

Trade Bill

AMENDMENTS
TO BE MOVED
ON REPORT

After Clause 6

LORD GRIMSTONE OF BOSCOBEL

Insert the following new Clause—

“PART 2A

THE TRADE AND AGRICULTURE COMMISSION

Trade and Agriculture Commission

- (1) The Secretary of State may appoint members to a committee to be known as the Trade and Agriculture Commission (the “TAC”).
- (2) The TAC’s purpose is to provide advice under section 42 of the Agriculture Act 2020 (*Reports relating to free trade agreements*).
- (3) When appointing members to the TAC, the Secretary of State must have regard to the desirability of appointing members who, between them, have expertise in—
 - (a) United Kingdom animal and plant health standards,
 - (b) United Kingdom animal welfare standards,
 - (c) United Kingdom environmental standards as they relate to agricultural products, and
 - (d) international trade law and policy.
- (4) In subsection (3)(c), “agricultural products” has the meaning given in section 42 of the Agriculture Act 2020.”

Member’s explanatory statement

This amendment would provide for appointments to, and the purpose of, the Trade and Agriculture Commission.

Insert the following new Clause—

“Trade and Agriculture Commission: advisory functions

- (1) Section 42 of the Agriculture Act 2020 is amended as follows.
- (2) After subsection (4), insert—

“(4A) In preparing the report, the Secretary of State must—

After Clause 6 - continued

- (a) request advice from the Trade and Agriculture Commission on the matters referred to in subsection (2) except insofar as they relate to human life or health, and
 - (b) publish the request, together with any associated terms of reference or guidance.
- (4B) Before laying the report, the Secretary of State must lay before Parliament any advice received in response to a request under subsection (4A).”
- (3) In subsection (5)–
- (a) after “report” insert “or advice received in response to a request under subsection (4A)”;
 - (b) omit “of it”;
 - (c) in paragraph (d) after “report” insert “or advice”.
- (4) After subsection (6), insert –
- “(6A) On or before the third anniversary of IP completion day and at least once every three years thereafter, the Secretary of State must review the operation of subsections (4A) and (4B) and consider whether to make regulations under subsection (6B).
 - (6B) The Secretary of State may by regulations repeal subsections (4A), (4B) and (6A), and amend subsection (5) to remove reference to advice requested in accordance with subsection (4A).
 - (6C) Regulations under subsection (6B) are subject to the affirmative resolution procedure and may not come into force before the third anniversary of IP completion day.”

Member’s explanatory statement

This amendment would require the Secretary of State to seek advice from the Trade and Agriculture Commission in preparing a report under section 42 of the Agriculture Act 2020.

Insert the following new Clause–

“Trade and Agriculture Commission: further provision

- (1) Members of the TAC are not to be regarded as servants or agents of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) The Secretary of State may provide members of the TAC with such staff, accommodation, equipment or other facilities as the Secretary of State may consider appropriate in connection with the preparation of advice requested under section 42 of the Agriculture Act 2020.
- (3) The Secretary of State may pay, or make provision for paying, expenses to any member of the TAC in connection with the preparation of advice requested under section 42 of the Agriculture Act 2020.
- (4) Schedule 6 contains provision applying legislation relating to public bodies to the TAC.”

Member’s explanatory statement

This amendment would make provision about administrative matters relating to the Trade and Agriculture Commission.

Insert the following new Clause –

“Trade and Agriculture Commission: repeal

- (1) The Secretary of State may by regulations made by statutory instrument repeal sections (*Trade and Agriculture Commission*) to (*Trade and Agriculture Commission: further provision*).
- (2) Regulations under subsection (1) may make incidental, supplementary, consequential, transitional, transitory or saving provision, and such provision may modify an Act of Parliament.
- (3) Regulations under subsection (1) may not come into force before regulations under section 42(6B) of the Agriculture Act 2020.
- (4) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.”

Member’s explanatory statement

This amendment would empower the Secretary of State to repeal provision relating to the Trade and Agriculture Commission if the Secretary of State’s duty to seek its advice under the Agriculture Act 2020 is repealed.

Clause 8

LORD GRIMSTONE OF BOSCOBEL

Page 5, line 22, after “trade,” insert –

“(ab) facilitating the exercise by a devolved authority of the authority’s functions relating to trade,”

Member’s explanatory statement

This amendment would ensure that HMRC is able to disclose information to a devolved authority.

Page 6, line 9, after “2016” insert “(save that the powers conferred by this section are to be taken into account when determining whether a disclosure is prohibited by those provisions)”

Member’s explanatory statement

This amendment would correct a drafting error: the words in parenthesis should limit both paragraphs in subsection (6).

Clause 9

LORD GRIMSTONE OF BOSCOBEL

Page 7, line 6, after “2016” insert “(save that the powers conferred by this section are to be taken into account when determining whether a disclosure is prohibited by those provisions)”

Member’s explanatory statement

This amendment would correct a drafting error: the words in parenthesis should limit both paragraphs in subsection (8).

Clause 10

LORD GRIMSTONE OF BOSCOBEL

Page 7, line 46, at end insert –

“(5) In relation to an offence committed before the commencement of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020, the reference in subsection (4)(b)(i) to 12 months is to be read as a reference to 6 months.”

Member’s explanatory statement

This amendment would take account of the fact that magistrates do not have powers to confer a 12 month sentence (because paragraph 24(2) of Schedule 22 to the Sentencing Act 2020 is yet to come into force).

Clause 11

LORD GRIMSTONE OF BOSCOBEL

Page 8, line 4, at end insert –

““devolved authority” has the meaning given in section 4(1);”

Member’s explanatory statement

This amendment is consequential on the Government’s amendment to clause 8, page 5, line 22.

Schedule 2

LORD LENNIE

Page 13, line 26, leave out from “section 1(1)” to end of line 27 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.”

Schedule 4

LORD STEVENSON OF BALMACARA

Page 17, line 25, at end insert –

“() In making appointments the Secretary of State must ensure that there is an appropriate balance among members of the Trade Remedies Authority of persons who have skills, knowledge or experience relating to producers, trade unions, consumers and devolved administrations in different parts of the United Kingdom.”

After Schedule 5

LORD GRIMSTONE OF BOSCOBEL

Insert the following new Schedule –

“SCHEDULE 6

TRADE AND AGRICULTURE COMMISSION: PUBLIC AUTHORITIES LEGISLATION

Public records

After Schedule 5 - continued

- 1 In Part 2 of the Table in paragraph 3 in Schedule 1 to the Public Records Act 1958 (definition of public records), at the appropriate place insert –

“Trade and Agriculture Commission”

Investigations by the Parliamentary Commissioner

- 2 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments subject to investigation), at the appropriate place insert –

“Trade and Agriculture Commission”

House of Commons disqualification

- 3 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which members are disqualified), at the appropriate place insert –

“Trade and Agriculture Commission”

Northern Ireland Assembly disqualification

- 4 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which members are disqualified), at the appropriate place insert –

“Trade and Agriculture Commission”

Freedom of information

- 5 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities to which this Act applies), at the appropriate place insert –

“Trade and Agriculture Commission”

Public sector equality duty

- 6 In Part 1 of Schedule 19 to the Equality Act 2010 (authorities subject to the public sector equality duty), in the group of entries under the heading “Industry, Business, Finance, etc”, at the appropriate place insert –

“Trade and Agriculture Commission”

Member’s explanatory statement

This amendment would provide the Schedule introduced by the amendment adding a new clause called “Trade and Agriculture Commission: further provision”.

In the Title

LORD GRIMSTONE OF BOSCOBEL

Line 2, after “it;” insert “to make provision about the Trade and Agriculture Commission;”

Member’s explanatory statement

This amendment would amend the long title to reflect new provision about the Trade and Agriculture Commission.

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30 November 2020
