

European Union (Withdrawal Agreement) Bill

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

[Amendments marked ★ are new or have been altered]

Amendment
No.

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

(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
 BARONESS HAMWEE
 LORD KERR OF KINLOCHARD

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

After Clause 37 - continued

- (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

- 20 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

- 21 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

- 22 Page 46, line 20, leave out “so far as possible”
- 23 Page 47, line 5, leave out “so far as possible”
- 24 Page 50, line 23, leave out sub-paragraph (7)
- 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)

Schedule 2 - continued

- 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”

Schedule 4

LORD HOWARTH OF NEWPORT
BARONESS BUTLER-SLOSS

- 29★ Page 68, line 9, leave out from “41(1)” to end of line 10 and insert “may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

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