

European Union (Withdrawal) Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON THIRD READING

[Amendments marked ★ are new or have been altered]

Amendment
No.

After Clause 3

LORD KREBS
BARONESS JONES OF WHITCHURCH
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD DEBEN

1 Insert the following new Clause—

“Maintenance of EU environmental principles and standards

- (1) The Secretary of State must take steps designed to ensure that the United Kingdom’s withdrawal from the EU does not result in the removal or diminution of any rights, powers, liabilities, obligations, restrictions, remedies and procedures that contribute to the protection and improvement of the environment.
- (2) In particular, the Secretary of State must carry out the activities required by subsections (3) to (5) within the period of six months beginning with the date on which this Act is passed.
- (3) The Secretary of State must publish proposals for primary legislation to establish a duty on public authorities to apply principles of environmental law established in EU law or on which EU environmental law is based in the exercise of relevant functions after exit day.
- (4) The Secretary of State must publish proposals for primary legislation to establish an independent body with the purpose of ensuring compliance with environmental law by public authorities.
- (5) The Secretary of State must publish—
 - (a) a list of statutory functions that can be exercised so as to achieve the objective in subsection (1); and
 - (b) a list of functions currently exercised by EU bodies that require to be retained or replicated in UK law in order to achieve the objective in subsection (1).

After Clause 3 - continued

- (6) The Secretary of State must before 1 January 2020 lay before Parliament a Statement of Environmental Policy which sets out how the principles in subsection (7) will be given effect.
- (7) The principles referred to in subsection (3) include—
- (a) the precautionary principle as it relates to the environment,
 - (b) the principle of preventive action to avert environmental damage,
 - (c) the principle that environmental damage should as a priority be rectified at source,
 - (d) the polluter pays principle,
 - (e) sustainable development,
 - (f) prudent and rational utilisation of natural resources,
 - (g) public access to environmental information,
 - (h) public participation in environmental decision making, and
 - (i) access to justice in relation to environmental matters.
- (8) Before complying with subsections (3) to (6) the Secretary of State must consult—
- (a) each of the devolved administrations;
 - (b) persons appearing to represent the interests of local government;
 - (c) persons appearing to represent environmental interests;
 - (d) farmers and land managers; and
 - (e) such other persons as the Secretary of State thinks appropriate.”

After Clause 4

BARONESS FINLAY OF LLANDAFF
 BARONESS JOLLY
 LORD HUNT OF KINGS HEATH

2 Insert the following new Clause—

“Public health

The duties imposed on the EU under Article 168 of the Treaty on the Functioning of the European Union apply with equivalent effect to public bodies in the United Kingdom after exit day.”

Clause 8

LORD CALLANAN

3 Page 6, line 20, after “legislation” insert “so far as it is”

4 Page 6, line 22, after “5(2)” insert “or (4)(a)”

5 Page 6, line 22, after “10(2)” insert “or (4)(a)”

6 Page 6, line 33, after “legislation” insert “so far as it is”

Clause 8 - continued

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

7 Page 7, line 4, at end insert –

- “() Without prejudice to subsections (1) to (5) above, if and to the extent that the status of retained EU law is relevant for any other purpose –
- (a) retained direct principal EU legislation shall be treated as if it were primary legislation, and
 - (b) retained direct minor EU legislation shall be treated as if it were subordinate legislation.”

Clause 15

LORD THOMAS OF GRESFORD

8★ Page 13, line 7, at end insert –

- “() A Minister of the Crown will not normally lay a draft as mentioned in subsection (3) without a consent decision having been made under subsection (5)(a).”

Schedule 3

LORD WALLACE OF TANKERNESS

9 Page 39, line 24, leave out paragraph (b) and insert –

- “(b) explains how the principles set out in the communiqué of the Joint Ministerial Committee (European Negotiations) published on 16 October 2017 have been taken into account during the reporting period,”

LORD CALLANAN

10 Page 44, line 24, at end insert –

- “() In subsection (9), leave out “and (8)” and insert “, (8) and (8L)”.”

11 Page 44, line 26, at end insert “, and

- (b) in subsection (7)(a), omit “, (b)”.”

Schedule 7

LORD CALLANAN

12 Page 73, line 32, leave out “that requires” and insert “for”

13 Page 74, line 20, after “Act” insert “(and, accordingly, references in this Schedule to an instrument containing regulations are to be read as references to an instrument containing (whether alone or with other provision) regulations)”

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15 May 2018
