

European Union (Withdrawal) Bill

COMMONS AGREEMENT AND AMENDMENTS TO AMENDMENT

[The page and line references are to HL Bill 79, the bill as first printed for the Lords.]

LORDS AMENDMENT 19

Before Clause 9

19 Insert the following new Clause—

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

- (1) Without prejudice to any other statutory provision relating to the withdrawal agreement, Her Majesty’s Government may conclude such an agreement only if a draft has been—
 - (a) approved by a resolution of the House of Commons, and
 - (b) subject to the consideration of a motion in the House of Lords.
- (2) So far as practicable, a Minister of the Crown must make arrangements for the resolution provided for in subsection (1)(a) to be debated and voted on before the European Parliament has debated and voted on the draft withdrawal agreement.
- (3) Her Majesty’s Government may implement a withdrawal agreement only if Parliament has approved the withdrawal agreement and any transitional measures agreed within or alongside it by an Act of Parliament.
- (4) Subsection (5) applies in each case that any of the conditions in subsections (6) to (8) is met.
- (5) Her Majesty’s Government must follow any direction in relation to the negotiations under Article 50(2) of the Treaty on European Union which has been—
 - (a) approved by a resolution of the House of Commons, and
 - (b) subject to the consideration of a motion in the House of Lords.
- (6) The condition in this subsection is that the House of Commons has not approved the resolution required under subsection (1)(a) by 30 November 2018.
- (7) The condition in this subsection is that the Act of Parliament required under subsection (3) has not received Royal Assent by 31 January 2019.

- (8) The condition in this subsection is that no withdrawal agreement has been reached between the United Kingdom and the European Union by 28 February 2019.
- (9) In this section, “withdrawal agreement” means an agreement (whether or not ratified) between the United Kingdom and the EU under Article 50(2) of the Treaty on European Union which sets out the arrangements for the United Kingdom’s withdrawal from the EU and the framework for the United Kingdom’s future relationship with the European Union.”

COMMONS AMENDMENTS IN LIEU

The Commons disagree to Lords Amendment 19 but propose Amendments 19A and 19B in lieu –

19A Page 8, line 43, at end insert the following new Clause –

“Parliamentary approval of the outcome of negotiations with the EU

- (1) The withdrawal agreement may be ratified only if –
- (a) a Minister of the Crown has laid before each House of Parliament –
 - (i) a statement that political agreement has been reached,
 - (ii) a copy of the negotiated withdrawal agreement, and
 - (iii) a copy of the framework for the future relationship,
 - (b) the negotiated withdrawal agreement and the framework for the future relationship have been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown,
 - (c) a motion for the House of Lords to take note of the negotiated withdrawal agreement and the framework for the future relationship has been tabled in the House of Lords by a Minister of the Crown and –
 - (i) the House of Lords has debated the motion, or
 - (ii) the House of Lords has not concluded a debate on the motion before the end of the period of five sitting days beginning with the first sitting day after the day on which the House of Commons passes the resolution mentioned in paragraph (b), and
 - (d) an Act of Parliament has been passed which contains provision for the implementation of the withdrawal agreement.
- (2) So far as practicable, a Minister of the Crown must make arrangements for the motion mentioned in subsection (1)(b) to be debated and voted on by the House of Commons before the European Parliament decides whether it consents to the withdrawal agreement being concluded on behalf of the EU in accordance with Article 50(2) of the Treaty on European Union.
- (3) Subsection (4) applies if the House of Commons decides not to pass the resolution mentioned in subsection (1)(b).
- (4) A Minister of the Crown must, within the period of 28 days beginning with the day on which the House of Commons decides not to pass the resolution, make a statement setting out how Her Majesty’s Government proposes to proceed in relation to negotiations for the United Kingdom’s withdrawal from the EU under Article 50(2) of the Treaty on European Union.

- 37 (5) A statement under subsection (4) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- 40 (6) This section does not affect the operation of Part 2 of the Constitutional Reform and Governance Act 2010 (ratification of treaties) in relation to the withdrawal agreement.
- 41 (7) In this section –
- 42 “framework for the future relationship” means the document or documents identified, by the statement that political agreement has been reached, as reflecting the agreement in principle on the substance of the framework for the future relationship between the EU and the United Kingdom after withdrawal;
- 46 “negotiated withdrawal agreement” means the draft of the withdrawal agreement identified by the statement that political agreement has been reached;
- “ratified”, in relation to the withdrawal agreement, has the same meaning as it does for the purposes of Part 2 of the Constitutional Reform and Governance Act 2010 in relation to a treaty (see section 25 of that Act);
- 54 “sitting day” means a day on which the House of Lords is sitting (and a day is only a day on which the House of Lords is sitting if the House begins to sit on that day);
- 56 “statement that political agreement has been reached” means a statement made in writing by a Minister of the Crown which –
- (a) states that, in the Minister’s opinion, an agreement in principle has been reached in negotiations under Article 50(2) of the Treaty on European Union on the substance of –
 - (i) the arrangements for the United Kingdom’s withdrawal from the EU, and
 - (ii) the framework for the future relationship between the EU and the United Kingdom after withdrawal,
 - (b) identifies a draft of the withdrawal agreement which, in the Minister’s opinion, reflects the agreement in principle so far as relating to the arrangements for withdrawal, and
 - (c) identifies one or more documents which, in the Minister’s opinion, reflect the agreement in principle so far as relating to the framework.”

19B Page 15, line 12, at end insert –

“() section (*Parliamentary approval of the outcome of negotiations with the EU*),”

LORDS NON-INSISTENCE, AGREEMENT AND AMENDMENTS

The Lords do not insist on their Amendment 19 and do agree with the Commons in their Amendments 19A and 19B in lieu and do propose Amendments 19C to 19E, 19G to 19L and 19P as amendments to Commons Amendment 19A –

19C Line 17, after “five” insert “Lords”

19D Line 18, after “first” insert “Lords”

19E Line 30, leave out “28” and insert “21”

- 19G** Line 40, at end insert –
- “(6A) In subsection (1) “framework for the future relationship” means the document or documents identified, by the statement that political agreement has been reached, as reflecting the agreement in principle on the substance of the framework for the future relationship between the EU and the United Kingdom after withdrawal.”
- 19H** Line 41, at end insert –
- ““Commons sitting day” means a day on which the House of Commons is sitting (and a day is only a day on which the House of Commons is sitting if the House begins to sit on that day);”
- 19J** Line 42, leave out from beginning of line 42 to end of line 46
- 19K** Line 46, at end insert –
- ““Lords sitting day” means a day on which the House of Lords is sitting (and a day is only a day on which the House of Lords is sitting if the House begins to sit on that day);”
- 19L** Line 54, leave out from beginning of line 54 to end of line 56
- 19P** Line 37, at end insert –
- “(5A) A Minister of the Crown must make arrangements for –
- 3 (a) a motion for the House of Commons to approve the statement mentioned in subsection (4), to be moved in that House by a Minister of the Crown within the period of seven Commons sitting days beginning with the day on which the statement is made, and
- (b) a motion for the House of Lords to take note of the statement to be moved in that House by a Minister of the Crown within the period of seven Lords sitting days beginning with the day on which the statement is made.
- (5B) Subsection (5C) applies if the Prime Minister makes a statement before the end of 21 January 2019 that no agreement in principle can be reached in negotiations under Article 50(2) of the Treaty on European Union on the substance of –
- (a) the arrangements for the United Kingdom’s withdrawal from the EU, and
- (b) the framework for the future relationship between the EU and the United Kingdom after withdrawal.
- (5C) A Minister of the Crown must, within the period of 14 days beginning with the day on which the statement mentioned in subsection (5B) is made –
- (a) make a statement setting out how Her Majesty’s Government proposes to proceed, and
- (b) make arrangements for –
- 24 (i) a motion for the House of Commons to approve the statement mentioned in paragraph (a), to be moved in that House by a Minister of the Crown within the period of seven Commons sitting days beginning with the day on which the statement mentioned in paragraph (a) is made, and

- (ii) a motion for the House of Lords to take note of the statement mentioned in paragraph (a) to be moved in that House by a Minister of the Crown within the period of seven Lords sitting days beginning with the day on which the statement mentioned in paragraph (a) is made.
- (5D) A statement under subsection (5B) or (5C)(a) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (5E) Subsection (5F) applies if, at the end of 21 January 2019, there is no agreement in principle in negotiations under Article 50(2) of the Treaty on European Union on the substance of—
 - (a) the arrangements for the United Kingdom’s withdrawal from the EU, and
 - (b) the framework for the future relationship between the EU and the United Kingdom after withdrawal.
- (5F) A Minister of the Crown must, within the period of five days beginning with the end of 21 January 2019—
 - (a) make a statement setting out how Her Majesty’s Government proposes to proceed, and
 - (b) make arrangements for—
 - 50 (i) a motion for the House of Commons to approve the statement mentioned in paragraph (a), to be moved in that House by a Minister of the Crown within the period of five Commons sitting days beginning with the end of 21 January 2019, and
 - (ii) a motion for the House of Lords to take note of the statement mentioned in paragraph (a) to be moved in that House by a Minister of the Crown within the period of five Lords sitting days beginning with the end of 21 January 2019.
- (5G) A statement under subsection (5F)(a) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (5H) For the purposes of this section—
 - (a) a statement made under subsection (4), (5C)(a) or (5F)(a) may be combined with a statement made under another of those provisions,
 - (b) a motion falling within subsection (5A)(a), (5C)(b)(i) or (5F)(b)(i) may be combined into a single motion with another motion falling within another of those provisions, and
 - (c) a motion falling within subsection (5A)(b), (5C)(b)(ii) or (5F)(b)(ii) may be combined into a single motion with another motion falling within another of those provisions.”

COMMONS AGREEMENT AND AMENDMENTS TO AMENDMENT

The Commons agree with the Lords in their Amendments 19C to 19E, 19G to 19L and 19P and propose the following amendments to Lords Amendment 19P –

- 19R** Line 3, leave out from “motion” to second “the” and insert “in neutral terms, to the effect that the House of Commons has considered the matter of”
- 19S** Line 24, leave out from “motion” to second “the” and insert “in neutral terms, to the effect that the House of Commons has considered the matter of”

- 19T** Line 50, leave out from “motion” to second “the” and insert “in neutral terms, to the effect that the House of Commons has considered the matter of”

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