

European Union Bill

COMMONS DISAGREEMENTS, REASONS AND AMENDMENT IN LIEU

[The page and line references are to HL Bill 55, the bill as first printed for the Lords.]

Clause 2

- 3 Page 2, line 22, at end insert “, and
- (d) the Electoral Commission have issued a certificate stating whether or not it appears to them that more than 40 per cent of the persons entitled to vote in the referendum have voted in it.
 - () If the certificate issued under subsection (2)(d) states that more than 40 per cent of the persons entitled to vote in the referendum have voted in it, the treaty may be ratified.
 - () If the certificate issued under subsection (2)(d) states that fewer than 40 per cent of the persons entitled to vote in the referendum have voted in it, the treaty may not be ratified unless –
 - (a) in each House of Parliament a Minister of the Crown has moved a motion that the House approves Her Majesty’s Government’s intention to ratify the treaty, and
 - (b) each House has agreed to the motion without amendment.”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendments Nos. 3 and 5 for the Reason set out at 5A

Clause 3

- 5 Page 2, line 42, at end insert “, and
- (d) the Electoral Commission have issued a certificate stating whether or not it appears to them that more than 40 per cent of the persons entitled to vote in the referendum have voted in it.
 - () If the certificate issued under subsection (2)(d) states that more than 40 per cent of the persons entitled to vote in the referendum have voted in it, the decision may be approved.

- () If the certificate issued under subsection (2)(d) states that fewer than 40 per cent of the persons entitled to vote in the referendum have voted in it, the decision may not be approved unless –
 - (a) in each House of Parliament a Minister of the Crown has moved a motion that the House approves Her Majesty’s Government’s intention to approve the decision, and
 - (b) each House has agreed to the motion without amendment.”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendments Nos. 3 and 5 for the following Reason –

- 5A** *Because the outcome of the referendum should be determined by those who vote in it and should not depend on how many do not vote.*

Clause 6

- 6** Page 4, line 34, leave out from “Parliament” to end of line 35

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendments Nos. 6 to 13 for the Reason set out at 13A

- 7** Page 4, line 38, after “defence” insert “that permits a single, integrated military force”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendments Nos. 6 to 13 for the Reason set out at 13A

- 8** Page 4, line 41, at end insert –
- “() Where the European Council has recommended to the member States the adoption of a decision under Article 42(2) of TEU in relation to a common EU defence which is not covered by subsection (2), a Minister of the Crown may not notify the European Council that the decision is adopted by the United Kingdom unless the decision is approved by Act of Parliament.”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendments Nos. 6 to 13 for the Reason set out at 13A

- 9** Page 5, line 4, leave out from “Parliament” to end of line 5

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendments Nos. 6 to 13 for the Reason set out at 13A

- 10** Page 5, line 5, at end insert –
- “() A Minister of the Crown may not vote in favour of or otherwise permit a decision under Article 140(3) of TFEU which would make the euro the currency of the United Kingdom unless –
 - (a) the draft decision is approved by Act of Parliament, and

(b) the referendum condition is met.”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendments Nos. 6 to 13 for the Reason set out at 13A

11 Page 5, line 5, at end insert—

“(3A) A Minister of the Crown may not vote in favour of or otherwise permit a decision under Article 4 of the Schengen Protocol that removes any border control of the United Kingdom unless—

- (a) the draft decision is approved by Act of Parliament, and
- (b) the referendum condition is met.

(3B) In subsection (3A) “the Schengen Protocol” means the Protocol (No. 19) on the Schengen *acquis* integrated into the framework of the European Union, annexed to TEU and TFEU.”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendments Nos. 6 to 13 for the Reason set out at 13A

12 Page 5, line 22, leave out paragraph (e)

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendments Nos. 6 to 13 for the Reason set out at 13A

13 Page 5, leave out lines 45 to 49

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendments Nos. 6 to 13 for the following Reason—

13A *Because the decisions concerned would involve an increase in the competences or powers of the European Union in relation to the United Kingdom and should therefore require approval by referendum as well as by Act.*

Clause 18

14 Leave out Clause 18 and insert the following new Clause—

“Status of EU law dependent on continuing statutory basis

By virtue of the European Communities Act 1972 directly applicable or directly effective EU law (that is, the rights, powers, liabilities, obligations, restrictions, remedies and procedures referred to in section 2(1) of the European Communities Act 1972) falls to be recognised and available in law in the United Kingdom.”

COMMONS AGREEMENT WITH AMENDMENTS

The Commons agree to Lords Amendment No. 14 with the following amendments—

- 14A** Line 3, leave out from beginning to ‘directly’.
- 14B** Line 7, at end insert ‘only by virtue of that Act or where it is required to be recognised and available in law by virtue of any other Act’.

After Clause 21

- 15** Insert the following new Clause –

“Duration of Part 1 and Schedule 1

- (1) Part 1 and Schedule 1 shall expire on the day on which the Parliament in which this Act is passed dissolves.
- (2) In subsequent Parliaments, the Secretary of State may by order provide that Part 1 and Schedule 1 shall be deemed to have been revived from the beginning of the Parliament in which the order is made.
- (3) An order under subsection (2) shall provide that Part 1 and Schedule 1 shall expire on the day on which the Parliament in which the order is made dissolves.
- (4) An order under subsection (2) –
 - (a) must be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to Lords Amendment No. 15 for the following Reason –

- 15A** *Because Part 1 and Schedule 1 are not provisions to which it is appropriate to apply a sunset provision.*