

# European Union (Withdrawal) Bill

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AMENDMENTS  
TO BE MOVED  
ON REPORT

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**Clause 1**

LORD KERR OF KINLOCHARD  
LORD PATTEN OF BARNES  
BARONESS HAYTER OF KENTISH TOWN  
BARONESS LUDFORD

Page 1, line 2, at end insert –

“(1) Subsection (2) applies if, and only if, the condition in subsection (3) is met.”

LORD WIGLEY

Page 1, line 3, at beginning insert “A Minister of the Crown may by regulations made by statutory instrument before exit day provide that”

LORD ADONIS

Page 1, line 3, leave out “on exit day” and insert “on a date to be determined by a further Act of Parliament”

LORD KERR OF KINLOCHARD  
LORD PATTEN OF BARNES  
BARONESS HAYTER OF KENTISH TOWN  
BARONESS LUDFORD

Page 1, line 3, at end insert –

“(3) The condition in this subsection is that, by 31 October 2018, a Minister of the Crown has laid before both Houses of Parliament a statement outlining the steps taken in negotiations under Article 50(2) of the Treaty on European Union to negotiate, as part of the framework for the United Kingdom’s future relationship with the European Union, an arrangement which enables the United Kingdom to continue participating in a customs union with the European Union.”

**Clause 1 - continued**

LORD WIGLEY

Page 1, line 3, at end insert –

“(2) Regulations under subsection (1) may not be made unless a draft of the instrument has been laid before both Houses of Parliament and both Houses have passed a resolution that –

“This House considers that the Government has taken all possible steps in the time available to achieve and implement an international trade agreement which enables the United Kingdom to participate in a customs union with the EU and that the draft Regulations be approved.””

THE EARL OF SANDWICH  
LORD CRISP

Page 1, line 3, at end insert –

“(2) Regulations bringing into force subsection (1) may not be made until the Secretary of State has laid before both Houses of Parliament such procedures as have been agreed with the EU for continued coordination of international aid and development policy, including association with the EU’s European Development Fund, ECHO, humanitarian aid missions and similar institutions, and these procedures have been approved by a resolution of each House of Parliament.”

BARONESS MCGREGOR-SMITH  
LORD ALLI

Page 1, line 3, at end insert –

“( ) Regulations bringing into force subsection (1) may not be made until it is a negotiating objective of Her Majesty’s Government to ensure that the withdrawal agreement provides for –

(a) the United Kingdom’s continued participation in the Agreement on the European Economic Area signed at Oporto on 2 May 1992 together with the Protocol adjusting that Agreement signed at Brussels on 17 March 1993, and

(b) the United Kingdom’s participation after exit day in a customs union with the European Union.”

**After Clause 2**

BARONESS MCINTOSH OF PICKERING

Insert the following new Clause –

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

(1) Unless already part of retained EU law under any other provision of this Act, all EU directives adopted but not implemented before exit day, including those listed in subsection (4), remain binding in domestic law, as if the United Kingdom had not left the EU.

**After Clause 2 - continued**

- (2) In implementing any EU directive under 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.
- (4) EU directives adopted, but not implemented, before exit day, include—
  - (a) Recognition of Professional Qualifications Directive (2017/2397);
  - (b) Fraud (criminal law) Directive (2017/1371);
  - (c) Accessibility of websites and mobile applications Directive (2017/2102);
  - (d) Legal aid (suspects, accused persons and those under European Arrest Warrant proceedings) Directive (2016/1919);
  - (e) Rail safety Directive (2016/798);
  - (f) Rail interoperability Directive (2016/797);
  - (g) Safeguards for child suspects in criminal proceedings Directive (2016/800);
  - (h) Trade marks Directive (2015/2436);
  - (i) Financial instruments Directive (2014/65);
  - (j) Cost-effective emission reductions and low-carbon investments Directive (2018/410);
  - (k) Environmental assessments (genetically modified organisms) Directive (2018/350);
  - (l) Maritime workers Directive (2018/131);
  - (m) VAT Directive (2017/2455);
  - (n) Health and safety (exposure to carcinogens or mutagens at work) Directive (2017/2398);
  - (o) Passenger ships (safety and standards) Directive (2017/2108);
  - (p) Passenger ships (passenger registration) Directive (2017/2109);
  - (q) Passenger ships (inspections) Directive (2017/2110);
  - (r) Hazardous substances (electronic equipment) Directive (2017/2102);
  - (s) Tax dispute (resolution mechanisms) Directive (2017/1852);
  - (t) Hybrid mismatches (third countries) Directive (2017/952);
  - (u) Weapons (control and acquisition) Directive (2017/853);
  - (v) Shareholder engagement Directive (2017/828);
  - (w) Maritime workers (International Labour Organisation) Directive (2017/159);
  - (x) Tax Avoidance Directive (2016/1164);
  - (y) Mayotte (status) Directive (2013/64)."

**Clause 3**

LORD PATEL  
 BARONESS THORNTON  
 LORD JUDGE  
 LORD MACKAY OF CLASHFERN

Page 2, line 30, at end insert –

“( ) For the purposes of this section, the Clinical Trials Regulation (2014/536) is deemed to be operative immediately before exit day, and therefore it forms part of EU retained law.”

**After Clause 3**

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

Insert the following new Clause –

**“Enhanced protection for certain areas of EU law**

- (1) Following the day on which this Act is passed, a Minister of the Crown may not amend, repeal or revoke retained EU law relating to –
  - (a) employment entitlements, rights and protection,
  - (b) equality entitlements, rights and protection,
  - (c) health and safety entitlements, rights and protection,
  - (d) consumer standards, or
  - (e) environmental standards and protection,
 except by primary legislation, or by subordinate legislation made under any Act of Parliament insofar as this subordinate legislation meets the requirements in subsections (2) to (5).
- (2) Subordinate legislation which amends, repeals or revokes retained EU law in the areas set out in subsection (1) must be subject to an enhanced scrutiny procedure, to be established by regulations made by the Secretary of State.
- (3) Regulations under subsection (2) may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.
- (4) The enhanced scrutiny procedure provided for by subsection (2) must include a period of consultation with relevant stakeholders.
- (5) When making regulations relating to the areas of retained EU law set out in subsection (1), whether under this Act or any other Act of Parliament, a Minister of the Crown must –
  - (a) produce an explanatory statement under paragraph 22 of Schedule 7, and
  - (b) 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.”

#### Clause 4

BARONESS BROWN OF CAMBRIDGE

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, form 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 as soon as possible make regulations for the purpose of giving correct and complete 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).”

#### After Clause 4

BARONESS JONES OF MOULSECOOMB

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  
LORD GOLDSMITH  
BARONESS LUDFORD  
VISCOUNT HAILSHAM

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

- “( ) The following provisions of the Charter of Fundamental Rights are not part of domestic law on or after exit day –
  - (a) the Preamble, and
  - (b) Chapter V.”

**After Clause 5**

BARONESS LISTER OF BURTERSETT  
BARONESS BURT OF SOLIHULL

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;
  - (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.”

**Clause 6**

LORD PANNICK  
LORD GOLDSMITH  
LORD WALLACE OF TANKERNESS  
VISCOUNT HAILSHAM

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

- “(2) A court or tribunal may have regard to anything done on or after exit day by the European Court, another EU entity or the EU where it considers it relevant to the proper interpretation of retained EU law.”

**After Clause 6**

BARONESS BROWN OF CAMBRIDGE

Insert the following new Clause—

**“Maintenance of EU environmental principles and standards**

- (1) The Secretary of State must take steps designed to ensure that the United Kingdom’s withdrawal from the EU does not result in the removal or diminution of any rights, powers, liabilities, obligations, restrictions, remedies and procedures that contribute to the protection and improvement of the environment.
- (2) In particular, the Secretary of State must carry out the activities required by subsections (3) to (5) within the period of three months beginning with the date on which this Act is passed.
- (3) The Secretary of State must publish proposals for primary legislation establishing a duty on public authorities to apply principles of environmental law established in EU law or on which EU environmental law is based in the exercise of relevant functions after exit day.
- (4) The Secretary of State must publish proposals for the establishment before exit day of an independent environmental institution with the purpose of ensuring compliance with environmental law by relevant public authorities.
- (5) The Secretary of State must publish—
  - (a) a list of statutory functions that can be exercised so as to achieve the objective in subsection (1); and
  - (b) a list of functions currently exercised by EU bodies that must be retained or replicated in UK law in order to achieve the objective in subsection (1).
- (6) The principles referred to in subsection (3) include—
  - (a) the precautionary principle as it relates to the environment,
  - (b) the principle of preventive action to avert environmental damage,
  - (c) the principle that environmental damage should as a priority be rectified at source,
  - (d) the polluter pays principle,
  - (e) sustainable development,
  - (f) prudent and rational utilisation of natural resources,
  - (g) public access to environmental information,
  - (h) public participation in environmental decision making,
  - (i) access to justice in relation to environmental matters, and
  - (j) full regard to the welfare requirements of animals as sentient beings.
- (7) Before complying with subsections (3) to (5) the Secretary of State must consult—
  - (a) each of the devolved administrations;
  - (b) persons appearing to represent the interests of local government;
  - (c) persons appearing to represent environmental interests; and
  - (d) such other persons as the Secretary of State thinks appropriate.”

**Clause 7**

LORD LISVANE  
LORD TYLER  
LORD GOLDSMITH  
LORD CORMACK

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

BARONESS MCINTOSH OF PICKERING

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

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

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

LORD JUDGE  
BARONESS HAYTER OF KENTISH TOWN  
LORD MCNALLY  
VISCOUNT HAILSHAM

Page 6, line 17, leave out “relevant”

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

Page 6, line 25, at end insert—

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

LORD WIGLEY

Page 6, line 25, 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 single market and customs union”

**After Clause 7**

BARONESS BOWLES OF BERKHAMSTED

Insert the following new Clause—

**“Retained EU law enacted in the EU by co-decision or ordinary legislative procedure**

Other than as provided in section 7, retained EU law that was enacted in the EU by co-decision or the ordinary legislative procedure may be modified only by an Act of Parliament.”



**Clause 8**

LORD LISVANE  
LORD GOLDSMITH  
LORD CORMACK  
LORD TYLER

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

LORD HANNAY OF CHISWICK  
BARONESS HAYTER OF KENTISH TOWN  
BARONESS KRAMER  
LORD CORMACK

Page 6, line 40, at end insert –

“( ) impose or increase taxation,”

LORD JUDGE  
BARONESS HAYTER OF KENTISH TOWN  
LORD MCNALLY  
VISCOUNT HAILSHAM

Page 6, line 42, leave out “relevant”

BARONESS MCINTOSH OF PICKERING

Page 7, line 2, at end insert –

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

**Clause 9**

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

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) ”

LORD LISVANE  
BARONESS HAYTER OF KENTISH TOWN  
LORD TYLER  
BARONESS WHEATCROFT

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

**Clause 9 - continued**

LORD JUDGE  
 BARONESS HAYTER OF KENTISH TOWN  
 LORD MCNALLY  
 VISCOUNT HAILSHAM

Page 7, line 15, leave out “relevant”

**After Clause 9**

VISCOUNT HAILSHAM  
 LORD HANNAY OF CHISWICK  
 BARONESS HAYTER OF KENTISH TOWN  
 LORD WALLACE OF SALTAIRE

Insert the following new Clause—

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

- (1) Without prejudice to any other statutory provision relating to the withdrawal agreement, Her Majesty’s Government may conclude such an agreement only if a draft has been—
  - (a) approved by a resolution of the House of Commons, and
  - (b) subject to the consideration of a motion in the House of Lords.
- (2) So far as practicable, a Minister of the Crown must make arrangements for the resolution provided for in subsection (1)(a) to be debated and voted on before the European Parliament has debated and voted on the draft withdrawal agreement.
- (3) Her Majesty’s Government may implement a withdrawal agreement only if Parliament has approved the withdrawal agreement and any transitional measures agreed within or alongside it by an Act of Parliament.
- (4) Subsection (5) applies in each case that any of the conditions in subsections (6) to (8) is met.
- (5) Her Majesty’s Government must follow any direction in relation to the negotiations under Article 50(2) of the Treaty on European Union which has been—
  - (a) approved by a resolution of the House of Commons, and
  - (b) subject to the consideration of a motion in the House of Lords.
- (6) The condition in this subsection is that the House of Commons has not approved the resolution required under subsection (1)(a) by 30 November 2018.
- (7) The condition in this subsection is that the Act of Parliament required under subsection (3) has not received Royal Assent by 31 January 2019.
- (8) The condition in this subsection is that no withdrawal agreement has been reached between the United Kingdom and the European Union by 28 February 2019.

**After Clause 9 - continued**

- (9) In this section, “withdrawal agreement” means an agreement (whether or not ratified) between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union which sets out the arrangements for the United Kingdom’s withdrawal from the EU and the framework for the United Kingdom’s future relationship with the European Union.”

LORD NEWBY

Insert the following new Clause –

**“Parliamentary motions on a referendum**

- (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.
- (2) Such a motion must be moved prior to the enactment of any statute to implement a withdrawal agreement and as a precondition to making regulations under section 9, irrespective of whether either House of Parliament has previously considered or approved a motion relating to the outcome of the negotiations under Article 50(2) of the Treaty on European Union.
- (3) If both Houses of Parliament approve the option of a referendum, the Secretary of State must not commence any statute nor make regulations under section 9 to implement a withdrawal agreement, 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 DAVIES OF OLDHAM

LORD TUNNICLIFFE

LORD WIGLEY

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 WIGLEY

Insert the following new Clause –

**“Failure to approve or agree to terms of withdrawal**

It is an objective of Her Majesty’s Government to ensure that –

- (a) in the event of Parliament not approving the terms of the United Kingdom’s withdrawal, or

**After Clause 9 - continued**

(b) in the event of there being no agreement with the EU, notification of the United Kingdom’s withdrawal from the EU under Article 50 of the Treaty on the European Union be revoked.”

LORD HASKEL

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.”

LORD DUBS

LORD BASSAM OF BRIGHTON

BARONESS SHEEHAN

BARONESS BUTLER-SLOSS

Insert the following new Clause –

**“Maintenance of refugee family unity 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 negotiations with the EU.
- (2) “Specified effects” under subsection (1) are those provisions, and associated rights and obligations, that allow for those seeking asylum, including unaccompanied minors, adults and children, to join a family member, sibling or relative in the United Kingdom.

**After Clause 9 - continued**

- (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).”

## THE EARL OF CLANCARTY

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, on existing terms.”

**Before Clause 10**

LORD PATTEN OF BARNES  
LORD MURPHY OF TORFAEN  
BARONESS O'NEILL OF BENGARVE  
BARONESS SUTTIE

Insert the following new Clause –

**“Continuation of North-South cooperation and the prevention of new border arrangements**

- (1) In exercising any of the powers under this Act, a Minister of the Crown or devolved authority must –
- (a) act in a way that is compatible with the terms of the Northern Ireland Act 1998, and
  - (b) have due regard to the joint report from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 of the Treaty on European Union.
- (2) Nothing in section 7, 8, 9 or 17 of this Act authorises regulations which –
- (a) diminish any form of North-South cooperation across the full range of political, economic, security, societal and agricultural contexts and frameworks of cooperation, including the continued operation of the North-South implementation bodies, or
  - (b) create or facilitate border arrangements between Northern Ireland and the Republic of Ireland after exit day which feature –
    - (i) physical infrastructure, including border posts,
    - (ii) a requirement for customs or regulatory compliance checks,
    - (iii) a requirement for security checks,
    - (iv) random checks on goods vehicles, or
    - (v) any other checks and controls,

that did not exist before exit day and are not subject to an agreement between Her Majesty’s Government and the Government of Ireland.”

**Clause 11**

LORD WIGLEY

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).”

**After Clause 11**

LORD GRIFFITHS OF BURRY PORT  
 LORD STEVENSON OF BALMACARA  
 LORD WIGLEY  
 LORD WALLACE OF TANKERNESS

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 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.
- (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.”

**Before Clause 14**

THE LORD BISHOP OF LEEDS  
 LORD GOLDSMITH  
 BARONESS MCINTOSH OF PICKERING  
 LORD TEVERSON

Insert the following new Clause—

**“Future interaction with the law and agencies of the EU**

Nothing in this Act shall prevent the United Kingdom from—

- (a) replicating in domestic law any EU law made on or after exit day, or

**Before Clause 14 - continued**

- (b) continuing to participate in, or have a formal relationship with, the agencies of the European Union after exit day.”

**Clause 14**

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

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 WIGLEY

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

LORD JUDGE  
BARONESS HAYTER OF KENTISH TOWN  
LORD MCNALLY  
VISCOUNT HAILSHAM

Page 11, leave out lines 8 to 12

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

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 17**

LORD HANNAY OF CHISWICK  
LORD BEITH  
LORD GOLDSMITH  
BARONESS ALTMANN

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

**Clause 17 - continued**

LORD LISVANE  
LORD GOLDSMITH  
LORD CORMACK  
LORD TYLER

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

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

**Clause 19**

LORD HANNAY OF CHISWICK  
LORD BEITH  
LORD GOLDSMITH  
BARONESS ALTMANN

Page 15, line 15, leave out paragraph (d)

LORD WIGLEY

Page 15, line 18, at end insert –

- “( ) But none of the sections of this Act, other than this section, 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.”

Page 15, line 19, at beginning insert “Subject to subsection (2A),”

LORD GOLDSMITH  
LORD HANNAY OF CHISWICK  
VISCOUNT HAILSHAM  
LORD WALLACE OF TANKERNESS

Page 15, line 21, at end insert –

- “( ) 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 transitional arrangements agreed between the United Kingdom and the European Union.”



**Clause 19 - continued**

LORD WIGLEY

Page 15, line 21, at end insert –

“(2A) None of the sections of this Act to be commenced under subsection (2) may come into force unless it is an objective of Her Majesty’s Government, in negotiating a withdrawal agreement, to secure continued EU citizenship for UK citizens.”

**Schedule 1**

LORD BEITH  
LORD PANNICK

Page 16, leave out lines 11 to 15

**Schedule 4**

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

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

LORD HANNAY OF CHISWICK  
BARONESS HAYTER OF KENTISH TOWN  
BARONESS KRAMER  
LORD CORMACK

Page 35, line 28, at end insert –

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

**Schedule 7**

LORD LISVANE  
BARONESS SMITH OF BASILDON  
LORD NORTON OF LOUTH  
LORD SHARKEY

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*

- 3 (1) This paragraph applies if a Minister of the Crown –
- (a) proposes to make a statutory instrument, whether under this Act or any other Act of Parliament, to which paragraph 1(3), 6(3), 7(3), or 11 applies or which has the same purpose as an instrument to which those paragraphs apply, 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”).

**Schedule 7 - continued**

- (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—
  - (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, 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.
- (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 subparagraph (1)(a) is made, that another procedure should apply in relation to the instrument."

**Schedule 7 - continued**

LORD SHARKEY  
LORD LISVANE  
LORD NORTON OF LOUTH

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

LORD SHARKEY  
LORD LISVANE  
BARONESS SMITH OF BASILDON  
LORD NORTON OF LOUTH

Page 45, line 34, at end insert “, and

- (b) a statement of the grounds for urgency.”

LORD HANNAY OF CHISWICK  
BARONESS HAYTER OF KENTISH TOWN  
BARONESS KRAMER  
LORD CORMACK

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

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

Page 48, line 21, leave out paragraph 10 and insert –

*“Power to appoint “exit day”*

- 10 A statutory instrument containing regulations under section 14 which appoint a day as exit day may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

**Schedule 7 - continued**

LORD HANNAY OF CHISWICK  
LORD BEITH  
LORD GOLDSMITH  
BARONESS ALTMANN

Page 48, line 26, leave out paragraph 11

Page 48, line 29, leave out paragraph 12 and insert—

“12 A statutory instrument containing regulations under section 17(5) is subject to annulment in pursuance of a resolution of either House of Parliament.”

LORD LISVANE  
BARONESS SMITH OF BASILDON  
LORD SHARKEY

Page 49, line 4, leave out paragraph 13

LORD HANNAY OF CHISWICK  
LORD BEITH  
LORD GOLDSMITH  
BARONESS ALTMANN

Page 51, line 16, leave out sub-paragraphs (1) and (2)

Page 51, line 30, leave out sub-paragraph (4)

Page 51, line 40, leave out “or (4)”

Page 52, line 6, leave out paragraph 20

BARONESS NEVILLE-ROLFE

Page 54, line 20, at end insert—

*“Advance publication of instruments*

No instrument containing regulations under section 7, 8, 9 or 17 may be laid before Parliament until an identical draft of the instrument has been published for a period of 10 days.”

**Schedule 9**

LORD ADONIS

Page 67, leave out line 38

# European Union (Withdrawal) Bill

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AMENDMENTS  
TO BE MOVED  
ON REPORT

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*29 March 2018*

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