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Report Stage: Friday 13 January 2023

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# Retained EU Law (Revocation and Reform) Bill, As Amended (Amendment Paper)

This document lists all amendments tabled to the Retained EU Law (Revocation and Reform) Bill, As Amended. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

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

New Amendments: 27 to 35

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Secretary Grant Shapps

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

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- (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)."*

#### Member's explanatory statement

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

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Justin Madders

NC2

☆ 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

NC3

☆ 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

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**Brendan O'Hara** 33  
 Martin Docherty-Hughes  
 Stephen Flynn  
 Mhairi Black

★ Page 1, line 2, leave out Clause 1

**Member's explanatory statement**

This amendment simply deletes the sunset clause.

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**Justin Madders** 18

☆ 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.

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**Brendan O'Hara** 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.

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**Justin Madders** 19

☆ 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).

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Justin Madders

21

☆ 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**

**24**

☆ 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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**Sarah Olney**

**27**

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

“(2A) Subsection (1) does not apply to any legislation not listed in a document prepared by the Secretary of State and laid before Parliament within one month of the passage of this Act.”

**Member's explanatory statement**

This amendment would compel the Government to produce a full and comprehensive list of all legislation affected by this Bill.

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**Brendan O'Hara**

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.

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**Secretary Grant Shapps**

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.

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**Secretary Grant Shapps**

Gov 3

Page 4, line 2, leave out clause 6

**Member's explanatory statement**

This amendment is consequential on NC1.

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**Secretary Grant Shapps**

**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.

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**Justin Madders**

**26**

☆ 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.

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**Secretary Grant Shapps**

**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.

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**Secretary Grant Shapps**

**Gov 8**

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

**Member's explanatory statement**

This amendment is consequential on Amendment 7.

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**Secretary Grant Shapps**

**Gov 9**

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

**Member's explanatory statement**

This amendment is consequential on Amendment 6.

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**Secretary Grant Shapps**

**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.

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**Secretary Grant Shapps**

**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.

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**Secretary Grant Shapps**

**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.

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**Secretary Grant Shapps****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.

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**Secretary Grant Shapps****Gov 14**

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

**Member's explanatory statement**

This amendment is consequential on Amendment 6.

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**Secretary Grant Shapps****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.

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**Secretary Grant Shapps****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.

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**Secretary Grant Shapps****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****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****20**

☆ 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****22**

☆ 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).

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**Justin Madders**

**25**

☆ 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).

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**Justin Madders**

**34**

★ 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.

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**Justin Madders**

**23**

☆ 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.

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**Justin Madders**

**35**

★ 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.

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**Brendan O'Hara**

30

Martin Docherty-Hughes  
Stephen Flynn  
Mhairi Black

★ 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.

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**Secretary Grant Shapps**

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.

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**Secretary Grant Shapps**

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.

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**Brendan O'Hara**

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

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**

Martin Docherty-Hughes  
Stephen Flynn  
Mhairi Black

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★ 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.

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## Order of the House

[25 October 2022, as amended 7 November 2022]

That the following provisions shall apply to the Retained EU Law (Revocation and Reform) Bill:

**Committal**

1. The Bill shall be committed to a Public Bill Committee.

**Proceedings in Public Bill Committee**

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on 29 November 2022.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

**Proceedings on Consideration and on Third Reading**

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No.83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

**Other proceedings**

7. Any other proceedings on the Bill may be programmed.