

European Union (Withdrawal) Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD WALLACE OF SALTAIRE
BARONESS SMITH OF NEWNHAM

Page 1, line 3, at end insert –

- “() Regulations bringing into force subsection (1) may not be made until the Secretary of State has laid before both Houses of Parliament procedures agreed with the European Union for continued coordination of foreign and security policy, including association with the EU's military staff and the European Defence Agency, and these procedures have been approved by a resolution of each House of Parliament.”

BARONESS LUDFORD
BARONESS SMITH OF NEWNHAM

Page 1, line 3, at end insert –

- “() Regulations bringing into force subsection (1) may not be made until the Secretary of State has laid before both Houses of Parliament procedures agreed with the EU for continued UK participation in measures to promote internal security, police cooperation and counter-terrorism and these procedures have been approved by a resolution of each House of Parliament.”

Clause 2

LORD GOLDSMITH
BARONESS HAYTER OF KENTISH TOWN
LORD LENNIE
LORD TUNNICLIFFE

Page 1, line 7, at end insert –

- “() The Charter of Fundamental Rights continues to have effect on and after exit day in relation to legislation under subsection (1).”

Clause 3

LORD GOLDSMITH
BARONESS HAYTER OF KENTISH TOWN
LORD LENNIE
LORD TUNNICLIFFE

Page 2, line 3, at end insert –

“() The Charter of Fundamental Rights continues to have effect on and after exit day in relation to legislation under subsection (1).”

Clause 4

LORD GOLDSMITH
BARONESS HAYTER OF KENTISH TOWN
LORD LENNIE
LORD TUNNICLIFFE

Page 2, line 47, at end insert –

“() The Charter of Fundamental Rights continues to have effect on and after exit day in relation to rights, powers, liabilities, obligations, restrictions, remedies and procedures under subsection (1).”

LORD KREBS

Leave out Clause 4 and insert the following new Clause –

“Saving for rights etc. under section 2(1) of the ECA

- (1) Any rights, powers, liabilities, obligations, restrictions, remedies and procedures which immediately before exit day are part of domestic law by virtue of section 2(1) of the European Communities Act 1972 continue on and after exit day to be recognised and available in domestic law (and to be enforced, allowed and followed accordingly).
- (2) Subsection (1) does not apply to any rights, powers, liabilities, obligations, restrictions, remedies or procedures so far as they form part of domestic law by virtue of section 3.
- (3) Where, following the United Kingdom’s exit from the EU, retained EU law incorrectly or incompletely gives effect to any rights, powers, liabilities, obligations, restrictions, remedies or procedures created or required by EU law in force immediately before exit day, a Minister of the Crown must make regulations for the purpose of giving effect to such rights, powers, liabilities, obligations, restrictions, remedies and procedures.
- (4) This section is subject to section 5 and Schedule 1 (exceptions to savings and incorporation).”

Clause 5

LORD WIGLEY

Page 3, line 20, leave out subsections (4) and (5) and insert –

- “(4) Notwithstanding subsection (5), the Charter of Fundamental Rights continues to apply to retained EU law after exit day save as set out in subsections (5) and (5A), with all references in the Charter to “the law of the Union” read as references to “retained EU law”.
- (5) The following provisions of the Charter do not apply after exit day –
- (a) the Preamble, and
 - (b) Title V.
- (5A) Article 47 of the Charter applies after exit day as if it was drafted as follows –
- “Right to a fair trial
- Everyone whose rights and freedoms guaranteed by retained EU law are violated is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented.
- Legal aid shall be made available to those who lack sufficient resources insofar as such aid is necessary to ensure effective access to justice.”
- (5B) With effect from exit day, EU retained law, so far as it is possible to do so, must be interpreted consistently with the Charter.
- (5C) With effect from exit day, decisions, judgments and advisory opinions of the European Court must be taken into account when determining cases under the Charter.
- (5D) With effect from exit day, in relation to the rights conferred by the Charter with respect to retained EU law –
- (a) section 4 of the Human Rights Act 1998 applies with the words “a Convention right” read as “a Charter right” and all references to “primary legislation” read as references to “retained EU law”,
 - (b) section 5 of the Human Rights Act 1998 applies,
 - (c) section 12 of the Human Rights Act 1998 applies with the words “the Convention right to freedom of expression” read as “the Charter right to freedom of expression and information”, and
 - (d) section 13 of the Human Rights Act 1998 applies with the words “the Convention right to freedom of thought, conscience and religion” read as “the Charter right to freedom of thought, conscience and religion”.
- (5E) With effect from exit day, any derogations or reservations made under section 14 or 15 of the Human Rights Act 1998 apply to rights under the Charter in the same manner as they apply to Convention rights.
- (5F) With effect from exit day, sections 16 and 17 of the Human Rights Act 1998 apply to rights under the Charter in the same manner as they apply to Convention rights.”

Clause 5 - continued

BARONESS MASSEY OF DARWEN

Page 3, line 21, at end insert “except in so far as the Charter is necessary to protect the rights of children and young people as provided for in the UN Convention on the Rights of the Child and the European Convention on Human Rights.”

BARONESS GREENGROSS

Page 3, line 21, at end insert “, except for Article 24 (rights of the child).”

Page 3, line 21, at end insert “, except for Article 25 (rights of the elderly).”

Clause 6

LORD KREBS

Page 3, line 40, after “with” insert “recitals and preambles of relevant EU legal instruments,”

Clause 7

BARONESS SUTTIE

As an amendment to the first amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

at end insert –

“() modify the Northern Ireland Act 1998 without the consent of the Northern Ireland Assembly.”

BARONESS JONES OF WHITCHURCH

Page 6, line 25, at end insert –

“() permit activities which fail to pay full regard to the welfare requirements of animals as sentient beings, as set out in Article 13 of Title II of the Treaty on the Functioning of the European Union.”

BARONESS SUTTIE

As an amendment to the second amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

at end insert –

“() The consent of the Northern Ireland Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Northern Ireland Ministers within the meaning given to those words by paragraph 20 of Schedule 2.”

Clause 7 - continued

BARONESS JONES OF WHITCHURCH

Page 6, line 25, at end insert –

- “() No regulations may be made under this section which diminish the standards and protections required as a result of the National Emissions Ceilings Directive (EU 2016/2284), the Ambient Air Quality Directive (EC 2008/50), the Industrial Emissions Directive (EU 2010/75), the Medium Combustion Plant Directive (EU 2015/2193) and Directive (EC 2004/107) relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.”

After Clause 7

LORD KREBS

Insert the following new Clause –

“Consultation on environmental governance and principles

- (1) Within one month of Royal Assent, the Secretary of State and ministers of the devolved authorities must consult jointly on proposals to –
 - (a) introduce primary legislation to establish a new independent environmental regulator before exit day with the purpose of, responsibility for, and appropriate powers to oversee the implementation of, compliance with and enforcement of environmental law and principles by relevant public authorities;
 - (b) incorporate environmental principles in primary legislation; and
 - (c) establish a process for the publication of a national environmental policy statement or statements describing how environmental principles will be interpreted and applied.
- (2) A consultation under this section must –
 - (a) be open to responses for at least two months; and
 - (b) consider the resources and legal powers that the proposed regulator under subsection (1)(a) will need in order to properly carry out its functions.”

Clause 8

LORD ADONIS

Page 6, line 37, at end insert “including the Belfast Agreement of 10 April 1998.”

Page 6, line 37, at end insert “including those arising under the British-Irish Agreement 1998”

Clause 8 - continued

BARONESS SUTTIE

As an amendment to the third amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

at end insert –

“() The consent of the Northern Ireland Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Northern Ireland Ministers within the meaning given to those words by paragraph 20 of Schedule 2.”

As an amendment to the fourth amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

at end insert –

“() modify the Northern Ireland Act 1998 without the consent of the Northern Ireland Assembly.”

LORD ADONIS

Page 6, line 45, at end insert –

“() amend or repeal the Northern Ireland Act 1998 (except with the intention of preserving the effects of the Belfast Agreement of 10 April 1998 after exit day).”

Clause 9

BARONESS CRAWLEY

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 reciprocal arrangements in the field of consumer rights”

LORD PUTTNAM

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 reciprocal arrangements in the creative industries”

BARONESS SUTTIE

As an amendment to the fifth amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

at end insert –

“() The consent of the Northern Ireland Ministers is required before any provision is made in regulations under this section that modifies the Northern Ireland Act 1998.”

LORD ADONIS

Page 7, line 17, at end insert –

“() amend or repeal the Northern Ireland Act 1998 (except with the intention of preserving the effects of the Belfast Agreement of 10 April 1998 after exit day).”

Clause 9 - continued

Page 7, line 17, at end insert –

“() remove, reduce or otherwise amend the rights of any citizen of an EU Member State who was lawfully resident in the UK on any day before 30 March 2019.”

Page 7, line 17, at end insert –

“() No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the United Kingdom should continue to be a member of the European Union’s Political and Security Committee after exit day.”

Page 7, line 17, at end insert –

“() No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the United Kingdom should continue to be a signatory to all agreements signed through the European Union’s Common Foreign and Security Policy.”

Page 7, line 17, at end insert –

“() No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the United Kingdom should continue to be a member of the European Union’s Foreign Affairs Council.”

Page 7, line 17, at end insert –

“() No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the United Kingdom should continue to be a member of the European Bank for Reconstruction and Development.”

Page 7, line 17, at end insert –

“() No regulations may be made under this section until –

- (a) the Government has laid before Parliament a strategy for maintaining those protections, safeguards, programmes for participation in nuclear research and development, and trading or other arrangements which will lapse as a result of the United Kingdom’s withdrawal from membership of, and participation in, the European Atomic Energy Community (Euratom), and
- (b) the strategy has been approved by resolution of both Houses of Parliament.”

Clause 9 - continued

Page 7, line 17, at end insert –

“() No regulations may be made under this section until the withdrawal agreement has been published and legislation proposed in the 2017 Gracious Speech in relation to customs, trade, immigration, fisheries, agriculture, nuclear safeguards and international sanctions has been published.”

Page 7, line 17, at end insert –

“() No regulations may be made under this section until such time as the Government has signed an agreement with the EU that maintains and guarantees the existing rights of EU citizens living in the United Kingdom, and UK citizens living elsewhere in the EU, as of 29 March 2019.”

Page 7, line 17, at end insert –

“() No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Chemicals Agency after withdrawal from the EU.”

Page 7, line 17, at end insert –

“() No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Single Sky Agreement on existing terms after withdrawal from the EU.”

Page 7, line 17, at end insert –

“() No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Aviation Safety Agency on existing terms after withdrawal from the EU.”

Page 7, line 17, at end insert –

“() No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain access for the United Kingdom to reciprocal roaming charge agreements on existing terms as under Regulation 2017/920, after withdrawal from the EU.”

Page 7, line 17, at end insert –

“() No regulations may be made under this section until the Secretary of State has published a strategy for reaching an agreement with the EU to enable the United Kingdom to have continued access to Passenger Name Records after withdrawal from the EU.”

Clause 9 - continued

Page 7, line 17, at end insert –

“() No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the United Kingdom to continue to have access to the Schengen Information System after withdrawal from the EU.”

Page 7, line 17, at end insert –

“() No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the United Kingdom to continue to have access to the European Arrest Warrant.”

Page 7, line 17, at end insert –

“() No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the United Kingdom to continue to have membership of Europol.”

Page 7, line 17, at end insert –

“() No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the United Kingdom to continue to have access to the European Criminal Records Information System.”

Page 7, line 17, at end insert –

“() No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the United Kingdom to continue to have access to fingerprint and DNA exchange with the EU under the Prüm Council decisions.”

Page 7, line 17, at end insert –

“() No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Aviation Safety Agency on existing terms after withdrawal from the EU.”

After Clause 9

THE EARL OF CLANCARTY

Insert the following new Clause –

“European citizenship

It is an objective of the Government, in negotiating a withdrawal agreement, to ensure that British citizens who wish to retain European citizenship on existing terms are able, on an individual basis, to do so irrespective of their country of residence.”

LORD HASKEL

Insert the following new Clause –

“Maintaining individual rights and protections

- (1) When making any agreement under subsection (2), the Secretary of State must take steps to ensure that UK citizens enjoy standards of rights and protections equivalent to those enjoyed by citizens of the EU under EU law.
- (2) This section applies to –
 - (a) any agreement between the United Kingdom and the EU which prepares for, or implements, the UK’s withdrawal from the EU;
 - (b) any international trade agreement –
 - (i) between the UK and the EU, or
 - (ii) between the UK and another signatory which seeks to replicate in full or in part the provisions of an international trade agreement between the EU and the other signatory.
- (3) In relation to any agreement under subsection (2), the Secretary of State must have regard to the desirability of maintaining the highest standards of transparency.”

BARONESS MCINTOSH OF PICKERING

Insert the following new Clause –

“Border arrangements relating to animal welfare

- (1) It is an objective of the Government to seek agreement with the EU on appropriate border arrangements relating to the transport of live animals from the EU to the UK.
- (2) “Appropriate” arrangements under subsection (1) are arrangements which ensure, among other things, that the responsible UK authority is able to ascertain that the transported animal has been raised and kept according to the applicable UK welfare standards, even where these are more stringent than the EU equivalents.
- (3) This section applies both to animals raised and kept in the EU and to those transported to the UK via the EU from a third country.”

After Clause 9 - continued

LORD ADONIS

Insert the following new Clause—

“Terms of withdrawal: approval by Parliament

- (1) The Government may not conclude any agreement on terms of withdrawal from the European Union, or on the United Kingdom’s future relationship with the European Union, until those terms have been approved by resolution of both Houses of Parliament.
- (2) Approval by resolution of both Houses of Parliament for the purposes of subsection (1) must take place no later than three months before exit day.”

After Clause 16

LORD ADONIS

Insert the following new Clause—

“Consultation

The Government must follow the principles set out in the Cabinet Office Code of Practice in respect of public consultation in advance of regulations being made under powers granted by this Act.”

Schedule 7

LORD BERKELEY

LORD ADONIS

Page 42, line 9, at end insert—

“() amends the roles and responsibilities of the European Aviation Safety Agency in the United Kingdom.”

LORD ADONIS

Page 42, line 9, at end insert—

“() makes changes to EU-derived domestic legislation concerning the rights of workers in the UK.”

Page 42, line 9, at end insert—

“() makes changes to EU-derived domestic legislation concerning rights for disabled people in the UK.”

LORD HODGSON OF ASTLEY ABBOTTS

Page 45, line 23, at end insert—

“Parliamentary Committees to sift regulations made under section 7, 8, 9 or 17 and the super-affirmative procedure

3A(1) This paragraph applies if a Minister of the Crown—

- (a) proposes to make a statutory instrument to which paragraph 1(1), 6(1), or 7(1) applies, and

Schedule 7 - continued

- (b) is of the opinion that the instrument should be subject to approval by resolution of each House of Parliament (“the affirmative procedure”).
- (2) Before laying a draft of the instrument, the Minister must lay before both Houses of Parliament a memorandum setting out the reasons for the Minister's opinion that the instrument should be subject to the affirmative procedure.
- (3) The affirmative procedure applies unless, within the relevant period, either House of Parliament requires the super-affirmative procedure to apply, in which case the super-affirmative procedure applies.
- (4) A House of Parliament is taken to have required the super-affirmative procedure to apply within the relevant period if—
- (a) a committee of the House charged with reporting on the instrument has recommended, within the period of 10 sitting days beginning with the first sitting day after the day on which the memorandum was laid before the House, that the super-affirmative procedure should apply, and
 - (b) that House has not by resolution rejected the recommendation within a period of 5 sitting days beginning with the first sitting day after the day on which the recommendation is made.
- (5) For the purposes of this paragraph—
- (a) where an instrument is subject to the super-affirmative procedure, it may not be made unless the procedures set out in paragraph 3B have been followed,
 - (b) “sitting day” means, in respect of either House, a day on which that House sits.
- (6) Section 6(1) of the Statutory Instruments Act 1946 (alternative procedure for certain instruments laid before Parliament) does not apply in relation to any statutory instrument to which this paragraph applies.”

Page 45, line 23, at end insert—

“*Super-affirmative procedure*

- 3B(1) For the purposes of paragraph 3A, the “super-affirmative procedure” is as follows.
- (2) The Minister must have regard to—
- (a) any representations,
 - (b) any resolution of either House of Parliament, and
 - (c) any recommendations of a committee of either House of Parliament charged with reporting on the draft regulation, made during the 60-day period with regard to the draft regulation.
- (3) If, after the expiry of the 60-day period, the Minister wishes to make a regulation in the terms of the draft, he or she must lay before Parliament a statement—
- (a) stating whether any representations were made under subparagraph (2)(a); and
 - (b) if any representations were so made, giving details of them.

Schedule 7 - continued

- (4) The Minister may after the laying of such a statement make a regulation in the terms of the draft if it is approved by a resolution of each House of Parliament.
- (5) However, a committee of either House charged with reporting on the draft regulation may, at any time after the laying of a statement under sub-paragraph (3) and before the draft regulation is approved by that House under sub-paragraph (4), recommend under this sub-paragraph that no further proceedings be taken in relation to the draft regulation.
- (6) Where a recommendation is made by a committee of either House under sub-paragraph (5) in relation to a draft regulation, no proceedings may be taken in relation to the draft regulation in that House under sub-paragraph (4) unless the recommendation is, in the same Session, rejected by resolution of that House.
- (7) If, after the expiry of the 60-day period, the Minister wishes to make a regulation consisting of a version of the draft regulation with material changes, he or she must lay before Parliament—
 - (a) a revised draft regulation; and
 - (b) a statement giving details of—
 - (i) any representations made under sub-paragraph (2)(a); and
 - (ii) the revisions proposed.
- (8) The Minister may after laying a revised draft regulation and statement under sub-paragraph (7) make a regulation in the terms of the revised draft if it is approved by a resolution of each House of Parliament.
- (9) However, a committee of either House charged with reporting on the revised draft regulation may, at any time after the revised draft regulation is laid under sub-paragraph (7) and before it is approved by that House under sub-paragraph (8), recommend under this sub-paragraph that no further proceedings be taken in relation to the revised draft regulation.
- (10) Where a recommendation is made by a committee of either House under sub-paragraph (9) in relation to a revised draft regulation, no proceedings may be taken in relation to the revised draft regulation in that House under sub-paragraph (8) unless the recommendation is, in the same Session, rejected by resolution of that House.
- (11) For the purposes of sub-paragraphs (4) and (8), a regulation is made in the terms of a draft regulation if it contains no material changes to the provisions of the draft regulation.
- (12) In this section the “60-day period” means the period of 60 days beginning with the day on which the draft regulation was laid before Parliament.”

Clause 10

LORD BLENCATHRA

Page 7, line 23, at end insert –

- “(2) Regulations made under this section, in accordance with the provisions of Schedule 2, remain in force for no more than five years after this Act is passed.
- (3) Before the period of five years under subsection (2) has expired, a Minister of the Crown must review with the devolved authorities whether the regulations materially affect the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly.
- (4) If, and only if, the Minister of the Crown and the relevant devolved authorities agree that a regulation does not materially affect the relevant legislative competence, the Minister of the Crown may by regulations provide that subsection (2) no longer applies to that regulation.
- (5) A statutory instrument containing regulations made under subsection (4) may not be made unless a draft of the instrument has been laid before, and approved by, a resolution of each House of Parliament.”

Schedule 2

BARONESS SUTTIE

As an amendment to the ninth amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

After “Scottish Ministers” insert “, by the Northern Ireland Ministers”

As an amendment to the tenth amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

After “Scottish Ministers” insert “, by the Northern Ireland Ministers”

As an amendment to the eleventh amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

After “Scottish Ministers” insert “, by the Northern Ireland Ministers”

As an amendment to the twelfth amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

After “Scottish Ministers” insert “, the Northern Ireland Ministers”

As an amendment to the fifteenth amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

After “Scottish Ministers” insert “, by the Northern Ireland Ministers”

As an amendment to the sixteenth amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

After “Scottish Ministers” insert “, by the Northern Ireland Ministers”

As an amendment to the seventeenth amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

After “Scottish Ministers” insert “, by the Northern Ireland Ministers”

As an amendment to the eighteenth amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

After “Scottish Ministers” insert “, by the Northern Ireland Ministers”

As an amendment to the twenty-third amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

After “Scottish Ministers” insert “, by the Northern Ireland Ministers”

Schedule 2 - continued

As an amendment to the twenty-fourth amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

After “Scottish Ministers” insert “, by the Northern Ireland Ministers”

As an amendment to the twenty-fifth amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

After “Scottish Ministers” insert “, by the Northern Ireland Ministers”

As an amendment to the twenty-sixth amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

After “Scottish Ministers” insert “, by the Northern Ireland Ministers”

As an amendment to the twenty-seventh amendment tabled by Lord Hope of Craighead on sheet HL Bill 79(a)

After “Scottish Ministers” insert “, by the Northern Ireland Ministers”

Clause 11

BARONESS SUTTIE

Page 8, line 18, leave out subsection (3) and insert –

“(3) In section 6 of the Northern Ireland Act 1998 (legislative competence of the Northern Ireland Assembly), omit subsection (2)(d).”

LORD WALLACE OF TANKERNESS

LORD THOMAS OF GRESFORD

Page 8, line 41, at end insert –

“() This section and Part 1 of Schedule 2 will cease to have effect after the end of the period of two years beginning with exit day.”

LORD WIGLEY

Page 8, line 43, at end insert –

“(6) This section may not come into effect until –

- (a) the Scottish Parliament has passed a resolution approving the provisions in subsection (1);
- (b) the National Assembly for Wales has passed a resolution approving the provisions in subsection (2); and
- (c) the Northern Ireland Assembly has passed a resolution approving the provisions in subsection (3).”

After Clause 11

LORD WALLACE OF TANKERNESS

LORD THOMAS OF GRESFORD

Insert the following new Clause –

“Role of Joint Ministerial Committee

- (1) The Joint Ministerial Committee is to be a forum –
 - (a) for discussing –

After Clause 11 - continued

- (i) the terms upon which the United Kingdom is to withdraw from the European Union and the United Kingdom's future relationship with the European Union;
 - (ii) proposals to amend retained EU law;
 - (iii) the legal and policy frameworks in relation to how retained EU law is to operate throughout the United Kingdom;
 - (iv) a concordat setting out the process for concluding the legal and policy frameworks mentioned in sub-paragraph (iii); and
 - (b) for seeking a consensus on the above mentioned matters between the Government and the other members of the Joint Ministerial Committee.
- (2) Within the period of one month of the passing of this Act, the Secretary of State must produce a document for consideration by the Joint Ministerial Committee setting out—
- (a) the Government's objectives and strategy in negotiating and concluding a withdrawal agreement;
 - (b) the Government's objectives and strategy in relation to establishing a framework for the United Kingdom's future relationship with the European Union;
 - (c) the steps the Government intends to take to keep the Joint Ministerial Committee informed of progress in reaching a withdrawal agreement;
 - (d) the steps the Government intends to take to consult each member of the Joint Ministerial Committee before entering into a withdrawal agreement and how the Government intends to take the views of each member into account;
 - (e) the steps the Government intends to take to seek the approval of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly before entering into a withdrawal agreement.
- (3) Until a withdrawal agreement is concluded, the Secretary of State must produce a report every three months for consideration by the Joint Ministerial Committee setting out—
- (a) the Government's assessment of the progress made against their objectives—
 - (i) to negotiate and conclude the withdrawal agreement;
 - (ii) to establish a framework for the United Kingdom's future relationship with the European Union;
 - (b) any change to the matters listed in subsection (2)(a) to (e).
- (4) Before concluding a withdrawal agreement, the Prime Minister must produce a document setting out the terms of the proposed withdrawal agreement for consideration by the Joint Ministerial Committee.
- (5) Meetings of the Joint Ministerial Committee must, until Her Majesty's Government concludes a withdrawal agreement, be chaired by—
- (a) the Prime Minister, or
 - (b) the Secretary of State for Exiting the European Union.

After Clause 11 - continued

- (6) In this section, “the Joint Ministerial Committee” means the body set up in accordance with Supplementary Agreement A of the Memorandum of Understanding on Devolution between Her Majesty’s Government, the Scottish Government, the Welsh Government and the Northern Ireland Executive Committee.”

Schedule 3

BARONESS SUTTIE

Page 29, line 25, leave out from “law)” to end of line 44

Page 34, line 21, leave out paragraph (b)

Page 34, line 22, leave out paragraph 48

Clause 14

LORD WIGLEY

Page 10, line 40, leave out “29 March 2019 at 11.00 p.m.” and insert “the day concluding any implementation period or transition period agreed between the UK and the EU”

LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

Page 11, line 37, at end insert –

“() For the purposes of this section, an Act of the Scottish Parliament is passed or made on the date on which it receives Royal Assent.”

Clause 19

LORD WIGLEY

Page 15, line 18, at end insert –

“(1A) None of the sections of this Act may come into force until the Prime Minister is satisfied that resolutions have been passed by the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly, signifying consent to the Act, unless –

- (a) direct rule is in place;
- (b) the devolved legislature has been formally suspended; or
- (c) the devolved legislature has been dissolved for reasons other than recess or an election.”

Schedule 8

BARONESS SUTTIE

Page 56, line 5, leave out from “2006” to “applies” in line 6

Schedule 8 - *continued*

Page 56, line 31, leave out from “2006” to “applies” in line 32

Page 65, line 33, leave out paragraphs (b) and (c)

Page 66, line 23, leave out paragraphs (b) and (c)

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