

European Union (Withdrawal) Bill

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

The amendments have been marshalled in accordance with the Instruction of 7th February 2018, as follows –

Clauses 1 to 5	Clause 14
Schedule 1	Schedule 6
Clauses 6 to 9	Clause 15
Clause 16	Clause 12
Schedule 7	Schedule 4
Clause 17	Clause 13
Clause 10	Schedule 5
Schedule 2	Clauses 18 and 19
Clause 11	Schedules 8 and 9
Schedule 3	Title.

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 2

LORD GOLDSMITH
BARONESS HAYTER OF KENTISH TOWN
LORD LENNIE
LORD TUNNICLIFFE

14 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).”

VISCOUNT HAILSHAM
As an amendment to Amendment 14

14A At end insert “and forms part of domestic primary legislation”

Clause 2 - continued

LORD PANNICK
 BARONESS TAYLOR OF BOLTON
 LORD NORTON OF LOUTH
 LORD BEITH

15 Page 1, line 12, leave out paragraphs (b) to (d)

LORD FOULKES OF CUMNOCK
 LORD ADONIS
 LORD WALLACE OF TANKERNESS
 LORD DYKES

16 Page 1, line 12, after “passed” insert “and commenced”

LORD FOULKES OF CUMNOCK
 LORD ADONIS
 LORD WALLACE OF TANKERNESS

17 Page 1, line 19, at end insert –

- “() For the purposes of this Act, any EU-derived domestic legislation has effect in domestic law immediately before exit day if –
- (a) in the case of anything which comes into force at a particular time and is stated to apply from a later time, it is in force and it applies immediately before exit day,
 - (b) in any other case, it has been commenced and is in force immediately before exit day.”

LORD ADONIS

Lord Adonis gives notice of his intention to oppose the Question that Clause 2 stand part of the Bill.

After Clause 2

BARONESS MCINTOSH OF PICKERING
 LORD WIGLEY

18 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day, a Minister of the Crown may use any power set out in the European Communities Act 1972 as if that Act had not been repealed.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.”

19 [Withdrawn]

Clause 3

LORD GOLDSMITH
 BARONESS HAYTER OF KENTISH TOWN
 LORD LENNIE
 LORD TUNNICLIFFE

20 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).”

VISCOUNT HAILSHAM
As an amendment to Amendment 20

20A At end insert “and forms part of domestic primary legislation”

LORD ADONIS

Lord Adonis gives notice of his intention to oppose the Question that Clause 3 stand part of the Bill.

After Clause 3

BARONESS HAYTER OF KENTISH TOWN
 LORD WARNER
 BARONESS SMITH OF NEWNHAM
 LORD KIRKHOPE OF HARROGATE

21 Insert the following new Clause—

“Future treatment of retained EU law

- (1) Following the day on which this Act is passed, no modification may be made to retained EU law except by primary legislation, or by subordinate legislation made under this Act insofar as this subordinate legislation meets the requirements in subsections (2) to (6).
- (2) The Secretary of State must by regulations establish a schedule listing technical provisions of retained EU law that may be amended by subordinate legislation.
- (3) Subordinate legislation to which subsection (2) applies must be subject to an enhanced scrutiny procedure, to be established by regulations made by the Secretary of State.
- (4) Regulations under subsections (2) and (3) may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.
- (5) The enhanced scrutiny procedure provided for by subsection (3) must include a period of consultation with the public and relevant stakeholders.
- (6) Regulations under this section may be used only to modify provisions of retained EU law listed in any schedule made under subsection (2) to the extent that such modification will not limit the scope of or weaken—
 - (a) employment entitlements, rights and protection,
 - (b) equality entitlements, rights and protection,
 - (c) health and safety entitlements, rights and protection,
 - (d) consumer standards, or

After Clause 3 - continued

(e) environmental standards and protection.”

BARONESS KENNEDY OF THE SHAWS
As an amendment to Amendment 21

22 At end insert—

“() human rights protection.”

LORD FOULKES OF CUMNOCK
BARONESS ROYALL OF BLAISDON
LORD JUDD
LORD WIGLEY

23 Insert the following new Clause—

“Strategy for economic and social cohesion principles derived from Article 174 of TFEU

- (1) The Secretary of State must, before 31 December 2018, lay before Parliament a strategy for developing principles for economic and social cohesion derived from Article 174 of the Treaty on the Functioning of the European Union (TFEU).
- (2) The strategy laid under subsection (1) must state the principles derived from Article 174 of TFEU.
- (3) The principles under subsection (2) form part of domestic law on and after exit day.
- (4) The aims of the strategy under subsection (1) are—
 - (a) to reduce inequalities between communities, and
 - (b) to reduce disparities between the levels of development of regions of the United Kingdom, with particular regard to—
 - (i) regions with increased levels of deprivation,
 - (ii) rural and island areas,
 - (iii) areas affected by industrial transition, and
 - (iv) regions which suffer from severe and permanent natural or demographic handicaps.
- (5) A Minister of the Crown may by regulations make provision for programmes to implement the strategy.
- (6) Programmes under subsection (5) shall run for a minimum of 10 years and shall be independently monitored.”

LORD JUDD

23A Insert the following new Clause—

“Statement of protected legislative areas

- (1) Following the day on which this Act is passed, no modification may be made to retained EU law except by primary legislation or by subordinate legislation made under this Act which meets the requirements in subsections (2) and (3).
- (2) The Secretary of State must by regulations establish a schedule listing technical provisions of retained EU law that may be amended by subordinate legislation.

After Clause 3 - continued

- (3) Subordinate legislation may be used only to modify provisions of retained EU law listed in any schedule made under subsection (2) to the extent that such modification will not limit the scope of or weaken –
- (a) human rights and equality,
 - (b) privacy and data protection,
 - (c) immigration and asylum protections,
 - (d) criminal justice protections,
 - (e) employment protections,
 - (f) environment and public health protections,
 - (g) consumer protection,
 - (h) access to housing, education and health and social care.”

Clause 4

LORD FOULKES OF CUMNOCK

24 Page 2, line 46, after “continue” insert “, subject to the terms of Schedule 1,”

LORD GOLDSMITH
 BARONESS HAYTER OF KENTISH TOWN
 LORD LENNIE
 LORD TUNNICLIFFE

25 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).”

VISCOUNT HAILSHAM
As an amendment to Amendment 25

25A At end insert “and forms part of domestic primary legislation”

LORD PANNICK
 BARONESS TAYLOR OF BOLTON
 LORD NORTON OF LOUTH
 LORD BEITH

26 Page 3, line 4, leave out paragraph (b)

27 Page 3, line 7, at end insert –

“() are the subject of an enactment.”

Clause 4 - continued

LORD KREBS
 BARONESS JONES OF WHITCHURCH
 BARONESS BROWN OF CAMBRIDGE

28 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).”

LORD ADONIS

Lord Adonis gives notice of his intention to oppose the Question that Clause 4 stand part of the Bill.

After Clause 4

BARONESS SHERLOCK
 BARONESS HAMWEE
 BARONESS KENNEDY OF THE SHAWES
 BARONESS GREENGROSS

29 Insert the following new Clause –

“Maintenance of rights in the area of family law

- (1) Within six months of the passing of this Act, a Minister of the Crown must publish a report outlining the ways in which the rights afforded by EU family law continue to exist in domestic law.
- (2) The report provided for under subsection (1) must include –
 - (a) the steps, if any, taken by Ministers of the Crown to negotiate the continuation of reciprocal arrangements between the United Kingdom and member States in the field of family law;
 - (b) the nature and duration of these reciprocal arrangements, if such arrangements have been successfully negotiated; and

After Clause 4 - continued

- (c) a declaration from the Minister of the Crown outlining whether, in their view, the rights of individuals in the area of family law have been weakened.
- (3) The Minister of the Crown must lay the report before both Houses of Parliament.”

BARONESS JONES OF MOULSECOOMB
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
 BARONESS HUSSEIN-ECE
 LORD WIGLEY

30 Insert the following new Clause—

“EU Protocol on animal sentience

The obligation on Ministers of the Crown and the devolved administrations to pay regard to the welfare requirements of animals as sentient beings when formulating law and policy, contained within the EU Protocol on animal sentience as set out in Article 13 of Title II of the Treaty on the Functioning of the EU, shall be recognised and available in domestic law on and after exit day.”

Clause 5

LORD PANNICK
 BARONESS TAYLOR OF BOLTON
 LORD NORTON OF LOUTH
 LORD BEITH

31 Page 3, line 11, leave out subsections (1) to (3)

LORD FOULKES OF CUMNOCK
 LORD DYKES

32 Page 3, line 11, leave out subsection (1) and insert—

- “(1) An enactment or rule of law passed or made on or after exit day will not be subject to the principle of the supremacy of EU law.”

BARONESS BOWLES OF BERKHAMSTED

32A★ Page 3, line 11, leave out subsections (1) to (3) and insert—

- “(1) Retained EU law has precedence over any enactment or rule of law made before exit day as if it were an Act of Parliament made on exit day.
- (2) But, unless originally introduced into UK law through an Act of Parliament, provisions of retained EU law are treated by the courts as delegated legislation so far as relevant to the interpretation, disapplication or quashing of such provisions.”

LORD PANNICK

32B★ Page 3, line 11, leave out subsections (1) to (3) and insert—

- “(1) The principle of the supremacy of EU law does not apply on or after exit day.

Clause 5 - continued

- (2) If, on or after exit day, there is any inconsistency between retained EU law and an enactment made, or rule of law in force, before then, priority shall be given to the retained EU law.”

LORD PANNICK
BARONESS TAYLOR OF BOLTON
LORD NORTON OF LOUTH
LORD BEITH

33 Page 3, line 19, at end insert—

“() Retained EU law is to be treated as primary legislation, enacted on exit day.”

LORD GOLDSMITH
BARONESS LUDFORD
LORD KERSLAKE
LORD BOWNESS

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

LORD WIGLEY
BARONESS JONES OF MOULSECOOMB

35 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—

Clause 5 - continued

- (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.”

LORD FAULKES

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

BARONESS MASSEY OF DARWEN
 LORD RUSSELL OF LIVERPOOL
 LORD WIGLEY
 BARONESS TYLER OF ENFIELD

- 37 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

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

BARONESS GREENGROSS
 BARONESS BARKER

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

LORD TRUE
 LORD HOWARD OF RISING

- 39A Page 3, line 26, at end insert –
- “(5A) After exit day no financial claim by the EU against the United Kingdom government for non-compliance with any EU legislation, decision or agreement shall be assented to or implemented by any Minister of the Crown, or be considered in any United Kingdom court, except to the extent provided for by regulations made by statutory instrument by the Secretary of State.

Clause 5 - continued

(5B) A statutory instrument under subsection (5A) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

39B Page 3, line 26, at end insert –

“(5C) No EU proposal of, or agreement to, draft legislation, nor any EU decision, legislation or regulation adopted by the EU after exit day shall have any effect in the United Kingdom, except to the extent provided for by regulations made by statutory instrument by the Secretary of State.

(5D) A statutory instrument under subsection (5C) 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 ADONIS

Lord Adonis gives notice of his intention to oppose the Question that Clause 5 stand part of the Bill.

After Clause 5

BARONESS LISTER OF BURTERSETT
 BARONESS ALTMANN
 BARONESS BURT OF SOLIHULL
 BARONESS GREENGROSS

40 Insert the following new Clause –

“Future provisions relating to family friendly employment rights, gender equality and work-life balance for parents and carers

- (1) A Minister of the Crown must, as soon as reasonably practicable, report to both Houses of Parliament whenever new or amended EU law in the area of family friendly employment rights, gender equality and work-life balance for parents and carers would have amended provisions or definitions in domestic law had the United Kingdom remained a member of the EU or the European Economic Area (the “EEA”) beyond exit day.
- (2) Having reported to both Houses of Parliament, the Minister must consider whether to seek to incorporate those amended provisions or definitions into domestic law, in order to ensure that there is no material reduction of gender equality and employment rights as a result of the United Kingdom exiting the EU or EEA and that those working in the United Kingdom have at least the same gender equality and employment rights and protections as they would have had if the United Kingdom had remained in the EU or EEA.
- (3) New or amended EU law for the purposes of this section includes but is not limited to –
 - (a) any future EU directives relating to family friendly employment rights, including but not limited to rights for pregnant workers and employees, and those returning from maternity, paternity and parental leave;
 - (b) any future EU directives relating to gender equality;

After Clause 5 - continued

- (c) the proposed directive of the European Parliament and of the Council on work life balance for parents and carers.
- (4) Reports presented under subsection (1) must include—
 - (a) an assessment of how such amendments to domestic law would have impacted gender equality and work life balance in the United Kingdom had the United Kingdom remained a member of the EU or EEA beyond exit day, and
 - (b) an assessment of how not implementing amended provisions or definitions in domestic law will impact gender equality and work life balance in the United Kingdom.”

Schedule 1

BARONESS BOWLES OF BERKHAMSTED

- 40A★** Page 16, line 13, leave out “may (among other things)” and insert “must, though other things may be provided for,”

LORD GOLDSMITH

BARONESS BOWLES OF BERKHAMSTED

- 41** Page 16, line 17, leave out paragraphs 2 and 3 and insert—
- “2A Any general principle of EU law will remain part of domestic law on or after exit day if—
 - (a) it was recognised as a general principle of EU law by the European Court in a case decided before exit day (whether or not as an essential part of the decision in the case);
 - (b) it was recognised as a general principle of EU law in the EU Treaties immediately before exit day;
 - (c) it was recognised as a general principle of EU law by any direct EU legislation (as defined in section 3(2) of this Act) operative immediately before exit day; or
 - (d) it was recognised as a general principle of EU law by an EU directive that was in force immediately before exit day.
 - 2B Without prejudice to the generality of paragraph 2A, the principles set out in Article 191 of the Treaty on the Functioning of the European Union shall be considered to be general principles for the purposes of that paragraph.
 - 2C For the purposes of paragraphs 2A and 2B the exit day appointed must be the same day as is appointed for section 5(1) of this Act and must not be before the end of any transitional period agreed under Article 50 of the Treaty on the Functioning of the European Union.”

LORD FOULKES OF CUMNOCK

LORD WALLACE OF TANKERNESS

BARONESS BOWLES OF BERKHAMSTED

- 42** Page 16, line 21, leave out paragraph 3

Schedule 1 - continued

LORD DAVIES OF STAMFORD
 BARONESS ALTMANN
 LORD FOSTER OF BATH
 LORD FOULKES OF CUMNOCK

43 Page 16, line 27, leave out paragraph 4

LORD GOLDSMITH

44 Page 16, line 29, at end insert “, except in cases where the breach of Community law took place on or before exit day.

() For the purposes of sub-paragraph (1), exit day must not be before the end of any transitional period agreed between the United Kingdom and the EU.”

LORD CARLILE OF BERRIEW
 LORD LUCAS

45 Page 16, line 29, at end insert “, except in relation to any action commenced before, on or after exit day in relation to any act before exit day.”

LORD GOLDSMITH
 BARONESS LUDFORD
 LORD KERSLAKE
 LORD BOWNESS

46 Page 16, line 32, leave out “the Charter of Fundamental Rights,”

47 Page 17, line 1, leave out “Charter”

Clause 6

LORD CARLILE OF BERRIEW
 LORD LUCAS

48 Page 3, line 32, after “Court” insert “except in relation to anything that happened before that day”

LORD FOULKES OF CUMNOCK
 LORD ADONIS
 LORD WALLACE OF TANKERNESS

49 Page 3, line 33, after “cannot” insert “, subject to paragraph (c),”

LORD CARLILE OF BERRIEW
 LORD LUCAS

50 Page 3, line 33, at end insert “except in relation to anything that happened before that day”

LORD BASSAM OF BRIGHTON

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

Clause 6 - continued

LORD FOULKES OF CUMNOCK
LORD ADONIS
LORD WALLACE OF TANKERNESS
LORD WIGLEY

52 Page 3, line 33, at end insert –

- “() may however refer a matter concerning citizens’ rights to the European Court after exit day if –
- (i) it has had regard to the relevant case law including anything done by the European Court after exit day;
 - (ii) it considers that in order to give a judgment in the matter it is necessary to refer the matter to the European Court; and
 - (iii) the matter has been brought before the court or tribunal after exit day.”

BARONESS SHERLOCK
BARONESS HAMWEE
BARONESS KENNEDY OF THE SHAWES
BARONESS GREENGROSS

53 Page 3, line 33, at end insert –

- “(1A) Notwithstanding the provisions of subsection (1), a court or tribunal retains, for the period of eight years after exit day, the ability to refer a matter relating to family law to the European Court, in order to seek a preliminary ruling on that matter.
- (1B) Having exercised the power in subsection (1A), a court or tribunal is bound by any preliminary ruling of the European Court.
- (1C) In addition to the provisions of subsection (1A), a court or tribunal must, when considering a matter relating to family law, have regard to any relevant judgment or decision given by the European Court for a period of eight years after exit day.
- (1D) A Minister of the Crown may by regulations made by statutory instrument extend the time period specified in subsections (1A) and (1C).
- (1E) A statutory instrument containing regulations under subsection (1D) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

BARONESS PROSSER
LORD TRIESMAN

54 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.

Clause 6 - continued

(1C) Ministers of the Crown may by regulations extend the time period specified in subsection (1A).

(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 FOULKES OF CUMNOCK
LORD ADONIS

55 Page 3, line 34, leave out subsection (2) and insert –

“(2) A court or tribunal may regard the decisions of the European Court made on or after exit day to be persuasive.”

LORD PANNICK
LORD GOLDSMITH
LORD WALLACE OF TANKERNESS
VISCOUNT HAILSHAM

56 Page 3, line 34, leave out subsection (2) and insert –

“(2A) A court or tribunal must, where it considers it relevant for the proper interpretation of retained EU law, have regard to judgments or decisions given by the European Court on or after exit day.

(2B) In determining the significance of any judgment or decision considered under subsection (2A), the court or tribunal must have regard to the terms of any agreement between the United Kingdom and the EU which it considers relevant.

(2C) A court or tribunal may determine that any judgment or decision taken into account under subsection (2A) has no significance in relation to its proceedings.”

BARONESS BOWLES OF BERKHAMSTED

57 Page 3, line 38, leave out from “decided” to second “so”

LORD KREBS
BARONESS JONES OF MOULSECOOMB
BARONESS JONES OF WHITCHURCH
BARONESS BROWN OF CAMBRIDGE

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

BARONESS BOWLES OF BERKHAMSTED

59 Page 3, line 43, at end insert “and to the content of recitals in EU Regulations and Directives”

60 Page 3, line 43, at end insert “and powers of delegation”

Clause 6 - continued

LORD BASSAM OF BRIGHTON

61 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).”

62 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.”

BARONESS BOWLES OF BERKHAMSTED

63 Page 4, line 19, at end insert –

“() Notwithstanding anything elsewhere in this Act, the principle of proportionality in EU law will continue to apply to all retained EU law, to all modifications to retained EU law and to any retained EU law converted to or treated as primary legislation after exit day and shall be applicable by the courts including for the purposes of determining validity and judicial review.”

LORD WALLACE OF TANKERNESS

LORD CASHMAN

63A Page 4, line 19, at end insert –

“() The Charter of Fundamental Rights has the same effect in relation to the interpretation and application of retained EU law on and after exit day as it had immediately before exit day.”

LORD BASSAM OF BRIGHTON

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

LORD ADONIS

Lord Adonis gives notice of his intention to oppose the Question that Clause 6 stand part of the Bill.

After Clause 6

LORD WARNER
 BARONESS JOLLY
 LORD HUNT OF KINGS HEATH
 LORD PATEL

65 Insert the following new Clause—

“Public health

In carrying out their duties and functions arising by virtue of this Act, a Minister of the Crown or a public authority must have regard to the principle that a high level of human health protection must be ensured in the definition and implementation of all policies and activities.”

BARONESS JONES OF WHITCHURCH
 LORD KREBS
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

66 Insert the following new Clause—

“Maintenance of EU environmental principles

- (1) Public authorities must have special regard to and apply the principles set out in this section.
- (2) The principles in this section are—
 - (a) the precautionary principle as it relates to the environment,
 - (b) that preventive action should be taken to avert environmental damage,
 - (c) that environmental damage should, as a priority, be rectified at source,
 - (d) the polluter pays principle, and
 - (e) that environmental protection requirements must be integrated into the definition and implementation of policies and activities, with a view to promoting sustainable development.
- (3) The principles in subsection (2) may be called the “environmental principles”.
- (4) In carrying out their duties and functions arising by virtue of this Act, public authorities must take account of the public interest in—
 - (a) promoting sustainable development in the United Kingdom and overseas,
 - (b) preserving, protecting and improving the environment,
 - (c) the prudent and rational utilisation of natural resources,
 - (d) promoting measures at the international level to deal with regional or worldwide environmental problems, and combat climate change,
 - (e) guaranteeing participatory rights including—
 - (i) access to information,
 - (ii) public participation in decision making, and
 - (iii) access to justice,
 in relation to environmental matters, and
 - (f) acting in a way that takes account of available scientific and technical data.

After Clause 6 - continued

- (5) When making proposals concerning environmental protection, public authorities shall take as a base a high level of protection, taking account in particular of any new development based on scientific facts.
- (6) Subsection (7) applies in any proceedings in which a court or tribunal determines whether a provision of primary or subordinate legislation is compatible with the environmental principles.
- (7) If the court is satisfied that the provision is incompatible with the environmental principles, it may make a declaration of that incompatibility.”

LORD JUDD

As an amendment to Amendment 66

67 After (4)(b) insert—

“() protecting, enhancing and encouraging biodiversity,”

BARONESS MEACHER

LORD STOREY

BARONESS LISTER OF BURTERSETT

LORD JUDD

68 Insert the following new Clause—

“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 have due regard to all parts of the United Nations Convention on the Rights of the Child ratified by the United Kingdom.”

THE EARL OF LISTOWEL

LORD TRIESMAN

LORD JUDD

BARONESS TYLER OF ENFIELD

69 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.”

After Clause 6 - continued

BARONESS LISTER OF BURTERSETT
 BARONESS MASSEY OF DARWEN
 LORD STOREY
 LORD RUSSELL OF LIVERPOOL

70 Insert the following new Clause—

“Incorporation of United Nations Convention on the Rights of the Child

On exit day and on any day thereafter, a public authority or Minister of the Crown must have due regard to all parts of the United Nations Convention on the Rights of the Child ratified by the United Kingdom.”

LORD WALLACE OF TANKERNESS

70A Insert the following new Clause—

“Equality and discrimination

- (1) The purpose of this section is to ensure that the withdrawal of the United Kingdom from the EU does not diminish protection for equality in domestic law.
- (2) All individuals are equal before the law.
- (3) All individuals have a right not to be discriminated against by any public authority on any ground including sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.
- (4) The following provisions of the Human Rights Act 1998 apply in relation to the rights conferred by subsections (2) and (3) as they apply in relation to Convention rights within the meaning of that Act—
 - (a) section 3 (interpretation of legislation);
 - (b) section 4 (declaration of incompatibility);
 - (c) section 5 (right of Crown to intervene);
 - (d) section 6 (acts of public authorities);
 - (e) section 7 (proceedings);
 - (f) section 8 (judicial remedies);
 - (g) section 9 (judicial acts);
 - (h) section 10 (power to take remedial action);
 - (i) section 11 (safeguard for existing human rights); and
 - (j) section 19 (statements of compatibility).”

Clause 7

LORD LISVANE
 LORD WILSON OF DINTON
 LORD TYLER
 LORD GOLDSMITH

71 Page 5, line 3, leave out “the Minister considers appropriate” and insert “is necessary”

Clause 7 - continued

LORD FOULKES OF CUMNOCK
LORD GOLDSMITH
LORD WALLACE OF SALTAIRE
LORD CORMACK

72 Page 5, line 4, leave out “appropriate” and insert “necessary”

VISCOUNT HAILSHAM

73 Page 5, line 4, leave out “appropriate” and insert “essential”

74 Page 5, line 8, after “Minister” insert “, on reasonable grounds,”

75 Page 5, line 11, leave out “or is otherwise redundant or substantially redundant”

76 Page 5, line 22, leave out “appropriate” and insert “necessary”

77 Page 5, line 29, leave out “appropriate” and insert “necessary”

78 Page 5, line 32, leave out “appropriate” and insert “necessary”

79 Page 5, line 38, leave out “appropriate” and insert “necessary”

BARONESS HAYTER OF KENTISH TOWN

80 Page 5, line 39, leave out subsection (3)

BARONESS MCINTOSH OF PICKERING

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

BARONESS HAYTER OF KENTISH TOWN
LORD TRIESMAN

82 Page 6, line 3, leave out subsections (6) and (7) and insert –

“(6A) Regulations under this section may provide for functions of EU entities or public authorities in member States (including making an instrument of a legislative character or providing funding) to be exercisable instead by a public authority (whether or not newly established or established for that purpose) in the United Kingdom.

(6B) Regulations to which subsection (6A) applies must ensure that the functions of such EU entities or public authorities are exercised with equivalent scope, purpose and effect by public authorities in the United Kingdom.

(6C) But regulations under this section may not –

- (a) impose or increase taxation, fees or charges,
- (b) make retrospective provision,
- (c) create a criminal offence,
- (d) establish a public authority,
- (e) be made to implement the withdrawal agreement,

Clause 7 - continued

- (f) amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it,
- (g) amend, repeal or revoke the General Data Protection Regulation, the Data Protection Act 2018 or any subordinate legislation made under that Act,
- (h) amend or repeal the Northern Ireland Act 1998 (unless the regulations are made by virtue of paragraph 16(b) of Schedule 7 to this Act or are amending or repealing paragraph 38 of Schedule 3 to the Northern Ireland Act 1998 or any provision of that Act which modifies another enactment),
- (i) contain any provision the effect of which is that, in comparison with the position immediately before exit day –
 - (i) any right conferred on a person by retained EU law is either removed or made less favourable,
 - (ii) any standard set by retained EU law is lowered, or
 - (iii) any remedy, procedure or method of enforcement, in relation to any rights or standards conferred by retained EU law, is made less effective, or
- (j) amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under that Act.”

LORD NEWBY
 BARONESS HAYTER OF KENTISH TOWN
 BARONESS ALTMANN
 LORD O'DONNELL

83 Page 6, line 11, leave out paragraph (b)

LORD PATEL
 BARONESS THORNTON
 BARONESS JOLLY
 VISCOUNT RIDLEY

84 Page 6, line 13, at end insert –

“() No regulations may be made under this section which make changes to EU-derived domestic legislation concerning the regulation of clinical trials until the Secretary of State has laid a report before both Houses of Parliament assessing the costs and benefits of adopting EU Regulation 536/2014.”

BARONESS BOWLES OF BERKHAMSTED

85 Page 6, line 14, after “(1)” insert “, including in relation to deficiencies defined under subsection (2),”

BARONESS HAYTER OF KENTISH TOWN
 BARONESS KRAMER
 LORD TURNBULL
 LORD HIGGINS

86 Page 6, line 15, at end insert “fees or charges,”

Clause 7 - continued

LORD JUDGE
BARONESS HAYTER OF KENTISH TOWN
LORD MCNALLY
VISCOUNT HAILSHAM

87 Page 6, line 17, leave out “relevant”

LORD STEVENSON OF BALMACARA
LORD WARNER
LORD CLEMENT-JONES

88 Page 6, line 18, at end insert—

“() amend, repeal or revoke the General Data Protection Regulation, the Data Protection Act 2018 or any subordinate legislation made under that Act,”

LORD WIGLEY
BARONESS KRAMER
LORD FOX
LORD DYKES

89 Page 6, line 20, at end insert—

“() weaken, remove or replace any requirement of law in effect in the United Kingdom immediately before exit day which, in the opinion of the Minister, was a requirement up to exit day of the United Kingdom’s membership of the EU single market and customs union,”

BARONESS DRAKE
BARONESS ALTMANN
BARONESS BURT OF SOLIHULL

89A Page 6, line 20, at end insert—

“() limit the scope of or weaken rights relating to maternity, paternity or adoption, parental rights, or the rights of pregnant or breastfeeding women,”

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

90 Page 6, line 25, at end insert—

“() modify the Scotland Act 1998 without the consent of the Scottish Parliament, or
() modify the Government of Wales Act 2006 without the consent of the National Assembly for Wales.”

Clause 7 - continued

BARONESS SUTTIE

As an amendment to Amendment 90

91 At end insert—

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

LORD FOULKES OF CUMNOCK

92 Page 6, line 25, at end insert—

“() amend or repeal the Scotland Act 1998.”

93 Page 6, line 25, at end insert—

“() amend or repeal the Wales Act 2017.”

LORD NEWBY

BARONESS HAYTER OF KENTISH TOWN

BARONESS ALTMANN

LORD O'DONNELL

94 Page 6, line 25, at end insert—

“() provide for the establishment of public authorities in the United Kingdom.”

BARONESS BOWLES OF BERKHAMSTED

95 Page 6, line 25, at end insert—

“() materially change policy including by omission.”

96 Page 6, line 25, at end insert—

“() increase legislative burdens on individuals or business.”

BARONESS MEACHER

LORD STOREY

BARONESS LISTER OF BURTERSETT

LORD JUDD

97 Page 6, line 25, at end insert—

“() make any provision without due regard having been given to all parts of the United Nations Convention on the Rights of the Child ratified by the United Kingdom .”

BARONESS JONES OF WHITCHURCH

98 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.”

Clause 7 - continued

BARONESS KENNEDY OF THE SHAWS

99 Page 6, line 25, at end insert—

“() diminish the protections in relation to “protected persons” set out in Part 3 of the Criminal Justice (European Protection Order) (England and Wales) Regulations 2014 (SI 2014/3300).”

BARONESS BOWLES OF BERKHAMSTED

100 Page 6, line 25, at end insert—

“() make provisions that exceed what is essential.”

BARONESS JOLLY

101 Page 6, line 25, at end insert—

“() amend the licensing and regulation regimes for over-the-counter medicines, medical devices and food supplements.”

LORD HOPE OF CRAIGHEAD

BARONESS FINLAY OF LLANDAFF

LORD WALLACE OF TANKERNESS

LORD THOMAS OF GRESFORD

102 Page 6, line 25, at end insert—

“() The consent of the Scottish 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 Scottish Ministers within the meaning given to those words by paragraph 18 of Schedule 2.

() The consent of the Welsh 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 Welsh Ministers within the meaning given to those words by paragraph 19 of Schedule 2.”

BARONESS SUTTIE

As an amendment to Amendment 102

103 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

LORD BERKELEY
LORD BRADSHAW
BARONESS ALTMANN
LORD BILIMORIA

104 Page 6, line 25, at end insert –

“() No regulations affecting or amending the frontier control procedures for freight transport at borders between the United Kingdom and the EU may be made unless a Minister of the Crown has laid before both Houses of Parliament a report demonstrating that the new or amended procedures will not increase delays to freight transport.”

105 Page 6, line 25, at end insert –

“() No regulations altering the roles and responsibilities of the European Union Agency for Rail relating to rail transport and the application of legislation relating to it may come into force until a Minister of the Crown has laid before both Houses of Parliament a report setting out the benefits and costs of any such alteration for the passenger and freight rail sectors and the impact of the alterations on rail infrastructure managers in the United Kingdom in terms of capital and operation costs.”

LORD BERKELEY
LORD ADONIS
LORD BILIMORIA
BARONESS ALTMANN

106 Page 6, line 25, at end insert –

“() No regulations may be made under this section altering the roles and responsibilities of the European Aviation Safety Agency until a Minister of the Crown has laid before both Houses of Parliament a report setting out the benefits and costs of any such alteration to the United Kingdom’s aviation sector, including airlines, airports, aircraft manufacturers, aircraft maintenance and air navigation services providers, in terms of capital costs, operational costs and the impact on market access and safety.”

107 [Withdrawn]

Clause 7 - continued

BARONESS JONES OF WHITCHURCH
LORD KREBS
BARONESS BROWN OF CAMBRIDGE
BARONESS FEATHERSTONE

108 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.”

VISCOUNT HAILSHAM

109 Page 6, line 27, at end insert “or which have effect after the end of the period of two years beginning with exit day”

LORD LISVANE
LORD JUDGE
LORD PANNICK
LORD TYLER

110 Page 6, line 27, at end insert –

“() Where regulations under subsection (1) confer power to legislate by subordinate instrument, the instrument is subject to the same parliamentary control and the same time limit in subsection (8) as are the regulations.”

BARONESS HAMWEE

111 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.”

LORD ADONIS

Lord Adonis gives notice of his intention to oppose the Question that Clause 7 stand part of the Bill.

After Clause 7

LORD KREBS
 BARONESS JONES OF WHITCHURCH
 BARONESS BROWN OF CAMBRIDGE
 BARONESS BYFORD

112 Insert the following new Clause—

“Consultation on environmental governance and principles

- (1) Within one month of the passing of this Act, 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.”

113 Insert the following new Clause—

“Environmental protection and improvement: continuation of powers and functions

- (1) Within one month of the passing of this Act, the Secretary of State must—
 - (a) publish and lay before Parliament a statement identifying those powers and functions listed in the public register established under subsection (2) that it expects—
 - (i) will continue to be exercised in the United Kingdom or on behalf of the United Kingdom by EU entities or other EU public authorities; or
 - (ii) will be transferred to existing or new public authorities in the United Kingdom; or
 - (iii) will cease to be exercisable under the terms of the withdrawal agreement;
 - (b) make regulations containing provisions to ensure that all relevant powers and functions relating to environmental protection or improvement exercisable by EU institutions anywhere in the United Kingdom or on behalf of the United Kingdom before exit day continue to have effect on and after exit day.
- (2) The Secretary of State must establish and maintain a publicly accessible register of all relevant powers and functions relating to environmental protection or improvement exercisable by EU institutions anywhere in the United Kingdom before exit day.

After Clause 7 - continued

- (3) The register produced pursuant to subsection (2) must specify –
 - (a) the specific powers and functions relating to environmental protection or improvement exercised by EU institutions;
 - (b) the institution previously responsible for exercising those functions; and
 - (c) the empowering provision in EU law relating to those functions.
- (4) The register produced pursuant to subsection (2) must include the following functions –
 - (a) monitoring and measuring compliance with legal requirements;
 - (b) reviewing and reporting on compliance with legal requirements;
 - (c) enforcement of legal requirements;
 - (d) setting standards or targets;
 - (e) co-ordinating action; and
 - (f) publicising information including regarding compliance with environmental standards.”

LORD WHITTY
LORD JUDD

114 Insert the following new Clause –

“EU and Euratom Agencies

Within two months of the passing of this Act, the Minister of the Crown must lay before both Houses of Parliament a report containing a strategy for how, following exit day, public authorities in the United Kingdom will engage with the agencies of the European Union and Euratom specified in Schedule (*Agencies of the European Union and Euratom*).”

LORD WHITTY
LORD KREBS
LORD FOX

115 Insert the following new Clause –

“Chemicals

- (1) The Secretary of State must ensure that the standards established by and under the Regulation for the Registration, Evaluation, Authorisation and Restriction of Chemicals (EC 2006/1907) ('REACH') continue to apply on and after exit day.
- (2) The standards referred to in this section include, but are not limited to, the restriction of chemical substances and the identification and control of substances of very high concern.
- (3) The Secretary of State must by regulations establish a procedure for the registration of chemical substances with a domestic agency previously registered under REACH, with particular attention paid to companies whose market is limited to the territory of the United Kingdom.

After Clause 7 - continued

- (4) Chemical substances that have not been registered by under REACH before exit day or under domestic legislation procedure established pursuant to subsection (3) must not have access to the United Kingdom market after exit day.
- (5) The Secretary of State must by regulations establish a procedure for issuing authorisations for the use of substances of very high concern.
- (6) The procedures referred to in subsections (3) and (5) must retain as far as possible the rules applied, principles underlying and processes followed under REACH.
- (7) The Secretary of the State must, within one month of the passing of this Act, produce and publish a review analysing the options for the regulation of chemical substances in the United Kingdom after exit day and this review must consider at least the following—
 - (a) the potential for future participation in REACH processes;
 - (b) the functions currently exercised by the European Chemicals Agency or shared with other member States that are not currently carried out by an equivalent UK body;
 - (c) the compatibility of new chemicals regulations with achieving a high level of environmental protection;
 - (d) the future validity of registrations of United Kingdom chemical companies in the EU; and
 - (e) access to the REACH database.”

LORD CARRINGTON OF FULHAM

115A★ Insert the following new Clause—

“Market access for financial services

- (1) Before exit day, a Minister of the Crown must lay before Parliament a report setting out how access to markets by persons carrying on business in financial services in the EU and the United Kingdom will be maintained after exit day.
- (2) The report must include—
 - (a) the method of assessing the degree of alignment necessary between the regulatory provisions applying to persons carrying on business in financial services in the EU and the United Kingdom;
 - (b) the arrangements to be made to enable continuing alignment between those provisions;
 - (c) the process to be followed to provide continuing co-operation between the bodies responsible for supervising the application of those provisions;
 - (d) the legal framework required to enable co-ordination of supervision of persons carrying on business in financial services by the bodies responsible for supervising those persons;
 - (e) proposals for the establishment of a forum for regulatory alignment in respect of financial services in the EU and the United Kingdom.
- (3) The forum referred to in subsection (2)(e) is to exercise the following functions—

After Clause 7 - continued

- (a) to encourage continuing alignment through information sharing and co-operation in the development of provisions applying to persons carrying on business in financial services;
 - (b) to assess the extent of divergence between such provisions as they apply in the EU and the United Kingdom and to make recommendations in respect of it;
 - (c) to promote co-operation in respect of the general principles applicable to supervision and enforcement.
- (4) In this section “business in financial services” means business which—
- (a) if carried on in the United Kingdom, is a regulated activity within the meaning of section 22 of the Financial Services and Markets Act 2000; or
 - (b) if carried on in the EU, is an activity which, if it were carried on in the United Kingdom, would be an activity to which that section would apply.”

Clause 8

LORD LISVANE
LORD WILSON OF DINTON
LORD TYLER
LORD GOLDSMITH

- 116** Page 6, line 34, leave out “the Minister considers appropriate” and insert “is necessary”

VISCOUNT HAILSHAM

- 117** Page 6, line 35, after “Minister” insert “, on reasonable grounds,”

LORD FOULKES OF CUMNOCK
LORD GOLDSMITH
LORD WALLACE OF SALTAIRE
LORD CORMACK

- 118** Page 6, line 35, leave out “appropriate” and insert “necessary”

VISCOUNT HAILSHAM

- 119** Page 6, line 35, leave out “appropriate” and insert “essential”

BARONESS SHERLOCK
BARONESS GREENGROSS

- 120** Page 6, line 37, at end insert “, including those that occur where the EU has entered into an agreement on behalf of member States and that agreement has not been formally ratified by the United Kingdom”

Clause 8 - continued

LORD COLLINS OF HIGHBURY
LORD TRIESMAN
LORD JUDD

- 121** Page 6, line 37, at end insert “, subject to the requirement in subsection (1A).
- (1A) Within one month of the passing of this Act, a Minister of the Crown must publish an assessment of each of the international treaties, agreements and obligations that will require amendment or renegotiation as a result of the withdrawal of the United Kingdom from the EU.
- (1B) The report required under subsection (1A) must include an assessment of how the powers under this section may need to be used.
- (1C) A Minister of the Crown must lay the report under subsection (1A) before both Houses of Parliament.”

LORD ADONIS
LORD JUDD

- 122** Page 6, line 37, at end insert “including the Belfast Agreement of 10 April 1998.”
- 123** Page 6, line 37, at end insert “including those arising under the British-Irish Agreement 1998”

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
BARONESS MCINTOSH OF PICKERING

- 124** Page 6, line 39, at end insert –
- “() The consent of the Scottish 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 Scottish Ministers within the meaning given to those words by paragraph 18 of Schedule 2.
- () The consent of the Welsh 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 Welsh Ministers within the meaning given to those words by paragraph 19 of Schedule 2.”

BARONESS SUTTIE
As an amendment to Amendment 124

- 125** 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 8 - continued

LORD LISVANE
LORD PANNICK
LORD JUDGE
LORD TYLER

126 Page 6, line 40, at end insert –

“() impose or increase taxation,”

BARONESS HAYTER OF KENTISH TOWN
BARONESS KRAMER
LORD TURNBULL
LORD HIGGINS

127 Page 6, line 40, at end insert –

“() impose or increase taxation, fees or charges,”

LORD JUDGE
BARONESS HAYTER OF KENTISH TOWN
LORD MCNALLY
VISCOUNT HAILSHAM

128 Page 6, line 42, leave out “relevant”

LORD STEVENSON OF BALMACARA
LORD WARNER
LORD CLEMENT-JONES

129 Page 6, line 43, at end insert –

“() amend, repeal or revoke the General Data Protection Regulation, the Data Protection Act 2018 or any subordinate legislation made under that Act,”

BARONESS DRAKE
BARONESS ALTMANN
BARONESS BURT OF SOLIHULL

129A Page 6, line 43, at end insert –

“() limit the scope of or weaken rights relating to maternity, paternity or adoption, parental rights, or the rights of pregnant or breastfeeding women,”

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNES
BARONESS MCINTOSH OF PICKERING

130 Page 6, line 45, at end insert –

“() modify the Scotland Act 1998 without the consent of the Scottish Parliament, or
() modify the Government of Wales Act 2006 without the consent of the National Assembly for Wales.”

Clause 8 - continued

BARONESS SUTTIE

*As an amendment to Amendment 130***131** At end insert—

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

LORD ADONIS

LORD JUDD

132 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).”

133 Page 6, line 45, at end insert—

“() be incompatible with the British-Irish Agreement 1998 and the Multi-party Agreement (the Belfast/Good Friday Agreement) to which it gives effect, including provisions which ensure—

- (i) the preservation of institutions set up relating to strands 1, 2 and 3 of the Good Friday Agreement,
- (ii) human rights and equality,
- (iii) the principle of consent, and
- (iv) citizenship rights.”

VISCOUNT HAILSHAM

134 Page 7, line 2, at end insert “ or which have effect after the end of the period of two years beginning with exit day”

LORD LISVANE

LORD JUDGE

LORD PANNICK

LORD TYLER

135 Page 7, line 2, at end insert—

“() Where regulations under subsection (1) confer power to legislate by subordinate instrument, the instrument is subject to the same parliamentary control and same time limit in subsection (4) as are the regulations.”

BARONESS MCINTOSH OF PICKERING

136 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.”

Clause 8 - continued

BARONESS HAMWEE

137 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.”

LORD ADONIS

Lord Adonis gives notice of his intention to oppose the Question that Clause 8 stand part of the Bill.

After Clause 8

LORD ADONIS

138 Insert the following new Clause –

“International treaties and agreements

The Secretary of State must, within one month of the passing of this Act, publish an assessment of each of the international treaties, agreements and obligations that will be affected, require amendment or require renegotiation as a result of the United Kingdom's withdrawal from the EU including an assessment of where the powers in section 8 may need to be used.”

Clause 9

VISCOUNT HAILSHAM

139 Page 7, line 5, after “Minister” insert “, on reasonable grounds,”

LORD FOULKES OF CUMNOCK
LORD GOLDSMITH
LORD WALLACE OF SALTAIRE
LORD CORMACK

140 Page 7, line 5, leave out “appropriate” and insert “necessary”

VISCOUNT HAILSHAM

141 Page 7, line 5, leave out “appropriate” and insert “essential”

LORD MONKS
LORD LEA OF CRONDALL
LORD CAMPBELL OF PITTENWEEM
BARONESS WHEATCROFT

142 Page 7, line 7, after “to” insert “ –

- (a) approval by both Houses of Parliament of a mandate for negotiations about the United Kingdom’s future relationship with the EU; and
- (b) ”

Clause 9 - continued

BARONESS SHERLOCK
 BARONESS GREENGROSS
 BARONESS HAMWEE
 LORD JUDD

As an amendment to Amendment 142

- 143** In paragraph (a), after “EU” insert “, including a requirement to seek ongoing reciprocal arrangements in the field of family law”

LORD BROOKE OF ALVERTHORPE
 LORD JUDD

As an amendment to Amendment 142

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

BARONESS CRAWLEY
 LORD JUDD

As an amendment to Amendment 142

- 145** In paragraph (a), after “EU” insert “, including a requirement to seek ongoing reciprocal arrangements in the field of consumer rights”

LORD PUTTNAM
 THE EARL OF CLANCARTY
 BARONESS BONHAM-CARTER OF YARNBURY
 LORD JUDD

As an amendment to Amendment 142

- 146** In paragraph (a), after “EU” insert “, including a requirement to seek ongoing reciprocal arrangements in the creative industries”

LORD ROOKER
 BARONESS JONES OF WHITCHURCH

As an amendment to Amendment 142

- 147** In paragraph (a), after “EU” insert “, including a requirement to maintain, as a minimum, current regulations concerning food standards”

LORD MOYNIHAN
 LORD ADDINGTON
 LORD STEVENSON OF BALMACARA
 BARONESS GREY-THOMPSON

As an amendment to Amendment 142

- 147A** In paragraph (a), after “EU” insert “, including a requirement to seek ongoing reciprocal arrangements in the field of professional sport.”

LORD WIGLEY

As an amendment to Amendment 142

- 147B** In paragraph (a), after “EU” insert “, including a requirement to seek ongoing reciprocal arrangements in the creative industries in all parts of the United Kingdom”

Clause 9 - continued

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

148 Page 7, line 9, at end insert –

- “() The consent of the Scottish 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 Scottish Ministers within the meaning given to those words by paragraph 18 of Schedule 2.
- () The consent of the Welsh 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 Welsh Ministers within the meaning given to those words by paragraph 19 of Schedule 2.
- () The consent of the Scottish Ministers is required before any provision is made in regulations under this section that modifies the Scotland Act 1998.
- () The consent of the Welsh Ministers is required before any provision is made in regulations under this section that modifies the Government of Wales Act 2006.”

BARONESS SUTTIE
As an amendment to Amendment 148

149 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.”

BARONESS HAYTER OF KENTISH TOWN
LORD WALLACE OF SALTAIRE
LORD HANNAY OF CHISWICK
LORD PATTEN OF BARNES

150 Page 7, line 9, at end insert –

- “() The statute provided for by subsection (1) must include the terms of the withdrawal agreement and make provision for any transitional arrangements which have been negotiated within or alongside the withdrawal agreement.
- () In addition to the statute provided for by subsection (1), the Minister of the Crown must, as a further precondition of making regulations under subsection (1), seek interim approval for the withdrawal agreement by means of motions in both Houses of Parliament, with such motions to be voted on, so far as practicable, before the European Parliament votes on the withdrawal agreement.”

Clause 9 - continued

LORD CORMACK
LORD BALFE
BARONESS VERMA
LORD REID OF CARDOWAN

151 Page 7, line 9, at end insert –

“() It is an objective of the Government to ensure the enactment of the statute described in subsection (1) prior to the ratification of the withdrawal agreement by the European Parliament.”

LORD ADONIS
LORD WARNER
LORD HAIN
LORD TRIESMAN

152 Page 7, line 9, at end insert –

“() It is the Government’s objective, in negotiating the withdrawal of the United Kingdom from the EU, to seek continued membership of the European Economic Area and the customs union.”

LORD JUDGE
BARONESS HAYTER OF KENTISH TOWN
BARONESS SMITH OF NEWNHAM
VISCOUNT HAILSHAM

153 Page 7, line 10, leave out subsection (2)

LORD LISVANE
LORD JUDGE
LORD TYLER
BARONESS ANDREWS

154 Page 7, line 11, leave out “(including modifying this Act)”

BARONESS HAYTER OF KENTISH TOWN
BARONESS KRAMER
LORD TURNBULL
LORD HIGGINS

155 Page 7, line 13, at end insert “fees or charges,”

LORD JUDGE
BARONESS HAYTER OF KENTISH TOWN
LORD MCNALLY
VISCOUNT HAILSHAM

156 Page 7, line 15, leave out “relevant”

Clause 9 - continued

LORD STEVENSON OF BALMACARA
LORD WARNER
LORD CLEMENT-JONES

157 Page 7, line 15, at end insert –

“() amend, repeal or revoke the General Data Protection Regulation, the Data Protection Act 2018 or any subordinate legislation made under that Act,”

BARONESS DRAKE
BARONESS ALTMANN
BARONESS BURT OF SOLIHULL

157A Page 7, line 15, at end insert –

“() limit the scope of or weaken rights relating to maternity, paternity or adoption, parental rights, or the rights of pregnant or breastfeeding women,”

BARONESS MEACHER
LORD STOREY
BARONESS LISTER OF BURTERSETT
LORD JUDD

158 Page 7, line 17, at end insert –

“() make any provision without due regard having been given to all parts of the United Nations Convention on the Rights of the Child ratified by the United Kingdom.”

LORD ADONIS
LORD JUDD

159 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).”

160 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 United Kingdom on any day before 30 March 2019.”

161 Page 7, line 17, at end insert –

“() amend, repeal or revoke, or otherwise modify the effect of, any other law relating to equality or human rights.”

Clause 9 - continued

LORD WIGLEY
LORD HAIN

162 Page 7, line 17, at end insert –

“(3A) No regulations may be made under this section until the Chancellor of the Exchequer has laid before Parliament an assessment of the impact of exiting the EU single market and customs union on levels of GDP growth.

(3B) Any assessment under subsection (3A) must set out an assessment of the impact of exiting the EU single market and customs union on levels of GDP growth in –

- (a) Scotland,
- (b) Northern Ireland,
- (c) England, and
- (d) Wales.”

BARONESS GARDEN OF FROGNAL
LORD STOREY
THE EARL OF CLANCARTY
THE EARL OF DUNDEE

163 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 both Houses of Parliament setting out a strategy for the United Kingdom to seek to retain membership of the Erasmus programme on existing terms after withdrawal from the EU.”

LORD ADONIS
LORD JUDD

164 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 EU’s Political and Security Committee after exit day.”

165 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 EU’s Common Foreign and Security Policy.”

166 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 EU’s Foreign Affairs Council.”

Clause 9 - continued

167 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.”

168 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, Euratom, and
- (b) the strategy has been approved by resolution of both Houses of Parliament.”

169 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.”

170 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.”

171 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 the United Kingdom’s membership of the European Chemicals Agency after withdrawal from the EU.”

172 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 the United Kingdom’s membership of the European Single Sky Agreement on existing terms after withdrawal from the EU.”

Clause 9 - continued

- 173** 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 the United Kingdom’s membership of the European Aviation Safety Agency on existing terms after withdrawal from the EU.”
- 174** 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.”
- 175** 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.”
- 176** 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.”
- 177** 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.”
- 178** 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.”
- 179** 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.”

Clause 9 - continued

180 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.”

LORD NEWBY
LORD BUTLER OF BROCKWELL
LORD ADONIS
BARONESS WHEATCROFT

181 Page 7, line 17, at end insert—

- “() Prior to the enactment of the statute provided for in subsection (1), as a further precondition of making regulations under subsection (1), a Minister of the Crown must move a motion in each House of Parliament to provide for the option to hold a referendum on whether the United Kingdom should accept the outcome of the negotiations between the Government and the EU under Article 50(2) of the Treaty on European Union, or seek to remain in the EU by revoking the notification of withdrawal from the EU under Article 50.
- () If such a motion is agreed to, the Secretary of State may not make regulations under subsection (1) but must bring forward proposals to hold such a referendum, and the Government must seek such an extension of the Article 50 period as may be necessary for this purpose.”

LORD HAMILTON OF EPSOM

182 Page 7, line 17, at end insert—

- “(3A) Before making regulations under this section to implement any withdrawal agreement, a Minister of the Crown must have—
- (a) conducted an appraisal of the potential benefits of proceeding to leave the EU without a withdrawal agreement;
 - (b) conducted an appraisal of whether the withdrawal agreement as is offered by the EU in relation to trade is more to the long-term advantage of the United Kingdom’s freedom of choice and economic prospects than trading on World Trade Organization terms; and
 - (c) laid a report of his or her appraisals under paragraphs (a) and (b) before both Houses of Parliament.
- (3B) A Minister of the Crown may not make regulations under this section unless the conclusion of the appraisal under subsection 3A(b) is in the affirmative.”

LORD ADONIS

183 Page 7, line 17, at end insert—

- “() No regulations may be made under this section until the Chancellor of the Exchequer has published a statement setting out a strategy for retaining membership of the European Investment Fund.”

Clause 9 - continued

184 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 the maintenance of the United Kingdom’s membership of the European Food Safety Authority on existing terms after withdrawal from the EU.”

LORD ADONIS

LORD JUDD

185 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 EU Intelligence Analysis Centre.”

LORD ADONIS

186 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 the United Kingdom to retain access to the EU’s Emissions Trading System markets after withdrawal from the EU.”

187 Page 7, line 17, at end insert—

“() No regulations may be made under this section until the Chancellor of the Exchequer has published a statement setting out a strategy for retaining access to the European Investment Bank.”

VISCOUNT HAILSHAM

188 Page 7, line 18, at end insert “or which have any effect after the end of the period of two years beginning with exit day”

LORD WIGLEY

LORD HAIN

LORD JUDD

189 Page 7, line 18, at end insert—

“() No regulations may be made under this section unless the Secretary of State has signed an agreement with the EU that the United Kingdom will remain a full member of the EU single market and customs union.”

LORD WIGLEY

LORD ROBERTS OF LLANDUDNO

190 Page 7, line 18, at end insert—

“() It is an objective of Her Majesty’s Government, in negotiating a withdrawal agreement with the EU, to ensure that in the event of Parliament not approving the terms of the United Kingdom’s withdrawal, the United Kingdom could remain a member of the EU.”

Clause 9 - continued

BARONESS MCGREGOR-SMITH
LORD ALLI
LORD ADONIS

191 Page 7, line 18, at end insert –

“() It is a negotiating objective of the Government to ensure that the withdrawal agreement provides for the United Kingdom’s continued participation in an internal single market with the EU.”

BARONESS HAMWEE

192 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.”

BARONESS LUDFORD
BARONESS SMITH OF NEWNHAM
LORD ADONIS

193 Page 7, line 18, at end insert –

“() No regulations may be made under this section until the requirement of section (*Parliamentary vote on withdrawal from European Economic Area*) has been met.”

LORD ADONIS

194 Leave out Clause 9 and insert the following new Clause –

“Implementing the withdrawal agreement

The Secretary of State must lay a report before Parliament detailing how the withdrawal agreement will be implemented, including any proposed primary legislation.”

LORD LISVANE
LORD JUDGE
LORD ADONIS
LORD TYLER

The above-named Lords give notice of their intention to oppose the Question that Clause 9 stand part of the Bill.

After Clause 9

LORD DAVIES OF OLDHAM
LORD TUNNICLIFFE
LORD JUDD

195 Insert the following new Clause –

“Economic outlook taking account of the terms of the withdrawal agreement

- (1) Following the completion of negotiations between the United Kingdom and the EU on the terms of the withdrawal agreement, the Secretary of State must commission an economic outlook from the Office for Budget Responsibility.
- (2) The economic outlook provided for by subsection (1) must –
 - (a) take account of the terms of the withdrawal agreement, and
 - (b) be laid before both Houses of Parliament before Parliament considers legislation to approve the withdrawal agreement.”

LORD LIDDLE
LORD ADONIS
LORD HAIN
LORD TRIESMAN

196 Insert the following new Clause –

“Failure to negotiate a withdrawal agreement by 31 October 2018

- (1) Subsection (2) applies if either of the conditions in subsections (3) and (4) is met.
- (2) The Prime Minister must seek an agreement with the EU on one or more of the following –
 - (a) extending the negotiations beyond the two-year period specified in Article 50 of the Treaty on European Union; or
 - (b) agreeing that the conclusion of negotiations over the final terms of the United Kingdom’s withdrawal from the EU may take place during a time-limited transitional period which broadly reflects current arrangements and begins upon expiration of the Article 50 notice period; or
 - (c) any other course of action in relation to the negotiations (with the EU over the withdrawal of the United Kingdom) which has been –
 - (i) approved in accordance with this section by a resolution of the House of Commons, and
 - (ii) subject to consideration of a motion in the House of Lords.
- (3) The condition in this subsection is that no withdrawal agreement under Article 50 has been reached between the United Kingdom and the EU by 31 October 2018.
- (4) The condition in this subsection is that a withdrawal agreement under Article 50 has been reached between the United Kingdom and the EU but the proposed terms of this agreement have not been –
 - (a) subject to consideration of a motion in the House of Lords, and
 - (b) adopted by a resolution in the House of Commons.
- (5) Nothing in this section may be amended by regulations made under any provision of this Act.”

After Clause 9 - continued

LORD WIGLEY
LORD WARNER
LORD HAIN

197 Insert the following new Clause—

“Participation in the single market and customs union

It is an objective of Her Majesty’s Government, in negotiating a withdrawal agreement, to secure the same rights, freedoms and access available to United Kingdom businesses trading with the European Union as exist through the United Kingdom’s membership of the EU.”

LORD HAIN
BARONESS ALTMANN
LORD KERSLAKE
BARONESS SUTTIE

198 Insert the following new Clause—

“Republic of Ireland and Northern Ireland

- (1) Nothing in section 8 or 9 of this Act shall authorise regulations which—
 - (a) breach any of the obligations of Her Majesty’s Government under the Belfast Agreement implemented in the Northern Ireland Act 1998, or
 - (b) create hard border arrangements between Northern Ireland and the Republic of Ireland, or
 - (c) diminish the alignment of the United Kingdom with rules of the internal market and the customs union so far as they support North-South cooperation, the all-island economy and the protection of the Belfast Agreement.
- (2) Subsection (1)(c) applies unless Her Majesty’s Government, the Government of the Republic of Ireland and the EU agree alternative specific solutions which address the circumstances of the island of Ireland, the obligations of the Belfast Agreement and the avoidance of a hard border arrangement between Northern Ireland and the Republic of Ireland.”

LORD CORMACK
LORD BALFE
BARONESS VERMA
BARONESS MCDONAGH

199 Insert the following new Clause—

“House of Commons motion on withdrawal agreement or future relationship with the European Union

If the House of Commons declines to approve a motion tabled in the name of the Minister of the Crown or Parliament declines to pass the statute under section 9(1) in respect of the final terms of the withdrawal agreement or future relationship with the European Union, it will be the policy of the Government to seek to maintain the existing arrangements and relationship with the EU and to seek an extension to the period set out in Article 50(3) of the TEU.”

After Clause 9 - continued

LORD SHARKEY

200 Insert the following new Clause—

“Statutory instruments under other Acts of Parliament for the purposes of withdrawal

- (1) The Statutory Instruments Act 1946 is amended as follows.
- (2) After section 9, insert—

“9A Instruments relating to the United Kingdom’s withdrawal from the European Union

- (1) Any statutory instrument under any Act of Parliament containing regulations to make provisions for the same purposes as set out under section 7, 8 or 9 of the European Union (Withdrawal) Act 2018, is subject to the same parliamentary procedure as an instrument made for the same purposes under a power provided for in those sections.
- (2) Subsection (1) applies instead of the parliamentary procedure set out in any Act under which the instrument is made.
- (3) For the purposes of this section—
 - “the same purposes as a power provided for in those sections” means—
 - (a) under section 7, regulations which make such provision as the Minister considers appropriate to prevent, remedy or mitigate—
 - (i) any failure of retained EU law to operate effectively, or
 - (ii) any other deficiency in retained EU law, arising from the withdrawal of the United Kingdom from the EU;
 - (b) under section 8, regulations which make such provision as the Minister considers appropriate to prevent or remedy any breach, arising from withdrawal of the United Kingdom from the EU, of the international obligations of the United Kingdom; and
 - (c) under section 9, regulations which make such provision as the Minister considers appropriate for the purposes of implementing the withdrawal agreement if the Minister considers that such provision should be in force on or before exit day;

“exit day” has the same meaning as in section 14 of the European Union (Withdrawal) Act 2018.””

LORD BASSAM OF BRIGHTON

201 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—

After Clause 9 - continued

- (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
LORD JUDD
LORD ROBERTS OF LLANDUDNO

202 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 United Kingdom immediately before exit day, and in particular to continue their right to be lawfully resident in the United Kingdom.”

BARONESS LUDFORD
BARONESS SMITH OF NEWNHAM
LORD ADONIS
LORD DAVIES OF STAMFORD

203 Insert the following new Clause –

“Parliamentary vote on withdrawal from European Economic Area

The requirement of this section is that each House of Parliament has passed a resolution in the following terms: “That this House supports the United Kingdom’s withdrawal from the European Economic Area”.”

THE EARL OF CLANCARTY
BARONESS ROYALL OF BLAISDON
BARONESS HUMPHREYS
LORD JUDD

204 Insert the following new Clause –

“Rights and opportunities of young people

It is an objective of the Government, in negotiating a withdrawal agreement, to ensure that the rights and opportunities of British citizens aged under 25 and resident in the United Kingdom are maintained on existing terms including –

- (a) retaining the ability to work and travel visa-free in the EU, and
- (b) retaining the ability to study in other EU member States, including through participation in the Erasmus+ programme on existing terms.”

After Clause 9 - continued

THE EARL OF CLANCARTY
LORD JUDD
LORD DAVIES OF STAMFORD

205 Insert the following new Clause—

“European Health Insurance Card

It is an objective of the Government, in negotiating a withdrawal agreement, to have regard to the desirability of continuing to participate in the European Health Insurance Card (EHIC) scheme on the same basis as a member State of the European Union.”

BARONESS MCGREGOR-SMITH
BARONESS O'LOAN
LORD BILIMORIA
LORD ALLI

206 Insert the following new Clause—

“Membership of the customs union

It is a negotiating objective of the Government to ensure that the withdrawal agreement provides for the United Kingdom’s continued participation in a customs union with the EU.”

BARONESS KENNEDY OF THE SHAWS
LORD PADDICK
LORD JUDD

207 Insert the following new Clause—

“Justice and home affairs measures

It is an objective of the Government, in negotiating the withdrawal of the United Kingdom from the EU, to seek—

- (a) continued access to the European Union Agency for Law Enforcement Cooperation (Europol) and Eurojust;
- (b) continued participation in the European Arrest Warrant; and
- (c) agreement regarding the role of domestic courts and the European Court in cross-border cases relating to paragraphs (a) and (b) which may arise after exit day.”

LORD DUBS
LORD BASSAM OF BRIGHTON
BARONESS SHEEHAN
BARONESS BUTLER-SLOSS

208 Insert the following new Clause—

“Maintenance of refugee family reunion rights within Europe

- (1) A Minister of the Crown must make appropriate arrangements with the aim of preserving specified effects in the United Kingdom of Regulation (EU) No. 604/2013 (the “Dublin Regulation”), including through negotiation with the EU.

After Clause 9 - continued

- (2) “Specified effects” under subsection (1) are those provisions, and associated rights and obligations, that allow for unaccompanied minors and adults to join a family member in the United Kingdom before making an application for asylum.
- (3) Within six months of the passing of this Act, and then every six months thereafter, a Minister of the Crown must report to Parliament on progress made in negotiations to secure the continuation of reciprocal arrangements between the United Kingdom and member States as they relate to subsection (1).”

BARONESS MASSEY OF DARWEN
THE EARL OF LISTOWEL
LORD JUDD

209 Insert the following new Clause –

“Prevention and investigation of crime following withdrawal of the United Kingdom from the European Union

- (1) The Secretary of State must, within 6 months of the passing of this Act, lay before Parliament a strategy on –
 - (a) cooperation with the European Union Agency for Law Enforcement Cooperation (Europol), Eurojust, and the European Criminal Records Information System;
 - (b) participation in the European Arrest Warrant.
- (2) The strategy must set out how the Government plans to cooperate and participate with the agencies set out in subsection (1)(a) immediately after exit day.
- (3) It is an objective of the Government to seek to incorporate the strategy in the final terms of the withdrawal of the United Kingdom from the European Union.”

THE EARL OF CLANCARTY
BARONESS HUMPHREYS
LORD JUDD
LORD DAVIES OF STAMFORD

210 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.”

After Clause 9 - continued

LORD HASKEL
BARONESS JONES OF MOULSECOOMB
LORD JUDD

211 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 United Kingdom’s withdrawal from the EU;
 - (b) any international trade agreement—
 - (i) between the United Kingdom and the EU, or
 - (ii) between the United Kingdom 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
LORD JUDD

212 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 United Kingdom.
- (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 United Kingdom via the EU from a third country.”

After Clause 9 - continued

LORD ADONIS
LORD JUDD
LORD DAVIES OF STAMFORD

213 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 EU, 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.”

LORD HASKEL
BARONESS JONES OF MOULSECOOMB

214 Insert the following new Clause—

“Governance and institutional arrangements

- (1) Before exit day, a Minister of the Crown must make provision that all powers and functions which form part of retained EU law, which relate to any right, freedom or protection that any person might reasonably expect to exercise, which were carried out by EU entities or other public authorities anywhere in the United Kingdom before exit day, and which do not cease as a result of the withdrawal agreement (“relevant powers and functions”), will—
 - (a) continue to be carried out by an EU entity or public authority;
 - (b) be carried out by an appropriate existing or newly established entity or public authority in the United Kingdom; or
 - (c) be carried out by an appropriate international entity or public authority.
- (2) For the purposes of this section, relevant powers and functions include, but are not limited to—
 - (a) monitoring and measuring compliance with legal requirements;
 - (b) reviewing and reporting on compliance with legal requirements;
 - (c) enforcement of legal requirements;
 - (d) setting standards or targets;
 - (e) co-ordinating action;
 - (f) publicising information.
- (3) Responsibility for any powers and functions as defined in subsection (1) for which no specific provision has been made immediately after commencement of this Act will belong to a relevant Minister until such a time as specific provision has been made.”

After Clause 9 - continued

LORD BROWNE OF LADYTON
 BARONESS SUTTIE
 LORD KERR OF KINLOCHARD
 BARONESS WHEATCROFT

215 Insert the following new Clause—

“Withdrawal agreement: Irish border

So far as they commit the United Kingdom, paragraphs 49 and 50 of the joint report from the negotiators of the EU and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 of the Treaty on European Union on the United Kingdom’s orderly withdrawal from the EU have effect.”

VISCOUNT HAILSHAM

216 Insert the following new Clause—

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

- (1) The Prime Minister may not conclude an agreement with the European Union under Article 50(2) of the Treaty on European Union on the terms of the United Kingdom’s withdrawal from the EU without the approval of both Houses of Parliament.
- (2) For the purposes of subsection (1) such approval must be achieved before the European Parliament debates and votes on that agreement.
- (3) The prior approval of both Houses of Parliament is also required in relation to an agreement on the future relationship of the United Kingdom with the EU.
- (4) The prior approval of both Houses of Parliament is also required in relation to any decision by the Prime Minister that the United Kingdom shall leave the EU without an agreement as to the applicable terms.
- (5) Any approval required by this section must be either by way of an Act of Parliament or by a resolution of each House of Parliament.
- (6) In the event that approval is by way of a resolution of each House of Parliament, subsection (7) of this section applies.
- (7) In the event that any resolution proposed for the purposes of this section and previously approved by the House of Commons (“the Commons Resolution”) is rejected by the House of Lords, the Commons Resolution is, unless the House of Commons directs otherwise and after a period of 7 working days from its approval by the House of Commons, deemed to be a resolution of each House of Parliament for all the purposes that are specified in this section.
- (8) For the purposes of subsection (7) the Commons Resolution is deemed to be rejected by the House of Lords if, within 7 working days of its approval by the House of Commons, a resolution in the same terms is not approved by the House of Lords either without amendment or with only such amendments as may be agreed by both Houses.
- (9) Any period of time prescribed in this section may be varied by a resolution of each House of Parliament.

After Clause 9 - continued

217 Insert the following new Clause –

“Parliamentary control

- (1) Not less than 30 days before exit day, a Minister of the Crown must lay the terms agreed with the EU in the negotiations under Article 50 of the Treaty on the Functioning of the European Union (TFEU) (the “agreed terms”) before each House of Parliament, whereupon –
 - (a) if both Houses pass a resolution approving the agreed terms, the terms may be ratified;
 - (b) no agreed terms may be ratified unless they are approved as provided in paragraph (a);
 - (c) if both Houses by a resolution so require, the agreed terms must be put to a national referendum on a question to be determined by both Houses of Parliament and within the period of time specified in the resolution;
 - (d) if both Houses pass a resolution to the effect that Her Majesty’s Government must withdraw the notification made under Article 50 TFEU, Her Majesty’s Government must do so.
- (2) Not less than 30 days before exit day, in the event that Her Majesty’s Government has not by then concluded a transitional or final agreement with the European Union in the negotiations under Article 50 TFEU, a Minister of the Crown must lay a report before each House of Parliament explaining the reasons that no such agreement has been made and making recommendations on how to proceed.
- (3) After a report under subsection (2) has been laid before each House –
 - (a) any recommendation contained in that report is subject to approval, amendment or rejection by resolution of each House;
 - (b) if both Houses by resolution so require, a national referendum on a question to be determined by both Houses of Parliament must be held within the period of time specified in the resolution;
 - (c) if both Houses pass a resolution to the effect that Her Majesty’s Government must withdraw the notification made under Article 50 TFEU, Her Majesty’s Government must do so.
- (4) Any resolution proposed by a Minister of the Crown and considered by either House of Parliament pursuant to this section must, if amended by that House, be pursued by Her Majesty’s Government in the amended terms.
- (5) In the event that any resolution proposed for the purposes of this section and previously approved by the House of Commons (“the Commons Resolution”) is rejected by the House of Lords, the Commons Resolution is, unless the House of Commons directs otherwise and after a period of 7 working days from its approval by the House of Commons, deemed to be a resolution of each House of Parliament for all the purposes specified in this section.
- (6) The Commons Resolution is deemed to be rejected by the House of Lords if, within 7 working days of its approval by the House of Commons, it is not approved by the House of Lords either without amendment or with only such amendments as may be agreed by both Houses.

After Clause 9 - continued

- (7) Any period of time prescribed in this section may be varied by a resolution of each House of Parliament.”

LORD ADONIS
LORD JUDD
LORD ROBERTS OF LLANDUDNO

218 Insert the following new Clause—

“Provisions of the Good Friday Agreement

Before making any regulations under section 9, a Minister of the Crown must publish a strategy which seeks to ensure that the provisions of the Good Friday Agreement and all subsequent agreements agreed between the United Kingdom and Ireland since 1998 continue to remain in force after exit day, including—

- (a) the free movement of people, goods and services on the island of Ireland,
- (b) citizenship rights,
- (c) the preservation of institutions set up relating to strands 1, 2 and 3 of the Good Friday Agreement,
- (d) human rights and equality,
- (e) the principle of consent,
- (f) the status of the Irish language, and
- (g) a Bill of Rights.”

LORD ADONIS
LORD JUDD

219 Insert the following new Clause—

“Status of Irish citizens in the United Kingdom

Before making any regulations under section 9, a Minister of the Crown must publish a strategy to ensure that Irish citizens lawfully resident in the United Kingdom after exit day are entitled to any status, rights and entitlements available to Irish citizens before exit day, inclusive of, and in addition to, their status, rights and entitlements as EU citizens.”

BARONESS HAYTER OF KENTISH TOWN

220 Insert the following new Clause—

“Maintenance of rights in the area of insolvency and restructuring law

- (1) Within the period of six months of the passing of this Act, a Minister of the Crown must publish a report outlining the extent to which the benefits afforded by EU insolvency and restructuring law will continue to exist in domestic law after exit day.
- (2) The report provided for under subsection (1) must include—
 - (a) the steps, if any, taken by Ministers of the Crown to negotiate the continuation of reciprocal arrangements between the United Kingdom and member States in the field of insolvency and restructuring law;

After Clause 9 - continued

- (b) the nature and duration of these reciprocal arrangements, if such arrangements have been negotiated; and
 - (c) a declaration from the Minister of the Crown outlining whether, in their view, the UK's insolvency and restructuring framework has been weakened.
- (3) The Minister of the Crown must lay the report before both Houses of Parliament."

LORD CARLILE OF BERRIEW

221 Insert the following new Clause—

“Implementation of agreements reached with the European Union on radiopharmaceutical products

- (1) Before exit day, the Secretary of State must publish a report which includes the details of any agreements reached with the EU—
- (a) for the efficient importation of radiopharmaceutical products for use in medical treatment and research in the United Kingdom;
 - (b) for the efficient export of radiopharmaceutical products for use in medical treatment and research outside the United Kingdom;
 - (c) for the purposes described in paragraphs (a) and (b) in circumstances of urgency, including protocols for retrospective authorisation in exceptional cases;
 - (d) to protect the safety of persons coming into contact with the products described;
 - (e) for continued participation in relevant research and clinical projects;
 - (f) to replace the responsibilities and activities of the European Observatory on the Supply of Medical Isotopes;
 - (g) to replace all statutory, treaty and other responsibilities and actions undertaken by Euratom prior to 29 March 2019 in connection with radiopharmaceuticals.
- (2) In addition to the report described in subsection (1), at the same time the Secretary of State must make regulations providing for the implementation of any agreements described in the report.
- (3) A statutory instrument containing regulations under subsection (2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

BARONESS KENNEDY OF THE SHAWS
BARONESS BURT OF SOLIHULL

222 Insert the following new Clause—

“Co-operation with the European Union on tackling violence against women and girls

- (1) Within one month of the passing of this Act, and then once in every subsequent calendar year, the Secretary of State must lay before both Houses of Parliament a report on continued co-operation with the EU after exit day on tackling violence against women and girls.

After Clause 9 - continued

- (2) That report must include, in particular, an assessment of how co-operation with the EU will replicate mechanisms which exist within the EU before exit day to –
- (a) maintain common rights for victims of domestic and sexual abuse when moving across borders,
 - (b) reduce female genital mutilation,
 - (c) reduce human trafficking,
 - (d) reduce child sexual exploitation, and
 - (e) enable data sharing relating to paragraphs (a) to (d)."

223 Insert the following new Clause –

“Co-operation with the European Union on child maintenance claims

Within one month of the passing of this Act, and then once in every subsequent calendar year, the Secretary of State must lay before both Houses of Parliament a report containing an assessment of how, following exit day, co-operation between the United Kingdom and the EU will replicate mechanisms which exist within the EU to enforce cross-border child maintenance claims, and enable data sharing in relation to such matters.”

224 Insert the following new Clause –

“Funding for ending violence against women and girls

- (1) Within one month of the passing of this Act, the Secretary of State must lay before both Houses of Parliament a report on the funding provided by the EU before exit day to organisations based in the United Kingdom for the purposes of research, service provision and other activities relating to ending violence against women and girls.
- (2) That report must include in particular –
 - (a) an assessment of the amount and nature of funding provided by EU institutions to organisations based in the United Kingdom for the purposes of research, service provision and other activities relating to ending violence against women and girls; and
 - (b) whether comparable resources for research, service provision and other activities relating to ending violence against women and girls will be made available in the United Kingdom.”

LORD ADONIS

225 Insert the following new Clause –

“EEA Agreement

- (1) No Minister of the Crown may notify the withdrawal of the United Kingdom from the EEA Agreement, whether under Article 127 of that Agreement or otherwise.
- (2) Regulations under this Act may not make any provision that would constitute a breach of the United Kingdom’s obligations under the EEA Agreement.
- (3) Regulations under this Act may not amend or repeal subsection (1) or (2).”

After Clause 9 - continued

LORD WIGLEY

226 Insert the following new Clause—

“Referendum on terms of the United Kingdom’s withdrawal from the European Union

- (1) Prior to the enactment of the statute referred to in section 9(1), a Minister of the Crown must by regulations made by statutory instrument provide for a referendum to determine whether the terms of the United Kingdom’s withdrawal from the EU are acceptable.
- (2) In subsection (1) “the terms of the United Kingdom’s withdrawal” includes any proposed agreement or framework agreement regarding future relations between the United Kingdom and the EU and any proposal about how to conduct future relations in the absence of such an agreement or framework agreement.
- (3) The regulations under subsection (1) must also make provision for—
 - (a) the conduct of the referendum, including the eligible franchise;
 - (b) the question to be posed in the referendum; and
 - (c) only two possible answers, one being acceptance of the recommendation made by the Government and the other the pursuit of the maintenance of the status quo regarding United Kingdom’s membership of the EU.
- (4) A statutory instrument containing regulations under this section 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 SHIPLEY

LORD WALLACE OF SALTAIRE

227 Insert the following new Clause—

“Local government consultation

Her Majesty’s Government must—

- (a) maintain a full consultative role for local authorities in the planning and decision-making processes involved in the United Kingdom’s withdrawal from the EU, in due time and in an appropriate way for all matters which concern them, and
- (b) provide by regulations made by a Minister of the Crown for a formal mechanism in domestic law to replicate the advisory role conferred on local authorities via membership of the EU Committee of the Regions within the United Kingdom after exit day.”

After Clause 9 - continued

BARONESS YOUNG OF OLD SCONE
LORD LISVANE
LORD TYLER
LORD JUDD

227A Insert the following new Clause—

“Replication of EU law: consultation on impact and equivalence

- (1) This section applies to regulations (whether or not under this Act) which—
 - (a) are designed to replicate a provision of EU legislation (with or without modifications), or
 - (b) amend or replace legislation which was made under section 2(2) of the European Communities Act 1972 or which was otherwise made for the purpose of giving effect to EU obligations.
- (2) Before making the regulations a Minister of the Crown must publish a statement that the Minister is satisfied that a draft has been published in such a manner, and for such a period, as to give persons representing interests affected by the regulations a reasonable opportunity to consider and make representations about—
 - (a) the environmental, social and other impacts of the regulations; and
 - (b) equivalence with EU legislation.
- (3) The period referred to in subsection (2) must not be less than 3 months, except where the Minister includes a statement that—
 - (a) the Minister is satisfied that 3 months’ notice could not reasonably be given in the circumstances; and
 - (b) as much notice was given as the Minister considers reasonably practicable.”

LORD EMPEY

227B★ Insert the following new Clause—

“Mutual Recognition Agreements relating to the safeguarding of public health

In respect of mutual recognition agreements relating to the safeguarding of public health, within one month of the passing of this Act, a Minister of the Crown must publish a strategy for ensuring that existing United Kingdom notified bodies, in accordance with provisions laid out in the EU Medical Devices Regulation, may continue to conduct conformity assessment certification for both United Kingdom and EU medical devices to ensure continuity within and beyond the EU.”

Clause 16

BARONESS BOWLES OF BERKHAMSTED

227C★ Page 14, line 12, at end insert—

- “() Regulations under this Act may not—
- (a) impose or increase taxation;
 - (b) make retrospective provision;

Clause 16 - continued

- (c) create or expand the scope of a criminal offence;
- (d) amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it;
- (e) make provisions that exceed what is necessary (unless for the purpose of devolution);
- (f) materially change policy (in particular but not exclusively concerning rights relating to workers, equality, family, children, disabled people and the environment) including by omission or revocation;
- (g) delegate legislative power to regulatory authorities greater than that exercised by European Agencies;
- (h) increase legislative burdens on individuals or business;
- (i) amend this section.”

After Clause 16

LORD ADONIS

228 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 FOULKES OF CUMNOCK
LORD WALLACE OF TANKERNESS
LORD JUDD

229 Page 41, line 37, at end insert –

- “(a) the Minister laying the instrument has made a declaration that the instrument does no more than necessary to prevent, remedy or mitigate –
 - (i) any failure of retained EU law to operate effectively, or
 - (ii) any other deficiency in retained EU law arising from the withdrawal of the United Kingdom from the EU,
- (b) ”

LORD ADONIS

230 Page 41, line 40, leave out paragraphs (2) and (3)

LORD BERKELEY
LORD BRADSHAW
BARONESS ALTMANN
LORD BILIMORIA

231 Page 42, line 9, at end insert –

- “() creates or amends the frontier control procedures for checking freight transport at borders between the United Kingdom and the EU.”

Schedule 7 - continued

- 232 Page 42, line 9, at end insert—
 “() amends the roles and responsibilities of the European Union Agency for Rail and the application of legislation relating to it.”
- LORD BERKELEY
 LORD ADONIS
 LORD BILIMORIA
 BARONESS ALTMANN
- 233 Page 42, line 9, at end insert—
 “() amends the roles and responsibilities of the European Aviation Safety Agency in the United Kingdom.”
- LORD ADONIS
- 234 Page 42, line 9, at end insert—
 “() makes changes to EU-derived domestic legislation concerning the rights of workers in the United Kingdom.”
- 235 Page 42, line 9, at end insert—
 “() makes changes to EU-derived domestic legislation concerning rights for disabled people in the United Kingdom.”
- 236 Page 42, line 37, leave out “which contain provision falling within sub-paragraph (2).”
- LORD LISVANE
 LORD TYLER
 BARONESS HAYTER OF KENTISH TOWN
 LORD BLENCATHRA
- 237 Page 44, line 35, leave out from beginning to end of line 20 on page 45 and insert—
“Parliamentary committees to sift regulations made under section 7, 8, 9 or 17
- (1) This paragraph applies if a Minister of the Crown—
 - (a) proposes to make a statutory instrument to which paragraph 1(3), 6(3), 7(3) or 11 applies, and
 - (b) is of the opinion that the instrument should be subject to annulment in pursuance of a resolution of either House of Parliament (“the negative procedure”).
 - (2) Before making the instrument, the Minister must lay before both Houses of Parliament a draft of the instrument together with a memorandum setting out the reasons for the Minister’s opinion that the instrument should be subject to the negative procedure.
 - (3) The negative procedure applies unless within the relevant period either House of Parliament requires the affirmative procedure to apply, in which case the affirmative procedure applies.
 - (4) A House of Parliament is taken to have required the affirmative procedure to apply within the relevant period if—

Schedule 7 - *continued*

- (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 draft instrument was laid before the House, that the 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 affirmative procedure, it may not be made unless the draft of the instrument laid under sub-paragraph (2) has been approved by a resolution of each House of Parliament,
 - (b) “sitting day” means, in respect of either House, a day on which that House sits.
- (6) Nothing in this paragraph prevents a Minister of the Crown from deciding, at any time before a statutory instrument mentioned in sub-paragraph (1)(a) is made, that another procedure should apply in relation to the instrument.”

LORD SHARKEY

LORD LISVANE

As an amendment to Amendment 237

237A

In subsection (4)(b), at end insert “, or

- (c) irrespective of the committee reporting on the instrument, that House has resolved, within the period of 15 sitting days beginning with the first sitting day after the day on which the draft instrument was laid before the House, that the affirmative procedure should apply to the instrument.”

LORD HODGSON OF ASTLEY ABBOTTS

238

Page 45, line 23, at end insert—

“Parliamentary committees to sift regulations made under section 7, 8 or 9 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
 - (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.

Schedule 7 - continued

- (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.”

239

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 sub-paragraph (2)(a); and
 - (b) if any representations were so made, giving details of them.
- (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.

Schedule 7 - *continued*

- (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.”

LORD SHARKEY
LORD LISVANE

239A Page 45, line 23, at end insert—

“Parliamentary scrutiny: reconsideration procedure

- (1) If the House of Commons approves the draft of any statutory instrument containing regulations under this Act and the House of Lords subsequently does not come to a resolution approving the instrument but comes to a resolution, which may include reasons, that the House of Commons should reconsider the instrument, then if, after a period of not more than 10 sitting days beginning with the first sitting day after the House of Lords has come to such a resolution, the House of Commons by resolution confirms its previous decision, the instrument shall be treated as if the House of Lords had approved it and if not, it shall be treated as if the House of Lords had rejected it.

Schedule 7 - continued

- (2) In this paragraph, reference to “sitting days” is reference to any day on which both Houses of Parliament sit.”

LORD LISVANE
LORD JUDGE
LORD PANNICK
LORD TYLER

- 240 Page 48, line 2, leave out from “authority” to “, or” in line 4

VISCOUNT HAILSHAM

- 241 Page 48, line 22, leave out paragraph 10

BARONESS HAYTER OF KENTISH TOWN
LORD NEWBY
LORD HANNAY OF CHISWICK
THE DUKE OF WELLINGTON

- 242 Page 48, line 22, leave out “14(4)” and insert “14(2)”

LORD BASSAM OF BRIGHTON

- 243 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.”

- 244 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.”

- 245 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.”

- 246 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 7 - continued

BARONESS MCINTOSH OF PICKERING
LORD WIGLEY

247 Page 54, line 20, at end insert –

“Amendment of statutory instruments

- (1) If each House of Parliament passes a resolution that regulations laid in draft under this Act shall have effect with a specified amendment or amendments, a Minister of the Crown must make those regulations as amended within 10 sitting days, beginning on the sitting day after the second House passes its resolution.
- (2) For the purposes of sub-paragraph (1) a sitting day is any day on which both Houses of Parliament sit.
- (3) If resolutions are passed as described in sub-paragraph (1) in respect of an instrument subject to annulment, those regulations have effect as amended –
 - (a) if they have already come into force, from the day after the second House passes its resolution; or
 - (b) if they have not yet come into force, from the date set out for them to come into force in the instrument.
- (4) Nothing in this paragraph affects anything done by virtue of regulations under this Act before they are amended.”

VISCOUNT HAILSHAM

248 Page 54, line 20, at end insert –

“Amendments to statutory instruments subject to the affirmative procedure

- (1) This paragraph applies to any statutory instrument of which, pursuant to this Act, a draft (“the draft instrument”) must be laid before, and approved by a resolution of, each House of Parliament.
- (2) The draft instrument may be amended by resolution in the House of Parliament by which it is being considered.
- (3) If each House of Parliament passes a resolution that the draft instrument must have effect with the same specified amendment or amendments, a Minister of the Crown must make those regulations as amended within 10 sitting days, beginning on the sitting day after the second House passes its resolution.
- (4) In the event that a draft instrument previously approved by a resolution in the House of Commons is rejected by the House of Lords, the draft resolution in the form approved by the House of Commons will, after 28 sitting days from its approval by a resolution of the House of Commons, and unless the House of Commons directs otherwise, be deemed to have been approved by a resolution of each House of Parliament.

Schedule 7 - continued

- (5) For the purposes of sub-paragraph (4), the draft instrument as approved by a resolution of the House of Commons will be deemed rejected by the House of Lords if, within 28 sitting days from its approval by a resolution of the House of Commons, it is not approved by the House of Lords either without amendments or with only such amendments as may be agreed by both Houses of Parliament.
- (6) For the purposes of this paragraph, a sitting day is any day on which both Houses of Parliament sit.
- (7) The periods of time prescribed by this paragraph may be varied by a resolution approved by each House of Parliament.”

BARONESS NEVILLE-ROLFE

249 Page 54, line 20, at end insert –

“Publication of draft instruments

- (1) Ministers of the Crown must, within one month of the passing of this Act, publish drafts of at least three of the instruments they propose to lay before Parliament in each of the following policy areas –
 - (a) agriculture;
 - (b) customs;
 - (c) financial services;
 - (d) immigration; and
 - (e) intellectual property.
- (2) If Ministers of the Crown do not intend to lay at least three statutory instruments under this Act in any of the policy areas covered by sub-paragraph section (1), a Minister of the Crown must lay a statement before both Houses of Parliament stating how many instruments are proposed and publish drafts of those intended to be laid in accordance with sub-paragraph (1).”

250 Page 54, line 20, at end insert –

“Consultation

- (1) If a Minister of the Crown proposes to make a statutory instrument under this Act he or she must –
 - (a) publish a draft of the instrument not less than 60 days before it is laid before Parliament;
 - (b) consult such organisations as appear to him or her to be representative of interests substantially affected by the proposals; and
 - (c) consult such other persons as he or she considers appropriate.
- (2) If, before the day on which this paragraph comes into force, any consultation was undertaken which, had it been undertaken after that day, would to any extent have satisfied the requirements of this section, those requirements shall to that extent be taken to have been satisfied.
- (3) If, after the conclusion of the consultation, the Minister considers it appropriate to proceed with the making of an instrument under this Act, he or she must lay before Parliament –
 - (a) a draft of the instrument, or a made instrument, together with

Schedule 7 - continued

- (b) an explanatory document.
- (4) The explanatory document must give details of—
 - (a) any consultation undertaken under this paragraph;
 - (b) any representations received as a result of the consultation; and
 - (c) the changes (if any) made as a result of those representations.”

251 Page 54, line 20, at end insert—

“Timetabling

Each draft statutory instrument laid before Parliament must be accompanied by a statement indicating when the Minister expects it to be debated in each House.”

Clause 17

LORD ADONIS

252 Page 14, line 14, leave out subsections (1) to (3)

LORD LISVANE
LORD WILSON OF DINTON
LORD TYLER
LORD GOLDSMITH

253 Page 14, line 14, leave out “the Minister considers appropriate” and insert “is necessary”

LORD FOULKES OF CUMNOCK
LORD GOLDSMITH
LORD WALLACE OF SALTIRE
LORD CORMACK

254 Page 14, line 15, leave out “appropriate” and insert “necessary”

LORD BASSAM OF BRIGHTON

255 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 SHARKEY

256 Page 14, line 16, leave out subsections (2) and (3)

LORD LISVANE
LORD WILSON OF DINTON
LORD TYLER
LORD GOLDSMITH

257 Page 14, line 22, leave out “the Minister considers appropriate” and insert “is necessary”

Clause 17 - continued

LORD FOULKES OF CUMNOCK
LORD GOLDSMITH
LORD WALLACE OF SALTAIRE
LORD CORMACK

258 Page 14, line 22, leave out “appropriate” and insert “necessary”

LORD ADONIS
LORD JUDD
LORD ROBERTS OF LLANDUDNO

259 Page 14, line 28, at end insert –

“() Regulations under subsection (1) or (5) may not amend, repeal or revoke, or otherwise modify the effect of, any law relating to equality or human rights.”

LORD ADONIS
LORD JUDD

260 Page 14, line 28, at end insert –

“() Regulations under this section may not limit the scope of, or weaken standards of, environmental protection.”

LORD BASSAM OF BRIGHTON
LORD ADONIS

The above-named Lords give notice of their intention to oppose the Question that Clause 17 stand part of the Bill.

Before Clause 10

LORD PATTEN OF BARNES
BARONESS SMITH OF BASILDON
BARONESS O'NEILL OF BENGARVE
LORD ALDERDICE

261 Insert the following new Clause –

“Northern Ireland: the Belfast principles

- (1) In exercising any of the powers under this Act to make any provision affecting Northern Ireland, a Minister of the Crown or any devolved authority must have regard to the requirement to preserve and abide by the principles and obligations contained within the Belfast Agreement and given effect by the Northern Ireland Act 1998 (“the Belfast principles”).
- (2) The Belfast principles include, but are not limited to –
 - (a) partnership,
 - (b) equality, and
 - (c) mutual respect,
 as the basis of relationships within Northern Ireland, between the North and South of Ireland, and between the islands of Ireland and Great Britain.
- (3) In particular, in relation to this Act –

Before Clause 10 - continued

- (a) a Minister of the Crown must not give consent under paragraph 6 of Schedule 2 to this Act before any provision is made by a Northern Ireland department except where the Secretary State has considered the requirement to preserve and abide by the Belfast principles and considers the provision is necessary only as a direct consequence of the withdrawal of the United Kingdom from the EU, and
 - (b) the powers under paragraph 16(b) of Schedule 7 to this Act to make supplementary, incidental, consequential, transitional, transitory or saving provision (including provision restating any retained EU law in a clearer or more accessible way) may not be exercised to do anything beyond the minimum changes strictly required only as a direct consequence of the withdrawal of the United Kingdom from the EU.
- (4) Section 11(3) of this Act does not permit the Northern Ireland Assembly to do anything which is not in accordance with the Belfast principles.”

Clause 10

LORD BLENCATHRA

262

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.”

LORD ADONIS
LORD TRIESMAN

The above-named Lords give notice of their intention to oppose the Question that Clause 10 stand part of the Bill.

Before Schedule 2LORD WHITTY
LORD JUDD

263

Insert the following new Schedule –

“AGENCIES OF THE EUROPEAN UNION AND EURATOM

- (1) For the purposes of the strategy under section (*EU and Euratom Agencies*), the following agencies of the European Union are specified –

Before Schedule 2 - continued

- (a) European Agency for Safety and Health at Work;
 - (b) European Centre for the Development of Vocational Training;
 - (c) European Foundation for the Improvement of Living and Working Conditions;
 - (d) European Environment Agency;
 - (e) European Institute of Innovation and Technology;
 - (f) European Training Foundation;
 - (g) European Monitoring Centre for Drugs and Drug Addiction;
 - (h) European Medicines Agency;
 - (i) European Union Intellectual Property Office;
 - (j) Community Plant Variety Office;
 - (k) Translation Centre for the Bodies of the European Union;
 - (l) European Food Safety Authority;
 - (m) European Maritime Safety Agency;
 - (n) European Aviation Safety Agency;
 - (o) European Network and Information Security Agency;
 - (p) European Centre for Disease Prevention and Control;
 - (q) European Global Navigation Satellite Systems Agency;
 - (r) European Railway Agency;
 - (s) European Agency for the Management of Operational Cooperation at the External Borders of Member States of the European Union;
 - (t) European Fisheries Control Agency;
 - (u) European Chemicals Agency;
 - (v) European Institute for Gender Equality;
 - (w) European Defence Agency;
 - (x) European Institute for Security Studies;
 - (y) European Union Satellite Centre;
 - (z) European Police College;
 - (za) European Police Office;
 - (zb) European Body for the Enhancement of Judicial Co-operation;
 - (zc) Fundamental Rights Agency;
 - (zd) Body of European Regulators of Electronic Communications;
 - (ze) European Systemic Risk Board;
 - (zf) Agency for the Cooperation of Energy Regulators;
 - (zg) European Banking Authority;
 - (zh) European Securities and Markets Authority;
 - (zi) European Insurance and Occupational Pensions Authority;
 - (zj) European Asylum Support Office;
 - (zk) European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice.
- (2) For the purposes of the strategy under section (*EU and Euratom Agencies*), the following agencies of Euratom are specified –
- (a) Euratom Supply Agency; and
 - (b) Fusion for Energy.”

Schedule 2

LORD FOULKES OF CUMNOCK
LORD GOLDSMITH
LORD WALLACE OF SALTAIRE
LORD CORMACK

264 Page 17, line 13, leave out “appropriate” and insert “necessary”

265 Page 17, line 18, leave out “appropriate” and insert “necessary”

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

266 Page 17, line 32, at end insert –

“() Sub-paragraph (4)(b) does not apply to regulations made under this Part by the Scottish Ministers or by the Welsh Ministers with regard to matters that are within their devolved competence.”

BARONESS SUTTIE

As an amendment to Amendment 266

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

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

268 Page 18, line 39, at end insert –

“() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or by the Welsh Ministers with regard to matters that are within their devolved competence.”

BARONESS SUTTIE

As an amendment to Amendment 268

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

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

270 Page 19, line 2, at end insert –

“() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or by the Welsh Ministers with regard to matters that are within their devolved competence.”

BARONESS SUTTIE

As an amendment to Amendment 270

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

Schedule 2 - continued

LORD HOPE OF CRAIGHEAD
 BARONESS FINLAY OF LLANDAFF
 LORD WALLACE OF TANKERNESS
 LORD THOMAS OF GRESFORD

272 Page 19, line 2, at end insert –

“ No regulations may be made under this Part by the Scottish Ministers or the Welsh Ministers acting alone so far as the regulations –
 (a) are to come into effect before exit day, or
 (b) remove (whether wholly or partly) reciprocal arrangements of the kind mentioned in section 7(2)(c) or (e),
 unless the regulations are, to that extent, made after consulting with a Minister of the Crown.”

BARONESS SUTTIE
As an amendment to Amendment 272

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

LORD HOPE OF CRAIGHEAD
 BARONESS FINLAY OF LLANDAFF
 LORD WALLACE OF TANKERNESS
 LORD THOMAS OF GRESFORD

274 Page 21, line 29, leave out “and retained EU law”

275 Page 22, line 4, leave out “and retained EU law”

LORD FOULKES OF CUMNOCK
 LORD GOLDSMITH

276 Page 23, line 18, leave out “appropriate” and insert “necessary”

LORD FOULKES OF CUMNOCK
 LORD GOLDSMITH
 LORD WALLACE OF SALTAIRE
 LORD CORMACK

277 Page 23, line 22, leave out “appropriate” and insert “necessary”

LORD HOPE OF CRAIGHEAD
 BARONESS FINLAY OF LLANDAFF
 LORD WALLACE OF TANKERNESS
 LORD THOMAS OF GRESFORD

278 Page 23, line 34, at end insert –

“() Sub-paragraph (4)(d) does not apply to regulations made under this Part by the Scottish Ministers or by the Welsh Ministers with regard to matters that are within their devolved competence.”

Schedule 2 - continued

BARONESS SUTTIE

As an amendment to Amendment 278

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

LORD HOPE OF CRAIGHEAD
 BARONESS FINLAY OF LLANDAFF
 LORD WALLACE OF TANKERNESS
 LORD THOMAS OF GRESFORD

280 Page 24, line 15, at end insert –

“() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or by the Welsh Ministers with regard to matters that are within their devolved competence.”

BARONESS SUTTIE

As an amendment to Amendment 280

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

LORD HOPE OF CRAIGHEAD
 BARONESS FINLAY OF LLANDAFF
 LORD WALLACE OF TANKERNESS
 LORD THOMAS OF GRESFORD

282 Page 25, line 15, at end insert –

“() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or by the Welsh Ministers with regard to matters that are within their devolved competence.”

BARONESS SUTTIE

As an amendment to Amendment 282

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

LORD HOPE OF CRAIGHEAD
 BARONESS FINLAY OF LLANDAFF
 LORD WALLACE OF TANKERNESS
 LORD THOMAS OF GRESFORD

284 Page 25, line 15, at end insert –

“Requirement for consultation in certain circumstances

- (1) No regulations may be made under this Part by the Scottish Ministers or by the Welsh Ministers acting alone so far as the regulations –
 - (a) are to come into force before exit day,
 - (b) are for the purpose of preventing or remedying any breach of the WTO Agreement, or
 - (c) make provision about any quota arrangements or are incompatible with any such arrangements unless the regulations are, to that extent, made after consulting with a Minister of the Crown.
- (2) In sub-paragraph (1) –

Schedule 2 - continued

“the WTO Agreement” has the meaning given in paragraph 16(2),
 “quota arrangements” has the meaning given in paragraph 16(3).”

BARONESS SUTTIE

As an amendment to Amendment 284

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

LORD HOPE OF CRAIGHEAD
 BARONESS FINLAY OF LLANDAFF
 LORD WALLACE OF TANKERNESS
 LORD THOMAS OF GRESFORD

286 Page 25, line 25, leave out “and retained EU law”

287 Page 25, line 29, leave out “and section 57(4) and (5) of that Act”

288 Page 25, line 35, leave out “and retained EU law”

289 Page 25, line 39, leave out “80(8)” and insert “80”

LORD FOULKES OF CUMNOCK
 LORD GOLDSMITH
 LORD WALLACE OF SALTAIRE
 LORD CORMACK

290 Page 26, line 15, leave out “appropriate” and insert “necessary”

291 Page 26, line 19, leave out “appropriate” and insert “necessary”

LORD HOPE OF CRAIGHEAD
 BARONESS FINLAY OF LLANDAFF
 LORD WALLACE OF TANKERNESS
 LORD THOMAS OF GRESFORD

292 Page 26, line 36, at end insert –

“() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or by the Welsh Ministers with regard to matters that are within their devolved competence.”

BARONESS SUTTIE

As an amendment to Amendment 292

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

Schedule 2 - continued

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

294 Page 27, line 15, at end insert –

“() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or by the Welsh Ministers with regard to matters that are within their devolved competence.”

BARONESS SUTTIE
As an amendment to Amendment 294

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

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

296 Page 27, line 43, at end insert –

“() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or by the Welsh Ministers with regard to matters that are within their devolved competence.”

BARONESS SUTTIE
As an amendment to Amendment 296

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

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

298 Page 28, line 13, at end insert –

“() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or by the Welsh Ministers with regard to matters that are within their devolved competence.”

BARONESS SUTTIE
As an amendment to Amendment 298

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

Schedule 2 - continued

LORD HOPE OF CRAIGHEAD
 BARONESS FINLAY OF LLANDAFF
 LORD WALLACE OF TANKERNESS
 LORD THOMAS OF GRESFORD

300 Page 28, line 13, at end insert –

“Requirement for consultation in certain circumstances

- (1) No regulations may be made under this Part by the Scottish Ministers or by the Welsh Ministers acting alone so far as the regulations make provision about any quota arrangements or are incompatible with any such arrangements unless the regulations are, to that extent, made after consulting with a Minister of the Crown.
- (2) In sub-paragraph (1) “quota arrangements” has the meaning given in paragraph 16(3).”

BARONESS SUTTIE
As an amendment to Amendment 300

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

Clause 11

LORD HOPE OF CRAIGHEAD
 BARONESS FINLAY OF LLANDAFF
 LORD WALLACE OF TANKERNESS
 LORD THOMAS OF GRESFORD

302 Page 7, line 25, leave out subsection (1) and insert –

- “(1) In section 29(2)(d) of the Scotland Act 1998 (legislative competence for the Scottish Parliament), omit “or with EU law”. ”

LORD GRIFFITHS OF BURRY PORT
 LORD KERR OF KINLOCHARD
 LORD WALLACE OF TANKERNESS
 LORD BOWNESS

303 Page 7, line 25, leave out subsections (1) to (3) and insert –

- “(1) In section 29(2)(d) of the Scotland Act 1998 (no competence for Scottish Parliament to legislate incompatibly with EU law), omit “or with EU law”.
- (2) In section 108A(2)(e) of the Government of Wales Act 2006 (no competence for National Assembly for Wales to legislate incompatibly with EU law), omit “or with EU law”.
- (3) In section 6(2)(d) of the Northern Ireland Act 1998 (no competence for the Assembly to legislate incompatibly with EU law), omit “is incompatible with EU law”.
- (4) The Secretary of State must lay before each House of Parliament proposals for replacing EU legal frameworks with legal frameworks for the United Kingdom.

Clause 11 - continued

- (5) United Kingdom-wide legal frameworks may be proposed if, and only if, they are necessary to –
- (a) enable the functioning of the United Kingdom’s internal market,
 - (b) ensure compliance with international obligations,
 - (c) ensure the United Kingdom can negotiate, enter into and implement new trade agreements and international treaties,
 - (d) enable the management of common resources,
 - (e) administer and provide access to justice in cases with a cross-border element, or
 - (f) safeguard the security of the United Kingdom.
- (6) Ministers of the Crown may create UK-wide frameworks only if they have consulted with, and secured the agreement of, the affected devolved administrations.”

LORD WIGLEY
LORD HAIN

304 Page 7, line 25, leave out subsections (1) to (3) and insert –

- “(1) In section 29(2)(d) of the Scotland Act 1998 (no competence for Scottish Parliament to legislate incompatibly with EU law), omit “or with EU law”.
- (2) In section 108A(2)(e) of the Government of Wales Act 2006 (no competence for National Assembly for Wales to legislate incompatibly with EU law), omit “or with EU law”.
- (3) In section 6(2) of the Northern Ireland Act 1998 (no competence for the Assembly to legislate incompatibly with EU law), omit paragraph (d).”

LORD FORSYTH OF DRUMLEAN

304A Page 7, line 33, at end insert “or create barriers to the free movement of goods, services, people and capital within the United Kingdom.”

LORD BLENCATHRA

305 Page 7, leave out lines 37 and 38

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNES
LORD THOMAS OF GRESFORD

306 Page 7, line 39, leave out subsection (2) and insert –

- “(2) In section 108A(2)(e) of the Government of Wales Act 2006 (legislative competence of the National Assembly for Wales), omit “or with EU law”.”

LORD FORSYTH OF DRUMLEAN

306A Page 8, line 7, at end insert “or create barriers to the free movement of goods, services, people and capital within the United Kingdom.”

Clause 11 - continued

LORD BLENCATHRA

307 Page 8, leave out lines 11 to 17

BARONESS SUTTIE

308 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 FORSYTH OF DRUMLEAN

308A Page 8, line 26, at end insert “or create barriers to the free movement of goods, services, people and capital within the United Kingdom.”

LORD BLENCATHRA

309 Page 8, leave out lines 30 to 38

LORD FOULKES OF CUMNOCK

310 Page 8, line 38, at end insert –

“() This section applies only to –

- (a) an Act of the Scottish Parliament,
- (b) an Act of the National Assembly for Wales; and
- (c) an Act of the Northern Ireland Assembly,

which was introduced to the Parliament or Assembly, as the case may be, after exit day.”

311 Page 8, line 41, at end insert –

“() This section and Part 1 of Schedule 3 will cease to have effect after the end of the period of two years beginning with exit day.”

LORD WALLACE OF TANKERNESS

LORD THOMAS OF GRESFORD

312 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

313 Page 8, line 43, at end insert –

“() 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).”

Clause 11 - continued

LORD FORSYTH OF DRUMLEAN

313A Page 8, line 43, at end insert—

- “() The Secretary of State may create a committee for the UK internal market consisting of Ministers from the devolved authorities and Her Majesty's Government with the purpose of ensuring that no legislation or policy enacted by a devolved or UK-wide authority, assembly or parliament creates barriers to the free movement of goods, services, people or capital within the United Kingdom.
- () Members of the committee—
- (a) must notify the committee if they believe that any legislative proposal undertaken by a devolved authority or Her Majesty's Government may create barriers to the free movement of goods, services, people or capital within the United Kingdom; and
 - (b) may request that the Secretary of State commissions a report on any proposals that a member of the committee believes could create barriers to the free movement of goods, services, people or capital within the United Kingdom.
- () The committee may recommend that the Secretary of State takes specific action to ensure the free movement of goods, services, people or capital within the United Kingdom.”

LORD ADONIS
LORD WIGLEY
BARONESS FINLAY OF LLANDAFF
LORD THOMAS OF GRESFORD

The above-named Lords give notice of their intention to oppose the Question that Clause 11 stand part of the Bill.

After Clause 11

LORD HOPE OF CRAIGHEAD
LORD BEITH
BARONESS MCINTOSH OF PICKERING
BARONESS FINLAY OF LLANDAFF

314 Insert the following new Clause—**“UK-wide frameworks**

- (1) A Minister of the Crown must lay before each House of Parliament proposals for replacing European frameworks with UK ones.
- (2) UK frameworks may be proposed only if they are necessary to—
 - (a) enable the functioning of the UK internal market,
 - (b) ensure compliance with international obligations,
 - (c) ensure that the UK can negotiate, enter into and implement new trade agreements and international treaties,
 - (d) enable the management of common resources,

After Clause 11 - continued

- (e) administer and provide access to justice in cases with a cross-border element, or
 - (f) safeguard the security of the UK.
- (3) Ministers of the Crown may create UK-wide frameworks only if they have consulted with, and secured the agreement of, the affected devolved administrations.”

BARONESS BUTLER-SLOSS
LORD CHIDGEY

315 Insert the following new Clause—

“Saving of acquired rights: Gibraltar

- (1) Nothing in this Act is to be construed as removing, replacing, altering or prejudicing the exercise of an acquired right.
- (2) Any power, howsoever expressed, contained in this Act may not be exercised if the exercise of that power is likely to or will remove, replace or alter or prejudice the exercise of an acquired right.
- (3) In subsection (2) a reference to a power includes a power to make regulations.
- (4) In this section an acquired right means a right that existed immediately before exit day whereby—
 - (a) a person from or established in Gibraltar could exercise that right (either absolutely or subject to any qualification) in the United Kingdom; and
 - (b) the right arose in the context of the United Kingdom’s membership of the EU and Gibraltar’s status as a European territory for whose external relations the United Kingdom is responsible within the meaning of Article 355(3) TFEU and to which the provisions of the EU Treaties apply, subject to the exceptions specified in the 1972 Act of Accession.
- (5) Nothing in this section prevents the use of the powers conferred by this Act to the extent that acquired rights are not altered or otherwise affected to the detriment of persons enjoying such rights.
- (6) In this section, reference to the “1972 Act of Accession” is reference to the treaty concerning the accession of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community and to the European Atomic Energy Community.”

LORD BASSAM OF BRIGHTON

316 Insert the following new Clause—

“Impact on the Belfast Agreement: reporting requirements

Within one month of the passing of this Act, a Minister of the Crown must lay before both Houses of Parliament an assessment of the impact of this Act and the United Kingdom’s withdrawal from the EU on the Belfast Agreement.”

After Clause 11 - continued

LORD WIGLEY
BARONESS JONES OF MOULSECOOMB
BARONESS BROWN OF CAMBRIDGE
LORD JUDD

317 Insert the following new Clause—

“Common frameworks for environmental protection

Within one month of the passing of this Act, a Minister of the Crown and the devolved authorities must jointly publish for consultation proposals for replicating the common EU frameworks that will apply in the United Kingdom immediately before exit day with the purpose of—

- (a) achieving compliance with international environmental commitments;
- (b) establishing minimum common environmental objectives, harmonisation and standards, which aim at a high level of protection;
- (c) promoting sustainable development; and
- (d) facilitating the prudent and rational management of common resources after exit day.”

LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

318 Insert the following new Clause—

“Role of Joint Ministerial Committee

- (1) The Joint Ministerial Committee is to be a forum—
 - (a) for discussing—
 - (i) the terms upon which the United Kingdom is to withdraw from the European Union and the United Kingdom’s future relationship with the EU;
 - (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;

After Clause 11 - continued

- (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.
- (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

LORD HOPE OF CRAIGHEAD
 BARONESS FINLAY OF LLANDAFF
 LORD WALLACE OF TANKERNESS
 LORD THOMAS OF GRESFORD

319 Page 28, line 22, leave out paragraphs 1 and 2 and insert—
“Scotland Act 1998

- 1 In section 57(2) of the Scotland Act 1998 (no power for members of the Scottish Government to make subordinate legislation, or otherwise act incompatibly with EU law or Convention rights) leave out “or with EU law”.

Government of Wales Act 2006

- 2 In the Government of Wales Act 2006, omit section 80 (EU law).”

LORD BLENCATHRA

320 Page 28, leave out lines 36 and 37

Schedule 3 - continued

321 Page 29, leave out lines 13 to 18

BARONESS SUTTIE

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

LORD BLENCATHRA

323 Page 29, leave out lines 36 to 44

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

324 Page 30, line 29, leave out paragraph (b)

325 Page 31, line 26, leave out from “(d)” to end of line 27 and insert “omit “or with EU law””

BARONESS FINLAY OF LLANDAFF

326 Page 31, line 32, leave out paragraph 21

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

327 Page 32, line 20, leave out from “subsection” to end of line 21 and insert “(4), omit paragraph (d)”

LORD HOPE OF CRAIGHEAD

328 Page 32, line 30, leave out paragraph 30

BARONESS FINLAY OF LLANDAFF

329 Page 32, line 31, leave out “before “EU” insert “Retained”” and insert “for “EU law, human” substitute “Human””

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

330 Page 32, line 32, leave out paragraph 31

BARONESS SUTTIE

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

332 Page 34, line 22, leave out paragraph 48

Clause 14

LORD GOLDSMITH
 BARONESS LUDFORD
 LORD KERSLAKE
 LORD BOWNESS

333 Page 9, leave out lines 25 to 27

BARONESS HAYTER OF KENTISH TOWN
 LORD NEWBY
 LORD HANNAY OF CHISWICK
 THE DUKE OF WELLINGTON

334 Page 10, line 40, leave out from “means” to end of line 41 and insert “such day as a Minister of the Crown may by regulations appoint (and see subsection (2));”

LORD ADONIS

334A Page 10, line 40, leave out from “means” to end of line 41 and insert “the time and date specified by an Act of Parliament enacted for the purposes of section 9(1) of this Act;”

LORD WIGLEY

335 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”

BARONESS SHERLOCK
 BARONESS HAMWEE
 BARONESS GREENGROSS
 BARONESS TYLER OF ENFIELD

336 Page 10, line 41, at end insert –

““family law” means any area included in, or legal proceedings relating to, the provisions of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations, and any associated instruments incorporated into domestic law by this Act;”

LORD JAY OF EWELME
 BARONESS HAYTER OF KENTISH TOWN
 BARONESS LUDFORD
 BARONESS WHEATCROFT

337 Page 10, line 41, at end insert –

““final terms of withdrawal” means the same as “withdrawal agreement”;”

Clause 14 - *continued*

LORD STEVENSON OF BALMACARA
LORD WARNER
LORD CLEMENT-JONES

338 Page 10, line 41, at end insert –

““General Data Protection Regulation” means Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data;”

LORD JUDGE
BARONESS HAYTER OF KENTISH TOWN
LORD MCNALLY
VISCOUNT HAILSHAM

339 Page 11, leave out lines 8 to 12

VISCOUNT HAILSHAM

340 Page 11, line 10, leave out from “sentenced” to end of line 12 and insert “to a term of imprisonment”

LORD JAY OF EWELME
BARONESS HAYTER OF KENTISH TOWN
BARONESS LUDFORD
BARONESS WHEATCROFT

341 Page 11, line 37, at end insert “, or the absence of an agreement”

LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

342 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.”

BARONESS HAYTER OF KENTISH TOWN
LORD NEWBY
LORD HANNAY OF CHISWICK
THE DUKE OF WELLINGTON

343 Page 11, line 38, leave out subsections (2) to (5) and insert –

“(2) In this Act–

- (a) where a Minister of the Crown appoints a time as well as a day as exit day (see paragraph 19 of Schedule 7), references to before, after or on that day, or to beginning with that day, are to be read as references to before, after or at that time on that day or (as the case may be) to beginning with that time on that day, and
- (b) where a Minister of the Crown does not appoint a time as well as a day as exit day, the reference to exit day in section 1 is to be read as a reference to the beginning of that day.”

Clause 14 - continued

VISCOUNT HAILSHAM

- 344 Page 11, line 40, at end insert “or at such other time or date as may be determined by resolution under section (*Approval by Parliament of changes to exit day*).”

BARONESS WHEATCROFT

LORD KENNEDY OF SOUTHWARK

- 345 Page 11, line 44, at end insert “or if the House of Commons resolves to instruct the Government to make a request to the European Council to extend the period set out in Article 50(3)”

LORD ADONIS

- 345A Page 11, line 46, leave out from “subsection (1)” to “and” in line 48

After Clause 14

VISCOUNT HAILSHAM

- 346 Insert the following new Clause—

“Approval by Parliament of changes to exit day

- (1) No regulations may be made for the purpose in section 14(4)(a) unless those regulations give effect to a resolution of each House of Parliament or (as the case may be) a resolution of the House of Commons in accordance with the provisions of this section.
- (2) A motion for a resolution for the purposes of this section may be made in the House of Commons only if—
 - (a) the motion for the resolution is tabled by a Member of the House of Commons who is not a Minister of the Crown, and
 - (b) at least 150 Members of the House of Commons are signatories of the motion for resolution.
- (3) In the event that a motion for resolution conforming with the requirements of subsection (2) is tabled in the House of Commons, a motion for resolution must be tabled in the same terms by a Minister of the Crown in the House of Lords.
- (4) No motion for resolution may be made for the purposes of this section after 11.00 p.m. on 29 March 2019.
- (5) If a resolution is agreed to by the House of Lords in the same terms as a resolution in the House of Commons arising from a motion made in accordance with subsection (2), a Minister of the Crown must make regulations under section 14(4) to give effect to those resolutions.
- (6) In any case where no resolution is agreed to by the House of Lords in the same terms as a resolution in the House of Commons arising from a motion made in accordance with subsection (2) within the period of 10 sitting days of the resolution in the House of Commons, a Minister of the Crown must make regulations under section 14(4) to give effect to the resolution of the House of Commons, unless the House of Commons by further resolution directs otherwise within a period of 7 sitting days in that House.”

Clause 15

LORD GOLDSMITH
 BARONESS LUDFORD
 LORD KERSLAKE
 LORD BOWNESS

347 Page 12, leave out line 28

Clause 12

LORD ADONIS

Lord Adonis gives notice of his intention to oppose the Question that Clause 12 stand part of the Bill.

Schedule 4

LORD LISVANE
 LORD JUDGE
 LORD TYLER

348 Page 35, line 26, leave out paragraph (c)

LORD LISVANE
 LORD JUDGE
 LORD PANNICK
 LORD TYLER

349 Page 35, line 28, at end insert –

“() Regulations under this paragraph may not impose or increase taxation.”

BARONESS HAYTER OF KENTISH TOWN

350 Page 37, line 16, at end insert –

“Scrutiny of powers

Regulations under this Part, including those made in tertiary legislation, may not be made unless a draft has been laid before, and approved by a resolution of, both Houses of Parliament.”

351 Page 38, line 21, at end insert –

“Scrutiny of powers

Regulations under this Part, including those made by tertiary legislation, may not be made unless a draft has been laid before, and approved by a resolution of, both Houses of Parliament.”

VISCOUNT HAILSHAM

352 Page 38, line 21, at end insert –

“ In exercising the powers under this Part, the appropriate authority must, before making any regulations –
 (a) consult the relevant stakeholders; and
 (b) take steps to ensure that the fees or charges prescribed in the regulations are reasonable, having regard to –

Schedule 4 - continued

- (i) the cost of performing the function to which those fees or charges relate;
- (ii) the nature of the function to be exercised;
- (iii) the predicted impact on the economy of those fees and charges; and
- (iv) the predicted financial impact on those required to pay them.”

BARONESS HAYTER OF KENTISH TOWN
 BARONESS KRAMER
 LORD TURNBULL
 LORD HIGGINS

The above-named Lords give notice of their intention to oppose the Question that Schedule 4 be the Fourth Schedule to the Bill.

After Clause 13

LORD STEPHEN
 BARONESS JOLLY
 LORD WARNER
 LORD WIGLEY

353

Insert the following new Clause—

“Duty to make arrangements for an independent evaluation: health and social care

- (1) No later than one year after this Act is passed, the Secretary of State must make arrangements for the independent evaluation of the impact of this Act on the health and social care sector.
- (2) The evaluation must be carried out by an independent person to be appointed by the Secretary of State, after consulting the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland departments, and must analyse and assess—
 - (a) the effects of this Act on the funding of the health and social care sector;
 - (b) the effects of this Act on the health and social care workforce;
 - (c) the impact of this Act on the economy, efficiency and effectiveness of the health and social care sector; and
 - (d) any other matters relevant to the impact of this Act on the health and care sector.
- (3) The person undertaking an evaluation under subsection (1) above must, in preparing an evaluation report, consult—
 - (a) the Secretary of State, the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland departments;
 - (b) providers of health and social care services;
 - (c) individuals requiring health and social care services;
 - (d) organisations working for and on behalf of individuals requiring health and social care services; and
 - (e) any other relevant persons.

After Clause 13 - continued

- (4) The Secretary of State must, as soon as reasonably practicable after receiving a report of the evaluation, lay a copy of the report before both Houses of Parliament.”

Schedule 5

BARONESS BOWLES OF BERKHAMSTED

- 354 Page 38, line 35, at end insert –
“() an EU directive;”

LORD LISVANE
LORD PANNICK
LORD JUDGE
LORD TYLER

- 355 Page 39, line 18, leave out sub-paragraph (3) and insert –
“(3) Any direction given under this paragraph must be contained in regulations.”

BARONESS MCINTOSH OF PICKERING

Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Schedule 5 be the Fifth Schedule to the Bill.

Clause 19

LORD WIGLEY

- 355A Page 15, line 18, at end insert “, subject to subsection (2A)”

LORD WIGLEY
LORD ROBERTS OF LLANDUDNO

- 356 Page 15, line 18, at end insert –
“() 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.”

LORD FOULKES OF CUMNOCK

- 357 Page 15, line 19, leave out subsection (2) and insert –
“(2) The remaining provisions of this Act come into force following a referendum on whether the United Kingdom should approve the United Kingdom and Gibraltar exit package proposed by HM Government at conclusion of the negotiations triggered by Article 50(2) for withdrawal from the European Union or remain a member of the EU.

Clause 19 - continued

- (2A) The Secretary of State must, by regulations, appoint the day on which the referendum is to be held.
- (2B) The question that is to appear on the ballot papers is—“Do you support the Government’s proposed new agreement between the United Kingdom and Gibraltar and the European Union or Should the United Kingdom remain a member of the European Union?”
- (2C) The Secretary of State may make regulations by statutory instrument on the conduct of the referendum.”

LORD WIGLEY

357A Page 15, line 20, after “appoint” insert “, subject to subsection (2A)”

LORD GOLDSMITH
LORD KERR OF KINLOCHARD
VISCOUNT HAILSHAM
LORD WALLACE OF TANKERNESS

358 Page 15, line 21, at end insert –

- “() If the United Kingdom agrees transitional arrangements with the European Union, a Minister of the Crown may not appoint a day on which section 6 is to come in force unless this day follows the expiration of those transitional arrangements.”

LORD WIGLEY

358A Page 15, line 21, at end insert –

- “(2A) Sections 1 to 18 do not come into force until the Secretary of State has laid a report before –
- (a) Parliament, and
- (b) the National Assembly for Wales,
- outlining whether, and if so how, the money provided to Wales through EU funding will be replicated after exit day.”

Schedule 8

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

359 Page 56, line 4, leave out from “as” to “section” in line 5

BARONESS SUTTIE

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

Schedule 8 - continued

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

361 Page 56, line 30, leave out from “as” to second “section” in line 31

BARONESS SUTTIE

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

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

363 Page 60, line 34, leave out paragraphs (a) and (b), and insert –
“(a) in paragraph (a), omit sub-paragraph (ii), and
(b) in paragraph (b), omit “or with EU law”.”

LORD BASSAM OF BRIGHTON
LORD PANNICK

364 Page 61, line 2, leave out paragraph 19

LORD LISVANE
LORD JUDGE
LORD PANNICK
BARONESS HAYTER OF KENTISH TOWN

365 Page 64, line 33, leave out from first “time” to end of line 34

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

366 Page 65, line 7, leave out paragraphs (b) and (c)

367 Page 65, line 20, leave out paragraphs (b) and (c)

BARONESS SUTTIE

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

BARONESS FINLAY OF LLANDAFF

369 Page 65, line 44, leave out paragraphs (b) and (c)

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

370 Page 66, line 8, leave out paragraphs (b) and (c)

BARONESS SUTTIE

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

European Union (Withdrawal) Bill

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

26 February 2018
