

European Union (Withdrawal) Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD HUNT OF KINGS HEATH

Page 1, line 3, at end insert –

- “() Regulations bringing into force subsection (1) may not be made until the Secretary of State has set out a strategy for seeking to remain a member of (or maintain equivalent participatory relations with) Euratom, in order to provide continuity with current arrangements for ensuring an effective nuclear safeguards regime and a secure and consistent supply of radioisotopes for a range of applications in medicine.”

BARONESS THORNTON

Page 1, line 3, at end insert –

- “() Regulations bringing into force subsection (1) may not be made until the Secretary of State has set out a strategy for seeking to ensure that any citizen of the United Kingdom or of an EU country, who requires health care in a different country of the EU or in the United Kingdom, will be treated as if they live in the country in which they require treatment, with the home country reimbursing the country where care was provided.”

LORD HUNT OF KINGS HEATH BARONESS GARDEN OF FROGNAL

Page 1, line 3, at end insert –

- “() Regulations bringing into force subsection (1) may not be made until the Secretary of State has set out a strategy for seeking to remain a member of, or a strategy seeking to maintain equivalent participatory relations with, Erasmus+ and Horizon 2020 and Horizon 2020's successor programmes.”

Clause 1 - continued

BARONESS THORNTON

Page 1, line 3, at end insert –

- “() Regulations bringing into force subsection (1) may not be made until the Secretary of State has set out a strategy for seeking to ensure that medicines and clinical devices licensed in either the United Kingdom or the EU are mutually recognised in both the United Kingdom and the EU.”

After Clause 2

BARONESS MCINTOSH OF PICKERING

Insert the following new Clause –

“Status of EU directives adopted, but not implemented, before exit day

- (1) EU directives adopted by the EU before exit day remain binding, as if the United Kingdom had not left the EU.
- (2) In implementing any EU directive covered by subsection (1) after exit day, a Minister of the Crown may use any power set out in the European Communities Act 1972 as if that Act had not been repealed.
- (3) If, through implementing a directive under subsection (2), a situation arises which would be considered a deficiency had it arisen in retained EU law, a Minister of the Crown may use any of the powers set out in section 7 of this Act to remedy that situation as if that directive had been implemented before exit day.”

Clause 5

LORD FAULKES

Page 3, line 21, at end insert “except in so far as the Charter is a necessary part of retained EU law.”

Clause 6

LORD BASSAM OF BRIGHTON

Page 3, line 33, at end insert “subject to any agreement under subsection (6C)”

BARONESS PROSSER

Page 3, line 33, at end insert –

- “(1A) Notwithstanding the provisions of subsection (1), a court or tribunal retains, for a period of eight years after exit day, the ability to refer a matter regarding the rights of an EU citizen residing in the United Kingdom to the European Court, in order to seek a preliminary ruling on that matter.
- (1B) After exercising the power in subsection (1A), a court or tribunal is bound by any preliminary ruling of the European Court.
- (1C) Ministers of the Crown may by regulations extend the time period specified in subsection (1A).

Clause 6 - continued

- (1D) A statutory instrument containing regulations made under subsection (1C) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

LORD BASSAM OF BRIGHTON

Page 4, line 19, at end insert –

“(6A) It is an objective of the Government to obtain from the European Court as part of any withdrawal or transition agreement a list of pending cases referred to the European Court before exit day.

- (6B) A Minister of the Crown must publish any list obtained under subsection (6A).”

Page 4, line 19, at end insert –

“(6C) It is an objective of the Government to clarify in any withdrawal or transition agreement with the EU whether domestic courts can refer matters to the European Court after exit day in relation to new cases, where the cause of action arose prior to exit day.”

Page 4, line 33, after “day” insert “(including case law relating to pending cases referred to the European Court before exit day)”

After Clause 6

THE EARL OF LISTOWEL

Insert the following new Clause –

“Article 39 of the United Nations Convention on the Rights of the Child

On exit day and on any day thereafter, in carrying out duties and functions that were within the competence of the EU before exit day, a public authority or Minister of the Crown must take all appropriate measures to promote the physical and psychological recovery and social reintegration of a child victim of –

- (a) any form of neglect, exploitation, or abuse;
- (b) torture or any other form of cruel, inhuman or degrading treatment or punishment; or
- (c) armed conflicts,

and to ensure that such recovery and reintegration take place in an environment which fosters the health, self-respect and dignity of the child.”

Clause 7

BARONESS MCINTOSH OF PICKERING

Page 5, line 46, leave out “, comes into force or only applies”

Clause 7 - continued

BARONESS YOUNG OF OLD SCONE

Page 6, line 25, at end insert –

- “() No regulations may be made under this section unless a draft of an instrument containing those regulations has been laid before both Houses of Parliament within three months of Royal Assent.”

BARONESS HAMWEE

Page 6, line 27, at end insert –

- “() No regulations may be made under this section unless the Minister has consulted relevant stakeholders with regard to their provisions, whether or not he or she considers such consultation to be necessary.”

Clause 8

BARONESS MCINTOSH OF PICKERING

Page 7, line 2, at end insert –

- “() For the purposes of this section “international obligations” includes any obligation or legal requirement arising from membership of the European Economic Area or the European Free Trade Association should agreement be reached on the United Kingdom remaining in the former or joining the latter.”

BARONESS HAMWEE

Page 7, line 2, at end insert –

- “() No regulations may be made under this section unless the Minister has consulted relevant stakeholders with regard to their provisions, whether or not he or she considers such consultation to be necessary.”

Clause 9

LORD BROOKE OF ALVERTHORPE

As an amendment to the amendment tabled by Lord Monks on sheet HL Bill 79(a)

In paragraph (a), after “Union” insert “, including a requirement to seek ongoing mutual recognition of professional qualifications”

BARONESS HAMWEE

Page 7, line 18, at end insert –

- “() No regulations may be made under this section unless the Minister of the Crown has consulted relevant stakeholders with regard to their provisions, whether or not he or she considers such consultation to be necessary.”

After Clause 9

LORD BASSAM OF BRIGHTON

Insert the following new Clause –

“Additional requirements for regulations under sections 7, 8 and 9

- (1) This section applies to regulations under sections 7, 8 and 9.
- (2) A Minister may not decide that it is appropriate to make regulations to which these sections apply unless that Minister –
 - (a) has considered whether there are good reasons to make those regulations and has determined that there are, and
 - (b) has considered whether making such regulations is a reasonable course of action and has determined that it is.”

BARONESS SMITH OF NEWNHAM
BARONESS LUDFORD

Insert the following new Clause –

“Rights of EU citizens

A Minister of the Crown must by regulations make provision to maintain, preserve and protect the rights of any citizen of an EU member State who was lawfully resident in the UK immediately before exit day, and in particular to continue their right to be lawfully resident in the United Kingdom.”

Clause 17

LORD BASSAM OF BRIGHTON

Page 14, line 15, at end insert –

- “() But the power in subsection (1) does not allow a Minister of the Crown to determine whether particular pieces of EU retained law should be designated as primary or secondary legislation.”

Lord Bassam of Brighton gives notice of his intention to oppose the Question that Clause 17 stand part of the Bill.

Schedule 7

LORD BASSAM OF BRIGHTON

Page 52, line 20, at end insert “, that there are good reasons to make those regulations and that the Minister has considered whether making such regulations is a reasonable course of action and has determined that it is.”

Page 52, line 20, at end insert –

- “() The statement under sub-paragraph (2) must include a certification that the regulation does no more than make technical changes to retained EU law in order for it to work following exit, and that no policy decisions are being made.”

Schedule 7 - continued

Page 52, line 26, at end insert –

- “() saying why the Minister considers that there are good reasons to make the regulations, and
- () saying why the Minister considers that making the regulations is a reasonable course of action.”

Page 52, line 37, at end insert –

- “() the intention of any modification proposed, and
- () how courts are to interpret section 6(3) in the light of the modification.”

Schedule 8

LORD BASSAM OF BRIGHTON

Page 61, line 1, leave out paragraph 19

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6 February 2018
