Clause 7

LORD OATES
LORD MCNICOL OF WEST KILBRIDE
LORD KERSLAKE
LORD WARNER

1 Leave out Clause 7 and insert the following new Clause—

“Rights related to residence

(1) The Secretary of State must by regulations make provision implementing—

(a) Article 18(4) of the withdrawal agreement (right of eligible citizens to receive a residence document),

(b) Article 17(4) of the EEA EFTA separation agreement (right of eligible citizens to receive a residence document), and

(c) Article 16(4) of the Swiss citizens’ rights agreement (right of eligible citizens to receive a residence document),

including making provision for a physical document providing proof of residence.

(2) Subsection (1) applies in the same way to—

(a) persons within the personal scope of the withdrawal agreement having the right to reside in the United Kingdom, and

(b) persons to whom the provisions in paragraph (a) do not apply but who are eligible for—

(i) indefinite leave to enter or remain, or

(ii) limited leave to enter or remain,

by virtue of residence scheme immigration rules (see section 17).”
**Member’s explanatory statement**

This amendment removes the Bill’s references to a constitutive system and instead makes clear it will implement the Withdrawal Agreement via a declaratory registration system that ensures EU citizens can receive a physical document to prove their right of residence in the UK.

**Clause 15**

LORD HUTTON OF FURNESS

Page 18, line 21, at end insert “, comprising a majority of non-executive members”

**Clause 21**

BARONESS HAYTER OF KENTISH TOWN  
LORD TYLER

Page 25, line 5, leave out “(including modifying this Act)”

**Member’s explanatory statement**

This amendment would remove the ability to amend the European Union (Withdrawal) Act 2018 itself by statutory instrument in connection with the Ireland/Northern Ireland Protocol.

BARONESS HAYTER OF KENTISH TOWN  
LORD BEITH

Page 25, line 17, at end insert—

“( ) But regulations under subsection (1) may not—

(a) impose or increase taxation or fees,
(b) make retrospective provision,
(c) create a relevant criminal offence, or
(d) establish a public authority.”

**Member’s explanatory statement**

This amendment places a series of limitations on the regulation-making powers allowed for by inserted section 8C.

LORD THOMAS OF CWMGIEDD  
BARONESS FINLAY OF LLANDAFF  
LORD WIGLEY  
BARONESS HUMPHREYS

Page 25, line 17, at end insert—

“( ) But regulations under subsection (1) may not amend or repeal the Government of Wales Act 2006.”

**Member’s explanatory statement**

This would ensure that regulations made under this section may not make provision to amend the Government of Wales Act 2006 in line with restrictions under new paragraph 11G, Schedule 2 to the European Union (Withdrawal) Act 2018 (Clause 19).
Page 25, line 30, at end insert—

“8D Power in connection with Ireland/Northern Ireland Protocol in withdrawal agreement: supplementary provision

(1) Regulations under section 8C(1) must enable businesses in Northern Ireland to continue to be able to sell their qualifying goods to Great Britain without tariffs, origin requirements, regulatory import controls, dual authorisations or discrimination in the market, regardless of whether they trade directly with Great Britain or trade via Dublin port.

(2) Any regulations made under this Act or any other Act that would introduce new requirements on goods traded from Northern Ireland to Great Britain (including, but not limited to, import customs declarations or origin checks) may not come into force without the consent of the Northern Ireland Assembly.

(3) Regulations under section 8C(1) may not provide for additional official or administrative costs to be recouped from the private sector.

(4) Regulations under section 8C(1) must provide for mitigations to safeguard the place of Northern Ireland businesses and consumers in the UK internal market in accordance with the Government’s obligation, under Article 6.2 of the Protocol on Ireland/Northern Ireland, to use its best endeavours to facilitate trade between Northern Ireland and other parts of the United Kingdom.”

Clause 22

Page 26, line 28, at end insert—

“( ) But regulations under this Part may not amend or repeal the Government of Wales Act 2006.”

Member’s explanatory statement

This would ensure that regulations made under this Part may not make provision to amend the Government of Wales Act 2006 in line with restrictions under new paragraph 11G, Schedule 2 to the European Union (Withdrawal) Act 2018 (Clause 19).
After Clause 22

LORD MORROW
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN
LORD BROWNE OF BELMONT
LORD HAY OF BALLYORE

8

Insert the following new Clause—

“Creation or facilitation of border arrangements

After section 8C of the European Union (Withdrawal) Act 2018 insert—

“8D Regulations and costs for creation or facilitation of border arrangements

(1) Nothing in section 8C or Part 1C of Schedule 2 authorises regulations which create or facilitate border arrangements between Northern Ireland and Great Britain which feature physical infrastructure, including border posts, or checks and controls that did not exist before the implementation period.

(2) In the event that a Minister of the Crown or public body creates or facilitates border arrangements between Northern Ireland and Great Britain or regulatory barriers to placing qualifying Northern Ireland goods on the market in Great Britain, the Minister or public body must ensure that the cost of implementing, enforcing or complying with these does not fall on Northern Ireland public bodies, businesses or consumers.”

After Clause 23

LORD MORROW
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN
LORD HAY OF BALLYORE
LORD BROWNE OF BELMONT

9

Insert the following new Clause—

“Northern Ireland’s place in the UK internal market

(1) As part of its obligation under Article 6.2 of the Protocol on Ireland/Northern Ireland to use its best endeavours to facilitate trade between Northern Ireland and other parts of the United Kingdom, the UK Government must—

(a) publish an assessment at least every 12 months of any negative impacts on businesses and consumers arising from the Protocol on trade between Great Britain and Northern Ireland and vice versa; and

(b) develop mitigations to safeguard the place of Northern Ireland businesses and consumers in the UK internal market.

(2) The assessment published under subsection (1)(a) must include assessment of the impact of any actual or proposed regulatory or trade policy divergence on Northern Ireland’s place in the UK internal market.

(3) Any official or administrative costs arising from the duties under subsections (1) and (2) may not be recouped from the private sector.”
After Clause 23 - continued

LORD MORROW
LORD MCCREA OF MAGHERAFELT AND COOKSTOWN
LORD BROWNE OF BELMONT
LORD HAY OF BALLYORE

10 Insert the following new Clause—

“UK internal market

(1) The Government of the United Kingdom must maintain and strengthen the integrity and smooth operation of the internal market of the United Kingdom of Great Britain and Northern Ireland.

(2) Accordingly, it is a priority for the Government of the United Kingdom in negotiations on the future relationship with the EU to reach agreement to supersede any provisions of the Ireland/Northern Ireland Protocol which impede or conflict with the duty in subsection (1).”

11 Insert the following new Clause—

“Sovereignty and Northern Ireland

(1) Nothing in this Act contradicts Article 6 of the Union with Ireland Act 1800.

(2) Accordingly, Her Majesty’s subjects of Great Britain and Northern Ireland are entitled to the same privileges and to be on the same footing as to encouragements and bounties on the like articles, being the growth, produce, or manufacture of either country respectively, and generally in respect of trade and navigation in all ports and places in the United Kingdom and its dependencies; and in all treaties made by Her Majesty, Her heirs and successors, with any foreign power, Her Majesty’s subjects of Northern Ireland shall have the same privileges and be on the same footing as Her Majesty’s subjects of Great Britain.”

Clause 26

LORD BEITH
BARONESS TAYLOR OF BOLTON
LORD ANDERSON OF IPSWICH
LORD PANNICK

12 Page 30, line 13, leave out paragraph (b)

Member’s explanatory statement
This amendment would remove the power of Ministers by delegated legislation to decide which courts and tribunals should have power to depart from judgments of the Court of Justice of the European Union and by reference to what test.

13 Page 30, line 20, leave out paragraph (d)

Member’s explanatory statement
This amendment would remove the power of Ministers by delegated legislation to decide which courts and tribunals should have power to depart from judgments of the Court of Justice of the European Union and by reference to what test.
Page 30, line 20, leave out paragraph (d) and insert—

“(d) after subsection (5) insert—

“(5A) Where a court or tribunal other than the Supreme Court or the High Court of Justiciary is of the opinion that any retained EU case law that is relevant to an issue before it should be departed from, that court or tribunal must—

(i) in its judgment set out the reasons for that opinion, and

(ii) refer the case to the Supreme Court or, as appropriate, the High Court of Justiciary,

and if the Supreme Court or High Court of Justiciary grants leave for the case to proceed, it must decide whether to depart from the EU case law on the issue before it.”, and”

Member’s explanatory statement

This amendment would introduce a procedure which could be initiated in any court of the United Kingdom and result in a decision which is authoritative in the United Kingdom without any interference with the independence of the judiciary.

After Clause 30

BARONESS HAYTER OF KENTISH TOWN
LORD WALLACE OF SALTAIRE
LORD HANNAY OF CHISWICK
LORD BOWNESS

Insert the following new Clause—

“Parliamentary oversight of progress in negotiations on the future relationship

After section 13B of the European Union (Withdrawal) Act 2018 (certain dispute procedures under withdrawal agreement) (for which see section 30 above) insert—

“13C Parliamentary oversight of progress in negotiations on the future relationship

(1) A Minister of the Crown must, within the period of 30 days beginning with the day on which this Act is passed, make a statement setting out Her Majesty’s Government’s objectives for the future relationship negotiations with the EU.

(2) A Minister of the Crown must, before 15 June 2020 and every two months thereafter until IP completion day, make a statement setting out the status of Her Majesty’s Government’s future relationship negotiations with the EU.

(3) A statement under subsection (2) must include—

(a) a report of the negotiations carried out to date or since the last statement, and

(b) a declaration of whether, in the Minister’s opinion, agreements on trade and security which are consistent with the contents of Parts II and III of the Political Declaration setting out the framework for the future relationship between the EU and the United Kingdom can be concluded and ratified before IP completion day.
After Clause 30 - continued

(4) The requirement to make statements under subsection (2) lapses if—
   (a) agreements on trade and security are concluded and ratified before IP completion day, or
   (b) a Minister of the Crown makes a statement to the effect that the United Kingdom will not conclude or ratify agreements on trade and security before IP completion day.

(5) A statement under subsection (4)(b) must contain details of Her Majesty’s Government’s proposals for mitigating the absence of trade and security agreements with the EU.”

Member’s explanatory statement
This amendment requires a Minister to make an initial statement setting out the Government’s objectives for the future relationship negotiations and then provide regular updates on the progress being made. If no future relationship can be negotiated before the end of the implementation period, the amendment would require a further statement to outline proposed mitigations.

LORD STOREY

16

Insert the following new Clause—

“Parliamentary oversight: Erasmus

After section 13B of the European Union (Withdrawal) Act 2018 (certain dispute procedures under withdrawal agreement), insert—

“13D Parliamentary oversight: Erasmus

Any arrangements for Parliamentary oversight of progress in negotiations on the future relationship must include negotiations on UK participation in Erasmus 2021–27.”

After Clause 35

LORD THOMAS OF CWMGIEDD
BARONESS FINLAY OF LLANDAFF
LORD WIGLEY
BARONESS HUMPHREYS

17

Insert the following new Clause—

“Involvement of the devolved administrations

After section 10 of the European Union (Withdrawal) Act 2018 insert—

“10A Involvement of the devolved administrations

The Joint Ministerial Committee (EU Negotiations) is to be a forum that meets regularly—
   (a) for discussing—
      (i) the United Kingdom’s future relationship with the European Union,
      (ii) the economic and security impacts of that envisaged future relationship on the constituent parts of the United Kingdom, and
      (iii) means of mitigating the impacts mentioned in subparagraph (ii); and
After Clause 35 - continued

(b) for seeking a consensus on those matters between Her Majesty’s Government and the other members of the Joint Ministerial Committee.”

Member’s explanatory statement
This amendment would place the Joint Ministerial Committee (EU Negotiations) on a statutory footing, requiring the Committee to seek consensus on the way forward in terms of the negotiations with the EU.

Clause 37

LORD DUBS
THE LORD BISHOP OF DURHAM

18 Leave out Clause 37

Member’s explanatory statement
Omitting Clause 37 would ensure the continuation of the refugee children and family reunification provisions of the European Union (Withdrawal) Act 2018.

After Clause 37

BARONESS HAYTER OF KENTISH TOWN
LORD FOX
LORD HANNAY OF CHISWICK

19 Insert the following new Clause—

“Non-regression of EU-derived rights and protections

After section 16 (maintenance of environmental principles etc.) of the European Union (Withdrawal) Act 2018 insert—

“16A Non-regression in relation to protected matters

(1) Any action taken by or on behalf of a Minister of the Crown under—

(a) this Act, or
(b) any other enactment, for the purposes of or in connection with the withdrawal of the United Kingdom from the EU,

is unlawful if it is intended to have, or in practice is reasonably likely to have, a regressive effect in relation to the protected matters.

(2) A public authority exercising a function in respect of a protected matter must not exercise that function in a way that is intended to have, or is reasonably likely to have, a regressive effect.

(3) Regulations may not be made under this Act if they are intended to have, or are reasonably likely to have, a regressive effect.

(4) The protected matters are—

(a) animal welfare,
(b) biodiversity and the environment,
(c) chemical safety,
(d) data protection,
(e) disability access,
(f) employment and social rights,
(g) food safety,
(h) public health, and
(i) transport safety.

(5) For the purposes of this section an effect shall be considered regressive if it—
(a) reduces a minimum technical standard or level of protection provided for in retained EU law, or
(b) weakens governance processes associated with that standard or protection.”

Member’s explanatory statement
This amendment prevents Ministers from using powers relating to EU withdrawal to diminish standards or protections in retained EU law relating to a series of ‘protected matters’.

Clause 38

BARONESS HAYTER OF KENTISH TOWN
LORD BRUCE OF BENNACHIE
LORD THOMAS OF CWMGIEDD
BARONESS FINLAY OF LLANDAFF

Page 37, line 27, after “Kingdom” insert “, acting in accordance with the conventions relating to devolved power set out in—
(a) section 28(8) of the Scotland Act 1998, and
(b) section 107(6) of the Government of Wales Act 2006,”

Member’s explanatory statement
This amendment alters the statement on parliamentary sovereignty to take note of the Sewel Convention, as enshrined in the Scotland Act 1998 and Government of Wales Act 2006.

Clause 41

BARONESS JOLLY
BARONESS BRINTON
BARONESS THORNTON
LORD WARNER

Page 40, line 5, at end insert—
“( ) Subsection (2) does not apply to the Healthcare (European Economic Area and Switzerland Arrangements) Act 2019, nor to any regulations made under that Act.”

Schedule 2

LORD HUTTON OF FURNESS

Page 46, line 20, leave out “so far as possible”

Page 47, line 5, leave out “so far as possible”

Page 50, line 23, leave out sub-paragraph (7)
Schedule 2 - continued

25 Page 50, line 27, after “from” insert—
   “(a) conducting or concluding any inquiry under paragraph 25, and
   (b) ”

26 Page 54, line 38, leave out sub-paragraph (4)

27 Page 56, line 9, leave out sub-paragraph (3)

28 Page 59, line 21, at end insert “and that are consistent with the provisions of Part 1 of this Schedule”