

European Union (Withdrawal) Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Seventh Marshalled List]

After Clause 11

LORD MACKAY OF CLASHFERN

Insert the following new Clause—

“Group on framework documents

- (1) A group to represent England, Wales, Scotland and Northern Ireland is established.
- (2) The representative of England must be the Secretary of State responsible for the area which the group are considering.
- (3) The representative of Northern Ireland must be a senior official of the Department responsible for the area which the group are considering.
- (4) The representative of Scotland must be a Minister of the Scottish Government.
- (5) The representative of Wales must be a member of the Welsh Government.
- (6) At the first meeting of the group, the group must elect a Chair.
- (7) The first question the group must decide is which of the devolved areas of competence to include in a framework document enabling a single market to be set up in those areas in the United Kingdom.
- (8) The second question the group must decide is the terms of the framework document for each of the devolved areas of competence which the group has decided to include.
- (9) Agreement on the two questions in subsections (7) and (8) must be reached by the end of the period of three months, beginning with exit day or the day on which any transition or implementation period agreed between the United Kingdom and the EU ends.
- (10) When agreement is reached in the group on the answer to these questions, the Chair of the group must report the decisions to the appropriate officer of the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly and the Parliament of the United Kingdom.

After Clause 11 - continued

- (11) If the group fail to reach unanimous agreement on any of the questions the Chair must report this to the appropriate officer of the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly and the United Kingdom Parliament with a statement of the reason or reasons for the disagreement, as agreed by the group.
- (12) The United Kingdom Parliament may decide the undecided issues under subsection (11) and may legislate accordingly.”

LORD FOULKES OF CUMNOCK

Insert the following new Clause –

“Withdrawal arrangements ministerial council

- (1) A withdrawal arrangements ministerial council (“the council”) comprising –
 - (a) the Prime Minister or another Minister nominated by the Prime Minister,
 - (b) the First Minister of Scotland or another Scottish Minister nominated by the First Minister,
 - (c) the First Minister of Wales or another Minister of the Welsh Government nominated by the First Minister, and
 - (d) the First Minister and Deputy First Minister of Northern Ireland or other Ministers (not exceeding two) nominated by the First Minister and the Deputy First Minister
 is established.
- (2) The council must before exit day review the powers returning from the EU to the United Kingdom as a result of the United Kingdom leaving the EU and must determine which of those powers will be reserved to the United Kingdom Parliament and which will be devolved matters.”

Insert the following new Clause –

“Withdrawal arrangements advisory panel

- (1) In the event that the council under section (*Withdrawal arrangements ministerial council*) cannot reach a decision as to which of the powers shall be devolved, the council must refer the issue to the withdrawal arrangements advisory panel (the “advisory panel”).
- (2) The members of the advisory panel are appointed by the Speaker and Presiding Officer Committee, comprising the Speaker of the House of Commons, the Presiding Officer of the Scottish Parliament, the Presiding Officer of the National Assembly for Wales and the Speaker of the Northern Ireland Assembly.
- (3) The members of the advisory panel must have such qualifications, skills and knowledge as the Speaker and Presiding Officer Committee may prescribe.
- (4) The advisory panel must recommend to the council what powers referred to them should be reserved or devolved.
- (5) The members of the council must consider the recommendations of the advisory panel and may accept or reject them.

After Clause 11 - continued

- (6) If a member of the council rejects the recommendations of the advisory panel, they must state reasons for that rejection.
- (7) Recommendations must be adopted by the council on a simple majority.”

Insert the following new Clause—

“Withdrawal arrangements: implementation

- (1) A Minister of the Crown must by regulations make provision to implement the recommendations adopted by the council under section (*Withdrawal arrangements ministerial council*) or (*Withdrawal arrangements advisory panel*).
- (2) The Scottish Ministers must by regulations make provision to implement the recommendations adopted by the Council under section (*Withdrawal arrangements ministerial council*) or (*Withdrawal arrangements advisory panel*).
- (3) The Welsh Ministers must by regulations make provision to implement the recommendations adopted by the Council under section (*Withdrawal arrangements ministerial council*) or (*Withdrawal arrangements advisory panel*).
- (4) A Northern Ireland devolved authority must by regulations make provision to implement the recommendations adopted by the Council under section (*Withdrawal arrangements ministerial council*) or (*Withdrawal arrangements advisory panel*).”

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14 March 2018
