

European Union (Notification of Withdrawal) Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 1

LORD LEA OF CRONDALL
LORD DAVIES OF STAMFORD

- 1 Page 1, line 3, at end insert “while retaining membership of the European Economic Area (EEA)”

LORD HAIN
LORD ALDERDICE
LORD MURPHY OF TORFAEN

- 2 Page 1, line 3, at end insert –
“() Before a notification can be given under subsection (1), the Prime Minister must give an undertaking to negotiate under the process set out in Article 50 to support the maintenance of the open border between Northern Ireland and the Republic of Ireland as set out under the provisions of the Belfast Agreement of 1998 and subsequent relevant agreements.”

LORD NEWBY
BARONESS WHEATCROFT
LORD HAIN
LORD WARNER

- 3 Page 1, line 3, at end insert –
“() No agreement with the European Union consequent on the use of the power under subsection (1) may be ratified unless –
(a) it has been laid before and approved by a resolution of each House of Parliament;
(b) the Prime Minister has obtained authority to put it to a national referendum; and
(c) it has been approved by such a referendum.”

Clause 1 - continued

LORD HAIN
LORD MONKS
LORD OATES
LORD WIGLEY

4 Page 1, line 3, at end insert –

“() Before a notification can be given under subsection (1), the Prime Minister must give an undertaking to negotiate under the process set out in Article 50 on the basis of the United Kingdom retaining membership of the European Single Market.”

LORD WIGLEY

5 Page 1, line 3, at end insert –

“() Before a notification can be given under subsection (1), the Prime Minister must give an undertaking that Her Majesty’s Government will seek to ensure the United Kingdom’s continued full and unfettered access to the European Single Market; through participation in the European Economic Area, or membership of the European Free Trade Association, or both.”

BARONESS QUIN
LORD SHIPLEY

6 Page 1, line 3, at end insert –

“() Subsection (1) does not come into force until Her Majesty’s Government has laid before each House of Parliament an assessment of the impact of –
(a) withdrawing from the European Union, and
(b) Her Majesty’s Government’s negotiating strategy for withdrawal, on the economy of the North East of England.”

LORD OATES
BARONESS KENNEDY OF THE SHAWS
LORD CROMWELL

7 Page 1, line 3, at end insert –

“() Before a notification can be given under subsection (1), a report must be published by Her Majesty’s Government setting out –
(a) a fast track procedure by which European Economic Area (EEA) and Swiss citizens and their families, currently resident in the United Kingdom, can gain the right of permanent residence;
(b) all requirements with which EEA and Swiss citizens and their families will be required to comply under such a procedure, including the date on which they must have been resident in the United Kingdom to qualify, any documentation they may be required to produce and any other procedures they may be required to comply with;
(c) the rights that will be accorded to EEA and Swiss citizens and their families under such a procedure, including: rights of access to health, education and other public services;

Clause 1 - continued

- (d) an undertaking by Her Majesty's Government that such procedures as are established consistent with paragraph (a) will not include a requirement for evidence of comprehensive sickness insurance;
 - (e) an undertaking by Her Majesty's Government that such procedures as are established consistent with paragraph (a) will come into force on the date that a notification is given under subsection (1).
- () The report must be submitted with the notification under subsection (1) as the basis for reciprocal rights being granted to British citizens currently resident in the EU, in Switzerland and in those EEA states which are not also members of the EU."

LORD WARNER
LORD OATES

8 Page 1, line 3, at end insert –

- “() Within a period between 9 and 12 months from the date of a notification under section 1, the Prime Minister must lay before each House of Parliament for their approval a report on progress on withdrawal negotiations with the EU that covers progress on –
- (a) future trading relationships with the EU, and an assessment of the implications of likely changes in those relationships for the major United Kingdom industries and sectors;
 - (b) future arrangements for the movement of citizens of the EU and the United Kingdom between each other's territories;
 - (c) the cost and make-up of the exit charge to be paid by the United Kingdom to the EU;
 - (d) the likely implications of these negotiations for the devolved administrations, especially the border between Ireland and the United Kingdom; and
 - (e) such other matters the Prime Minister considers should be included.”

LORD SHIPLEY

9 Page 1, line 3, at end insert –

- “() Subsection (1) does not come into force until Her Majesty's Government has laid before each House of Parliament an assessment of the impact of –
- (a) withdrawing from the European Union, and
 - (b) Her Majesty's Government's negotiating strategy for withdrawal on the economy, investment and regional funding of –
 - (i) the North East of England;
 - (ii) the North West of England;
 - (iii) the South West of England;
 - (iv) the South East of England;
 - (v) the East of England;
 - (vi) the East Midlands;
 - (vii) the West Midlands;
 - (viii) Yorkshire;
 - (ix) London;

Clause 1 - continued

- (x) Northern Ireland;
- (xi) Scotland;
- (xii) Wales.”

LORD MCAVOY
 LORD MURPHY OF TORFAEN
 BARONESS SMITH OF BASILDON
 LORD HAIN

- 10** Page 1, line 5, at end insert “or agreement, with the exceptions of the Northern Ireland Act 1998, section 2 of the Ireland Act 1949, and the United Kingdom’s obligations under the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland made on 10 April 1998.”

LORD TEVERSON
 BARONESS FEATHERSTONE
 LORD FOX
 LORD HUNT OF CHESTERTON

- 11** Page 1, line 5, at end insert –
 “() Section 3(2) of the European Union (Amendment) Act 2008 does not apply to subsection (1), and in subsection (1) the term “EU” does not include the European Atomic Energy Community (Euratom).”

BARONESS JONES OF MOULSECOOMB

- 12** Page 1, line 5, at end insert –
 “() A notification may only be given under subsection (1) once –
 (a) Her Majesty’s Government has laid before each House of Parliament a White Paper setting out its approach to any transitional arrangements with the European Union following the expiry of the two-year period specified in Article 50(3) of the Treaty on European Union; and
 (b) the approach set out in the White Paper has been approved by a resolution of each House of Parliament.”

- 13** Page 1, line 5, at end insert –
 “() A notification may only be given under subsection (1) once –
 (a) Her Majesty’s Government has laid before each House of Parliament a White Paper identifying the impact of withdrawal from the European Union on securing compliance with environmental regulation, including proposals for oversight, accountability and enforcement mechanisms replacing the role of the European Commission and the European Court of Justice to ensure an equivalent level of compliance with environmental regulation; and
 (b) the approach set out in the White Paper has been approved by a resolution of each House of Parliament.”

- 14** Page 1, line 5, at end insert –
 “() A notification may only be given under subsection (1) once –

Clause 1 - continued

- (a) Her Majesty's Government has laid before each House of Parliament a report identifying the impact of withdrawal from the European Union on the independence and effectiveness of environmental regulatory bodies, including a detailed assessment of the capacity of those bodies to implement and enforce environmental legislation; and
- (b) the report has been approved by a resolution of each House of Parliament."

15 Page 1, line 5, at end insert –

- “() A notification may only be given under subsection (1) once the Prime Minister has published a report setting out the impact of withdrawal from the European Union on the United Kingdom's commitments under the Aarhus Convention, including effects on access to justice in relation to environmental legislation presently secured by United Kingdom membership of the European Union.”

BARONESS JONES OF MOULSECOOMB
LORD WIGLEY
BARONESS BURT OF SOLIHULL

16 Page 1, line 5, at end insert –

- “() A notification may only be given under subsection (1) once –
- (a) Her Majesty's Government has laid before each House of Parliament a report identifying plans to address any impacts of withdrawal from the European Union on the maintenance of employment and equality protections on the grounds of any of the protected characteristics as defined in the Equality Act 2010, where such protections are contained in UK primary and secondary legislation and currently guaranteed by the UK's membership of the European Union; and
 - (b) the approach set out in the report has been approved by a resolution of each House of Parliament.”

After Clause 1

BARONESS HAYTER OF KENTISH TOWN
LORD HANNAY OF CHISWICK
LORD PANNICK
LORD OATES

17 Insert the following new Clause –

“Parliamentary approval for the outcome of negotiations with the European Union

- (1) No Minister of the Crown may agree to arrangements for the withdrawal of the United Kingdom from the European Union under Article 50(2) of the Treaty on European Union until –
 - (a) Her Majesty's Government has laid a copy of the final draft of the proposed arrangements before each House of Parliament, and
 - (b) each House of Parliament has passed a resolution approving the final draft of the proposed arrangements.

After Clause 1 - continued

- (2) The requirements under subsection (1)(a) and (b) must also be met where a Minister of the Crown proposes any separate arrangements pertaining to the future political and economic relationship between the United Kingdom and the European Union.
- (3) In the case of a proposed agreement with the European Union setting out the arrangements for the withdrawal of the United Kingdom from the European Union, any resolution under subsection (1) must have been passed by each House of Parliament before the proposed terms are agreed with the European Council, with a view to their approval by the European Parliament.
- (4) No Minister of the Crown may agree to the termination, or terminate unilaterally, the negotiations regarding the arrangements for the withdrawal of the United Kingdom from the European Union under Article 50(2) of the Treaty on European Union without the prior approval of each House of Parliament by resolution.”

BARONESS HAYTER OF KENTISH TOWN
LORD LENNIE
LORD KERSLAKE
BARONESS JONES OF MOULSECOOMB

18

Insert the following new Clause—

“Parliamentary oversight of negotiations

- (1) Before exercising the power under section 1(1), the Prime Minister must give an undertaking to—
 - (a) make a quarterly statement to each House of Parliament, which presents a report relating to the negotiations, with copies of this report made available to relevant committees of each House of Parliament;
 - (b) lay before each House of Parliament, as soon as practicable, a copy of any public document relating to the negotiations provided to the European Parliament, or its committees, by the European Council, Council of the European Union or European Commission;
 - (c) make arrangements for Members of each House of Parliament to review any confidential documents relating to the negotiations.
- (2) In this section—

“public document” includes any briefing, conclusions, report or statement issued by the European Council, Council of the European Union or European Commission, or considered at a formal committee meeting or plenary session of the European Parliament;

“confidential document” includes any document issued by the European Council, Council of the European Union, European Commission or European Parliament to the United Kingdom Government which Ministers of the Crown believe would adversely impact on the United Kingdom’s negotiations if it were made publicly available.”

After Clause 1 - continued

BARONESS HAYTER OF KENTISH TOWN
LORD HANNAY OF CHISWICK
LORD BOWNESS
BARONESS LUDFORD

19 Insert the following new Clause—

“EU and EEA nationals resident in the United Kingdom

In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must resolve to ensure that citizens of another European Union or European Economic Area country and their family members, who are legally resident in the United Kingdom on the day on which this Act is passed, continue to be treated in the same way with regards to their EU derived-rights and, in the case of residency, their potential to acquire such rights in the future.”

BARONESS HAYTER OF KENTISH TOWN
LORD LENNIE
LORD KERSLAKE

20 Insert the following new Clause—

“Conduct of negotiations

Before exercising the power under section 1(1), the Prime Minister must give an undertaking to have regard to the public interest in—

- (a) maintaining a stable and sustainable economy,
- (b) preserving peace in Northern Ireland,
- (c) having trading arrangements with the European Union for goods and services that are free of additional tariffs and non-tariff barriers,
- (d) cooperating with the European Union in matters relating to education, health, research and science, environmental protection, the maintenance of domestic security, and the combating of organised crime and terrorist activity, and
- (e) maintaining all existing social, economic, consumer and workers’ rights,

during negotiations under Article 50(2).”

BARONESS HAYTER OF KENTISH TOWN
LORD LENNIE
LORD WIGLEY

21 Insert the following new Clause—

“Involvement of Scotland, Wales and Northern Ireland

- (1) Within six months of exercising the power under section 1(1), the Prime Minister must publish a document setting out arrangements that have been agreed between the Prime Minister and the devolved administrations for the Secretary of State to—

- (a) consult the devolved administrations on the matters referred to in subsection (2),

After Clause 1 - continued

- (b) specify how their views on those matters will be taken into account, and
 - (c) seek to reach a consensus on those matters.
- (2) The matters are—
- (a) the terms proposed for withdrawal from the European Union (including the initial negotiating position), and
 - (b) the framework for the United Kingdom’s future relationship with the European Union.
- (3) The arrangements referred to subsection (1) must make provision for statements to be published setting out the extent to which consensus has been reached.
- (4) The arrangements may make provision for functions to be exercised by Joint Ministerial Committees.
- (5) Before concluding an agreement under the process set out in Article 50 with any institution of the European Union, the Prime Minister must consult the devolved administrations on the terms of any proposed agreements, and specify how their views have been taken into account.
- (6) For the purposes of this section, the devolved administrations are—
- (a) the Scottish Ministers,
 - (b) the Welsh Ministers, and
 - (c) the Executive Committee of the Northern Ireland Assembly.”

BARONESS HAYTER OF KENTISH TOWN
LORD LENNIE
LORD HANNAY OF CHISWICK
LORD KERSLAKE

22

Insert the following new Clause—

“Impact assessments

- (1) The Prime Minister may not give notice under section 1(1) until—
- (a) any existing impact assessments or economic forecasts relating to the United Kingdom’s future trading relationship with the European Union conducted by HM Treasury, the Department for Exiting the European Union, the Department for International Trade or the Office for Budget Responsibility, completed since 23 June 2016, have been laid before each House of Parliament, or
 - (b) Ministers of the Crown representing the departments in paragraph (a) have laid a statement before each House of Parliament declaring that no such assessments have been conducted since 23 June 2016.
- (2) Where Ministers of the Crown believe publication of assessments under subsection (1)(a) would undermine the negotiating position of the Government in relation to negotiations carried out under Article 50(2) of the Treaty on European Union, suitable confidentiality arrangements must be made which allow Members of each House of Parliament to view such documents.”

After Clause 1 - continued

BARONESS HAYTER OF KENTISH TOWN
LORD LENNIE
LORD BRADSHAW
LORD WIGLEY

23 Insert the following new Clause—

“Nuclear collaboration

- (1) Nothing in this Act shall affect the UK’s membership of the European Atomic Agency Community (Euratom).
- (2) Notwithstanding the provisions of any other Act, Her Majesty’s Government must treat the process of leaving Euratom as separate to that of leaving the European Union.”

LORD LEA OF CRONDALL
LORD BERKELEY

24 Insert the following new Clause—

“Report on co-operation with European technical agencies

- (1) Before exercising the power under section 1(1), the Prime Minister must publish a report detailing the United Kingdom’s intended approach, during negotiations under the process set out in Article 50 of the Treaty on European Union, to ensuring the United Kingdom’s continued co-operation and participation with the work of the European technical agencies listed in subsection (2).
- (2) The agencies are—
 - (a) Agency for the Cooperation of Energy Regulators (ACER),
 - (b) Office of the Body of European Regulators for Electronic Communications (BEREC Office),
 - (c) Community Plant Variety Office (CPVO),
 - (d) European Border and Coast Guard Agency (Frontex),
 - (e) European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA),
 - (f) European Asylum Support Office (EASO),
 - (g) European Aviation Safety Agency (EASA),
 - (h) European Banking Authority (EBA),
 - (i) European Centre for Disease Prevention and Control (ECDC),
 - (j) European Chemicals Agency (ECHA),
 - (k) European Environment Agency (EEA),
 - (l) European Fisheries Control Agency (EFCA),
 - (m) European Insurance and Occupational Pensions Authority (EIOPA),
 - (n) European Maritime Safety Agency (EMSA),
 - (o) European Medicines Agency (EMA),
 - (p) European Monitoring Centre for Drugs and Drug Addiction (EMCDDA),

After Clause 1 - continued

- (q) European Union Agency for Network and Information Security (ENISA),
- (r) European Police Office (Europol),
- (s) European Union Agency for Railways (ERA),
- (t) European Securities and Markets Authority (ESMA),
- (u) European Union Intellectual Property Office (EUIPO), and
- (v) the (European Atomic Energy Community Treaty) EURATOM agencies.”

BARONESS HAMWEE
LORD WOOLF
BARONESS LAWRENCE OF CLARENDON
LORD KERSLAKE

25 Insert the following new Clause—

“Rights of EU citizens resident in the United Kingdom

Nothing in this Act shall affect the continuation of those residence rights enjoyed by EU citizens lawfully resident in the United Kingdom on 23 June 2016, under or by virtue of Directive 2004/38/EC, after the United Kingdom’s withdrawal from the European Union.”

LORD NEWBY
BARONESS LUDFORD
LORD PADDICK
LORD OATES

26 Insert the following new Clause—

“Effect of notification of withdrawal: EU citizens in the UK and UK citizens in the EU

Nothing in this Act shall affect the continuation of those rights of residence and other rights enjoyed by EU citizens lawfully resident in the United Kingdom and UK citizens lawfully resident in the EU pursuant to EU law after the United Kingdom’s withdrawal from the European Union.”

BARONESS MASSEY OF DARWEN
BARONESS JONES OF MOULSECOOMB
BARONESS ROYALL OF BLAISDON

27 Insert the following new Clause—

“Protected characteristics: equality impact assessments

- (1) In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must have regard to the impact of any framework for a new relationship with the European Union on protected characteristics, as set out in the Equality Act 2010.
- (2) Any report Her Majesty's Government lays before Parliament on the progress of the withdrawal negotiations must be accompanied by an equality impact assessment.

After Clause 1 - continued

- (3) Neither House of Parliament may approve by resolution any framework for a new relationship with the European Union unless an equality impact assessment has been laid before each House of Parliament.”

THE EARL OF SANDWICH
BARONESS SHEEHAN
LORD CHIDGEY

28 Insert the following new Clause—

“Impact of withdrawal on developing and post-conflict countries

Before exercising the power under section 1(1), the Prime Minister must arrange for the publication of a report on the impact of withdrawal from the EU on the United Kingdom's trade, aid and security policies in relation to developing and post-conflict countries.”

LORD WIGLEY
BARONESS JONES OF MOULSECOOMB

29 Insert the following new Clause—

“Priorities: UK higher education institutions, students and academics

Before a notification can be given under section 1(1), the Prime Minister must give an undertaking that Her Majesty's Government will seek to secure an agreement which—

- (a) permits the provision of tuition fee support to EU students on the same basis as UK home students,
- (b) supports continued participation in Horizon 2020 and future European Research Area programmes,
- (c) supports continued participation in Erasmus+, and
- (d) supports continued participation in the Bologna process.”

LORD MURPHY OF TORFAEN
LORD DUBS
LORD HAIN
LORD WIGLEY

30 Insert the following new Clause—

“Priority in negotiation: Northern Ireland

It must be a priority in negotiations under Article 50(2) for the Prime Minister to seek terms that would not give rise to any external impediment to the ability of the people of the island of Ireland to exercise the right, on the basis of the consent of the people of the Republic of Ireland and Northern Ireland, to bring about a united Ireland, to be treated as a European Union Member State.”

After Clause 1 - continued

LORD LESTER OF HERNE HILL
 BARONESS JONES OF MOULSECOOMB
 BARONESS KENNEDY OF THE SHAWS

31 Insert the following new Clause—

“Parliamentary consent to the final terms of withdrawal from the Union

The United Kingdom may not withdraw from the European Union under Article 50 of the Treaty until—

- (a) an Act of Parliament has been passed approving—
 - (i) an agreement a Minister of the Crown proposes to conclude with the European Union setting out the arrangements for the withdrawal of the United Kingdom from the European Union in accordance with Article 50(2) of the Treaty on European Union; and
 - (ii) any separate agreement a Minister of the Crown proposes to conclude with the European Union prior to the United Kingdom’s withdrawal from the European Union pertaining to the future political or economic relationship between the United Kingdom and the European Union; or
- (b) where no withdrawal agreement falling within paragraph (a)(i) can be concluded with the European Union, an Act of Parliament approving the United Kingdom’s withdrawal from the European Union.”

VISCOUNT HAILSHAM

32 Insert the following new Clause—

“Parliamentary control

- (1) The terms agreed with the European Union in negotiations under Article 50 (the “agreed terms”) must be laid before each House of Parliament, and having been laid before each House—
 - (a) if both Houses pass a resolution approving the agreed terms, the terms may be ratified;
 - (b) if either House declines to ratify the agreed terms, that House may by resolution state its reasons;
 - (c) if both Houses pass a resolution to that effect, the agreed terms must be put to a national referendum on a question to be determined by both Houses of Parliament;
 - (d) if both Houses pass a resolution to that effect, Her Majesty's Government must withdraw the notification under Article 50.
- (2) In the event that Her Majesty's Government is unable to agree transitional or final terms with the European Union under Article 50 within a period of not more than 21 months starting with the date on which the notification under section 1(1) was given, the Government must lay a report before each House of Parliament, explaining the reasons and making a recommendation on how to proceed, and once the report has been laid before each House—
 - (a) the recommendation is subject to approval, amendment or rejection by resolution of each House;

After Clause 1 - continued

- (b) if both Houses pass a resolution to that effect, a national referendum must be held to determine what should be the next step, on a question to be determined by both Houses of Parliament;
- (c) if both Houses pass a resolution to that effect, Her Majesty's Government must withdraw the notification under Article 50."

BARONESS DRAKE

33 Insert the following new Clause—

“Women's rights and equality

Before issuing any notification under Article 50(2) of the Treaty on European Union, the Prime Minister must give an undertaking to have regard to the public interest during negotiations for the United Kingdom's withdrawal from the European Union in respect of—

- (a) maintaining employment rights and protections derived from European Union legislation,
- (b) ensuring that European Union co-operation to end violence against women and girls, to tackle female genital mutilation and to end human trafficking will continue unaffected, and
- (c) the desirability of continuing to recognise, in the United Kingdom, European Protection Orders placed on abusive partners in European Union Member States and, in United Kingdom, European Protection Orders placed on abusive partners across the European Union.”

LORD BRUCE OF BENNACHIE
LORD WALLACE OF TANKERNESS

34 Insert the following new Clause—

“Fishing in UK waters

Before any commitment is entered into on behalf of the United Kingdom affecting fishing rights in the seas within the United Kingdom's territorial waters, or within seas regarded by the United Kingdom as within the United Kingdom's exclusive economic zone, in any negotiations related to the United Kingdom's withdrawal from the European Union following the day on which this Act is passed—

- (a) a resolution must be passed by both Houses of the United Kingdom Parliament, and
- (b) where any potential commitment affects fishing rights in United Kingdom territorial waters and waters within the United Kingdom exclusive economic zone adjacent to Scotland, Wales and Northern Ireland, the Government must obtain the consent of the Scottish Parliament, Welsh Parliament and Northern Ireland Assembly respectively.”

After Clause 1 - continued

LORD WIGLEY

35 Insert the following new Clause—

“UK-EU membership: reset

The Prime Minister may not exercise the power under section 1(1) until at least one month after the Prime Minister has obtained agreement from the European Council that failure of the United Kingdom and the European Union to agree the terms of exit for the United Kingdom will result in the maintenance of the United Kingdom's membership of the European Union on existing terms.”

36 Insert the following new Clause—

“Agreement of the devolved administrations

The Prime Minister may not exercise the power under section 1(1) until at least one month after all devolved administrations have agreed a United Kingdom wide approach to, and objectives for, the United Kingdom's negotiations for withdrawal from the European Union.”

37 Insert the following new Clause—

“EU Nationals in the United Kingdom

The Prime Minister may not exercise the power under section 1(1) unless the Prime Minister is satisfied that arrangements are in place to secure that every individual who is—

- (a) not a citizen of the United Kingdom, and
- (b) on the date on which this Act comes into force (the “commencement date”), resident in the United Kingdom pursuant to any right derived from the treaties to which section 1 relates,

shall, when the treaties cease to apply to the United Kingdom, continue to be entitled to reside in the United Kingdom on terms no less favourable than those applicable to that individual as a result of the treaties on the commencement date.”

LORD OATES

BARONESS KENNEDY OF THE SHAWS

BARONESS JANKE

38 Insert the following new Clause—

“United Kingdom citizens in the EEA and EEA citizens in the UK

- (1) Before a notification can be given under section 1(1), Her Majesty's Government must undertake to ensure the continuance of the existing rights, deriving from any treaty to which section 1 relates, of European Economic Area (EEA) citizens and their families resident in the United Kingdom on the date of withdrawal.
- (2) It must be a priority for Her Majesty's Government in negotiations under the process set out in Article 50 to reach an early agreement to confirm the existing rights of United Kingdom citizens and their families resident in the EEA.

After Clause 1 - continued

- (3) No Minister of the Crown may agree to arrangements under Article 50 of the Treaty on European Union for the withdrawal of the United Kingdom from the European Union, taking account of the framework for the future relationship, unless those arrangements permit and support the continuance after the UK's withdrawal from the EU of—
- (a) the existing rights of EEA citizens and their families resident in the United Kingdom; and
 - (b) the existing rights of United Kingdom citizens and their families resident in the European Union and the EEA.”

BARONESS BOWLES OF BERKHAMSTED

39 Insert the following new Clause—

“European Atomic Energy Community (Euratom)

A notification under section 1(1) of intention to withdraw from the European Atomic Energy Community (Euratom) may not be given until after a notification under that section has been given of intention to withdraw from the European Union, and Her Majesty's Government has laid before each House of Parliament a copy of the final draft of the proposed arrangements for the withdrawal of the United Kingdom from the European Union.”

LORD GREEN OF DEDDINGTON

40★ Insert the following new Clause—

“United Kingdom citizens in the European Union and EU citizens in the UK

- (1) It must be a priority for Her Majesty's Government in negotiations under the process set out in Article 50 to reach an early agreement to confirm the rights of European Union citizens resident in the United Kingdom, and United Kingdom citizens resident in the European Union.
- (2) No Minister of the Crown may agree to arrangements under Article 50 of the Treaty on European Union for the withdrawal of the United Kingdom from the European Union, taking account of the framework for the future relationship, unless those arrangements permit and support the continuance of—
 - (a) the existing rights of European Union citizens resident in the United Kingdom at the date of withdrawal; and
 - (b) the existing rights of United Kingdom citizens resident in the European Union at the date of withdrawal.”

BARONESS LUDFORD
BARONESS HAMWEE

41★ Insert the following new Clause—

“Rights of EU and EEA citizens resident in the UK

Nothing consequent on the notification under section 1 of this Act shall, after the United Kingdom's withdrawal from the EU, affect the rights currently enjoyed by EU and EEA citizens and their family members who are lawfully resident in the United Kingdom on the day on which this Act is passed.”

After Clause 1 - continued

LORD CLARK OF WINDERMERE

42★ Insert the following new Clause –

“EU and EEA nationals working in the National Health Service

In negotiating and concluding an agreement in accordance with Article 50(2) of the Treaty on European Union, Ministers of the Crown must resolve to ensure that citizens of another European Union or European Economic Area country, who are legally resident in the United Kingdom on the day on which this Act is passed, in particular those citizens who work in the National Health Service, are not disadvantaged in relation to their right to reside and work in the United Kingdom or their potential to acquire such rights in the future.”

LORD ELYSTAN-MORGAN

43★ Insert the following new Clause –

“Welsh-UK body

- (1) On the day on which this Act is passed, the Prime Minister, in conjunction with the First Minister of the National Assembly for Wales (“the Welsh Assembly”) must set up a body representing Ministers and Officials of the United Kingdom Parliament and the Welsh Assembly, together with such other persons as the Prime Minister deems appropriate, to produce a report –
 - (a) on the scope, character and number of provisions of law which are within EU competence by virtue of the European Communities Act 1972 (“the 1972 Act”), together with a list of primary and secondary enactments of the United Kingdom Parliament which have been found to be incompatible with EU law;
 - (b) on the rights acquired by any persons since 1 January 1973, which are ancillary to the 1972 Act; and
 - (c) which makes recommendations as to which of the provisions in paragraph (b) should be devolved to the Welsh Assembly and which should be reserved to Parliament following the United Kingdom's exit from the European Union.
- (2) The report under subsection (1) must be laid before each House of Parliament and the Welsh Assembly within 12 months of the day on which this Act is passed.”

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23 February 2017
