
Committee Stage: Thursday 11 January 2024

Safety of Rwanda (Asylum and Immigration) Bill

(Amendment Paper)

This document lists all amendments tabled to the Safety of Rwanda (Asylum and Immigration) Bill. Any withdrawn amendments are listed at the end of the document.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: 26 and 27 and NC2

DAY 1

CLAUSES 2 AND 4; NEW CLAUSES AND NEW SCHEDULES RELATING TO THE
SUBJECT MATTER OF THOSE CLAUSES

Mr Rob Roberts

1

Clause 2, page 2, line 34, at end insert—

“(1A) The Secretary of State must lay a report before Parliament no later than one year after this Act is passed, and at least once in every subsequent calendar year, on whether in the judgement of His Majesty's Government the Republic of Rwanda is a safe country.”

Member's explanatory statement

This amendment requires the Secretary of State to monitor on an ongoing basis whether Rwanda remains a safe country and to report the outcome to the House.

Sir William Cash

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Robert Jenrick
 Sir Simon Clarke
 Mr Mark Francois
 Danny Kruger
 Sir Jacob Rees-Mogg

Sir Jake Berry
 Suella Braverman
 Richard Drax
 Chris Green
 Sir John Hayes
 Adam Holloway
 Dr Caroline Johnson
 Andrew Lewer
 Lia Nici
 Sir Desmond Swayne
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 Craig Mackinlay

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 Mr Marcus Fysh
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 Mr Philip Hollobone
 Dame Andrea Jenkyns
 Sir Edward Leigh
 Karl McCartney
 John Redwood
 Michael Fabricant
 Henry Smith
 Adam Afriyie
 Sir James Duddridge

☆ Clause 2, page 3, line 13, leave out subsection (5) and insert—

“(5A) This Act and the Illegal Migration Act 2023 will have effect in relation to removals to Rwanda notwithstanding—

- (a) any provision made by or under the Immigration Acts,
- (b) the Human Rights Act 1998,
- (c) EU derived law and case law retained under sections 2 to 7 of the European Union (Withdrawal) Act 2018,
- (d) any other provision or rule of domestic law (including any common law), and
- (e) international law, including any interpretation of international law by the court or tribunal.

(5B) Nothing identified in paragraphs (a) to (e) of subsection (5A) may prevent or delay the removal to Rwanda of an individual under this Act or the Illegal Migration Act 2023, or affect the interpretation or application of any provision of this Act or the Illegal Migration Act 2023, including the actions or policies of public authorities, in relation to the removal of a person to Rwanda.

(5C) To the extent that any provision or requirement included in paragraphs (a) to (e) of subsection (5A) has been given effect to in legislation (including the Asylum and Immigration Appeals Act 1993, the Nationality, Immigration and Asylum Act 2002 and the Asylum and Immigration (Treatment of Claimants etc) Act 2004), that legislation does not apply in relation to provision made by or by virtue of this Act or the Illegal Migration Act 2023 in relation to the removal of an individual to Rwanda, and shall not prevent or delay the removal to Rwanda of an individual under this Act or the Illegal Migration Act 2023.

(5D) A person or body to which subsection (5E) applies may not have regard to international law, in the circumstances mentioned in subsection (5G).

(5E) This subsection applies to —

- (a) the Secretary of State or an immigration officer when exercising any function related to removing, or considering for removal a person to Rwanda under this Act or the Illegal Migration Act 2023,
 - (b) a court or tribunal when considering any application or appeal which relates to a decision or purported decision to remove, or to consider the removal of a person to Rwanda under this Act or the Illegal Migration Act 2023.
- (5F) No inference is to be drawn from this section as to whether or not a person or body mentioned in subsection (5E) would otherwise have been required to have regard to international law.
- (5G) The Asylum and Immigration Appeals Act 1993 is amended as follows.
- (5H) In section 2 at the end insert “except in relation to the removal of a person to Rwanda under the Safety of Rwanda (Asylum and Immigration) Act 2024 and the Illegal Migration Act 2023”.

Member's explanatory statement

This amendment specifically excludes the legislation raised in *AAA v Secretary of State of the Home Department* [2023] UKSC 42 as potential blocks to removal and excludes from consideration any international law (including the ECHR and anything put out by its court).

Robert Jenrick

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Suella Braverman
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Sir Greg Knight
Andrew Rosindell

- ☆ Clause 4, page 4, line 11, leave out from “whether” to the end of line 14 and insert “and in what manner a person is to be removed, or considered for removal, to Rwanda under this Act or the Illegal Migration Act 2023”

Member's explanatory statement

This and other amendments to Clause 4 are intended to remove the ability of individuals to block their own removal through suspensive claims and to limit such claims to rare situations where there is bad faith on the part of decision-makers in relation to decisions as to medical fitness to travel.

Robert Jenrick

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Mr Philip Hollobone
Dr Caroline Johnson
Sir Edward Leigh
Karl McCartney
Sir Jacob Rees-Mogg
Greg Smith
Sir Greg Knight
Andrew Rosindell

- ☆ Clause 4, page 4, line 18, leave out from “that” to end of line 22 and insert “are expressly permitted by this Act or by the Illegal Migration Act 2023”

Member's explanatory statement

This and other amendments to Clause 4 are intended to remove the ability of individuals to block their own removal through suspensive claims and to limit such claims to rare situations where there is bad faith on the part of decision-makers in relation to decisions as to medical fitness to travel.

Mr Rob Roberts

2

Clause 4, page 4, line 27, at end insert —

- “(2A) Any review or appeal under subsection (1) may be considered only after the person in question has arrived in Rwanda.
- (2B) The Secretary of State may provide any necessary technical assistance, including access to video-links, to the person in question if it appears reasonable to a Minister of the Crown that such assistance should be provided in order to enable the person in question to request a review or make an appeal after their arrival in Rwanda.
- (2C) The Secretary of State may provide any necessary incidental or medical assistance to the person in question if it appears reasonable, in the circumstances of that individual person in question, to a Minister of the Crown that such assistance should be provided in order to enable the person in question to travel to, and if necessary to be looked after or quarantined following arrival in, the Republic of Rwanda.
- (2D) Any decision by a Minister of the Crown in relation to subsection (2B) or (2C) shall be final for all purposes and may not be considered or questioned in any tribunal or court.”

Member's explanatory statement

This amendment would allow reviews and appeals to take place only after the person had reached Rwanda; allow video-links for an appeal made from Rwanda; authorise the provision of any necessary medical help or quarantine on the way and if necessary after arrival in Rwanda; and prevent the courts from questioning decisions on assistance made by Ministers.

Mr Rob Roberts

3

Clause 4, page 4, line 28, leave out subsections (3) to (6) and insert—

“(2E) No order for an interim remedy under this section may be made by any tribunal or court.”

Member's explanatory statement

This amendment seeks to ensure that the courts cannot prevent removals to Rwanda, and cannot require return to the UK before an appeal or review has been completed.

Robert Jenrick

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Suella Braverman
Miriam Cates
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Mr Mark Francois
James Grundy
Mr Philip Hollobone
Dr Caroline Johnson
Sir Edward Leigh
Karl McCartney
Sir Jacob Rees-Mogg
Greg Smith
Sir Greg Knight
Andrew Rosindell

☆ Clause 4, page 4, line 34, leave out from “is” to end of line 37 and insert “expressly permitted to do so by this Act or by the Illegal Migration Act 2023”

Member's explanatory statement

This and other amendments to Clause 4 are intended to remove the ability of individuals to block their own removal through suspensive claims and to limit such claims to rare situations where there is bad faith on the part of decision-makers in relation to decisions as to medical fitness to travel.

Robert Jenrick

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 Sir James Duddridge

☆ Clause 4, page 5, line 7, at end insert —

“(8) The Illegal Migration Act 2023 is amended as follows.

(9) In section 8 at the end insert—

“(18) In relation to notices under subsection (2) which specify Rwanda as the country of destination —

- (a) paragraph 2(b) does not apply, and
- (b) subsections (3) to (7) do not apply.”

(10) After section 8 insert—

“8A Finality of decisions

- (1) Subsections (2) and (3) apply in relation to persons named in notices as described in subsection 8(18), and all matters, decisions, or conclusions reached in relation to their selection, processing, detention, and removal.
- (2) These matters, decisions, and conclusions are final, and not liable to be questioned or set aside in any court or tribunal.
- (3) In particular—
 - (a) the decision maker is not to be regarded as having exceeded its powers by reason of any error made in reaching the decision;
 - (b) the supervisory jurisdiction does not extend to, and no application or petition for judicial review may be made or brought in relation to, the decision.
- (4) Subsection (5) applies only in relation to decisions as to medical fitness to travel to Rwanda.
- (5) Subsections (2) and (3) do not apply so far as the decision involves or gives rise to any question as to whether the decision maker is acting or has acted in bad faith.

- (6) The court of supervisory jurisdiction is not to entertain any application or petition for judicial review in respect of a decision relating to a removal or proposed removal to Rwanda that it would not entertain (whether as a matter of law or discretion) in the absence of this section.
- (7) In this section—
- “bad faith” means dishonesty or personal malice, and does not include unreasonableness or actions taken which are inconsistent with international law;
 - “decision” includes any purported decision;
 - “first-instance decision” means the decision in relation to which permission (or leave) to appeal is being sought;
 - “the supervisory jurisdiction” means the supervisory jurisdiction of—
 - (a) the High Court in England and Wales or Northern Ireland, or
 - (b) the Court of Session, in Scotland,
 and

“the court of supervisory jurisdiction” is to be read accordingly.”
- (11) After the cross-heading *“Entry, settlement and citizenship”*, insert—
- “29A Exclusion of certain provisions relating to entry, settlement and citizenship**
- Sections 30 to 37, and the other legislation therein mentioned or referred to, shall not apply if they have the effect of preventing or delaying any removal notified under this Act to Rwanda.”
- (12) After the cross-heading *“Legal proceedings”* insert—
- “37A Exclusion of certain provisions relating to legal proceedings**
- (1) Subsections (2) and (3) apply in relation to persons named in notices as described in subsection 8(18).
 - (2) Suspensive claims, as defined in section 38, are not available in relation to such persons.
 - (3) Where suspensive claims (including any appeals) have been commenced prior to the giving of notice, such claims and any pending appeals are null and void and shall not prevent removal or have any other legal effect.”

Member's explanatory statement

This amendment limits the ability of courts to review, and restricts suspensive claims that may be made, in relation to the decision to remove a person to Rwanda.

DAY 2

CLAUSES 3 AND 5 TO 10; REMAINING NEW CLAUSES AND NEW SCHEDULES;
CLAUSE 1; REMAINING PROCEEDINGS ON THE BILL

Robert Jenrick

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Suella Braverman
Sir John Hayes
Sir Iain Duncan Smith
Mr David Jones
Miriam Cates

Scott Benton
Sir William Cash
Richard Drax
Chris Green
Gordon Henderson
Tom Hunt
Danny Kruger
Anne Marie Morris
Neil O'Brien
Sir Desmond Swayne
Marco Longhi
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Craig Mackinlay

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Adam Holloway
Dr Caroline Johnson
Andrew Lewer
Lia Nici
Sir Jacob Rees-Mogg
Greg Smith
Sir Greg Knight
Andrew Rosindell

☆ Clause 3, page 3, line 21, after "Act" insert ", and of the Illegal Migration Act 2023 insofar as they relate to the removal of persons to Rwanda"

Member's explanatory statement

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disapplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Robert Jenrick

12

Suella Braverman
Sir John Hayes
Sir Iain Duncan Smith
Mr David Jones
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Scott Benton
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Dr Caroline Johnson
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Lia Nici
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Greg Smith
Adam Afriyie
Sir James Duddridge

- ☆ Clause 3, page 3, line 22, after “disapplied” insert “,in relation to both of those Acts in relation to the removal of a person to Rwanda”

Member's explanatory statement

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disapplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Robert Jenrick

13

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Andrew Rosindell

- ☆ Clause 3, page 3, line 25, after “legislation),” insert—

“(ba) sections 4 (declaration of incompatibility) and 10 (power to take remedial action),”

Member's explanatory statement

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disapplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Robert Jenrick

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Suella Braverman
 Sir John Hayes
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 Sir Greg Knight
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- ☆ Clause 3, page 3, line 27, leave out from “apply” to end of line 29 and insert “in relation into provision made by or by virtue of this Act, the Illegal Migration Act 2023 and the Immigration Acts in relation to the removal of a person to Rwanda”

Member's explanatory statement

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disapplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Robert Jenrick

15

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 Sir Greg Knight
 Andrew Rosindell

- ☆ Clause 3, page 3, line 30, at end insert “, the Illegal Migration Act 2023 or the Immigration Acts”

Member's explanatory statement

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disapplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Robert Jenrick

16

Suella Braverman
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☆ Clause 3, page 3, line 30, at end insert—

“(4A) Sections 4 and 10 do not apply in relation to provision made by or by virtue of this Act, the Illegal Migration Act 2023, or the Immigration Acts.”

Member's explanatory statement

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disapplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Robert Jenrick

17

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- ☆ Clause 3, page 3, line 32, leave out paragraphs (a) to (c) and insert “provision made in relation to the removal or proposed removal to Rwanda by or by virtue of this Act or the Illegal Migration Act 2023.”

Member's explanatory statement

This amendment is intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disapplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA.

Robert Jenrick

18

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 Sir Greg Knight
 Andrew Rosindell

- ☆ Clause 3, page 4, line 6, at end insert—

“(5A) This section applies only in relation to the removal or proposed removal of a person to Rwanda under this Act or the Illegal Migration Act 2023.”

Member's explanatory statement

This and other amendments to Clause 3 are intended to ensure that the relevant provisions of the Human Rights Act 1998 are fully disapplied for both this Bill and for the Illegal Migration Act 2023 in relation to removals to Rwanda – including by ruling out the use of sections 4 and 10 of the HRA. The Immigration Acts are listed in section 61(4) of the UK Borders Act 2007, as amended.

Mr Alistair Carmichael

6

Sir Robert Buckland

Page 3, line 21, leave out Clause 3

Mr Alistair Carmichael

7

Clause 5, page 5, line 12, leave out subsection (2)

Member's explanatory statement

This amendment would omit the provision that only a Minister of the Crown can decide whether the United Kingdom will comply with interim measures of the European Court of Human Rights.

Robert Jenrick

23

Sir John Hayes

Suella Braverman

Miriam Cates

Sir Iain Duncan Smith

Sir Simon Clarke

Scott Benton

Sir William Cash

Mr Mark Francois

James Grundy

Mr Philip Hollobone

Dame Andrea Jenkyns

Danny Kruger

Anne Marie Morris

Neil O'Brien

Sir Desmond Swayne

Marco Longhi

Adam Afriyie

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Sir Edward Leigh

Kerry McCarthy

John Redwood

Sir Bill Wiggin

Henry Smith

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Ben Bradley

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Chris Green

Gordon Henderson

Tom Hunt

Mr David Jones

Andrew Lewer

Lia Nici

Sir Jacob Rees-Mogg

Greg Smith

Sir Greg Knight

Craig Mackinlay

☆ Clause 5, page 5, line 13, leave out subsection (2) and insert —

“(2A) The interim measure is not binding on the United Kingdom, and will have no effect on any provision made by or by virtue of this Act or the Illegal Migration Act 2023, and shall not prevent or delay the removal of a person to Rwanda under this Act or the Illegal Migration Act 2023.”

Member's explanatory statement

This ensures that the default position is that Rule 39 indications are not treated as binding on the United Kingdom and will not prevent removals to Rwanda, but to provide an optional discretion to Ministers.

Mr Alistair Carmichael

8

Clause 5, page 5, line 15, leave out subsection (3)

Member's explanatory statement

This amendment would remove the requirement that a court or tribunal must not have regard to the interim measure when considering any application or appeal which relates to a decision to remove the person to the Republic of Rwanda.

Robert Jenrick

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Sir John Hayes
Suella Braverman
Miriam Cates
Sir Iain Duncan Smith
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Greg Smith
Sir Greg Knight
Craig Mackinlay

☆ Clause 5, page 5, line 19, leave out subsection (4) and insert—

“(4A) A Minister of the Crown, acting in person, may (but need not) determine that the duty to remove in section 2(1) of the Illegal Migration Act 2023 is not to apply in relation to a person to whom this section applies.”

Member's explanatory statement

This amendment is linked to Amendment 23.

Stella Creasy

9

Clause 5, page 5, line 23, at end insert—

“(5) The Government must, within three months of this Act receiving Royal Assent, lay before Parliament a copy of a report setting out how this clause is

compatible with Section 7A of the European Withdrawal Act and the UK's obligations to citizens under the Good Friday Agreement.

- (6) Within three sitting days of a report being laid under subsection (5) the Government must move in each House an amendable motion that that House has considered and approved the report which has been laid.
- (7) Subsections (2) and (3) do not come into force until such as time as both Houses have passed motions under subsection (6) approving reports laid under subsection (5)."

Robert Jenrick

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Sir John Hayes
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 Tom Hunt
 Mr David Jones
 Andrew Lewer
 Lia Nici
 Sir Jacob Rees-Mogg
 Greg Smith
 Sir Greg Knight
 Craig Mackinlay

☆ Clause 5, page 5 line 23, at the end insert —

- "(5) Section 55 of the Illegal Migration Act 2023 is amended as follows.
- (6) In subsection (6) —
 - (a) omit "Where a Minister of the Crown does not make a determination under subsection (2)", and
 - (b) after "applies" insert "in relation to the removal or proposed removal of a person to Rwanda".
- (7) For subsection (9) substitute —

"(9A) Where a Minister of the Crown has not made a determination under subsection (2) in relation to the removal or proposed removal of a person to Rwanda, section 4(2) of the Safety of Rwanda (Asylum and Immigration) Act 2024 applies."
- (8) After subsection (10) insert—

"(11) Section 8(18) applies to any decisions made in connection with this section or section 5 of the Safety of Rwanda (Asylum and Immigration) Act 2024.""

Member's explanatory statement

This amendment ensures that the default position is that Rule 39 indications are not treated as binding on the United Kingdom and will not prevent removals to Rwanda, but to provide an optional discretion to Ministers.

Sir Robert Buckland 26

★ Page 5, line 8, leave out Clause 5

Patrick Grady 4

Clause 8, page 6, line 23, leave out "Scotland"

Member's explanatory statement

The intention of this amendment is to prevent the Bill affecting the law in Scotland.

Patrick Grady 5

Clause 8, page 6, line 25, after "within" insert "the rest of"

Member's explanatory statement

The intention of this amendment is to ensure that any amendment made by any Act resulting from this Bill would affect only the rest of the UK, and not Scotland (see Amendment 4).

Stella Creasy NC2

★ To move the following Clause—

"Monitoring and enforcement of conditions (No. 2)

- (1) If the conditions of subsection (2) are met, then no provision of this Act shall have effect until such as time as each House of Parliament has passed a motion agreeing that the Act remain in effect.
- (2) The conditions of this subsection are that the Monitoring Committee has—
 - (a) published a report noting that any provision of the UK-Rwanda treaty is not being adhered to by either party,
 - (b) published a report noting that the conditions under which asylum seekers are being held in Rwanda are materially different to those in place at the point where the UK-Rwanda treaty was signed, or
 - (c) not published a report in the last six months confirming that neither (2)(a) or (2)(b) have in their view been necessary.
- (3) For the purposes of this section, the Monitoring Committee refers to the Committee established by Article 15 of the UK-Rwanda treaty: provision of an asylum partnership."

Sir Robert Buckland

27

★ Page 1, line 1, leave out Clause 1

Order of the House

[12 December 2023]

That the following provisions shall apply to the Safety of Rwanda (Asylum and Immigration) Bill:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee of the whole House, on Consideration and on Third Reading

2. Proceedings in Committee of the whole House, any proceedings on Consideration and proceedings on Third Reading shall be completed either in two days or in three days, in accordance with the following provisions of this Order.
3. Proceedings in Committee—
 - (a) shall be taken on each of the first and second days in the order shown in the first column of the following Table, and
 - (b) shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

Proceedings	Time for conclusion of proceedings
First day	
Clauses 2 and 4; new Clauses and new Schedules relating to the subject matter of those Clauses	Six hours after the commencement of proceedings on the Bill on the first day.
Second day	
Clauses 3 and 5 to 10; remaining new Clauses and new Schedules; Clause 1; remaining proceedings on the Bill	Six hours after the commencement of proceedings on the Bill on the second day.

4. If there are no proceedings on Consideration, proceedings on Third Reading shall be taken on the second day, and shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.
5. If there are proceedings on Consideration—
 - (a) those proceedings shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the third day, and

- (b) proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

Programming committee

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to proceedings on Third Reading.

Other proceedings

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

The following amendments were withdrawn on 10 January 2024:

NC1