

European Union (Withdrawal) Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 16th April 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 1

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

- 1** Page 1, line 2, at end insert –
“(1) Subsection (2) applies if, and only if, the condition in subsection (3) is met.”
- LORD WIGLEY
- 2** 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
- 3** Page 1, line 3, leave out “on exit day” and insert “on a date to be determined by a further Act of Parliament”

Clause 1 - continued

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

4 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.”

LORD WIGLEY

5 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
 BARONESS D'SOUZA
 LORD BRUCE OF BENNACHIE

6 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
 LORD BILIMORIA
 BARONESS VERMA

7 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 –

Clause 1 - continued

- (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
BARONESS SMITH OF NEWNHAM
LORD WIGLEY

8 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.
- (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);

After Clause 2 - continued

- (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

9 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 retained EU law.”

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

10 Page 2, line 30, at end insert –

“() For the purposes of this section, 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, is deemed to be direct EU legislation operative immediately before exit day, and therefore it forms part of retained EU law.”

After Clause 3

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

11 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 –

After Clause 3 - continued

- (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

LORD DEBEN

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

BARONESS JONES OF WHITCHURCH

12

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.

Clause 4 - continued

- (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

13 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.”

BARONESS KENNEDY OF THE SHAWES

14★ 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
 - (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.”

Clause 5

LORD PANNICK
LORD GOLDSMITH
BARONESS LUDFORD
LORD DEBEN

- 15 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.”

LORD FAULKES

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

After Clause 5

BARONESS LISTER OF BURTERSETT
BARONESS BURT OF SOLIHULL

- 17 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 –

After Clause 5 - continued

- (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

LORD BEITH
LORD PANNICK

18 Page 16, leave out lines 11 to 15

LORD PANNICK
LORD BEITH

19★ Page 16, line 21, leave out paragraph 3

Clause 6

BARONESS KENNEDY OF THE SHAWS

20★ 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.”

LORD PANNICK
LORD GOLDSMITH
LORD WALLACE OF TANKERNESS
VISCOUNT HAILSHAM

21 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.”

Clause 6 - continued

LORD FAULKES

- 22 Page 3, line 34, leave out subsection (2) and insert—
“(2) A court or tribunal may have regard to decisions of the European Court made on or after exit day if it considers them relevant and helpful.”

LORD CALLANAN

- 23 Page 3, line 34, at beginning insert “Subject to this and subsections (3) to (6),”
- 24 Page 3, line 34, leave out “need not” and insert “may”
- 25 Page 3, line 35, leave out from “the EU” to the end of line 36 and insert “so far as it is relevant to any matter before the court or tribunal.”

After Clause 6

LORD CALLANAN

- 26 Insert the following new Clause—
- “Status of retained EU law**
- (1) Anything which—
- (a) was, immediately before exit day, primary legislation of a particular kind, subordinate legislation of a particular kind or another enactment of a particular kind, and
 - (b) continues to be domestic law on and after exit day by virtue of section 2, continues to be domestic law as an enactment of the same kind.
- (2) Retained direct principal EU legislation cannot be modified by any primary or subordinate legislation other than—
- (a) an Act of Parliament,
 - (b) any other primary legislation (so far as it has the power to make such a modification), or
 - (c) any subordinate legislation so far as it is made under a power which permits such a modification by virtue of—
 - (i) paragraph 3A, 3C(3)(a) or (4)(a), 3F(3), 5A(3)(a) or (4)(a), 5B(2)(a) or 5C(3) of Schedule 8,
 - (ii) any other provision made by or under this Act,
 - (iii) any provision made by or under an Act of Parliament passed before, and in the same Session as, this Act, or
 - (iv) any provision made on or after the passing of this Act by or under primary legislation.
- (3) Retained direct minor EU legislation cannot be modified by any primary or subordinate legislation other than—
- (a) an Act of Parliament,
 - (b) any other primary legislation (so far as it has the power to make such a modification), or

After Clause 6 - continued

- (c) any subordinate legislation made under a power which permits such a modification by virtue of –
 - (i) paragraph 3A, 3C(2), 3F(3), 5A(2) or 5C(3) of Schedule 8,
 - (ii) any other provision made by or under this Act,
 - (iii) any provision made by or under an Act of Parliament passed before, and in the same Session as, this Act, or
 - (iv) any provision made on or after the passing of this Act by or under primary legislation.
- (4) Anything which is retained EU law by virtue of section 4 cannot be modified by any primary or subordinate legislation other than –
 - (a) an Act of Parliament,
 - (b) any other primary legislation (so far as it has the power to make such a modification), or
 - (c) any subordinate legislation made under a power which permits such a modification by virtue of –
 - (i) paragraph 3A, 3C(3)(b) or (4)(b), 3F(3), 5A(3)(b) or (4)(b), 5B(2)(b) or 5C(3) of Schedule 8,
 - (ii) any other provision made by or under this Act,
 - (iii) any provision made by or under an Act of Parliament passed before, and in the same Session as, this Act, or
 - (iv) any provision made on or after the passing of this Act by or under primary legislation.
- (5) For other provisions about the status of retained EU law, see –
 - (a) section 5(1) to (3) (status of retained EU law in relation to other enactments or rules of law),
 - (b) section 6 (status of retained case law and retained general principles of EU law),
 - (c) section 13(2) and Part 2 of Schedule 5 (status of retained EU law for the purposes of the rules of evidence),
 - (d) paragraphs 8 and 9 of Schedule 8 (status of certain retained direct EU legislation for the purposes of the Interpretation Act 1978), and
 - (e) paragraph 19 of that Schedule (status of retained direct EU legislation for the purposes of the Human Rights Act 1998).
- (6) In this Act –
 - “retained direct minor EU legislation” means any retained direct EU legislation which is not retained direct principal EU legislation;
 - “retained direct principal EU legislation” means –
 - (a) any EU regulation so far as it –
 - (i) forms part of domestic law on and after exit day by virtue of section 3, and
 - (ii) was not EU tertiary legislation immediately before exit day, or
 - (b) any Annex to the EEA agreement so far as it –
 - (i) forms part of domestic law on and after exit day by virtue of section 3, and
 - (ii) refers to, or contains adaptations of, any EU regulation so far as it falls within paragraph (a),

After Clause 6 - continued

(as modified by or under this Act or by other domestic law from time to time).”

BARONESS BROWN OF CAMBRIDGE
BARONESS JONES OF WHITCHURCH
LORD DEBEN

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

27

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 –

After Clause 6 - continued

- (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.”

LORD JUDD

28 Insert the following new Clause –

“Safeguarding biodiversity policy

The Secretary of State must ensure that before exit day all necessary action has been taken to safeguard the United Kingdom’s commitment to the protection and enhancement of biodiversity and to integrate all relevant EU law and regulations into UK legislation.”

LORD WALLACE OF SALTAIRE
BARONESS SMITH OF NEWNHAM
LORD JUDD

29 Insert the following new Clause –

“Coordination of foreign and security policy

The Secretary of State must ensure that before exit day all necessary action has been taken to continue coordination of foreign and security policy with the EU, including association with the EU’s military staff and the European Defence Agency, and to integrate all relevant EU law and regulations into UK legislation.”

BARONESS LUDFORD
LORD PADDICK
LORD JUDD

30 Insert the following new Clause –

“Internal security, justice and police co-operation and counter-terrorism

The Secretary of State must ensure that before exit day all necessary action has been taken to continue the United Kingdom’s participation in EU measures to promote internal security, justice and police co-operation and counter-terrorism to the extent that –

- (a) the United Kingdom has opted in to those measures,
- (b) they will be incorporated into UK law as retained EU law, and
- (c) they will not remove or diminish any rights of the individual in the criminal justice process.”

Clause 7

LORD LISVANE
LORD TYLER
LORD GOLDSMITH
LORD CORMACK

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

Clause 7 - continued

- 32 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
- 33 Page 6, line 11, leave out paragraph (b)
- LORD JUDGE
BARONESS HAYTER OF KENTISH TOWN
LORD MCNALLY
VISCOUNT HAILSHAM
- 34 Page 6, line 17, leave out “relevant”
- LORD O'DONNELL
LORD NEWBY
BARONESS HAYTER OF KENTISH TOWN
LORD BOWNESS
- 35 Page 6, line 25, at end insert—
“() provide for the establishment of public authorities in the United Kingdom”
- LORD WIGLEY
- 36 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”
- BARONESS KENNEDY OF THE SHAWS
- 37★ 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).”
- 38★ Page 6, line 25, at end insert—
“() amend or vary the provisions of the Immigration Act 1971 relating to passport control procedures on journeys within the Common Travel Area.”

After Clause 7

BARONESS BOWLES OF BERKHAMSTED

39 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.”

LORD TREES

BARONESS JONES OF WHITCHURCH

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

BARONESS JONES OF MOULSECOOMB

40 Insert the following new Clause—

“EU Protocol on animal sentience (Article 13 of the Lisbon Treaty)

- (1) Ministers of the Crown and the devolved administrations must pay due regard to the welfare requirements of animals as sentient beings in the formulation and implementation of public policy.
- (2) In this section—
 - (a) “animals” means vertebrates, other than man, and cephalopods, whether under the control of man or living in a wild state.
 - (b) “Ministers of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 and also includes government departments.
- (3) It is for Parliament exclusively, in the exercise of absolute discretion, to hold Ministers of the Crown to account for the discharge of their duties under this section.
- (4) It is for the Scottish Parliament exclusively, in the exercise of absolute discretion, to hold the Scottish Government to account for the discharge of their duties under this section.
- (5) It is for the National Assembly for Wales exclusively, in the exercise of absolute discretion, to hold the Welsh Government to account for the discharge of their duties under this section.
- (6) It is for the Northern Ireland Assembly exclusively, in the exercise of absolute discretion, to hold the Northern Ireland Executive to account for the discharge of their duties under this section.
- (7) The Secretary of State must submit a report annually to Parliament relating to the formulation, implementation, and effectiveness of policy relating to animal welfare to reflect the duty of subsection (1).
- (8) The Scottish Government must submit a report annually to the Scottish Parliament relating to the formulation, implementation, and effectiveness of policy relating to animal welfare to reflect the duty of subsection (1).
- (9) The Welsh Government must submit a report annually to the National Assembly for Wales relating to the formulation, implementation, and effectiveness of policy relating to animal welfare to reflect the duty of subsection (1).

After Clause 7 - continued

- (10) The Northern Ireland Executive must submit a report annually to the Northern Ireland Assembly relating to the formulation, implementation, and effectiveness of policy relating to animal welfare to reflect the duty of subsection (1).”

LORD WHITTY

LORD JUDD

41

Insert the following new Clause—

“Environmental etc. standards

- (1) The Secretary of State must within two months of the passing of this Act lay before Parliament a report indicating how it is intended to maintain a relationship with executive agencies of the EU and enforcement processes of the EU in respect of environmental standards, food safety and animal welfare, whether by continued participation in EU agencies and processes or by establishing effective equivalents within the United Kingdom.
- (2) The report referred to in subsection (1) must include proposals for continued engagement with or replacement of—
- (a) in respect of environmental standards—
 - (i) the REACH programme,
 - (ii) the European Chemicals Agency,
 - (iii) the European Environment Agency, and
 - (iv) the powers of the European Commission in relation to air and water pollution and soil quality including powers to enforce cross compliance;
 - (b) in respect of standards of food and feed safety and quality, and of animal health and welfare—
 - (i) the European Food Safety Agency, and
 - (ii) the powers of the European Commission to enforce standards of food and feed and of animal health and welfare including powers to enforce cross compliance.
- (3) The report referred to in subsection (1) may include proposals for regulations.
- (4) Regulations proposed in such a report may be made by—
- (a) the Secretary of State,
 - (b) a Welsh Minister,
 - (c) a Scottish Minister, or
 - (d) a Northern Ireland department,
- according to the legislative competence of the relevant Parliament or Assembly.
- (5) Regulations under subsection (4)(a), (b) or (c) are to be made by statutory instrument. The power to make regulations under subsection (4)d) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (6) A statutory instrument containing regulations under subsection (3)(a) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

After Clause 7 - continued

- (7) A statutory instrument containing regulations under subsection (3)(b) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (8) Regulations made by the Scottish Ministers under subsection (3)(c) are subject to the affirmative procedure.
- (9) Regulations may not be made by a Northern Ireland department under subsection (3)(d) unless a draft of the regulations has been laid before and approved by a resolution of the Northern Ireland Assembly.”

Clause 8

LORD LISVANE
LORD GOLDSMITH
LORD CORMACK
LORD TYLER

- 42 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

- 43 Page 6, line 40, at end insert –
“() impose or increase taxation,”

LORD JUDGE
BARONESS HAYTER OF KENTISH TOWN
LORD MCNALLY
VISCOUNT HAILSHAM

- 44 Page 6, line 42, leave out “relevant”

BARONESS KENNEDY OF THE SHAWES

- 45★ Page 6, line 45, at end insert –
“() amend or vary the provisions of the Immigration Act 1971 relating to passport control procedures on journeys within the Common Travel Area.”

BARONESS MASSEY OF DARWEN
BARONESS MEACHER
THE EARL OF DUNDEE
LORD JUDD

- 46 Page 6, line 45, at end insert –
“() By exit day, a Minister of the Crown must lay before Parliament –

Clause 8 - continued

- (a) a Ministerial Statement committing to give due consideration to all parts of the UN Convention on the Rights of the Child ratified by the United Kingdom when carrying out duties and functions that were within the competence of the EU before exit day, including functions as defined in section 7 to prevent, remedy or mitigate deficiencies;
- (b) a comprehensive audit setting out how children's rights will continue to be protected across the United Kingdom after exit day, particularly in areas where children's rights are not currently protected under domestic law but were, before exit day, in EU law."

BARONESS MCINTOSH OF PICKERING
BARONESS SMITH OF NEWNHAM

47 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.”

After Clause 8

LORD WHITTY
LORD JUDD

48 Insert the following new Clause –

“Transport connectivity

- (1) The Secretary of State must within two months of the passing of this Act lay before both Houses of Parliament a report indicating the manner in which continuity and safety of transport is to be maintained following the United Kingdom's withdrawal from the EU.
- (2) The report referred to in subsection (1) must include proposals to maintain a relationship with the deliberations and operational activities of the EU's transport Executive Agencies, whether by continued participation in the European Agencies in some form or by establishing an effective equivalent within the United Kingdom or by other means.
- (3) The Agencies referred to in subsection (2) include –
 - (a) in respect of civil aviation, the European Aviation Safety Agency;
 - (b) in respect of maritime transport, the European Maritime Safety Agency; and
 - (c) in respect of rail transport, the European Railway Agency.
- (4) A Minister of the Crown must seek approval for the proposals in the report under subsection (2) by means of motions in both Houses of Parliament.
- (5) The Secretary of State may by regulations made by statutory instrument provide for the implementation of any proposal approved by both Houses of Parliament under subsection (4).

After Clause 8 - continued

- (6) 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.”

Before Clause 9

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

49★

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.
- (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.”

Before Clause 9 - continued

LORD NEWBY
VISCOUNT HAILSHAM
LORD WIGLEY

50★ 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.”

Clause 9

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

51 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 CORMACK
LORD REID OF CARDOWAN
LORD DEBEN
LORD BALFE

52 Page 7, line 9, at end insert—

- “() It is an objective of Her Majesty’s Government to make every endeavour to facilitate the enactment of the statute described in subsection (1) prior to the ratification of the withdrawal agreement by the European Parliament.”

Clause 9 - continued

LORD LISVANE
 BARONESS HAYTER OF KENTISH TOWN
 LORD TYLER
 BARONESS WHEATCROFT

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

LORD JUDGE
 BARONESS HAYTER OF KENTISH TOWN
 LORD MCNALLY
 VISCOUNT HAILSHAM

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

BARONESS KENNEDY OF THE SHAWES

55★ Page 7, line 17, at end insert –

“() amend or vary the provisions of the Immigration Act 1971 relating to passport control procedures on journeys within the Common Travel Area.”

After Clause 9

LORD DAVIES OF OLDHAM
 LORD TUNNICLIFFE
 LORD WIGLEY

56 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

57 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
 - (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.”

After Clause 9 - continued

LORD HASKEL
BARONESS JONES OF MOULSECOOMB

58 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

59 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
LORD JUDD

60 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.”

LORD BRADSHAW
LORD BERKELEY
LORD BILIMORIA

61 Insert the following new Clause –

“Single market: frontier controls

If no agreement is reached with the EU on frontier controls, taxes and charges, the free movement of goods and services, the Digital Single Market, standardisation and the full involvement of the United Kingdom in European Agencies by the day on which this Act is passed, then the Government's negotiating objectives under Article 50(2) of the Treaty on European Union shall be on the basis that the United Kingdom will seek to remain fully in the Single Market.”

LORD CORMACK
LORD REID OF CARDOWAN
LORD DEBEN
LORD BALFE

62 Insert the following new Clause –

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

If the House of Commons declines to approve a motion tabled in the name of a Minister of the Crown in respect of a withdrawal agreement or future relationship with the European Union, it must be the policy of Her Majesty's Government to maintain the existing arrangements and relationship with the European Union and to seek an extension to the period set out in Article 50(3) of the Treaty on European Union.”

After Clause 9 - continued

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

63 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 YOUNG OF OLD SCONE
LORD JUDD

64 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.
- (4) This section ceases to have effect on 31st December 2021 unless the Secretary of State by regulation continues it.”

After Clause 9 - continued

BARONESS SMITH OF NEWNHAM
 BARONESS LUDFORD
 BARONESS D'SOUZA
 LORD JUDD

65 Insert the following new Clause—

“Rights of EU citizens

- (1) A Minister of the Crown must by regulations made by statutory instrument 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.
- (2) 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.”

BARONESS KENNEDY OF THE SHAWS

66★ 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.”

67★ 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.
- (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).”

After Clause 9 - continued

68★ 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 will enable data sharing in relation to such matters.”

69★ 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.”

Schedule 7

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

70 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”).
- (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.

Schedule 7 - continued

- (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
BARONESS JAY OF PADDINGTON

71★ 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, or the draft of any statutory instrument under any other Act containing regulations with the same purpose as an instrument to which paragraph 1(3), 6(3), 7(3) or 11 of this Act applies, 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

72★ Page 45, line 32, leave out from “contains” to end of line 34 and insert –

- “(a) a declaration that the Minister of the Crown concerned is of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved, and
- (b) a statement of the grounds for urgency.”

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

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

Schedule 7 - continued

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

74 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.”

LORD HANNAY OF CHISWICK
LORD BEITH
LORD GOLDSMITH
BARONESS ALTMANN

75 Page 48, line 26, leave out paragraph 11

76 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

77 Page 49, line 4, leave out paragraph 13

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

78★ Page 50, line 3, leave out from “contains” to end of line 5 and insert—

“(a) a declaration that the Minister of the Crown concerned is of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being so laid and approved, and
(b) a statement of the grounds for urgency.”

LORD HANNAY OF CHISWICK
LORD BEITH
LORD GOLDSMITH
BARONESS ALTMANN

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

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

81 Page 51, line 40, leave out “or (4)”

Schedule 7 - continued

LORD CALLANAN

82 Page 51, line 42, at end insert –

“Anticipatory exercise of powers in relation to retained EU law

18A Any power to make regulations under this Act which modify retained direct EU legislation, anything which is retained EU law by virtue of section 4 or any other retained EU law is capable of being exercised before exit day so that the regulations come into force on or after exit day.”

LORD HANNAY OF CHISWICK

LORD BEITH

LORD GOLDSMITH

BARONESS ALTMANN

83 Page 52, line 6, leave out paragraph 20

BARONESS NEVILLE-ROLFE

BARONESS D'SOUZA

84 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.”

Clause 17

LORD HANNAY OF CHISWICK

LORD BEITH

LORD GOLDSMITH

BARONESS ALTMANN

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

LORD LISVANE

LORD GOLDSMITH

LORD CORMACK

LORD TYLER

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

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

Before Clause 10

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

88 Insert the following new Clause—

“Continuation of North-South co-operation 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 EU 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 co-operation, 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.”

Schedule 2

LORD WALLACE OF TANKERNESS

89 Page 17, line 35, at end insert—

“() No regulations may be made under this Part after the end of the period of two years beginning with exit day.”

Clause 11

LORD WALLACE OF TANKERNESS

90 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 WIGLEY

91 Page 8, line 43, at end insert—

“() This section may not come into effect until—

Clause 11 - continued

- (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

92 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

93 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
- (b) continuing to participate in, or have a formal relationship with, the agencies of the European Union after exit day.”

Clause 14

LORD CALLANAN

94 Page 10, line 7, leave out “section 2” insert “sections 2 and (*Status of retained EU law*)”

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

95 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

96★ Page 10, line 40, leave out from “means” to end of line 41 and insert “the day concluding any implementation period or transition period agreed between the United Kingdom and the EU (and see subsections (2) to (5))”

LORD JUDGE
BARONESS HAYTER OF KENTISH TOWN
LORD MCNALLY
VISCOUNT HAILSHAM

97 Page 11, leave out lines 8 to 12

LORD CALLANAN

98 Page 11, line 26, after “in” insert “section (*Status of retained EU law*) or”

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

99 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.”

LORD CALLANAN

100 Page 12, line 6, at end insert –

“(6A) In this Act references to anything which is retained EU law by virtue of section 4 include references to any modifications, made by or under this Act or by other domestic law from time to time, of the rights, powers, liabilities, obligations, restrictions, remedies or procedures concerned.”

Clause 15

LORD CALLANAN

101 Page 12, line 25, at end insert –

“Anything which is retained EU law by virtue of section 4 | Section 14(6A)”

102 Page 13, line 33, at end insert –

“Retained direct minor EU legislation | Section (*Status of retained EU law*)(6)
Retained direct principal EU legislation | Section (*Status of retained EU law*)(6)”

Schedule 4

LORD O'DONNELL

LORD NEWBY

BARONESS HAYTER OF KENTISH TOWN

LORD BOWNESS

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

LORD HANNAY OF CHISWICK

BARONESS HAYTER OF KENTISH TOWN

BARONESS KRAMER

LORD CORMACK

104 Page 35, line 28, at end insert –

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

After Clause 13

LORD STEPHEN

BARONESS JOLLY

105 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;

After Clause 13 - continued

- (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.
- (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.”

Clause 19

LORD HANNAY OF CHISWICK
LORD BEITH
LORD GOLDSMITH
BARONESS ALTMANN

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

LORD WIGLEY

107 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.”

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

Clause 19 - continued

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

109 Page 15, line 21, at end insert –

“() A Minister of the Crown may not appoint a day on which section 6 is to come into force unless this day follows the expiration of transitional arrangements agreed between the United Kingdom and the European Union.”

LORD WIGLEY

110 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 8

LORD CALLANAN

111 Page 55, line 33, leave out paragraph 3 and insert –

“3A(1) Any power to make, confirm or approve subordinate legislation which –

- (a) was conferred before the day on which this Act is passed, and
- (b) is capable of being exercised to amend or repeal (or, as the case may be, result in the amendment or repeal of) an enactment contained in primary legislation,

is to be read, so far as the context permits or requires, as being capable of being exercised to modify (or, as the case may be, result in the modification of) any retained direct EU legislation or anything which is retained EU law by virtue of section 4.

- (2) But sub-paragraph (1) does not apply if the power to make, confirm or approve subordinate legislation is only capable of being exercised to amend or repeal (or, as the case may be, result in the amendment or repeal of) an enactment contained in Northern Ireland legislation which is an Order in Council.

3B(1) Any subordinate legislation which –

- (a) is, or is to be, made, confirmed or approved by virtue of paragraph 3A, and
- (b) amends or revokes any retained direct principal EU legislation, is to be subject to the same procedure (if any) before Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly as would apply to that legislation if it were amending or repealing an enactment contained in primary legislation.

(2) Any subordinate legislation which –

- (a) is, or is to be, made, confirmed or approved by virtue of paragraph 3A, and

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- (b) either—
- (i) modifies (otherwise than as a connected modification and otherwise than by way of amending or revoking it) any retained direct principal EU legislation, or
 - (ii) modifies (otherwise than as a connected modification) anything which is retained EU law by virtue of section 4,
- is to be subject to the same procedure (if any) before Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly as would apply to that legislation if it were amending or repealing an enactment contained in primary legislation.
- (3) Any subordinate legislation which—
- (a) is, or is to be, made, confirmed or approved by virtue of paragraph 3A, and
 - (b) amends or revokes any retained direct minor EU legislation,
- is to be subject to the same procedure (if any) before Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly as would apply to that legislation if it were amending or revoking an enactment contained in subordinate legislation made under a different power.
- (4) Any subordinate legislation which—
- (a) is, or is to be, made, confirmed or approved by virtue of paragraph 3A, and
 - (b) modifies (otherwise than as a connected modification and otherwise than by way of amending or revoking it) any retained direct minor EU legislation,
- is to be subject to the same procedure (if any) before Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly as would apply to that legislation if it were amending or revoking an enactment contained in subordinate legislation made under a different power.
- (5) Any subordinate legislation which—
- (a) is, or is to be, made, confirmed or approved by virtue of paragraph 3A, and
 - (b) modifies as a connected modification any retained direct EU legislation or anything which is retained EU law by virtue of section 4,
- is to be subject to the same procedure (if any) before Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly as would apply to the modification to which it is connected.
- (6) Any provision which may be made, confirmed or approved by virtue of paragraph 3A may be included in the same instrument as any other provision which may be so made, confirmed or approved.
- (7) Where more than one procedure of a kind falling within sub-paragraph (8) would otherwise apply in the same legislature for an instrument falling within sub-paragraph (6), the higher procedure is to apply in the legislature concerned.
- (8) The order of procedures is as follows (the highest first)—

Schedule 8 - continued

- (a) a procedure which requires a statement of urgency before the instrument is made and the approval of the instrument after it is made to enable it to remain in force,
 - (b) a procedure which requires the approval of the instrument in draft before it is made,
 - (c) a procedure not falling within paragraph (a) which requires the approval of the instrument after it is made to enable it to come into, or remain in, force,
 - (d) a procedure which provides for the annulment of the instrument after it is made,
 - (e) a procedure not falling within any of the above paragraphs which provides for the laying of the instrument after it is made,
 - (f) no procedure.
- (9) The references in this paragraph to amending or repealing an enactment contained in primary legislation or amending or revoking an enactment contained in subordinate legislation do not include references to amending or repealing or (as the case may be) amending or revoking an enactment contained in any Northern Ireland legislation which is an Order in Council.
- (10) In this paragraph “connected modification” means a modification which is supplementary, incidental, consequential, transitional or transitory, or a saving, in connection with—
- (a) another modification under the power of retained direct EU legislation or anything which is retained EU law by virtue of section 4, or
 - (b) anything else done under the power.
- 3C(1) This paragraph applies to any power to make, confirm or approve subordinate legislation—
- (a) which was conferred before the day on which this Act is passed, and
 - (b) is not capable of being exercised as mentioned in paragraph 3A(1)(b) or is only capable of being so exercised in relation to Northern Ireland legislation which is an Order in Council.
- (2) Any power to which this paragraph applies (other than a power to which sub-paragraph (4) applies) is to be read—
- (a) so far as is consistent with any retained direct principal EU legislation or anything which is retained EU law by virtue of section 4, and
 - (b) so far as the context permits or requires, as being capable of being exercised to modify (or, as the case may be, result in the modification of) any retained direct minor EU legislation.
- (3) Any power to which this paragraph applies (other than a power to which sub-paragraph (4) applies) is to be read, so far as the context permits or requires, as being capable of being exercised to modify (or, as the case may be, result in the modification of)—
- (a) any retained direct principal EU legislation, or
 - (b) anything which is retained EU law by virtue of section 4,

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so far as the modification is supplementary, incidental or consequential in connection with any modification of any retained direct minor EU legislation by virtue of sub-paragraph (2).

- (4) Any power to which this paragraph applies so far as it is a power to make, confirm or approve transitional, transitory or saving provision is to be read, so far as the context permits or requires, as being capable of being exercised to modify (or, as the case may be, result in the modification of) –
- (a) any retained direct EU legislation, or
 - (b) anything which is retained EU law by virtue of section 4.
- 3D Any subordinate legislation which is, or is to be, made, confirmed or approved by virtue of paragraph 3C(2), (3) or (4) is to be subject to the same procedure (if any) before Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly as would apply to that legislation if it were doing anything else under the power.
- 3E Any power to make, confirm or approve subordinate legislation which, immediately before exit day, is subject to an implied restriction that it is exercisable only compatibly with EU law is to be read on or after exit day without that restriction or any corresponding restriction in relation to compatibility with retained EU law.
- 3F (1) Paragraphs 3A to 3E and this paragraph –
- (a) do not prevent the conferral of wider powers,
 - (b) do not apply so far as section 57(4) of the Scotland Act 1998, section 80(8) of the Government of Wales Act 2006 or section 24(3) of the Northern Ireland Act 1998 applies (or would apply when in force on and after exit day), and
 - (c) are subject to any other provision made by or under this Act or any other enactment.
- (2) For the purposes of paragraphs 3A and 3C –
- (a) a power is conferred whether or not it is in force, and
 - (b) a power in retained direct EU legislation is not conferred before the day on which this Act is passed.
- (3) A power which, by virtue of paragraph 3A or 3C or any Act of Parliament passed before, and in the same Session as, this Act, is capable of being exercised to modify any retained EU law is capable of being so exercised before exit day so as to come into force on or after exit day.”

112 Page 56, line 26, leave out paragraph 5 and insert –

- “5A(1) This paragraph applies to any power to make, confirm or approve subordinate legislation which is conferred on or after the day on which this Act is passed.
- (2) Any power to which this paragraph applies (other than a power to which sub-paragraph (4) applies) may –
- (a) so far as is consistent with any retained direct principal EU legislation or anything which is retained EU law by virtue of section 4, and

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- (b) so far as applicable and unless the contrary intention appears, be exercised to modify (or, as the case may be, result in the modification of) any retained direct minor EU legislation.
- (3) Any power to which this paragraph applies (other than a power to which sub-paragraph (4) applies) may, so far as applicable and unless the contrary intention appears, be exercised to modify (or, as the case may be, result in the modification of) –
- (a) any retained direct principal EU legislation, or
 - (b) anything which is retained EU law by virtue of section 4,
- so far as the modification is supplementary, incidental or consequential in connection with any modification of any retained direct minor EU legislation by virtue of sub-paragraph (2).
- (4) Any power to which this paragraph applies so far as it is a power to make, confirm or approve transitional, transitory or saving provision may, so far as applicable and unless the contrary intention appears, be exercised to modify (or, as the case may be, result in the modification of) –
- (a) any retained direct EU legislation, or
 - (b) anything which is retained EU law by virtue of section 4.
- 5B(1) Sub-paragraph (2) applies to any power to make, confirm or approve subordinate legislation which –
- (a) is conferred on or after the day on which this Act is passed, and
 - (b) is capable of being exercised to amend or revoke (or, as the case may be, result in the amendment or revocation of) any retained direct principal EU legislation.
- (2) The power may, so far as applicable and unless the contrary intention appears, be exercised –
- (a) to modify otherwise than by way of amendment or revocation (or, as the case may be, result in such modification of) any retained direct principal EU legislation, or
 - (b) to modify (or, as the case may be, result in the modification of) anything which is retained EU law by virtue of section 4.
- 5C(1) Paragraphs 5A and 5B and this paragraph –
- (a) do not prevent the conferral of wider powers,
 - (b) do not apply so far as section 57(4) of the Scotland Act 1998, section 80(8) of the Government of Wales Act 2006 or section 24(3) of the Northern Ireland Act 1998 applies (or would apply when in force on and after exit day), and
 - (c) are subject to any other provision made by or under this Act or any other enactment.
- (2) For the purposes of paragraphs 5A and 5B –
- (a) a power is conferred whether or not it is in force,
 - (b) a power in retained direct EU legislation is conferred on or after the day on which this Act is passed, and
 - (c) the references to powers conferred include powers conferred by regulations under this Act (but not powers conferred by this Act).

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- (3) A power which, by virtue of paragraph 5A or 5B or any Act of Parliament passed after, and in the same Session as, this Act, is capable of being exercised to modify any retained EU law is capable of being so exercised before exit day so as to come into force on or after exit day.”

- 113** Page 61, line 2, at beginning insert “This paragraph has effect”
- 114** Page 61, line 2, leave out from “1998” to end of line 4 and insert –
“() Any retained direct principal EU legislation is to be treated as primary legislation.
() Any retained direct minor EU legislation is to be treated as primary legislation so far as it amends any primary legislation but otherwise is to be treated as subordinate legislation.”
- 115** Page 61, line 5, leave out “sub-paragraph (1)” and insert “this paragraph “amend”,”
- 116** Page 64, line 15, leave out “3 months” and insert “two years”
- 117** Page 64, line 29, at end insert –
“(7) Paragraph 4 of Schedule 1 does not apply in relation to any proceedings begun within the period of two years beginning with exit day so far as the proceedings relate to anything which occurred before exit day.”

Schedule 9

LORD ADONIS

- 118** Page 67, leave out line 38

European Union (Withdrawal) Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

16 April 2018
