty on the Functioning of the European Union)”, insert—
- | | |
|--|---------------|
| “Assimilated case law | Section 6(7) |
| Assimilated direct legislation | Section 20(1) |
| Assimilated direct minor legislation | Section 20(1) |
| Assimilated direct principal legislation | Section 20(1) |
| Assimilated domestic case law | Section 6(7) |
| Assimilated EU case law | Section 6(7) |
| Assimilated law | Section 6(7)“ |
- (b) omit the entries for “Retained case law”, “Retained direct EU legislation”, “Retained direct minor EU legislation”, “Retained direct principal EU legislation”, “Retained domestic case law”, “Retained EU case law” and “Retained EU law”.
- (11) In Schedule 1 (further provision about exceptions to savings and incorporation), for “retained EU” (in each place it appears) substitute “assimilated”.
- (12) In Schedule 4 (powers in connection with fees and charges), in paragraph 7(1)(b) (power to modify pre-exit fees or charges), for “retained EU” substitute “assimilated”.
- (13) In Schedule 5 (publication and rules of evidence), in paragraph 4(5) (definition of “relevant matter” for power to make provision about judicial notice and admissibility), for paragraph (a) substitute—
- “(a) assimilated law,”.
- (14) In Schedule 7 (regulations)—
- (a) in the italic heading before paragraph 9, for “retained EU” substitute “assimilated”;
- (b) in paragraphs 21, 23 and 28, for “retained EU” (in each place it appears) substitute “assimilated”.
- (15) In Schedule 8 (consequential etc provision)—
- (a) in the italic heading before paragraph 1, for “retained direct EU” substitute “assimilated direct”;

- (b) in paragraphs 3(1), 8(2), 11A(2), 11B(2) and 12(2)(b), for “retained direct EU” (in each place it appears) substitute “assimilated direct”;
- (c) in paragraphs 7, 16(3)(b) and 45(2)(b)(i) and (ii), for “retained EU” substitute “assimilated”;
- (d) in paragraphs 11A(3), 11B(3) and 30—
 - (i) for “retained direct minor EU” (in each place it appears) substitute “assimilated direct minor”;
 - (ii) for “retained direct principal EU” (in each place it appears) substitute “assimilated direct principal”.

This Act

- 2 (1) This Act is amended as follows.
 - (2) In section 8 (compatibility), for “retained direct EU” (in each place it appears) substitute “assimilated direct”.
 - (3) In section 14 (general provision about powers to restate or reproduce), in subsection (9)(a) for “retained direct EU” (in each place it appears) substitute “assimilated direct”.
 - (4) In section 21 (interpretation)—
 - (a) in subsection (1), in the definitions of “enactment” and “subordinate legislation”, for “retained direct EU” substitute “assimilated direct”;
 - (b) in subsection (2), for “retained direct EU” (in each place it appears) substitute “assimilated direct”.

Member's explanatory statement

This new schedule makes amendments to the European Union (Withdrawal) Act 2018 and the Bill that are consequential on the renaming of bodies or types of law by NC1.

Brendan O'Hara

Not called 31

Martin Docherty-Hughes
Stephen Flynn
Mhairi Black

Schedule 3, page 34, line 38, 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.

Bill read the third time on division, and passed

Glossary

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

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.