

Private International Law (Implementation of Agreements) Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 1

LORD WALLACE OF TANKERNESS

- 1 Page 2, line 6, at end insert –
“3CA **The 2000 Hague Convention to have the force of law**
The Convention on the International Protection of Adults concluded on 13 January 2000 at The Hague shall have the force of law in England and Wales, and in Northern Ireland.”

Clause 2

LORD FALCONER OF THOROTON
LORD MARKS OF HENLEY-ON-THAMES
LORD PANNICK

- 2 Leave out Clause 2

Clause 4

LORD KEEN OF ELIE

- 3 Page 4, line 17, at end insert –
“() Her Majesty may by Order in Council provide for section 2 (including Schedule 6) and section 3(2) and (3) to extend, with or without modifications, to the Isle of Man.”

Member’s explanatory statement

This amendment inserts a new subsection into Clause 4. This allows Her Majesty by Order in Council to extend Clause 2 (including Schedule 6) and subsections (2) and (3) of Clause 3 to the Isle of Man.

- 4 Page 4, line 18, leave out “Except as provided by subsection (3),”

Member's explanatory statement

This amendment is consequential on another amendment which omits subsection (3).

5 Page 4, line 20, leave out subsection (3)

Member's explanatory statement

Subsection (3) provides for certain consequential amendments in Schedule 5 to come into force by regulations. Those consequential amendments are omitted by other amendments. Therefore subsection (3) is no longer needed.

Schedule 5

LORD KEEN OF ELIE

6 Page 66, line 1, leave out sub-paragraph (2)

Member's explanatory statement

This amendment removes the saving provision for rights etc under section 4 of the European Union (Withdrawal) Act 2018 deriving from the 2005 or 2007 Hague Convention. The saving is no longer needed because another amendment ensures that the relevant Convention continues to apply after IP completion day to those cases to which it applies before IP completion day.

7 Page 66, line 14, leave out sub-paragraphs (2) to (6) and insert –

- “(2) In Part 1 (introduction), omit regulation 2.
- (3) Omit Part 2 (the rights etc deriving from the 2005 Hague Convention).
- (4) In Part 3 (modification and amendment of primary and secondary legislation) –
 - (a) in the heading –
 - (i) omit “Modification and”;
 - (ii) omit “and Secondary”;
 - (b) omit regulation 7.”

Member's explanatory statement

This amendment revokes regulations relating to rights etc under section 4 of the European Union (Withdrawal) Act 2018 deriving from the 2005 Hague Convention. The regulations are no longer needed because paragraph 2 of Schedule 5 to the Bill disapplies section 4 in relation to those rights, and another amendment omits the saving provision for them.

8 Page 66, line 39, leave out sub-paragraphs (2) to (7) and insert –

- “(2) In Part 1 (introduction), omit regulation 2.
- (3) Omit Part 2 (the rights etc deriving from the 2007 Hague Convention).
- (4) Omit Part 3 (modification and amendment of primary and secondary legislation).”

Member's explanatory statement

This amendment revokes regulations relating to rights etc under section 4 of the European Union (Withdrawal) Act 2018. The regulations are no longer needed because paragraph 2 of Schedule 5 to the Bill disapplies section 4 in relation to those rights, and another amendment omits the saving provision for them. Inserted sub-paragraph (4) also revokes a regulation duplicated in other secondary legislation.

9 Page 67, line 43, at end insert –

“PART 2

TRANSITIONAL PROVISION

Interpretation of the 2005 Hague Convention as it has the force of law in the UK

7 For the purposes of Article 16 of the 2005 Hague Convention, as it has the force of law in the United Kingdom by virtue of section 3D(1) of the Civil Jurisdiction and Judgments Act 1982 (as inserted by section 1(2) of this Act), the date on which the 2005 Hague Convention entered into force for the United Kingdom is 1 October 2015, and accordingly references in the Convention to a Contracting State are to be read as including, without interruption from that date, the United Kingdom.

Interpretation of the 2007 Hague Convention as it has the force of law in the UK

8 For the purposes of Article 56 of the 2007 Hague Convention, as it has the force of law in the United Kingdom by virtue of section 3E(1) of the Civil Jurisdiction and Judgments Act 1982 (as inserted by section 1(2) of this Act), the date on which the 2007 Hague Convention entered into force for the United Kingdom is 1 August 2014, and accordingly references in the Convention to a Contracting State are to be read as including, without interruption from that date, the United Kingdom.

Interpretation of Part 2

9 In this Part of this Schedule –

“the 2005 Hague Convention” means the Convention on Choice of Court Agreements concluded on 30 June 2005 at The Hague;

“the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded on 23 November 2007 at The Hague.”

Member’s explanatory statement

This amendment ensures that there is no interruption at the end of the transition period to the implementation of the Conventions in the UK.

Schedule 6

LORD FALCONER OF THOROTON

LORD PANNICK

10 Page 68, line 8, leave out paragraph (b) and insert –

“(b) provision that creates, amends or extends a criminal offence, or increases the penalty for a criminal offence.”

LORD HAIN

BARONESS RITCHIE OF DOWNPATRICK

11 Page 68, line 44, at end insert –

“() Before laying a draft of an instrument before each House of Parliament under sub-paragraph (2), the Secretary of State must consult –

(a) Scottish Ministers,

(b) Welsh Ministers, and

(c) the Northern Ireland department.”

Schedule 6 - continued

LORD HAIN

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Page 68, line 44, at end insert—

“() Where a private international law agreement affects devolved matters, before laying a draft of an instrument before each House of Parliament under sub-paragraph (2), the Secretary of State must request and obtain the consent, by means of a resolution, of—

- (a) the Scottish Parliament,
- (b) Senedd Cymru, and
- (c) the Northern Ireland Assembly,

as appropriate insofar as the private international law agreement affects matters that are devolved to each of those legislatures.”

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