

European Union (Withdrawal) Bill

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

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

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

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

After Clause 9

LORD HASKEL
BARONESS JONES OF MOULSECOOMB

214

Insert the following new Clause –

“Governance and institutional arrangements

- (1) Before exit day, a Minister of the Crown must make provision that all powers and functions which form part of retained EU law, which relate to any right, freedom or protection that any person might reasonably expect to exercise, which were carried out by EU entities or other public authorities anywhere in the United Kingdom before exit day, and which do not cease as a result of the withdrawal agreement (“relevant powers and functions”), will –
 - (a) continue to be carried out by an EU entity or public authority;
 - (b) be carried out by an appropriate existing or newly established entity or public authority in the United Kingdom; or
 - (c) be carried out by an appropriate international entity or public authority.

After Clause 9 - continued

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

215 Insert the following new Clause—

“Withdrawal agreement: Irish border

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

VISCOUNT HAILSHAM
 LORD DYKES

216 Insert the following new Clause—

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

- (1) The Prime Minister may not conclude an agreement with the European Union under Article 50(2) of the Treaty on European Union on the terms of the United Kingdom’s withdrawal from the EU without the approval of both Houses of Parliament.
- (2) For the purposes of subsection (1) such approval must be achieved before the European Parliament debates and votes on that agreement.
- (3) The prior approval of both Houses of Parliament is also required in relation to an agreement on the future relationship of the United Kingdom with the EU.
- (4) The prior approval of both Houses of Parliament is also required in relation to any decision by the Prime Minister that the United Kingdom shall leave the EU without an agreement as to the applicable terms.
- (5) Any approval required by this section must be either by way of an Act of Parliament or by a resolution of each House of Parliament.
- (6) In the event that approval is by way of a resolution of each House of Parliament, subsection (7) of this section applies.

After Clause 9 - continued

- (7) In the event that any resolution proposed for the purposes of this section and previously approved by the House of Commons (“the Commons Resolution”) is rejected by the House of Lords, the Commons Resolution is, unless the House of Commons directs otherwise and after a period of 7 working days from its approval by the House of Commons, deemed to be a resolution of each House of Parliament for all the purposes that are specified in this section.
- (8) For the purposes of subsection (7) the Commons Resolution is deemed to be rejected by the House of Lords if, within 7 working days of its approval by the House of Commons, a resolution in the same terms is not approved by the House of Lords either without amendment or with only such amendments as may be agreed by both Houses.
- (9) Any period of time prescribed in this section may be varied by a resolution of each House of Parliament.

217

Insert the following new Clause –

“Parliamentary control

- (1) Not less than 30 days before exit day, a Minister of the Crown must lay the terms agreed with the EU in the negotiations under Article 50 of the Treaty on the Functioning of the European Union (TFEU) (the “agreed terms”) before each House of Parliament, whereupon –
 - (a) if both Houses pass a resolution approving the agreed terms, the terms may be ratified;
 - (b) no agreed terms may be ratified unless they are approved as provided in paragraph (a);
 - (c) if both Houses by a resolution so require, the agreed terms must be put to a national referendum on a question to be determined by both Houses of Parliament and within the period of time specified in the resolution;
 - (d) if both Houses pass a resolution to the effect that Her Majesty’s Government must withdraw the notification made under Article 50 TFEU, Her Majesty’s Government must do so.
- (2) Not less than 30 days before exit day, in the event that Her Majesty’s Government has not by then concluded a transitional or final agreement with the European Union in the negotiations under Article 50 TFEU, a Minister of the Crown must lay a report before each House of Parliament explaining the reasons that no such agreement has been made and making recommendations on how to proceed.
- (3) After a report under subsection (2) has been laid before each House –
 - (a) any recommendation contained in that report is subject to approval, amendment or rejection by resolution of each House;
 - (b) if both Houses by resolution so require, a national referendum on a question to be determined by both Houses of Parliament must be held within the period of time specified in the resolution;
 - (c) if both Houses pass a resolution to the effect that Her Majesty’s Government must withdraw the notification made under Article 50 TFEU, Her Majesty’s Government must do so.

After Clause 9 - continued

- (4) Any resolution proposed by a Minister of the Crown and considered by either House of Parliament pursuant to this section must, if amended by that House, be pursued by Her Majesty's Government in the amended terms.
- (5) In the event that any resolution proposed for the purposes of this section and previously approved by the House of Commons ("the Commons Resolution") is rejected by the House of Lords, the Commons Resolution is, unless the House of Commons directs otherwise and after a period of 7 working days from its approval by the House of Commons, deemed to be a resolution of each House of Parliament for all the purposes specified in this section.
- (6) The Commons Resolution is deemed to be rejected by the House of Lords if, within 7 working days of its approval by the House of Commons, it is not approved by the House of Lords either without amendment or with only such amendments as may be agreed by both Houses.
- (7) Any period of time prescribed in this section may be varied by a resolution of each House of Parliament."

LORD ADONIS

LORD JUDD

LORD ROBERTS OF LLANDUDNO

BARONESS LISTER OF BURTERSETT

218

Insert the following new Clause—

“Provisions of the Good Friday Agreement

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

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

After Clause 9 - continued

LORD ADONIS
LORD JUDD

219 Insert the following new Clause –

“Status of Irish citizens in the United Kingdom

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

BARONESS HAYTER OF KENTISH TOWN
BARONESS BURT OF SOLIHULL

220 Insert the following new Clause –

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

- (1) Within the period of six months of the passing of this Act, a Minister of the Crown must publish a report outlining the extent to which the benefits afforded by EU insolvency and restructuring law will continue to exist in domestic law after exit day.
- (2) The report provided for under subsection (1) must include –
 - (a) the steps, if any, taken by Ministers of the Crown to negotiate the continuation of reciprocal arrangements between the United Kingdom and member States in the field of insolvency and restructuring law;
 - (b) the nature and duration of these reciprocal arrangements, if such arrangements have been negotiated; and
 - (c) a declaration from the Minister of the Crown outlining whether, in their view, the UK’s insolvency and restructuring framework has been weakened.
- (3) The Minister of the Crown must lay the report before both Houses of Parliament.”

LORD CARLILE OF BERRIEW

221 Insert the following new Clause –

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

- (1) Before exit day, the Secretary of State must publish a report which includes the details of any agreements reached with the EU –
 - (a) for the efficient importation of radiopharmaceutical products for use in medical treatment and research in the United Kingdom;
 - (b) for the efficient export of radiopharmaceutical products for use in medical treatment and research outside the United Kingdom;
 - (c) for the purposes described in paragraphs (a) and (b) in circumstances of urgency, including protocols for retrospective authorisation in exceptional cases;

After Clause 9 - continued

- (d) to protect the safety of persons coming into contact with the products described;
 - (e) for continued participation in relevant research and clinical projects;
 - (f) to replace the responsibilities and activities of the European Observatory on the Supply of Medical Isotopes;
 - (g) to replace all statutory, treaty and other responsibilities and actions undertaken by Euratom prior to 29 March 2019 in connection with radiopharmaceuticals.
- (2) In addition to the report described in subsection (1), at the same time the Secretary of State must make regulations providing for the implementation of any agreements described in the report.
- (3) A statutory instrument containing regulations under subsection (2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

BARONESS KENNEDY OF THE SHAWS
BARONESS BURT OF SOLIHULL

222

Insert the following new Clause—

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

- (1) Within one month of the passing of this Act, and then once in every subsequent calendar year, the Secretary of State must lay before both Houses of Parliament a report on continued co-operation with the EU after exit day on tackling violence against women and girls.
- (2) That report must include, in particular, an assessment of how co-operation with the EU will replicate mechanisms which exist within the EU before exit day to—
- (a) maintain common rights for victims of domestic and sexual abuse when moving across borders,
 - (b) reduce female genital mutilation,
 - (c) reduce human trafficking,
 - (d) reduce child sexual exploitation, and
 - (e) enable data sharing relating to paragraphs (a) to (d).”

223

Insert the following new Clause—

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

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

After Clause 9 - continued

224 Insert the following new Clause –

“Funding for ending violence against women and girls

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

LORD ADONIS

225 Insert the following new Clause –

“EEA Agreement

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

LORD WIGLEY

226 Insert the following new Clause –

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

- (1) Prior to the enactment of the statute referred to in section 9(1), a Minister of the Crown must by regulations made by statutory instrument provide for a referendum to determine whether the terms of the United Kingdom’s withdrawal from the EU are acceptable.
- (2) In subsection (1) “the terms of the United Kingdom’s withdrawal” includes any proposed agreement or framework agreement regarding future relations between the United Kingdom and the EU and any proposal about how to conduct future relations in the absence of such an agreement or framework agreement.
- (3) The regulations under subsection (1) must also make provision for –
 - (a) the conduct of the referendum, including the eligible franchise;
 - (b) the question to be posed in the referendum; and

After Clause 9 - continued

- (c) only two possible answers, one being acceptance of the recommendation made by the Government and the other the pursuit of the maintenance of the status quo regarding United Kingdom's membership of the EU.
- (4) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

LORD SHIPLEY
LORD WALLACE OF SALTAIRE
LORD BEECHAM

227 Insert the following new Clause—

“Local government consultation

Her Majesty’s Government must—

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

BARONESS YOUNG OF OLD SCONE
LORD LISVANE
LORD TYLER
LORD JUDD

227A Insert the following new Clause—

“Replication of EU law: consultation on impact and equivalence

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

After Clause 9 - continued

- (a) the Minister is satisfied that 3 months' notice could not reasonably be given in the circumstances; and
- (b) as much notice was given as the Minister considers reasonably practicable."

LORD EMPEY

227B Insert the following new Clause—

“Mutual Recognition Agreements relating to the safeguarding of public health

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

LORD CAMPBELL-SAVOURS

227BA Insert the following new Clause—

“Failure to negotiate a withdrawal agreement by 29 January 2019

- (1) In the event that no withdrawal agreement under Article 50(2) of the Treaty on the European Union acceptable to both Houses of Parliament has been reached between the United Kingdom and the EU by 29 January 2019, a Minister of the Crown may move a motion in each House of Parliament to provide for a referendum on whether the United Kingdom should seek to revoke notification of withdrawal under Article 50 and re-negotiate membership of the EU with—
 - (a) restrictions on the arrangements for the free movement of persons between the United Kingdom and the EU;
 - (b) a renegotiation of the Own Resources Decision to provide a new mechanism for calculating the United Kingdom's reduced contribution, replacing the rebate; and
 - (c) amendments to other regulatory arrangements as they affect the United Kingdom as proposed by both Houses of Parliament.
- (2) If such a motion is agreed to in the House of Commons, the Minister of the Crown may not make regulations under section 9(1) but must bring forward proposals to hold such a referendum, and the Government must seek such an extension of the Article 50 period as may be necessary for this purpose.”

LORD BERKELEY

227BB Insert the following new Clause—

“Recreational boating

- (1) Before exit day, a Minister of the Crown must lay before both Houses of Parliament a report setting out the extent to which, and how, the rights currently enjoyed by recreational boaters from the United Kingdom in the EU will be maintained after exit day.
- (2) The report under subsection (1) must include consideration of—

After Clause 9 - continued

- (a) the ability of recreational craft to retain Union Goods status;
- (b) the ability of UK recreational craft that do not have Union Goods status to continue to be able to visit the EU without being subject to an 18-month restriction on Temporary Admission procedures for relief on customs duties and VAT provided they do not change ownership;
- (c) the ability of recreational craft to travel between the United Kingdom and the EU without being subject to border controls;
- (d) the ability of UK citizens who are accredited as Royal Yachting Association instructors to continue to work on a seasonal basis in EU member States for such purposes.”

LORD ADONIS

227BC Insert the following new Clause –

“European Investment Bank: continued participation

It is a negotiating objective of the Government to ensure that the withdrawal agreement provides for the United Kingdom to retain its seat on the board of, shareholding in, and access to funds from, the European Investment Bank.”

LORD WARNER

BARONESS JOLLY

LORD HUNT OF KINGS HEATH

LORD PATEL

Re-tabled version of amendment 65

227BD 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.”

LORD MARLESFORD

227BE Insert the following new Clause –

“Common Travel Area

It is an objective of the Government in negotiating the United Kingdom’s withdrawal from the EU to ensure that the Common Travel Area between the United Kingdom and the Republic of Ireland is maintained.”

LORD BERKELEY

227BF Insert the following new Clause –

“Mutual recognition of type approval for vehicles after exit day

- (1) Within the period of three months, beginning with the day on which this Act is passed, the Secretary of State must lay a report before both Houses of Parliament setting out the Government’s negotiating objectives in relation to the type approval of vehicles and trailers after exit day.

After Clause 9 - continued

- (2) The report must consider the extent to which the United Kingdom's vehicle type approval authority will cooperate with its EU counterpart to ensure the mutual recognition of standards, emissions and other aspects of vehicle technical construction."

LORD ADONIS

227BG Insert the following new Clause –

“EU citizens: identification

A Minister of the Crown must by regulations make provision for EU citizens resident in the United Kingdom before and after exit day to identify themselves as such, to enable them to exercise their rights in the United Kingdom after exit day as set out in the withdrawal agreement.”

LORD NEWBY

LORD ADONIS

227BH★ Insert the following new Clause –

“Parliamentary motions on a referendum

- (1) Prior to the enactment of the statute provided for in section 9(1), as a further precondition of making regulations under that section, 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) If such a motion is agreed to, the Secretary of State may not make regulations under section 9(1) but must bring forward proposals to hold such a referendum, and the Government must seek such an extension of the Article 50 period as may be necessary for this purpose.”

LORD BROERS

227BJ★ Insert the following new Clause –

“Implementation of agreements reached with the EU on nuclear research and development

- (1) Before exit day, the Secretary of State must publish a report which includes the details of any agreements reached with the EU on the United Kingdom's continued participation after exit day in –
 - (a) extensions of the JET project;
 - (b) the ITER project;
 - (c) the TAURUS project;
 - (d) research into advanced nuclear fission reactors;
 - (e) any other research undertaken by Euratom.
- (2) In addition to the report described in subsection (1), at the same time, the Secretary of State must make regulations providing for the implementation of any agreements described in the report.

After Clause 9 - continued

- (3) A statutory instrument containing regulations under subsection (2) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Clause 16

BARONESS BOWLES OF BERKHAMSTED

227C Page 14, line 12, at end insert –

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

After Clause 16

LORD ADONIS

228 Insert the following new Clause –

“Consultation

The Government must follow the principles set out in the Cabinet Office Code of Practice in respect of public consultation in advance of regulations being made under powers granted by this Act.”

Schedule 7

LORD FOULKES OF CUMNOCK
LORD WALLACE OF TANKERNESS
LORD JUDD

229 Page 41, line 37, at end insert –

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

Schedule 7 - continued

LORD ADONIS

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

LORD BERKELEY
LORD BRADSHAW
BARONESS ALTMANN
LORD BILIMORIA

231 Page 42, line 9, at end insert –

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

232 Page 42, line 9, at end insert –

“() amends the roles and responsibilities of the European Union Agency for Rail and the application of legislation relating to it.”

LORD BERKELEY
LORD ADONIS
LORD BILIMORIA
BARONESS ALTMANN

233 Page 42, line 9, at end insert –

“() amends the roles and responsibilities of the European Aviation Safety Agency in the United Kingdom.”

LORD ADONIS

234 Page 42, line 9, at end insert –

“() makes changes to EU-derived domestic legislation concerning the rights of workers in the United Kingdom.”

235 Page 42, line 9, at end insert –

“() makes changes to EU-derived domestic legislation concerning rights for disabled people in the United Kingdom.”

236 Page 42, line 37, leave out “which contain provision falling within sub-paragraph (2).”

LORD LISVANE
LORD TYLER
BARONESS HAYTER OF KENTISH TOWN
LORD BLENCATHRA

237 Page 44, line 35, leave out from beginning to end of line 20 on page 45 and insert –

“Parliamentary committees to sift regulations made under section 7, 8, 9 or 17

(1) This paragraph applies if a Minister of the Crown –

(a) proposes to make a statutory instrument to which paragraph 1(3), 6(3), 7(3) or 11 applies, and

Schedule 7 - continued

- (b) is of the opinion that the instrument should be subject to annulment in pursuance of a resolution of either House of Parliament (“the negative procedure”).
- (2) Before making the instrument, the Minister must lay before both Houses of Parliament a draft of the instrument together with a memorandum setting out the reasons for the Minister’s opinion that the instrument should be subject to the negative procedure.
- (3) The negative procedure applies unless within the relevant period either House of Parliament requires the affirmative procedure to apply, in which case the affirmative procedure applies.
- (4) A House of Parliament is taken to have required the affirmative procedure to apply within the relevant period if—
 - (a) a committee of the House charged with reporting on the instrument has recommended, within the period of 10 sitting days beginning with the first sitting day after the day on which the draft instrument was laid before the House, that the affirmative procedure should apply, and
 - (b) that House has not by resolution rejected the recommendation within a period of 5 sitting days beginning with the first sitting day after the day on which the recommendation is made.
- (5) For the purposes of this paragraph—
 - (a) where an instrument is subject to the affirmative procedure, it may not be made unless the draft of the instrument laid under sub-paragraph (2) has been approved by a resolution of each House of Parliament,
 - (b) “sitting day” means, in respect of either House, a day on which that House sits.
- (6) Nothing in this paragraph prevents a Minister of the Crown from deciding, at any time before a statutory instrument mentioned in sub-paragraph (1)(a) is made, that another procedure should apply in relation to the instrument.”

LORD SHARKEY

LORD LISVANE

LORD TYLER

LORD NORTON OF LOUTH

As an amendment to Amendment 237

237A

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

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

Schedule 7 - continued

LORD HODGSON OF ASTLEY ABBOTTS

238

Page 45, line 23, at end insert –

“Parliamentary committees to sift regulations made under section 7, 8 or 9 and the super-affirmative procedure

3A(1) This paragraph applies if a Minister of the Crown –

- (a) proposes to make a statutory instrument to which paragraph 1(1), 6(1), or 7(1) applies, and
 - (b) is of the opinion that the instrument should be subject to approval by resolution of each House of Parliament (“the affirmative procedure”).
- (2) Before laying a draft of the instrument, the Minister must lay before both Houses of Parliament a memorandum setting out the reasons for the Minister’s opinion that the instrument should be subject to the affirmative procedure.
 - (3) The affirmative procedure applies unless, within the relevant period, either House of Parliament requires the super-affirmative procedure to apply, in which case the super-affirmative procedure applies.
 - (4) A House of Parliament is taken to have required the super-affirmative procedure to apply within the relevant period if –
 - (a) a committee of the House charged with reporting on the instrument has recommended, within the period of 10 sitting days beginning with the first sitting day after the day on which the memorandum was laid before the House, that the super-affirmative procedure should apply, and
 - (b) that House has not by resolution rejected the recommendation within a period of 5 sitting days beginning with the first sitting day after the day on which the recommendation is made.
 - (5) For the purposes of this paragraph –
 - (a) where an instrument is subject to the super-affirmative procedure, it may not be made unless the procedures set out in paragraph 3B have been followed,
 - (b) “sitting day” means, in respect of either House, a day on which that House sits.
 - (6) Section 6(1) of the Statutory Instruments Act 1946 (alternative procedure for certain instruments laid before Parliament) does not apply in relation to any statutory instrument to which this paragraph applies.”

239

Page 45, line 23, at end insert –

“Super-affirmative procedure

- 3B(1) For the purposes of paragraph 3A, the “super-affirmative procedure” is as follows.
- (2) The Minister must have regard to –
 - (a) any representations,
 - (b) any resolution of either House of Parliament, and

Schedule 7 - continued

- (c) any recommendations of a committee of either House of Parliament charged with reporting on the draft regulation, made during the 60-day period with regard to the draft regulation.
- (3) If, after the expiry of the 60-day period, the Minister wishes to make a regulation in the terms of the draft, he or she must lay before Parliament a statement—
- (a) stating whether any representations were made under sub-paragraph (2)(a); and
 - (b) if any representations were so made, giving details of them.
- (4) The Minister may after the laying of such a statement make a regulation in the terms of the draft if it is approved by a resolution of each House of Parliament.
- (5) However, a committee of either House charged with reporting on the draft regulation may, at any time after the laying of a statement under sub-paragraph (3) and before the draft regulation is approved by that House under sub-paragraph (4), recommend under this sub-paragraph that no further proceedings be taken in relation to the draft regulation.
- (6) Where a recommendation is made by a committee of either House under sub-paragraph (5) in relation to a draft regulation, no proceedings may be taken in relation to the draft regulation in that House under sub-paragraph (4) unless the recommendation is, in the same Session, rejected by resolution of that House.
- (7) If, after the expiry of the 60-day period, the Minister wishes to make a regulation consisting of a version of the draft regulation with material changes, he or she must lay before Parliament—
- (a) a revised draft regulation; and
 - (b) a statement giving details of—
 - (i) any representations made under sub-paragraph (2)(a); and
 - (ii) the revisions proposed.
- (8) The Minister may after laying a revised draft regulation and statement under sub-paragraph (7) make a regulation in the terms of the revised draft if it is approved by a resolution of each House of Parliament.
- (9) However, a committee of either House charged with reporting on the revised draft regulation may, at any time after the revised draft regulation is laid under sub-paragraph (7) and before it is approved by that House under sub-paragraph (8), recommend under this sub-paragraph that no further proceedings be taken in relation to the revised draft regulation.
- (10) Where a recommendation is made by a committee of either House under sub-paragraph (9) in relation to a revised draft regulation, no proceedings may be taken in relation to the revised draft regulation in that House under sub-paragraph (8) unless the recommendation is, in the same Session, rejected by resolution of that House.
- (11) For the purposes of sub-paragraphs (4) and (8), a regulation is made in the terms of a draft regulation if it contains no material changes to the provisions of the draft regulation.

Schedule 7 - continued

- (12) In this section the “60-day period” means the period of 60 days beginning with the day on which the draft regulation was laid before Parliament.”

LORD SHARKEY
LORD LISVANE
BARONESS JAY OF PADDINGTON
LORD NORTON OF LOUTH

239A Page 45, line 23, at end insert –

“Parliamentary scrutiny: reconsideration procedure

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

LORD SHARKEY
BARONESS JAY OF PADDINGTON
LORD LEXDEN

239B Page 45, line 34, at end insert “, and

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

LORD LISVANE
LORD JUDGE
LORD PANNICK
LORD TYLER

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

VISCOUNT HAILSHAM

241 Page 48, line 22, leave out paragraph 10

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

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

Schedule 7 - continued

LORD LOW OF DALSTON
LORD WALLACE OF TANKERNESS
LORD CASHMAN
BARONESS LISTER OF BURTERSETT

242A Page 52, line 16, leave out “section 7(1), 8 or 9” and insert “this Act”

LORD BASSAM OF BRIGHTON

243 Page 52, line 20, at end insert “, that there are good reasons to make those regulations and that the Minister has considered whether making such regulations is a reasonable course of action and has determined that it is.”

244 Page 52, line 20, at end insert –

“() The statement under sub-paragraph (2) must include a certification that the regulation does no more than make technical changes to retained EU law in order for it to work following exit, and that no policy decisions are being made.”

BARONESS TAYLOR OF BOLTON
LORD BEITH
LORD JUDGE
LORD DUNLOP

244A Page 52, line 20, at end insert –

“() Before the instrument or draft is laid, the relevant Minister must lay before both Houses of Parliament a statement as to whether it does no more than make technical changes to ensure that retained EU law functions after exit day or whether a policy choice has been made.”

LORD BASSAM OF BRIGHTON

245 Page 52, line 26, at end insert –

“() saying why the Minister considers that there are good reasons to make the regulations, and
() saying why the Minister considers that making the regulations is a reasonable course of action.”

LORD LOW OF DALSTON
LORD WALLACE OF TANKERNESS
LORD CASHMAN
BARONESS LISTER OF BURTERSETT

245A 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 BASSAM OF BRIGHTON

246 Page 52, line 37, at end insert –

“() the intention of any modification proposed, and
() how courts are to interpret section 6(3) in the light of the modification.”

Schedule 7 - continued

BARONESS MCINTOSH OF PICKERING
LORD WIGLEY
LORD DYKES

247 Page 54, line 20, at end insert –

“Amendment of statutory instruments

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

VISCOUNT HAILSHAM
LORD DAVIES OF STAMFORD

248 Page 54, line 20, at end insert –

“Amendments to statutory instruments subject to the affirmative procedure

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

Schedule 7 - continued

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

BARONESS NEVILLE-ROLFE

249 Page 54, line 20, at end insert –

“Publication of draft instruments

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

250 Page 54, line 20, at end insert –

“Consultation

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

Schedule 7 - continued

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

251 Page 54, line 20, at end insert —

“Timetabling

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

Clause 17

LORD ADONIS

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

LORD LISVANE
LORD WILSON OF DINTON
LORD TYLER
LORD GOLDSMITH

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

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

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

LORD BASSAM OF BRIGHTON

255 Page 14, line 15, at end insert —

“() But the power in subsection (1) does not allow a Minister of the Crown to determine whether particular pieces of EU retained law should be designated as primary or secondary legislation.”

LORD SHARKEY

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

LORD LISVANE
LORD WILSON OF DINTON
LORD TYLER
LORD GOLDSMITH

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

Clause 17 - continued

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

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

LORD ADONIS
LORD JUDD
LORD ROBERTS OF LLANDUDNO

259 Page 14, line 28, at end insert –

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

LORD ADONIS
LORD JUDD

260 Page 14, line 28, at end insert –

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

LORD BASSAM OF BRIGHTON
LORD ADONIS

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

Before Clause 10

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

261 Insert the following new Clause –

“Northern Ireland: the Belfast principles

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

Before Clause 10 - continued

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

Clause 10

LORD BLENCATHRA

262

Page 7, line 23, at end insert –

- “(2) Regulations made under this section, in accordance with the provisions of Schedule 2, remain in force for no more than five years after this Act is passed.
- (3) Before the period of five years under subsection (2) has expired, a Minister of the Crown must review with the devolved authorities whether the regulations materially affect the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly.
- (4) If, and only if, the Minister of the Crown and the relevant devolved authorities agree that a regulation does not materially affect the relevant legislative competence, the Minister of the Crown may by regulations provide that subsection (2) no longer applies to that regulation.
- (5) A statutory instrument containing regulations made under subsection (4) may not be made unless a draft of the instrument has been laid before, and approved by, a resolution of each House of Parliament.”

LORD ADONIS
LORD TRIESMAN

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

Before Schedule 2LORD WHITTY
LORD JUDD

263

Insert the following new Schedule –

“AGENCIES OF THE EUROPEAN UNION AND EURATOM

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

Before Schedule 2 - continued

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

Schedule 2

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

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

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

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

266 Page 17, line 32, at end insert –

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

267 [*Withdrawn*]

268 Page 18, line 39, at end insert –

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

269 [*Withdrawn*]

270 Page 19, line 2, at end insert –

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

271 [*Withdrawn*]

272 Page 19, line 2, at end insert –

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

273 [*Withdrawn*]

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

Schedule 2 - continued

- 275 Page 22, line 4, leave out “and retained EU law”
- LORD FOULKES OF CUMNOCK
LORD GOLDSMITH
- 276 Page 23, line 18, leave out “appropriate” and insert “necessary”
- LORD FOULKES OF CUMNOCK
LORD GOLDSMITH
LORD WALLACE OF SALTAIRE
LORD CORMACK
- 277 Page 23, line 22, leave out “appropriate” and insert “necessary”
- LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF
LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD
- 278 Page 23, line 34, at end insert –
- “() Sub-paragraph (4)(d) does not apply to regulations made under this Part by the Scottish Ministers or by the Welsh Ministers with regard to matters that are within their devolved competence.”
- 279 [Withdrawn]
- 280 Page 24, line 15, at end insert –
- “() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or by the Welsh Ministers with regard to matters that are within their devolved competence.”
- 281 [Withdrawn]
- 282 Page 25, line 15, at end insert –
- “() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or by the Welsh Ministers with regard to matters that are within their devolved competence.”
- 283 [Withdrawn]
- 284 Page 25, line 15, at end insert –
- “Requirement for consultation in certain circumstances*
- (1) No regulations may be made under this Part by the Scottish Ministers or by the Welsh Ministers acting alone so far as the regulations –
- (a) are to come into force before exit day,
- (b) are for the purpose of preventing or remedying any breach of the WTO Agreement, or

Schedule 2 - continued

(c) make provision about any quota arrangements or are incompatible with any such arrangements unless the regulations are, to that extent, made after consulting with a Minister of the Crown.

(2) In sub-paragraph (1)–
 “the WTO Agreement” has the meaning given in paragraph 16(2),
 “quota arrangements” has the meaning given in paragraph 16(3).”

285 [Withdrawn]

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

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

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

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

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

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

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

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

292 Page 26, line 36, at end insert –

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

293 [Withdrawn]

294 Page 27, line 15, at end insert –

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

295 [Withdrawn]

Schedule 2 - continued

296 Page 27, line 43, at end insert –

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

297 [Withdrawn]

298 Page 28, line 13, at end insert –

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

299 [Withdrawn]

300 Page 28, line 13, at end insert –

“Requirement for consultation in certain circumstances

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

301 [Withdrawn]

Clause 11

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

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

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

LORD CALLANAN

302A Page 7, line 25, leave out subsections (1) to (3) and insert –

“(1) In section 29(2)(d) of the Scotland Act 1998 (no competence for the Scottish Parliament to legislate incompatibly with EU law) for “with EU law” substitute “in breach of the restriction in section 30A(1)”.

- (2) After section 30 of that Act (legislative competence: supplementary) insert –
“30A Legislative competence: restriction relating to retained EU law

Clause 11 - *continued*

- (1) An Act of the Scottish Parliament cannot modify, or confer power by subordinate legislation to modify, retained EU law so far as the modification is of a description specified in regulations made by a Minister of the Crown.
- (2) But subsection (1) does not apply to any modification so far as it would, immediately before exit day, have been within the legislative competence of the Scottish Parliament.
- (3) In addition—
 - (a) a Minister of the Crown must (unless the regulations only relate to a revocation of a specification) consult the Scottish Ministers before laying a draft of a statutory instrument containing regulations under this section before either House of Parliament, and
 - (b) see paragraph 6 of Schedule 7 (duty to make explanatory statement about regulations under this section)."
- (3) In section 108A(2)(e) of the Government of Wales Act 2006 (no competence for the National Assembly for Wales to legislate incompatibly with EU law) for "with EU law" substitute "in breach of the restriction in section 109A(1)".
- (3A) After section 109 of that Act (legislative competence: supplementary) insert—

"109A Legislative competence: restriction relating to retained EU law

 - (1) An Act of the Assembly cannot modify, or confer power by subordinate legislation to modify, retained EU law so far as the modification is of a description specified in regulations made by a Minister of the Crown.
 - (2) But subsection (1) does not apply to any modification so far as it would, immediately before exit day, have been within the Assembly's legislative competence.
 - (3) In addition—
 - (a) a Minister of the Crown must (unless the regulations only relate to a revocation of a specification) consult the Welsh Ministers before laying a draft of a statutory instrument containing regulations under this section before either House of Parliament, and
 - (b) see section 157ZA (duty to make explanatory statement about regulations under this section).
 - (4) No regulations are to be made under this section unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament."
- (3B) In section 6(2)(d) of the Northern Ireland Act 1998 (no competence for the Northern Ireland Assembly to legislate incompatibly with EU law) for "incompatible with EU law" substitute "in breach of the restriction in section 6A(1)".
- (3C) After section 6 of that Act (legislative competence) insert—

"6A Restriction relating to retained EU law

 - (1) An Act of the Assembly cannot modify, or confer power by subordinate legislation to modify, retained EU law so far as the modification is of a description specified in regulations made by a Minister of the Crown.

Clause 11 - *continued*

- (2) But subsection (1) does not apply to any modification so far as it would, immediately before exit day, have been within the legislative competence of the Assembly.
- (3) In addition—
- (a) a Minister of the Crown must (unless the regulations only relate to a revocation of a specification) consult the relevant Northern Ireland department before laying a draft of a statutory instrument containing regulations under this section before either House of Parliament, and
- (b) see section 96A (duty to make explanatory statement about regulations under this section).
- (4) In subsection (3)(a) “relevant Northern Ireland department” means such Northern Ireland department as the Minister concerned considers appropriate.
- (5) Regulations under this section may include such supplementary, incidental, consequential, transitional, transitory or saving provision as the Minister making them considers appropriate.””

LORD STEVENSON OF BALMACARA
LORD GRIFFITHS OF BURRY PORT
As an amendment to Amendment 302A

- 302B★** In subsection (2), in inserted subsection (3)(a), leave out “consult the Scottish Ministers” and insert “obtain the consent of the Scottish Parliament”

LORD GRIFFITHS OF BURRY PORT
LORD STEVENSON OF BALMACARA
As an amendment to Amendment 302A

- 302C★** In subsection (3A), in inserted subsection (3)(a), leave out “consult the Welsh Ministers” and insert “obtain the consent of the Assembly”

LORD THOMAS OF GRESFORD
BARONESS HUMPHREYS
As an amendment to Amendment 302A

- 302D★** In subsection (3A), in inserted subsection (3)(a), after “House of Parliament” insert “and the Assembly”

As an amendment to Amendment 302A

- 302E★** In subsection (3A), in inserted subsection (4), after “House of Parliament” insert “and the Assembly”

As an amendment to Amendment 302A

- 302F★** In subsection (3A), after inserted subsection (4), insert—
- “(5) Any restriction arising from regulations made under subsection (1) is intended to be temporary and will cease to have effect after the end of the period of two years from the commencement of the regulations.”

Clause 11 - *continued*

LORD GRIFFITHS OF BURRY PORT
LORD STEVENSON OF BALMACARA
As an amendment to Amendment 302A

302G★ In subsection (3C), in inserted subsection (3)(a), leave out “consult” and insert “obtain the consent of”

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

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

- “(1) In section 29(2)(d) of the Scotland Act 1998 (no competence for Scottish Parliament to legislate incompatibly with EU law), omit “or with EU law”.
- (2) In section 108A(2)(e) of the Government of Wales Act 2006 (no competence for National Assembly for Wales to legislate incompatibly with EU law), omit “or with EU law”.
- (3) In section 6(2)(d) of the Northern Ireland Act 1998 (no competence for the Assembly to legislate incompatibly with EU law), omit “is incompatible with EU law”.
- (4) The Secretary of State must lay before each House of Parliament proposals for replacing EU legal frameworks with legal frameworks for the United Kingdom.
- (5) United Kingdom-wide legal frameworks may be proposed if, and only if, they are necessary to—
 - (a) enable the functioning of the United Kingdom’s internal market,
 - (b) ensure compliance with international obligations,
 - (c) ensure the United Kingdom can negotiate, enter into and implement new trade agreements and international treaties,
 - (d) enable the management of common resources,
 - (e) administer and provide access to justice in cases with a cross-border element, or
 - (f) safeguard the security of the United Kingdom.
- (6) Ministers of the Crown may create UK-wide frameworks only if they have consulted with, and secured the agreement of, the affected devolved administrations.”

LORD WIGLEY
LORD HAIN

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

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

Clause 11 - *continued*

- (3) In section 6(2) of the Northern Ireland Act 1998 (no competence for the Assembly to legislate incompatibly with EU law), omit paragraph (d)."

LORD FORSYTH OF DRUMLEAN

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

LORD BLENCATHRA

- 305** Page 7, leave out lines 37 and 38

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

- 306** Page 7, line 39, leave out subsection (2) and insert –
“(2) In section 108A(2)(e) of the Government of Wales Act 2006 (legislative competence of the National Assembly for Wales), omit “or with EU law”.”

LORD FORSYTH OF DRUMLEAN

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

LORD BLENCATHRA

- 307** Page 8, leave out lines 11 to 17

- 308** [*Withdrawn*]

BARONESS LISTER OF BURTERSETT
LORD JUDD
LORD CASHMAN

- 308ZA** Page 8, line 18, leave out subsection (3) and insert –
“(3) In section 6 of the Northern Ireland Act 1998 (legislative competence), in subsection (2)(d) (no competence for the Assembly to legislate incompatibly with EU law), for “incompatible with EU law” substitute “incompatible with the provisions of European Union law, including the Charter of Fundamental Rights, that provide a supporting framework to the rights, safeguards and equality of opportunity set out in that part of the Belfast Agreement entitled Rights, Safeguards and Equality of Opportunity, including in the area of protection against discrimination as enshrined in the provisions of Union law”.

Clause 11 - continued

- (3A) In section 24 of the Northern Ireland Act 1998 (EU law, Convention rights etc.), in subsection (1)(b) (no power for a Minister or Department to act incompatibly with EU law), for “incompatible with EU law” substitute “incompatible with the provisions of European Union law, including the Charter of Fundamental Rights, that provide a supporting framework to the rights, safeguards and equality of opportunity set out in that part of the Belfast Agreement entitled Rights, Safeguards, and Equality of Opportunity, including in the area of protection against discrimination as enshrined in the provisions of Union law”.

LORD FORSYTH OF DRUMLEAN

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

LORD BLENCATHRA

- 309** Page 8, leave out lines 30 to 38

LORD FOULKES OF CUMNOCK

- 310** Page 8, line 38, at end insert –

“() This section applies only to –

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

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

LORD CALLANAN

- 310A** Page 8, line 40, leave out “(3)” and insert “(3C)”

- 310B** Page 8, line 41, at end insert –

“(4A) Part 1A of Schedule 3 (which imposes reporting obligations on a Minister of the Crown in recognition of the fact that the powers to make regulations conferred by subsections (1) to (3C) and Part 1 of Schedule 3, and any restrictions arising by virtue of them, are intended to be temporary) has effect.

(4B) A Minister of the Crown may by regulations –

- (a) repeal any of the following provisions –
 - (i) section 30A or 57(4) to (6) of the Scotland Act 1998,
 - (ii) section 80(8) to (8C) or 109A of the Government of Wales Act 2006, or
 - (iii) section 6A or 24(3) to (7) of the Northern Ireland Act 1998, or
- (b) modify any enactment in consequence of any such repeal.

(4C) Until all of the provisions mentioned in subsection (4B)(a) have been repealed, a Minister of the Crown must, after the end of each review period, consider whether it is appropriate to repeal each of those provisions so far as it has not been repealed.

Clause 11 - *continued*

- (4D) In considering whether to exercise the power to make regulations under subsection (4B), a Minister of the Crown must have regard (among other things) to—
- (a) the fact that the powers to make regulations conferred by the provisions mentioned in subsection (4B)(a), and any restrictions arising by virtue of them, are intended to be temporary and, where appropriate, replaced with other arrangements, and
 - (b) any progress which has been made in implementing those other arrangements.”

LORD FOULKES OF CUMNOCK

311 Page 8, line 41, at end insert—

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

LORD WALLACE OF TANKERNESS
LORD THOMAS OF GRESFORD

312 Page 8, line 41, at end insert —

“() This section and Part 1 of Schedule 2 will cease to have effect after the end of the period of two years beginning with exit day.”

LORD CALLANAN

312A Page 8, line 42, leave out “other”

312B Page 8, line 43, after “legislation” insert “not dealt with elsewhere”

312C Page 8, line 43, at end insert—

“(6) In this section—

“arrangement” means any enactment or other arrangement (whether or not legally enforceable);

“review period” means—

- (a) the period of three months beginning with the day on which subsection (4C) comes into force, and
- (b) after that, each successive period of three months.”

LORD WIGLEY

313 Page 8, line 43, at end insert—

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

- (a) the Scottish Parliament has passed a resolution approving the provisions in subsection (1);
- (b) the National Assembly for Wales has passed a resolution approving the provisions in subsection (2); and
- (c) the Northern Ireland Assembly has passed a resolution approving the provisions in subsection (3).”

Clause 11 - continued

LORD FORSYTH OF DRUMLEAN

313A Page 8, line 43, at end insert—

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

LORD ADONIS

LORD WIGLEY

BARONESS FINLAY OF LLANDAFF

LORD THOMAS OF GRESFORD

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

After Clause 11

LORD HOPE OF CRAIGHEAD

LORD BEITH

BARONESS MCINTOSH OF PICKERING

BARONESS FINLAY OF LLANDAFF

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

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

After Clause 11 - continued

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

BARONESS BUTLER-SLOSS
LORD CHIDGEY
BARONESS HOOPER

315 Insert the following new Clause –

“Saving of acquired rights: Gibraltar

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

LORD BASSAM OF BRIGHTON

316 Insert the following new Clause –

“Impact on the Belfast Agreement: reporting requirements

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

After Clause 11 - continued

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

317 Insert the following new Clause—

“Common frameworks for environmental protection

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

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

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

318 Insert the following new Clause—

“Role of Joint Ministerial Committee

(1) The Joint Ministerial Committee is to be a forum—

- (a) for discussing—
 - (i) the terms upon which the United Kingdom is to withdraw from the European Union and the United Kingdom’s future relationship with the EU;
 - (ii) proposals to amend retained EU law;
 - (iii) the legal and policy frameworks in relation to how retained EU law is to operate throughout the United Kingdom;
 - (iv) a concordat setting out the process for concluding the legal and policy frameworks mentioned in sub-paragraph (iii); and
- (b) for seeking a consensus on the above mentioned matters between the Government and the other members of the Joint Ministerial Committee.

(2) Within the period of one month of the passing of this Act, the Secretary of State must produce a document for consideration by the Joint Ministerial Committee setting out—

- (a) the Government’s objectives and strategy in negotiating and concluding a withdrawal agreement;
- (b) the Government’s objectives and strategy in relation to establishing a framework for the United Kingdom’s future relationship with the European Union;
- (c) the steps the Government intends to take to keep the Joint Ministerial Committee informed of progress in reaching a withdrawal agreement;

After Clause 11 - continued

- (d) the steps the Government intends to take to consult each member of the Joint Ministerial Committee before entering into a withdrawal agreement and how the Government intends to take the views of each member into account;
 - (e) the steps the Government intends to take to seek the approval of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly before entering into a withdrawal agreement.
- (3) Until a withdrawal agreement is concluded, the Secretary of State must produce a report every three months for consideration by the Joint Ministerial Committee setting out—
- (a) the Government’s assessment of the progress made against their objectives—
 - (i) to negotiate and conclude the withdrawal agreement;
 - (ii) to establish a framework for the United Kingdom’s future relationship with the European Union;
 - (b) any change to the matters listed in subsection (2)(a) to (e).
- (4) Before concluding a withdrawal agreement, the Prime Minister must produce a document setting out the terms of the proposed withdrawal agreement for consideration by the Joint Ministerial Committee.
- (5) Meetings of the Joint Ministerial Committee must, until Her Majesty’s Government concludes a withdrawal agreement, be chaired by—
- (a) the Prime Minister, or
 - (b) the Secretary of State for Exiting the European Union.
- (6) In this section, “the Joint Ministerial Committee” means the body set up in accordance with Supplementary Agreement A of the Memorandum of Understanding on Devolution between Her Majesty’s Government, the Scottish Government, the Welsh Government and the Northern Ireland Executive Committee.”

LORD MACKAY OF CLASHFERN

318A 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.

After Clause 11 - continued

- (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.
- (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

318B 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 Ministeris 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.”

318C 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”).

After Clause 11 - continued

- (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.
- (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.”

318D 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*).”

318E★ Insert the following new Clause –

“Sunset provision: sections 10 and 11 and Schedule 2

Sections 10 and 11 and Schedule 2 cease to have effect after the period of five years beginning with exit day.”

Schedule 3

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

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

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

Government of Wales Act 2006

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

LORD CALLANAN

319A Page 28, line 29, leave out from “law” to end of line 37 and insert “and the modification is of a description specified in regulations made by a Minister of the Crown.

- (5) But subsection (4) does not apply –
- (a) so far as the modification would be within the legislative competence of the Parliament if it were included in an Act of the Scottish Parliament, or
 - (b) to the making of regulations under Schedule 2 or 4 to the European Union (Withdrawal) Act 2018.
- (6) In addition –
- (a) a Minister of the Crown must (unless the regulations only relate to a revocation of a specification) consult the Scottish Ministers before laying a draft of a statutory instrument containing regulations under subsection (4) before either House of Parliament, and
 - (b) see paragraph 6 of Schedule 7 (duty to make explanatory statement about regulations under subsection (4)).”

LORD BLENCATHRA

320 Page 28, leave out lines 36 and 37

LORD CALLANAN

320A Page 29, line 6, leave out from “law” to end of line 18 and insert “and the modification is of a description specified in regulations made by a Minister of the Crown.

- (8A) But subsection (8) does not apply –
- (a) so far as the modification would be within the Assembly’s legislative competence if it were included in an Act of the Assembly, or
 - (b) to the making of regulations under Schedule 2 or 4 to the European Union (Withdrawal) Act 2018.
- (8B) In addition –

Schedule 3 - continued

- (a) a Minister of the Crown must (unless the regulations only relate to a revocation of a specification) consult the Welsh Ministers before laying a draft of a statutory instrument containing regulations under subsection (8) before either House of Parliament, and
 - (b) see section 157ZA (duty to make explanatory statement about regulations under subsection (8)).
- (8C) No regulations are to be made under subsection (8) unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.”

LORD THOMAS OF GRESFORD

BARONESS HUMPHREYS

As an amendment to Amendment 320A

320B★ In subsection (8B)(a), after “House of Parliament” insert “and the Assembly”

As an amendment to Amendment 320A

320C★ In subsection (8C), after “House of Parliament” insert “and the Assembly”

LORD BLENCATHRA

321 Page 29, leave out lines 13 to 18

322 [*Withdrawn*]

LORD CALLANAN

322A Page 29, line 29, leave out from “law” to end of line 44 and insert “and the modification is of a description specified in regulations made by a Minister of the Crown.

- (4) But subsection (3) does not apply –
 - (a) so far as the modification would be within the legislative competence of the Assembly if it were included in an Act of the Assembly, or
 - (b) to the making of regulations under Schedule 2 or 4 to the European Union (Withdrawal) Act 2018.
- (5) In addition –
 - (a) a Minister of the Crown must (unless the regulations only relate to a revocation of a specification) consult the relevant Northern Ireland department before laying a draft of a statutory instrument containing regulations under subsection (3) before either House of Parliament, and
 - (b) see section 96A (duty to make explanatory statement about regulations under subsection (3)).
- (6) In subsection (5)(a) “relevant Northern Ireland department” means such Northern Ireland department as the Minister concerned considers appropriate.

Schedule 3 - continued

- (7) Regulations under subsection (3) may include such supplementary, incidental, consequential, transitional, transitory or saving provision as the Minister making them considers appropriate.””

LORD BLENCATHRA

323 Page 29, leave out lines 36 to 44

LORD CALLANAN

323A Page 29, line 44, at end insert –

“PART 1A

REPORTS IN CONNECTION WITH RETAINED EU LAW RESTRICTIONS

Reports on progress towards removing retained EU law restrictions

3A(1) After the end of each reporting period, a Minister of the Crown must lay before each House of Parliament a report which –

- (a) contains details of any steps which have been taken in the reporting period by Her Majesty’s Government (whether or not in conjunction with any of the appropriate authorities) towards implementing any arrangements which are to replace any relevant powers or retained EU law restrictions,
- (b) explains how principles –
 - (i) agreed between Her Majesty’s Government and any of the appropriate authorities, and
 - (ii) relating to implementing any arrangements which are to replace any relevant powers or retained EU law restrictions,
 have been taken into account during the reporting period,
- (c) specifies any relevant regulations, or regulations under section 11(4B), which have been made in the reporting period,
- (d) in relation to any retained EU law restriction which has effect at the end of the reporting period, sets out the Minister’s assessment of the progress which still needs to be made before it can be removed,
- (e) in relation to any relevant power that has not been repealed before the end of the reporting period, sets out the Minister’s assessment of the progress which still needs to be made before it can be repealed, and
- (f) contains any other information relating to any relevant powers or retained EU law restrictions, or the arrangements which are to replace them, that the Minister considers appropriate.

- (2) The first reporting period is the period of three months beginning with the day on which this Act is passed.
- (3) Each successive period of three months after the first reporting period is a reporting period.
- (4) This paragraph ceases to apply when no retained EU law restrictions have effect and all the relevant powers have been repealed.

Interpretation

3B In this Part –

Schedule 3 - continued

“appropriate authority” means –

- (a) the Scottish Ministers,
- (b) the Welsh Ministers, or
- (c) a Northern Ireland devolved authority;

“arrangement” means any enactment or other arrangement (whether or not legally enforceable);

“relevant power” means a power to make regulations conferred by –

- (a) section 30A or 57(4) of the Scotland Act 1998,
- (b) section 80(8) or 109A of the Government of Wales Act 2006, or
- (c) section 6A or 24(3) of the Northern Ireland Act 1998;

“relevant regulations” means regulations made under a relevant power;

“retained EU law restriction” means any restriction which arises by virtue of relevant regulations.”

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

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

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

BARONESS FINLAY OF LLANDAFF

326 Page 31, line 32, leave out paragraph 21

LORD CALLANAN

326A Page 31, line 34, leave out from “section” to end of line 35 and insert “30 insert –

“Section 30A |Type C”.”

326B Page 32, leave out line 2 and insert –

““Section 57(4) |Type C”.”

326C Page 32, line 2, at end insert –

“21A After paragraph 5 of Schedule 7 (procedure for subordinate legislation: special cases) insert –

Schedule 3 - continued

- “6 (1) This paragraph applies where a draft of an instrument containing regulations under section 30A or 57(4) is to be laid before each House of Parliament.
- (2) Before the draft is laid, the Minister of the Crown who is to make the instrument must make a statement explaining—
- (a) the effect of the instrument, and
 - (b) any representations made by the Scottish Ministers in response to any consultation under section 30A(3)(a) or (as the case may be) 57(6)(a) in relation to the instrument.
- (3) If the Minister fails to make a statement required by sub-paragraph (2) before the draft is laid, a Minister of the Crown must make a statement explaining why the 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) For the purposes of this paragraph, where a 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.
- (6) This paragraph does not apply to a draft of an instrument which only contains regulations under section 30A or 57(4) which only relate to a revocation of a specification.”

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

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

LORD HOPE OF CRAIGHEAD

328 Page 32, line 30, leave out paragraph 30

BARONESS FINLAY OF LLANDAFF

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

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

330 Page 32, line 32, leave out paragraph 31

LORD CALLANAN

330A Page 33, line 7, leave out sub-paragraph (7)

330B Page 33, line 20, at end insert—

“36A After section 157 (orders, regulations and directions) insert—

Schedule 3 - continued**“157ZA Explanatory statements in relation to certain regulations**

- (1) This section applies where a draft of a statutory instrument containing regulations under section 80(8) or 109A is to be laid before each House of Parliament.
- (2) Before the draft is laid, the Minister of the Crown who is to make the instrument must make a statement explaining—
 - (a) the effect of the instrument, and
 - (b) any representations made by the Welsh Ministers in response to any consultation under section 80(8B)(a) or (as the case may be) 109A(3)(a) in relation to the instrument.
- (3) If the Minister fails to make a statement required by subsection (2) before the draft is laid, a Minister of the Crown must make a statement explaining why the Minister has failed to do so.
- (4) A statement under subsection (2) or (3) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (5) For the purposes of this section, where a 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.
- (6) This section does not apply to a draft of an instrument which only contains regulations under section 80(8) or 109A which only relate to a revocation of a specification.””

LORD THOMAS OF GRESFORD
BARONESS HUMPHREYS

As an amendment to Amendment 330B

330C★ In paragraph 36A, in inserted subsection (1), after “House of Parliament” insert “and the Assembly”

331 [*Withdrawn*]

332 [*Withdrawn*]

LORD CALLANAN

332A Page 34, line 34, at end insert—

“48A After section 96(4) (orders and regulations) insert—

“(4A) Regulations under section 6A or 24(3)—

(a) shall be made by statutory instrument, and

(b) shall not be made unless a draft has been laid before and approved by resolution of each House of Parliament.”

48B After section 96 (orders and regulations) insert—

“96A Explanatory statements in relation to certain regulations

- (1) This section applies where a draft of a statutory instrument containing regulations under section 6A or 24(3) is to be laid before each House of Parliament.

Schedule 3 - continued

- (2) Before the draft is laid, the Minister of the Crown who is to make the instrument must make a statement explaining—
- (a) the effect of the instrument, and
 - (b) any representations made by the relevant Northern Ireland department in response to any consultation under section 6A(3)(a) or (as the case may be) 24(5)(a) in relation to the instrument.
- (3) If the Minister fails to make a statement required by subsection (2) before the draft is laid, a Minister of the Crown must make a statement explaining why the Minister has failed to do so.
- (4) A statement under subsection (2) or (3) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (5) For the purposes of this section, where a 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.
- (6) This section does not apply to a draft of an instrument which only contains regulations under section 6A or 24(3) which only relate to a revocation of a specification.””

Clause 14

LORD GOLDSMITH
 BARONESS LUDFORD
 LORD KERSLAKE
 LORD BOWNESS

333 Page 9, leave out lines 25 to 27

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

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

LORD ADONIS

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

LORD WIGLEY

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

Clause 14 - continued

BARONESS SHERLOCK
 BARONESS HAMWEE
 BARONESS GREENGROSS
 BARONESS TYLER OF ENFIELD

336 Page 10, line 41, at end insert –

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

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

337 Page 10, line 41, at end insert –

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

LORD STEVENSON OF BALMACARA
 LORD WARNER
 LORD CLEMENT-JONES

338 Page 10, line 41, at end insert –

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

LORD JUDGE
 BARONESS HAYTER OF KENTISH TOWN
 LORD MCNALLY
 VISCOUNT HAILSHAM

339 Page 11, leave out lines 8 to 12

VISCOUNT HAILSHAM

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

Clause 14 - continued

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

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

LORD WALLACE OF TANKERNES
 LORD THOMAS OF GRESFORD

342 Page 11, line 37, at end insert –

“() For the purposes of this section, an Act of the Scottish Parliament is passed or made on the date on which it receives Royal Assent.”

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

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

“(2) In this Act –

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

VISCOUNT HAILSHAM

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

BARONESS WHEATCROFT
 LORD KENNEDY OF SOUTHWARK

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

LORD ADONIS

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

After Clause 14

VISCOUNT HAILSHAM

346 Insert the following new Clause –

“Approval by Parliament of changes to exit day

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

Clause 15

LORD GOLDSMITH
 BARONESS LUDFORD
 LORD KERSLAKE
 LORD BOWNESS

347 Page 12, leave out line 28

Clause 12

LORD ADONIS

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

Schedule 4

LORD LISVANE
LORD JUDGE
LORD TYLER

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

LORD LISVANE
LORD JUDGE
LORD PANNICK
LORD TYLER

349 Page 35, line 28, at end insert –

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

BARONESS HAYTER OF KENTISH TOWN

350 Page 37, line 16, at end insert –

“Scrutiny of powers

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

351 Page 38, line 21, at end insert –

“Scrutiny of powers

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

VISCOUNT HAILSHAM

352 Page 38, line 21, at end insert –

“ In exercising the powers under this Part, the appropriate authority must, before making any regulations –

- (a) consult the relevant stakeholders; and
- (b) take steps to ensure that the fees or charges prescribed in the regulations are reasonable, having regard to –
 - (i) the cost of performing the function to which those fees or charges relate;
 - (ii) the nature of the function to be exercised;
 - (iii) the predicted impact on the economy of those fees and charges; and
 - (iv) the predicted financial impact on those required to pay them.”

BARONESS HAYTER OF KENTISH TOWN
BARONESS KRAMER
LORD HIGGINS
LORD O'DONNELL

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

After Clause 13

LORD STEPHEN
BARONESS JOLLY
LORD WARNER
LORD WIGLEY

353 Insert the following new Clause—

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

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

Schedule 5

BARONESS BOWLES OF BERKHAMSTED

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

LORD LISVANE
LORD PANNICK
LORD JUDGE
LORD TYLER

355 Page 39, line 18, leave out sub-paragraph (3) and insert—

“(3) Any direction given under this paragraph must be contained in regulations.”

Schedule 5 - continued

BARONESS MCINTOSH OF PICKERING

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

Clause 19

LORD CALLANAN

355ZA Page 15, line 12, at end insert –
“() section 11(4A) (including Part 1A of Schedule 3),”

355ZB Page 15, line 15, at end insert –
“() paragraph 30A of Schedule 8 (and section 17(6) so far as relating to that paragraph),”

LORD WIGLEY

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

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

LORD CALLANAN

355C Page 15, line 18, at end insert –
“(1A) In section 11 –
 (a) subsection (2) comes into force on the day on which this Act is passed for the purposes of making regulations under section 30A of the Scotland Act 1998,
 (b) subsection (3A) comes into force on that day for the purposes of making regulations under section 109A of the Government of Wales Act 2006, and
 (c) subsection (3C) comes into force on that day for the purposes of making regulations under section 6A of the Northern Ireland Act 1998.
(1B) In Schedule 3 –
 (a) paragraph 1(b) comes into force on the day on which this Act is passed for the purposes of making regulations under section 57(4) of the Scotland Act 1998,
 (b) paragraph 2 comes into force on that day for the purposes of making regulations under section 80(8) of the Government of Wales Act 2006,
 (c) paragraph 3(b) comes into force on that day for the purposes of making regulations under section 24(3) of the Northern Ireland Act 1998,
 (d) paragraph 21(2) comes into force on that day for the purposes of making regulations under section 30A of the Scotland Act 1998,
 (e) paragraph 21(3) comes into force on that day for the purposes of making regulations under section 57(4) of the Scotland Act 1998,
 (f) paragraph 21A comes into force on that day for the purposes of making regulations under section 30A or 57(4) of the Scotland Act 1998,

Clause 19 - *continued*

- (g) paragraph 36A comes into force on that day for the purposes of making regulations under section 80(8) or 109A of the Government of Wales Act 2006, and
- (h) paragraphs 48A and 48B come into force on that day for the purposes of making regulations under section 6A or 24(3) of the Northern Ireland Act 1998;

and section 11(4) and (5), so far as relating to each of those paragraphs, comes into force on that day for the purposes of making the regulations mentioned above in relation to that paragraph.”

LORD WIGLEY

LORD ROBERTS OF LLANDUDNO

356 Page 15, line 18, at end insert –

- “() None of the sections of this Act may come into force until the Prime Minister is satisfied that resolutions have been passed by the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly, signifying consent to the Act, unless –
- (a) direct rule is in place;
 - (b) the devolved legislature has been formally suspended; or
 - (c) the devolved legislature has been dissolved for reasons other than recess or an election.”

LORD FOULKES OF CUMNOCK

357 Page 15, line 19, leave out subsection (2) and insert –

- “(2) The remaining provisions of this Act come into force following a referendum on whether the United Kingdom should approve the United Kingdom and Gibraltar exit package proposed by HM Government at conclusion of the negotiations triggered by Article 50(2) for withdrawal from the European Union or remain a member of the EU.
- (2A) The Secretary of State must, by regulations, appoint the day on which the referendum is to be held.
- (2B) The question that is to appear on the ballot papers is – “Do you support the Government’s proposed new agreement between the United Kingdom and Gibraltar and the European Union or Should the United Kingdom remain a member of the European Union?”
- (2C) The Secretary of State may make regulations by statutory instrument on the conduct of the referendum.”

LORD WIGLEY

357ZA Page 15, line 19, at beginning insert “Subject to subsection (2AA),”

LORD CALLANAN

357ZB Page 15, line 19, leave out “The remaining provisions of this Act” and insert “The provisions of this Act, so far as they are not brought into force by subsections (1) to (1B),”

Clause 19 - continued

LORD WIGLEY

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

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

358 Page 15, line 21, at end insert –

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

LORD WIGLEY

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

“(2A) Sections 1 to 18 do not come into force until the Secretary of State has laid a report before –

- (a) Parliament, and
- (b) the National Assembly for Wales,

outlining whether, and if so how, the money provided to Wales through EU funding will be replicated after exit day.”

LORD WIGLEY
THE EARL OF CLANCARTY

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

“(2AA) None of the sections of this Act 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 PANNICK
LORD NORTON OF LOUETH
LORD BEITH
BARONESS TAYLOR OF BOLTON

358C Page 55, line 33, leave out sub-paragraphs (1) and (2)

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

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

360 [Withdrawn]

Schedule 8 - continued

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

360A Page 56, line 26, leave out paragraph 5

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

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

362 [*Withdrawn*]

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

LORD CALLANAN

363A Page 60, line 38, leave out “29(4A)” and insert “30A(1)”

LORD BASSAM OF BRIGHTON
LORD PANNICK

364 Page 61, line 2, leave out paragraph 19

LORD LISVANE
LORD JUDGE
LORD PANNICK
BARONESS HAYTER OF KENTISH TOWN

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

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

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

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

368 [*Withdrawn*]

BARONESS FINLAY OF LLANDAFF

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

Schedule 8 - continued

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

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

371 [*Withdrawn*]

LORD CALLANAN

371A Page 66, line 43, at end insert –

“30A Consultation undertaken by a Minister of the Crown before the day on which this Act is passed is as effective for the purposes of –

(a) section 30A(3)(a) or 57(6)(a) of the Scotland Act 1998,

(b) section 80(8B)(a) or 109A(3)(a) of the Government of Wales Act 2006, or

(c) section 6A(3)(a) or 24(5)(a) of the Northern Ireland Act 1998,

as consultation undertaken on or after that day.”

Schedule 9

LORD ADONIS
BARONESS ALTMANN

372 Page 67, leave out line 38

European Union (Withdrawal) Bill

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

15 March 2018
