

# European Union (Withdrawal) Bill

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AMENDMENTS  
TO BE MOVED  
ON REPORT

*[Supplementary to the Marshalled List]*

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**After Clause 5**

LORD WARNER  
LORD HUNT OF KINGS HEATH  
BARONESS JOLLY  
BARONESS FINLAY OF LLANDAFF

Insert the following new Clause—

**“Public health protection**

Article 168 of the Treaty on the Functioning of the European Union, so far as it requires a Minister of the Crown or a public authority to 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, forms part of retained EU law.”

**Clause 7**

LORD CALLANAN

Page 6, line 7, leave out “newly established or”

Page 6, line 10, leave out from “modified” to the end of line 13

Page 6, line 15, after “taxation” insert “or fees”

Page 6, line 17, at end insert—

“( ) establish a public authority,”

Page 6, line 21, after “repeal” insert “the Scotland Act 1998, the Government of Wales Act 2006 or”

Page 6, line 23, leave out from “repealing” to “any” in line 24

**Clause 7 - continued**

Page 6, line 24, leave out “that Act” and insert “those Acts”

**After Clause 7**

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, and regulations under section 7 may not derogate from it.”

**Clause 8**

LORD CALLANAN

Page 6, line 42, at end insert—

“( ) establish a public authority,”

**Clause 9**

LORD CALLANAN

Page 7, line 13, after “taxation” insert “or fees”

Page 7, line 15, after “offence,” insert—

“( ) establish a public authority,”

**Schedule 7**

LORD CALLANAN

Page 41, line 41, leave out paragraphs (a) and (b)

Page 42, line 6, leave out “imposes, or otherwise”

Page 45, line 4, leave out “the House of Commons” and insert “each House of Parliament”

Page 45, line 9, leave out from “so” to end of line 16 and insert “and a committee of the House of Lords charged with doing so have, within the relevant period, each made a recommendation as to the appropriate procedure for the instrument.

(4A) Condition 3 is that the relevant period has ended without condition 2 being met.

(4B) In this paragraph “the relevant period” means the period—

**Schedule 7 - continued**

- (a) beginning with the first day on which both Houses of Parliament are sitting after the day on which the draft instrument was laid before each House as mentioned in sub-paragraph (3)(b)(i), and
- (b) ending with whichever of the following is the later –
  - (i) the end of the period of 10 Commons sitting days beginning with that first day, and
  - (ii) the end of the period of 10 Lords sitting days beginning with that first day.

(4C) For the purposes of sub-paragraph (4B) –

- (a) where a draft of an instrument is laid before each House of Parliament on different days, the later day is to be taken as the day on which it is laid before both Houses,
- (b) “Commons sitting day” means a day on which the House of Commons is sitting, and
- (c) “Lords sitting day” means a day on which the House of Lords is sitting,

and, for the purposes of sub-paragraph (4B) and this sub-paragraph, a day is only a day on which the House of Commons or the House of Lords is sitting if the House concerned begins to sit on that day.”

Page 46, line 28, leave out paragraphs (a) and (b)

Page 47, line 14, leave out paragraphs (a) and (b)

Page 47, line 22, leave out “imposes, or otherwise”

Page 49, line 16, leave out “the House of Commons” and insert “each House of Parliament”

Page 49, line 21, leave out from “so” to end of line 28 and insert “and a committee of the House of Lords charged with doing so have, within the relevant period, each made a recommendation as to the appropriate procedure for the instrument.

(4A) Condition 3 is that the relevant period has ended without condition 2 being met.

(4B) In this paragraph “the relevant period” means the period –

- (a) beginning with the first day on which both Houses of Parliament are sitting after the day on which the draft instrument was laid before each House of Parliament as mentioned in sub-paragraph (3)(b)(i), and
- (b) ending with whichever of the following is the later –
  - (i) the end of the period of 10 Commons sitting days beginning with that first day, and
  - (ii) the end of the period of 10 Lords sitting days beginning with that first day.

(4C) For the purposes of sub-paragraph (4B) –

**Schedule 7 - continued**

- (a) where a draft of an instrument is laid before each House of Parliament on different days, the later day is to be taken as the day on which it is laid before both Houses,
- (b) “Commons sitting day” means a day on which the House of Commons is sitting, and
- (c) “Lords sitting day” means a day on which the House of Lords is sitting,

and, for the purposes of sub-paragraph (4B) and this sub-paragraph, a day is only a day on which the House of Commons or the House of Lords is sitting if the House concerned begins to sit on that day.”

LORD LOW OF DALSTON  
LORD WALLACE OF TANKERNESS

Page 52, line 16, leave out “section 7(1), 8 or 9” and insert “this Act”

LORD CALLANAN

Page 52, line 17, leave out “or before the House of Commons only”

Page 52, line 20, at end insert –

- “(2A) Before the instrument or draft is laid, the relevant Minister must make a statement as to why, in the Minister’s opinion –
- (a) there are good reasons for the instrument or draft, and
  - (b) the provision made by the instrument or draft is a reasonable course of action.”

LORD LOW OF DALSTON  
LORD WALLACE OF TANKERNESS

Page 52, leave out lines 29 to 31 and insert “is satisfied that it does not remove or diminish any protection provided by or under equalities legislation.”

LORD CALLANAN

Page 52, line 35, leave out “the reasons for it” and insert “its purpose”

Page 52, line 37, at end insert –

- “( ) Where an instrument or draft creates a criminal offence, the statement required by sub-paragraph (2A) must (among other things) include an explanation of why, in the relevant Minister’s opinion, there are good reasons for creating the offence and for the penalty provided in respect of it.”

Page 52, line 39, after “(2),” insert “(2A),”

Page 53, line 1, after “(2),” insert “(2A),”

Page 53, line 10, leave out “or before the House of Commons only”

**Schedule 7 - continued**

Page 53, line 16, at end insert –

*“Further explanatory statements in certain sub-delegation cases*

22A(1) This paragraph applies where –

- (a) a statutory instrument containing regulations under section 7(1), 8 or 9 or paragraph 1 of Schedule 4 which create a relevant sub-delegated power, or
- (b) a draft of such an instrument,

is to be laid before each House of Parliament.

- (2) Before the instrument or draft is laid, the relevant Minister must make a statement explaining why it is appropriate to create a relevant sub-delegated power.
- (3) If the relevant Minister fails to make a statement required by sub-paragraph (2) before the instrument or draft is laid, a Minister of the Crown must make a statement explaining why the relevant Minister has failed to do so.
- (4) A statement under sub-paragraph (2) or (3) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (5) Sub-paragraphs (8) and (9) of paragraph 22 apply for the purposes of this paragraph as they apply for the purposes of that paragraph.
- (6) For the purposes of this paragraph references to creating a relevant sub-delegated power include (among other things) references to –
  - (a) amending a power to legislate which is exercisable by statutory instrument by a relevant UK authority so that it becomes a relevant sub-delegated power, or
  - (b) providing for any function of an EU entity or public authority in a member State of making an instrument of a legislative character to be exercisable instead as a relevant sub-delegated power by a public authority in the United Kingdom.
- (7) In this paragraph –
  - “the relevant Minister” means the Minister of the Crown who makes, or is to make, the instrument;
  - “relevant sub-delegated power” means a power to legislate which –
    - (a) is not exercisable by any of the following –
      - (i) statutory instrument,
      - (ii) Scottish statutory instrument, or
      - (iii) statutory rule, or
    - (b) is so exercisable by a public authority other than a relevant UK authority;
  - “relevant UK authority” means a Minister of the Crown, a member of the Scottish Government, the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government or a Northern Ireland devolved authority.”

**Schedule 7 - continued**

Page 53, line 16, at end insert –

*“Annual reports in certain sub-delegation cases*

22B(1) Each person by whom a relevant sub-delegated power is exercisable by virtue of regulations made by a Minister of the Crown under section 7(1), 8 or 9 or paragraph 1 of Schedule 4 must –

- (a) if the power has been exercised during a relevant year, and
- (b) as soon as practicable after the end of the year,

prepare a report on how the power has been exercised during the year.

(2) The person must –

- (a) lay the report before each House of Parliament, and
- (b) once laid –

- (i) provide a copy of it to a Minister of the Crown, and
- (ii) publish it in such manner as the person considers appropriate.

(3) In this paragraph –

“relevant sub-delegated power” has the same meaning as in paragraph 22A;

“relevant year” means –

- (a) in the case of a person who prepares an annual report, the year by reference to which the report is prepared, and
- (b) in any other case, the calendar year.”

**Schedule 2**

LORD CALLANAN

Page 23, line 29, at end insert –

“( ) establish a public authority,”

Page 26, line 27, at end insert –

“( ) establish a public authority,”

**Schedule 3**

LORD CALLANAN

Page 31, line 24, at end insert –

“19A In Part 2 of Schedule 5 (specific reservations), in section C8 (product standards, safety and liability), for the words from “Technical standards and” to “EU law” substitute –

“The subject matter of all technical standards and requirements in relation to products that had effect immediately before exit day in pursuance of an obligation under EU law.””

Page 32, line 8, at end insert –

“24A In section 13(5) (power of the Welsh Ministers to make provision about elections etc.) –

**Schedule 3 - continued**

- (a) omit paragraph (c) but not the “and” at the end of it, and
- (b) in paragraph (d) omit “, European Parliamentary elections”.

Page 32, line 14, at end insert –

“25A In section 16(3) (disqualification from being Assembly member) omit “(other than the United Kingdom)”.”

Page 33, line 26, at end insert –

“39A In Part 2 of Schedule 7A (specific reservations), in section C7 (product standards, safety and liability), for paragraph 77 substitute –

“77 The subject matter of all technical standards and requirements in relation to products that had effect immediately before exit day in pursuance of an obligation under EU law.””

Page 34, line 42, at end insert –

“50A In Schedule 3 (reserved matters), in paragraph 38, for the words from “Technical” to “not” substitute “The subject matter of all technical standards and requirements in relation to products that had effect immediately before exit day in pursuance of an obligation under EU law, other than”.”

**Schedule 8**

LORD CALLANAN

Page 56, line 32, at end insert –

*“Explanatory statements for instruments amending or revoking regulations etc. under section 2(2) of the ECA*

5D(1) This paragraph applies where, on or after exit day –

- (a) a statutory instrument which amends or revokes any subordinate legislation made under section 2(2) of the European Communities Act 1972, or
- (b) a draft of such an instrument,

is to be laid before each House of Parliament or before the House of Commons only.

- (2) Before the instrument or draft is laid, the relevant authority must make a statement as to why, in the opinion of the relevant authority, there are good reasons for the amendment or revocation.
- (3) Before the instrument or draft is laid, the relevant authority must make a statement otherwise explaining –
  - (a) the law which is relevant to the amendment or revocation, and
  - (b) the effect of the amendment or revocation on retained EU law.
- (4) If the relevant authority fails to make a statement required by subparagraph (2) or (3) before the instrument or draft is laid –
  - (a) a Minister of the Crown, or
  - (b) where the relevant authority is not a Minister of the Crown, the relevant authority,

**Schedule 8 - continued**

must make a statement explaining why the relevant authority has failed to make the statement as so required.

- (5) A statement under sub-paragraph (2), (3) or (4) must be made in writing and be published in such manner as the person making it considers appropriate.
- (6) For the purposes of this paragraph, where an instrument or draft is laid before each House of Parliament on different days, the earlier day is to be taken as the day on which it is laid before both Houses.
- (7) This paragraph applies in relation to instruments whether the power to make them is conferred before, on or after exit day including where the power is conferred by regulations under this Act (but not where it is conferred by this Act).
- (8) This paragraph does not apply in relation to any laying before each House of Parliament, or before the House of Commons only, of an instrument or draft instrument where an equivalent draft instrument (ignoring any differences relating to procedure) has previously been laid before both Houses or before the House of Commons only.
- (9) In this paragraph “the relevant authority” means –
  - (a) in the case of an Order in Council or Order of Council, the Minister of the Crown who has responsibility in relation to the instrument,
  - (b) in the case of any other statutory instrument which is not made by a Minister of the Crown, the person who makes, or is to make, the instrument, and
  - (c) in any other case, the Minister of the Crown who makes, or is to make, the instrument.”

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*18 April 2018*

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