

# United Kingdom Internal Market Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**Clause 1**

BARONESS HAYTER OF KENTISH TOWN

Page 1, line 6, after the first “Kingdom” insert “to protect and promote the interest of consumers and safeguard the environment”

LORD STEVENSON OF BALMACARA

Page 1, line 10, at end insert –

- “(c) the principle of proportionality to ensure the action of Her Majesty’s Government does not exceed what is necessary to achieve the objectives of subsections (a) and (b), and
- (d) the principle of subsidiarity to ensure Her Majesty’s Government shall act only if, and in so far as, the objectives of the proposed action cannot be sufficiently achieved by relevant national authorities but can rather, by reason of the scale or effects of the proposed action, be better achieved at United Kingdom level.”

LORD HAIN  
BARONESS RITCHIE OF DOWNPATRICK  
BARONESS ALTMANN  
BARONESS SUTTIE

Page 1, line 11, at end insert –

- “( ) This Part only has effect during any time when the United Kingdom is fully in compliance with –
  - (a) the terms regarding the United Kingdom internal market set out in the Northern Ireland Protocol, and
  - (b) the terms of the Good Friday Agreement which are relevant to the United Kingdom internal market.”

**Clause 1 - continued**

LORD FOX  
LORD PURVIS OF TWEED

Leave out Clause 1 and insert the following new Clause –

**“Purposes of Parts 1, 2, 3 and 4**

- (1) Parts 1, 2, 3 and 4 promote the continued functioning of the internal market for goods (see Part 1) and services (see Part 2), including the recognition of professional and other qualifications (see Part 3), in the United Kingdom by establishing the United Kingdom market access principles.
- (2) The United Kingdom market access principles are –
  - (a) the mutual recognition principle for goods and services, and
  - (b) the non-discrimination principle for goods and services.
- (3) Those principles have no direct legal effect except as provided by Parts 1, 2, 3 and 4, and only to the extent that they have been agreed in a memorandum of understanding by –
  - (a) the Secretary of State,
  - (b) the Welsh Ministers,
  - (c) the Scottish Ministers, and
  - (d) a Northern Ireland department.
- (4) The Secretary of State must lay before Parliament the memorandum of understanding, which must also set out –
  - (a) how the agreed policy frameworks on the functioning of the internal market in the United Kingdom will operate,
  - (b) any agreed exclusions from the market access principles,
  - (c) proposals for the establishment of a council or councils, comprising representatives of the Secretary of State, the Welsh Ministers, the Scottish Ministers, and a Northern Ireland department to oversee the operation of agreed policy frameworks and the functioning of the internal market in the United Kingdom, and
  - (d) proposals for the establishment of an agreed dispute resolution mechanism relating to the internal market in the United Kingdom for any disputes among the Secretary of State, the Welsh Ministers, the Scottish Ministers, and a Northern Ireland department.
- (5) A statutory instrument containing regulations under section 56(3) may not appoint a day for the commencement of Parts 1, 2, 3 or 4 until the requirement in subsection (4) is met.”

**Clause 2**

BARONESS HAYTER OF KENTISH TOWN

Page 2, line 4, leave out “or imported into”

**Clause 2 - continued**

LORD ROOKER

Page 2, line 18, at end insert –

- “(4) The mutual recognition principle for goods does not apply to food or animal feedingstuffs.
- (5) In this section –
- “food” has the same meaning as in section 1 of the Food Safety Act 1990 (Meaning of “food” and other basic expressions)
- “animal feedingstuffs” has same meaning as in section 36 of the Food Standards Act 1999 (Interpretation).”

**Clause 3**

LORD CALLANAN

Page 2, line 21, leave out “any” and insert “a particular”

***Member’s explanatory statement***

*This amendment would clarify that the purpose of Clause 3 is to identify what are the relevant requirements that apply to a specific sale of goods (the word “sale” being defined broadly in clause 14).*

Page 2, line 28, after first “requirement” insert “in relation to the sale”

***Member’s explanatory statement***

*This amendment would clarify that a statutory requirement that meets the conditions in paragraphs (a) and (b) of Clause 3(2) is a relevant requirement in relation to the sale mentioned in Clause 3(1).*

LORD FOX

Page 3, line 25, leave out subsection (8)

***Member’s explanatory statement***

*This amendment would remove the Secretary of State’s regulation-making power, as recommended by the Delegated Powers and Regulatory Reform Committee in its 24th Report.*

BARONESS ANDREWS  
BARONESS HAYTER OF KENTISH TOWN

Page 3, line 25, leave out subsections (8) to (10)

BARONESS FINLAY OF LLANDAFF  
LORD GERMAN

Page 3, line 30, leave out “consult” and insert “obtain the consent of”

***Member’s explanatory statement***

*This amendment requires the Secretary of State to obtain the consent of the devolved administrations before making regulations amending Clause 3(3), which specifies the types of statutory requirement that are within the scope of the mutual recognition principle.*

## BARONESS HAYTER OF KENTISH TOWN

Page 3, line 30, after “consult” insert “and seek the consent of”

**Clause 4**

## LORD CALLANAN

Page 3, line 38, after first “a” insert “particular”

***Member’s explanatory statement***

*This amendment would clarify that Clause 4(1)(a) relates to a specific sale of goods (the word “sale” being defined broadly in Clause 14). This is for consistency with Clause 3(1) as proposed to be amended by my amendment to Clause 3 at page 2, line 21.*

Page 3, line 38, leave out second “a” and insert “that”

***Member’s explanatory statement***

*This amendment would correct a misleading reference in subsection (1)(a) of Clause 4 that should refer to the same part of the United Kingdom as is mentioned in the opening words of the subsection.*

Page 4, line 12, leave out from “have” to “place” and insert “had the same effect in relation to the sale (if it had taken”

***Member’s explanatory statement***

*This amendment would bring the wording of Clause 4(5) into line with Clause 4(2).*

**Clause 6**

## LORD FOX

Page 5, line 23, leave out subsection (5)

***Member’s explanatory statement***

*This amendment would remove the Secretary of State’s regulation-making power, as recommended by the Delegated Powers and Regulatory Reform Committee in its 24th Report.*

## BARONESS ANDREWS

Page 5, line 23, leave out subsections (5) to (7)

## BARONESS FINLAY OF LLANDAFF

## LORD GERMAN

Page 5, line 28, leave out “consult” and insert “obtain the consent of”

***Member’s explanatory statement***

*This amendment requires the Secretary of State to obtain the consent of the devolved administrations before making regulations amending Clause 6(3), which specifies the types of statutory provision that are within the scope of the non-discrimination principle.*

**Clause 8**

BARONESS FINLAY OF LLANDAFF  
LORD FOX

Page 6, line 21, leave out paragraph (d)

***Member's explanatory statement***

*This amendment is consequential on the amendment in Baroness Finlay's name which leaves out Clause 10 and inserts a new Clause. It removes the provision that a relevant requirement is indirectly discriminatory if (among other things) it cannot reasonably be considered a necessary means of achieving a legitimate aim. The issue is addressed more generally in the new Clause 10.*

Page 6, line 45, leave out subsections (6) to (9)

***Member's explanatory statement***

*This amendment removes provisions about the meaning and application of Clause 8(1)(d), as a consequence of the amendment in Baroness Finlay's name removing Clause 8(1)(d).*

LORD STEVENSON OF BALMACARA

Page 6, line 47, at end insert—

- (c) the protection of consumers;
- (d) the protection of environmental standards;
- (e) the promotion of social and labour standards;
- (f) the protection of public health;
- (g) the protection of animal health.”

LORD FOX

Page 7, line 1, leave out subsection (7)

***Member's explanatory statement***

*This amendment would remove the Secretary of State's regulation-making power, as recommended by the Delegated Powers and Regulatory Reform Committee in its 24th Report.*

BARONESS ANDREWS

Page 7, line 1, leave out subsections (7) and (8)

BARONESS HAYTER OF KENTISH TOWN

Page 7, line 4, at end insert—

- “( ) Before making regulations under subsection (7) the Secretary of State must consult and seek the consent of the Scottish Ministers, the Welsh Ministers, and the Department for the Economy in Northern Ireland.”

**Clause 10**

LORD FOX

Page 7, line 23, leave out subsection (2)

**Member's explanatory statement**

*This amendment would remove the Secretary of State's regulation-making power, as recommended by the Delegated Powers and Regulatory Reform Committee in its 24th Report.*

BARONESS ANDREWS

Page 7, line 23, leave out subsections (2) and (3)

BARONESS HAYTER OF KENTISH TOWN

Page 7, line 25, at end insert –

“( ) Before making regulations under subsection (2) the Secretary of State must consult and seek the consent of the Scottish Ministers, the Welsh Ministers, and the Department for the Economy in Northern Ireland.”

BARONESS FINLAY OF LLANDAFF  
LORD FOX

Leave out Clause 10 and insert the following new Clause –

**“Exclusions from market access principles: public policy etc.**

- (1) The United Kingdom market access principles do not apply to (and sections 2(3) and 5(3) do not affect the operation of) any legislation so far as it satisfies the conditions set out in subsections (2) and (3).
- (2) The first condition is that the aim of the legislation is –
  - (a) the protection of the life or health of humans, animals or plants,
  - (b) the protection of public safety or security,
  - (c) the protection of the environment,
  - (d) the protection of animal welfare,
  - (e) consumer protection,
  - (f) the improvement of working conditions, or
  - (g) a combination of any of those aims.
- (3) The second condition is that the legislation can reasonably be considered a proportionate means of achieving that aim or those aims.
- (4) The United Kingdom market access principles do not apply to (and sections 2(3) and 5(3) do not affect the operation of) any legislation so far as it imposes, or relates to the imposition of, any tax, rate, duty or similar charge.
- (5) A relevant requirement is not to be taken indirectly to discriminate against goods for the purposes of section 8 if –
  - (a) it is statutory provision contained in, or in subordinate legislation made under, an Act of Parliament,
  - (b) the same, or substantially the same, statutory provision applies in the originating part,
  - (c) the statutory provision that applies in the originating part is also contained in, or in subordinate legislation made under, an Act of Parliament, and
  - (d) no substantive change to the statutory provision has come into force –
    - (i) in the destination part but not the originating part, or
    - (ii) in the originating part but not the destination part.

**Clause 10 - continued**

- (6) In subsection (5), “relevant requirement”, “statutory provision”, “originating part” and “destination part” have the meanings they have in relation to the non-discrimination principle for goods (see sections 5 and 6).
- (7) The Secretary of State may by regulations amend subsection (2).
- (8) Regulations under subsection (7) are subject to affirmative resolution procedure.
- (9) Before making regulations under subsection (7) the Secretary of State must obtain the consent of—
  - (a) the Scottish Ministers;
  - (b) the Welsh Ministers;
  - (c) the Department for the Economy in Northern Ireland.”

***Member’s explanatory statement***

*This amendment specifies exclusions from the United Kingdom market access principles, in place of the narrower exclusions in Schedule 1. In particular, it means the principles will not apply to legislation which can reasonably be considered a proportionate means of achieving any of the policy aims listed in subsection (2).*

**After Clause 10**

LORD STEVENSON OF BALMACARA

Insert the following new Clause—

**“Exclusions from market access principles: public interest derogations**

- (1) The United Kingdom market access principles do not apply to, and sections 2(3) and 5(3) do not affect the operation of, any requirements which—
  - (a) pursue a legitimate aim,
  - (b) are a proportionate means of achieving that aim, and
  - (c) are not a disguised restriction on trade.
- (2) A requirement is considered to pursue a legitimate aim if it makes a contribution to the achievement of—
  - (a) environmental standards and protection,
  - (b) animal welfare,
  - (c) consumer standards, including digital and artificial intelligence privacy rights,
  - (d) employment rights and protections,
  - (e) health and life of humans, animals or plants,
  - (f) cultural expression,
  - (f) regional socio-cultural characteristics, or
  - (g) equality entitlements, rights and protections.
- (3) A requirement is considered disproportionate if the legitimate aim being pursued in the destination part of the United Kingdom is already achieved to the same or higher extent by requirements in the originating part of the United Kingdom.”

### Schedule 1

BARONESS FINLAY OF LLANDAFF  
LORD FOX

Page 46, line 5, leave out sub-paragraph (1) and insert—

“(1) This paragraph sets out the conditions referred to in section 43(5).”

***Member’s explanatory statement***

*This amendment is consequential on the new Clause 10 substituted by another amendment in the name of Baroness Finlay, which means that paragraph 1 of Schedule 1 will not be relevant to Part 1 of the Bill and will apply only for the purposes of Clause 43(5).*

Page 47, line 1, leave out paragraphs 2 to 12

***Member’s explanatory statement***

*This amendment removes provisions in Schedule 1 which are not needed as a consequence of the new Clause 10 substituted by another amendment in the name of Baroness Finlay, which sets out exclusions from the United Kingdom market access principles in more general terms.*

LORD STEVENSON OF BALMACARA

Page 47, line 2, leave out “the conditions” and insert “a condition”

Page 50, line 17, at end insert—

“13 The United Kingdom market access principles do not apply to, (and sections 2(3) and 5(3) do not affect the operation of,) any legislation so far as it relates to public procurement.”

### Clause 11

BARONESS FINLAY OF LLANDAFF  
LORD FOX

Page 8, line 9, leave out subsections (6) and (7)

***Member’s explanatory statement***

*This amendment is consequential on the amendment in Baroness Finlay's name replacing Clause 10, which will mean that Schedule 1 no longer sets out exclusions from the United Kingdom market access principles. It removes provisions modifying one of the exclusions in Schedule 1.*

LORD FALCONER OF THOROTON

Page 8, line 16, leave out subsection (8)

### Clause 12

BARONESS HAYTER OF KENTISH TOWN

Page 8, line 31, at end insert—

“( ) Before issuing, revising or withdrawing any guidance, the Secretary of State must consult and seek the consent of the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland.”



**Clause 12 - continued**

BARONESS FINLAY OF LLANDAFF  
LORD GERMAN

Page 8, line 31, at end insert –

“(4A) Before issuing, revising or withdrawing any guidance the Secretary of State must obtain the consent of the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland.”

***Member’s explanatory statement***

*This amendment requires the Secretary of State to obtain the consent of the devolved administrations before issuing, revising or withdrawing guidance on the operation of the United Kingdom market access principles or of Part 1 of the Bill.*

**Before Clause 16**

BARONESS HAYTER OF KENTISH TOWN

Insert the following new Clause –

**“Purpose of Part 2**

This Part promotes the continued functioning of the internal market for services in the United Kingdom for the benefit and protection of consumers.”

**Clause 16**

BARONESS FINLAY OF LLANDAFF  
LORD GERMAN

Page 11, line 26, leave out paragraph (c) and insert –

“(c) a requirement that –

- (i) is in force, or otherwise has effect, in relation to a service on the relevant day, and has not been substantively changed after that day, or
- (ii) comes into force, or otherwise takes effect, in relation to a service after the relevant day, if it re-enacts or replicates (without substantive change) a legislative requirement in force or having effect in relation to the service immediately before the relevant day;”

***Member’s explanatory statement***

*This amendment is related to new Clause 17 substituted by another amendment in Baroness Finlay’s name, which means that Part 2 applies only to services specified in regulations. This amendment and Baroness Finlay’s amendment to page 12, line 3 mean that Part 2 does not generally apply to requirements that have effect before the regulations come into force.*

BARONESS FINLAY OF LLANDAFF

Page 12, line 3, leave out subsection (7) and insert –

“(7) For the purposes of subsections (5)(c) and (6) –

**Clause 16 - continued**

- (a) the “relevant day” is the day before the day on which section 18 first applies, or sections 19 and 20 first apply, in relation to a service by virtue of regulations under section (Services: application of sections 18 to 20);
- (b) an authorisation requirement corresponds to another authorisation requirement if it relates to the same, or substantially the same, services.”

***Member’s explanatory statement***

*This amendment is related to the new Clause 17 substituted by another amendment in Baroness Finlay's name, which means that Part 2 applies only to services specified in regulations. This amendment and Baroness Finlay's amendment to page 11, line 26 mean that Part 2 does not generally apply to requirements that have effect before the regulations come into force.*

**Clause 17**

LORD FOX

Page 12, line 35, leave out subsection (2)

***Member’s explanatory statement***

*This amendment would remove the Secretary of State’s regulation-making power, as recommended by the Delegated Powers and Regulatory Reform Committee in its 24th Report.*

BARONESS ANDREWS

Page 12, line 35, leave out subsections (2) to (4)

BARONESS HAYTER OF KENTISH TOWN

Page 12, line 40, at end insert—

- “( ) Before making regulations under subsection (2) the Secretary of State must consult and seek the consent of the Scottish Ministers, the Welsh Ministers, and the Department for the Economy in Northern Ireland.”

BARONESS FINLAY OF LLANDAFF

LORD GERMAN

Leave out Clause 17 and insert the following new Clause—

**“Services: application of sections 18 to 20**

- (1) Section 18 applies to a service only if it is specified in regulations made by the Secretary of State.
- (2) Regulations under subsection (1) may not specify a service listed in the table in Part 1 of Schedule 2.
- (3) Sections 19 and 20 apply to a service only if it is specified in regulations made by the Secretary of State.
- (4) Regulations under subsection (3) may not specify a service listed in the table in Part 2 of Schedule 2.
- (5) In Schedule 2—

**Clause 17 - continued**

- (a) Part 3 lists authorisation requirements to which section 18 does not apply;
  - (b) Part 4 lists regulatory requirements to which sections 19 and 20 do not apply.
- (6) The Secretary of State must keep Schedule 2 under review.
  - (7) The Secretary of State may by regulations amend Schedule 2.
  - (8) Regulations under subsections (1) and (3) are subject to affirmative resolution procedure.
  - (9) Before laying a draft of a statutory instrument containing regulations under subsection (1) or (3) before either House of Parliament, the Secretary of State must give notice of the proposed regulations to—
    - (a) each devolved authority, and
    - (b) the Competition and Markets Authority.
  - (10) The Secretary of State may not lay the draft instrument before either House of Parliament until—
    - (a) the Secretary of State has received—
      - (i) a statement in relation to the proposed regulations from each devolved authority, and
      - (ii) a report or advice on the proposed regulations from the Competition and Markets Authority, or
    - (b) the period of 12 months beginning with the day on which notice was given under subsection (9) has ended.
  - (11) When a draft of a statutory instrument containing regulations under subsection (1) or (3) is laid before either House of Parliament, the Secretary of State must at the same time lay before that House copies of any statements, report or advice mentioned in subsection (10)(a).
  - (12) Regulations under subsection (7) are subject to affirmative resolution procedure.
  - (13) But, during the period of three months beginning with the day this section comes into force, the Secretary of State may make regulations under subsection (7) subject instead to made affirmative procedure.
  - (14) Before making regulations under subsection (7) the Secretary of State must obtain the consent of each devolved authority.
  - (15) In this section, “devolved authority” means—
    - (a) the Scottish Ministers;
    - (b) the Welsh Ministers;
    - (c) the Department for the Economy in Northern Ireland

***Member’s explanatory statement***

*This amendment means that the provisions in Part 2 limiting the effect of certain requirements apply only to services that are specified in regulations made by the Secretary of State. It provides that services listed in Schedule 2 may not be specified, and sets out the procedure for making regulations.*

**Clause 18**

BARONESS FINLAY OF LLANDAFF  
LORD FOX

Page 13, line 14, at end insert “or by any other overriding reason relating to the public interest”

***Member’s explanatory statement***

*This amendment broadens the purposes for which an authorisation requirement may be applied to a person authorised in another part of the United Kingdom, to include any overriding reason relating to the public interest (rather than only to respond to a public health emergency).*

**Clause 19**

LORD CALLANAN

Page 13, line 27, leave out “, and section 20,”

***Member’s explanatory statement***

*This amendment is consequential on the amendment adding a definition of relevant connection to Clause 20 (page 14, line 16).*

**Clause 20**

LORD CALLANAN

Page 13, line 34, leave out the second “a” and insert “an incoming”

***Member’s explanatory statement***

*This amendment would make clear that Clause 20 is concerned with incoming service providers.*

Page 13, line 35, after “that” insert “incoming”

***Member’s explanatory statement***

*This amendment follows from the amendment to page 13, line 34 in my name.*

Page 13, line 36, leave out the second “a” and insert “an incoming”

***Member’s explanatory statement***

*This amendment follows from the amendment to page 13, line 34 in my name.*

Page 13, line 38, after “discriminate” insert “against the incoming service provider”

***Member’s explanatory statement***

*This amendment would ensure that requirements would only be excluded from the scope of Clause 20 if they are directly discriminatory against the incoming service provider (rather than in a general sense).*

Page 13, line 39, leave out from “it” to end of line 41 and insert “puts the incoming service provider at a relevant disadvantage”

***Member’s explanatory statement***

*This amendment is to accommodate the redrafting of the test in Clause 20(4)- it would treat the concept of unequal treatment (or relevant disadvantage) as a test separate from adverse market effect (which is covered by paragraph (c)).*

BARONESS HAYTER OF KENTISH TOWN

Page 13, line 43, leave out paragraph (d)

LORD CALLANAN

Page 13, line 44, at end insert –

“(2A) A regulatory requirement puts an incoming service provider at a relevant disadvantage if –

- (a) it puts the incoming service provider at a disadvantage in relation to the provision of services in the part of the United Kingdom in which the requirement applies, and
- (b) it does not put, or would not put, each local service provider at that disadvantage in relation to the provision of those services in that part (at all or to the same extent).”

***Member’s explanatory statement***

*This amendment would define the concept of relevant disadvantage, introduced by the amendment to page 13, line 39 in my name.*

Page 14, line 1, leave out subsections (3) and (4) and insert –

- “(3) A regulatory requirement puts a service provider at a disadvantage in relation to the provision of services in a part of the United Kingdom if it makes it in any way more difficult, or less attractive, for the service provider to provide the services in that part.
- (4) A regulatory requirement has an adverse market effect if, by putting an incoming service provider (or incoming service providers) at a relevant disadvantage in relation to the provision of services, it has a significant adverse effect on competition in the market for those services in the United Kingdom.”

***Member’s explanatory statement***

*This amendment would rephrase what is meant by “disadvantage” and “adverse market effect” in light of the addition of the concept of relevant disadvantage in the amendment to page 13, line 44 in my name.*

Page 14, line 16, at end insert –

“(4A) For the purposes of subsections (1) to (4) –

- (a) an “incoming service provider” is a service provider that –
  - (i) provides the services in the part of the United Kingdom in which the regulatory requirement applies, but
  - (ii) does not have a relevant connection to that part;

**Clause 20 - continued**

- (b) a “local service provider” is a service provider that—
  - (i) provides the services in the part of the United Kingdom in which the regulatory requirement applies,
  - (ii) has a relevant connection to that part, and
  - (iii) does not have a relevant connection to another part of the United Kingdom;
- (c) a service provider has a “relevant connection” to a part of the United Kingdom if the service provider—
  - (i) has a registered office, place of business or residence in that part, or
  - (ii) provides the services from that part.”

***Member’s explanatory statement***

*This amendment would define concepts used in the other amendments to Clause 20 in my name.*

Page 14, line 17, leave out subsection (5)

***Member’s explanatory statement***

*This amendment would remove an unnecessary interpretation provision.*

BARONESS FINLAY OF LLANDAFF  
LORD STEVENSON OF BALMACARA  
LORD FOX

Page 14, line 20, leave out subsections (6) to (8)

***Member’s explanatory statement***

*This amendment removes the list of “legitimate aims” in Clause 20(6) and the power to amend that list. The intention is that the reference to a legitimate aim in Clause 20(2)(d) should be read as meaning any legitimate aim, not only the three aims listed in subsection (6).*

BARONESS HAYTER OF KENTISH TOWN

Page 14, line 24, at end insert—

“(d) the protection of consumers.”

LORD FOX

Page 14, line 25, leave out subsection (7)

***Member’s explanatory statement***

*This amendment would remove the Secretary of State’s regulation-making power, as recommended by the Delegated Powers and Regulatory Reform Committee in its 24th Report.*

BARONESS ANDREWS

Page 14, line 25, leave out subsections (7) and (8)

**Clause 20 - continued**

BARONESS HAYTER OF KENTISH TOWN

Page 14, line 26, at end insert –

- “( ) Before making regulations under subsection (7) the Secretary of State must consult and seek the consent of the Scottish Ministers, the Welsh Ministers, and the Department for the Economy in Northern Ireland.”

Page 14, line 29, leave out subsection (9)

**After Clause 23**BARONESS FINLAY OF LLANDAFF  
LORD STEVENSON OF BALMACARA  
LORD GERMAN

Insert the following new Clause –

**“Application of Part 3**

- (1) This Part applies to a profession only if it is specified in regulations made by the Secretary of State.
- (2) Regulations under this section are subject to affirmative resolution procedure.
- (3) Before laying a draft of a statutory instrument containing regulations under this section before either House of Parliament, the Secretary of State must give notice of the proposed regulations to –
  - (a) each devolved authority, and
  - (b) the Competition and Markets Authority.
- (4) The Secretary of State may not lay the draft instrument before either House of Parliament until –
  - (a) the Secretary of State has received –
    - (i) a statement in relation to the proposed regulations from each devolved authority, and
    - (ii) a report or advice on the proposed regulations from the Competition and Markets Authority, or
  - (b) the period of 12 months beginning with the day on which notice was given under subsection (3) has ended.
- (5) When a draft of a statutory instrument containing regulations under this section is laid before either House of Parliament, the Secretary of State must at the same time lay before that House copies of any statements, report or advice mentioned in subsection (4)(a).
- (6) In this section, “devolved authority” means –
  - (a) the Scottish Ministers;
  - (b) the Welsh Ministers;
  - (c) the Department for the Economy in Northern Ireland.”

**Member's explanatory statement**

*This amendment means that Part 3 of the Bill (concerning mutual recognition of professional qualifications) will apply to a profession only if it is specified in regulations made by the Secretary of State. It also sets out the procedure for making regulations.*

**Clause 25**

BARONESS FINLAY OF LLANDAFF  
LORD GERMAN

Page 18, line 46, leave out subsections (2) and (3) and insert –

- “(2) In subsection (1) “existing provision” means –
- (a) provision that is in force in relation to a profession on the date that regulations under section (Application of Part 3) are made in relation to that profession, or
  - (b) provision that comes into force in relation to a profession after that date so far as it is, in substance, a re-enactment or replication of provision within paragraph (a).
- (3) Subsection (1) does not apply (and section 22(2) accordingly does apply) in relation to a profession if, after the date on which regulations under section (Application of Part 3) are made in relation to that profession, provision comes into force in a part of the United Kingdom other than the relevant part that changes the circumstances in which individuals are qualified in relation to that profession.”

**Member's explanatory statement**

*This amendment is related to Baroness Finlay's amendment to insert a new Clause after Clause 23. It means that Part 3 does not generally apply to legislation that is already in force in relation to a profession when regulations are made applying Part 3 to that profession (or that restates legislation that was in force at that time).*

LORD CALLANAN

Page 19, line 24, at end insert –

- “(d) in relation to any part of the United Kingdom, the profession of patent attorney or trade mark attorney.”

**Member's explanatory statement**

*This amendment would add patent attorney and trade mark attorney to the list of legal professions the regulation of which is excluded from Clause 22.*

**Clause 27**

LORD CALLANAN

Page 20, line 35, at end insert –

- “(1A) Provision that limits the ability referred to in subsection (1)(a) to individuals with certain qualifications or experience falls within section 22(1) only if the activities affected by the provision are, in a significant number of cases, essential to the practice of the profession in question.”



**Member's explanatory statement**

*This amendment would provide that provision imposing qualification requirements on particular professional activities falls within Clause 22 only if the activities are, in a significant number of cases, essential to the practice of the profession in question.*

**After Clause 27**

LORD MACKAY OF CLASHFERN

Insert the following new Clause—

**“Purpose of this Act**

The provisions of this Act are for the purpose of the maintenance of the internal market in the UK and may not be used for any other purpose.”

**Member's explanatory statement**

*This amendment makes clear that the powers in the Bill are not to be used to make incursions into devolved matters except for that purpose.*

**Clause 28**

BARONESS BOWLES OF BERKHAMSTED

*Baroness Bowles of Berkhamsted gives notice of her intention to oppose the Question that Clause 28 stand part of the Bill.*

**Clause 29**

BARONESS HAYTER OF KENTISH TOWN

Page 22, line 43, after “Kingdom” insert “to protect and promote the interest of consumers and safeguard the environment”

Page 23, line 6, leave out subsection (4)

BARONESS BOWLES OF BERKHAMSTED

*Baroness Bowles of Berkhamsted gives notice of her intention to oppose the Question that Clause 29 stand part of the Bill.*

**Clause 30**

LORD MACKAY OF CLASHFERN

Page 23, line 15, at end insert—

“(3) Before authorising a task group under subsection (1), the CMA must consult the Joint Ministerial Committee on European Negotiations.”

BARONESS BOWLES OF BERKHAMSTED

*Baroness Bowles of Berkhamsted gives notice of her intention to oppose the Question that Clause 30 stand part of the Bill.*

### After Clause 30

LORD STEVENSON OF BALMACARA

Insert the following new Clause—

**“Office for the Internal Market: establishment as a body corporate**

- (1) Within the period of six months beginning on the day on which section 30 comes into force, the Secretary of State must by regulations establish the Office for the Internal Market (“the OIM”) as a body corporate.
- (2) Regulations under subsection (1) may amend or modify any enactment including this Act for the purposes of requiring or authorising the OIM to do anything required or authorised to be done by the CMA under this Part.
- (3) Schedule (Office for the Internal Market) contains further provision about the OIM once it has been established as a body corporate.
- (4) Regulations under this section are subject to the affirmative resolution procedure.”

### Schedule 3

BARONESS FINLAY OF LLANDAFF  
BARONESS RANDERSON

Page 54, line 8, at end insert—

- “(2A) After sub-paragraph (1)(b) insert—
- “(c) one person appointed to membership of the CMA Board by each of—
- (i) the Scottish Ministers,
  - (ii) the Welsh Ministers, and
  - (iii) the Department for the Economy in Northern Ireland.””

***Member’s explanatory statement***

*This amendment provides for each of the devolved administrations to appoint a member to the CMA Board.*

Page 54, line 11, leave out “consult” and insert “obtain the consent of”

***Member’s explanatory statement***

*This amendment requires the Secretary of State to obtain the consent of the devolved administrations before appointing the chair and members of the CMA’s Office of the Internal Market panel (but this is intended to be subject to the amendment in the name of Baroness Finlay to page 47, line 1).*

BARONESS HAYTER OF KENTISH TOWN

Page 54, line 11, after “consult”, insert “and seek the consent of”

**Schedule 3 - continued**

BARONESS FINLAY OF LLANDAFF  
BARONESS RANDERSON

Page 54, line 14, at end insert –

- “(2B) But the Secretary of State may make an appointment without consent required by sub-paragraph (2A) if that consent is not given within the period of one month beginning with the day on which the Secretary of State requests it.
- (2C) If the Secretary of State makes an appointment without consent required by sub-paragraph (2A), the Secretary of State must publish a statement explaining why the Secretary of State has proceeded with the appointment.”

***Member’s explanatory statement***

*This amendment enables the Secretary of State to make an appointment to the OIM panel without the consent of the devolved administrations if one month has passed since consent was requested. Reasons must be given for proceeding without consent.*

Page 54, line 14, at end insert –

“(4) In sub-paragraph (5), after “(1)(b)” insert “and (c)”.

2A In paragraph 2, after sub-paragraph (2) insert –

“(3) Before determining the terms and conditions of an appointment to the CMA Board under paragraph 1(1)(c), the Secretary of State must consult whichever of the Scottish Ministers, the Welsh Ministers or the Department for the Economy in Northern Ireland is responsible for making the appointment.”

***Member’s explanatory statement***

*This amendment adds two new amendments to Schedule 3 related to the amendment in the name of Baroness Finlay to page 54, line 8. The first updates a cross-reference as a consequence of that amendment. The second requires the Secretary of State to consult the devolved administrations before setting terms and conditions for CMA Board members that they appoint.*

Page 54, line 15, at end insert –

“(1A) In sub-paragraph (1), after “(1)(b)” insert “or (c)”.

***Member’s explanatory statement***

*This amendment is consequential on the amendment in the name of Baroness Finlay to page 54, line 8, and applies the maximum 5-year term for CMA Board members to members appointed by the devolved administrations.*

Page 55, line 3, at end insert –

“(2A) After sub-paragraph (2) insert –

**Schedule 3 - continued**

“(2A) Sub-paragraph (2) applies to a member of the CMA Board appointed under paragraph 1(1)(c) as if the reference to the Secretary of State were a reference to whichever of the Scottish Ministers, the Welsh Ministers or the Department for the Economy in Northern Ireland appointed the person.””

***Member’s explanatory statement***

*This amendment means that, if a CMA Board member appointed by one of the devolved administrations wishes to resign from membership, they must do so by giving notice to the devolved administration in question.*

Page 55, line 15, at end insert –

“5A (1) Paragraph 7 is amended as follows.

(2) The existing provision becomes sub-paragraph (1).

(3) After that sub-paragraph insert –

“(2) Sub-paragraph (1) applies to a member of the CMA Board appointed under paragraph 1(1)(c) as if the reference to the Secretary of State were a reference to whichever of the Scottish Ministers, the Welsh Ministers or the Department for the Economy

***Member’s explanatory statement***

*This amendment means that, where a CMA Board member was appointed by one of the devolved administrations, the power to remove that member for incapacity, misbehaviour or dereliction of duty is exercisable by the devolved administration in question.*

BARONESS FINLAY OF LLANDAFF  
BARONESS HUMPHREYS

Page 55, line 20, at end insert –

“7A In paragraph 12, after “Parliament” insert “, the Scottish Parliament, Senedd Cymru and the Northern Ireland Assembly”.

7B In paragraph 13, after “Parliament” insert “, the Scottish Parliament, Senedd Cymru and the Northern Ireland Assembly”.

7C In paragraph 14, after “Parliament” insert “, the Scottish Parliament, Senedd Cymru and the Northern Ireland Assembly”.

7D In paragraph 27(b), after “(1)(b)” insert “and (c)”.”

***Member’s explanatory statement***

*This amendment requires the CMA to lay its annual plan, proposals for its plan, and its annual report before each of the devolved legislatures. It also adds an amendment to update a cross-reference as a consequence of the amendment in Baroness Finlay's name to page 54, line 8.*

BARONESS HAYTER OF KENTISH TOWN

Page 55, line 32, at end insert “, including representatives from each of the four nations in the United Kingdom.”

**Schedule 3 - continued**

Page 56, line 7, at end insert—

- “(4) The members of an OIM task group must include representatives from each of the four nations in the United Kingdom.”

**BARONESS BOWLES OF BERKHAMSTED**

*Baroness Bowles of Berkhamsted gives notice of her intention to oppose the Question that Schedule 3 be the 3rd Schedule to the Bill.*

**After Schedule 3****LORD STEVENSON OF BALMACARA**

Insert the following new Schedule—

**OFFICE FOR THE INTERNAL MARKET***Status*

- 1 (1) The OIM is not to be regarded—
- (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.

*Membership*

- 2 (1) The OIM is to consist of—
- (a) a Chair and five members appointed by the Secretary of State,
  - (b) a member appointed by the Scottish Ministers,
  - (c) a member appointed by the Welsh Ministers,
  - (d) a member appointed by the Department for the Economy in Northern Ireland.
- (2) Before appointing a chair and member under subsection (2)(1)(a) the Secretary of State must consult the Scottish Ministers, the Welsh Ministers, and the Department for the Economy in Northern Ireland.

*Powers*

- 3 (1) The OIM may do anything required or authorised to be done by the CMA under Part 4.
- (2) The OIM may rule that any distortive or harmful subsidies are illegal and should be repaid.
- (3) The OIM may launch an investigation into distortive or harmful subsidies and subsidy races.
- (4) The OIM may recommend to the Secretary of State changes to the test for a harmful subsidy, the scope of exemptions, and time limits on approvals.
- (5) The OIM may impose a penalty.
- (6) The OIM may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the performance of its powers or functions.”

**Clause 31**

BARONESS HAYTER OF KENTISH TOWN

Page 23, line 19, after “operation” insert “for the benefit of consumers”

Page 23, line 34, at end insert –

“(c) the impact of the operation of that market on consumers.”

Page 23, line 39, after “Kingdom” insert “including with reference to the impact on consumers”

LORD MACKAY OF CLASHFERN

Page 24, line 3, at end insert –

“(e) the Joint Ministerial Committee on European Negotiations.”

BARONESS HAYTER OF KENTISH TOWN

Page 24, line 12, at end insert –

“(iv) prices, the quality of goods and services, and choice for consumers, and”

BARONESS BOWLES OF BERKHAMSTED

*Baroness Bowles of Berkhamsted gives notice of her intention to oppose the Question that Clause 31 stand part of the Bill.*

**Clause 32**

BARONESS BOWLES OF BERKHAMSTED

*Baroness Bowles of Berkhamsted gives notice of her intention to oppose the Question that Clause 32 stand part of the Bill.*

**Clause 33**

BARONESS BOWLES OF BERKHAMSTED

*Baroness Bowles of Berkhamsted gives notice of her intention to oppose the Question that Clause 33 stand part of the Bill.*

**Clause 34**

BARONESS BOWLES OF BERKHAMSTED

*Baroness Bowles of Berkhamsted gives notice of her intention to oppose the Question that Clause 34 stand part of the Bill.*

**Clause 35**

BARONESS BOWLES OF BERKHAMSTED

*Baroness Bowles of Berkhamsted gives notice of her intention to oppose the Question that Clause 35 stand part of the Bill.*

**Clause 36**

BARONESS BOWLES OF BERKHAMSTED

*Baroness Bowles of Berkhamsted gives notice of her intention to oppose the Question that Clause 36 stand part of the Bill.*

**Clause 37**

BARONESS BOWLES OF BERKHAMSTED

*Baroness Bowles of Berkhamsted gives notice of her intention to oppose the Question that Clause 37 stand part of the Bill.*

**Clause 38**

BARONESS BOWLES OF BERKHAMSTED

*Baroness Bowles of Berkhamsted gives notice of her intention to oppose the Question that Clause 38 stand part of the Bill.*

**Clause 39**BARONESS FINLAY OF LLANDAFF  
BARONESS RANDERSON

Page 31, line 6, leave out “such” and insert “each relevant national authority and such other”

***Member’s explanatory statement***

*This amendment requires the CMA to consult the Secretary of State and the devolved administrations when preparing or revising its statement of policy in relation to the enforcement of notices under Clause 38 requiring information or documents.*

BARONESS BOWLES OF BERKHAMSTED

*Baroness Bowles of Berkhamsted gives notice of her intention to oppose the Question that Clause 39 stand part of the Bill.*

**Clause 40**BARONESS FINLAY OF LLANDAFF  
BARONESS RANDERSON

Page 31, line 41, at end insert —

“and obtain the consent of each other relevant national authority.”

***Member’s explanatory statement***

*This amendment requires the Secretary of State to obtain the consent of the devolved administrations before making regulations specifying maximum penalties that may be imposed by the CMA under Clause 39.*

BARONESS BOWLES OF BERKHAMSTED

*Baroness Bowles of Berkhamsted gives notice of her intention to oppose the Question that Clause 40 stand part of the Bill.*

**After Clause 40**

BARONESS HAYTER OF KENTISH TOWN

Insert the following new Clause—

**“Duty to consider the internal market when considering mergers**

In section 58 of the Enterprise Act 2002 (specified considerations) after subsection (2E) insert—

“(2F) The need to promote the better operation and improvement of the United Kingdom internal market is specified in this section, having regard to—

- (a) the need to promote research and development and innovation in new and existing industries and enterprises, and
- (b) the need to act in the interests of United Kingdom public policy.”

**Clause 41**

BARONESS BOWLES OF BERKHAMSTED

*Baroness Bowles of Berkhamsted gives notice of her intention to oppose the Question that Clause 41 stand part of the Bill.*

**Before Clause 42**

LORD HAIN

BARONESS RITCHIE OF DOWNPATRICK

BARONESS ALTMANN

BARONESS SUTTIE

Insert the following new Clause—

**“Good Friday Agreement**

- (1) When exercising any functions under this Act, no appropriate authority may take any actions which would undermine the effective application of any international or domestic law which sets out arrangements necessary to—
  - (a) address the unique political circumstances on the island of Ireland,
  - (b) maintain the necessary conditions for continued North-South cooperation,
  - (c) avoid a hard border between Northern Ireland and the Republic of Ireland, or
  - (d) support, protect or implement the 1998 Good Friday/Belfast Agreement,

as far as relevant to the United Kingdom internal market.

- (2) In this section, “appropriate authority” has the same meaning as in section 43.”



**Clause 42**

LORD JUDGE  
LORD FALCONER OF THOROTON  
LORD HOWARD OF LYMPNE  
LORD CORMACK

*The above-named Lords give notice of their intention to oppose the Question that Clause 42 stand part of the Bill.*

**Clause 43**

LORD CALLANAN

Page 34, line 42, at end insert “, or

- (f) is necessary for the purpose of dealing with a threat to food or feed safety in Great Britain.”

***Member’s explanatory statement***

*This amendment would create an additional exclusion from the prohibition imposed by Clause 43 on checks etc on goods moving from Northern Ireland to Great Britain. The scope of the exclusion is defined in the new subsection (6A) added by the other amendment of this Clause in my name.*

Page 35, line 29, at end insert –

- “(6A) For the purposes of this section the exercise of a function “is necessary for the purpose of dealing with a threat to food or feed safety in Great Britain” if the exercise of the function consists of –
- (a) the making, or operation, of legislation which satisfies the conditions set out in paragraph 2 of Schedule 1, or
  - (b) any other activity which satisfies the conditions set out in paragraph 2(2), (3), (4) and (6) of Schedule 1 (reading any reference in those conditions to “legislation” as a reference to the activity in question).”

***Member’s explanatory statement***

*This amendment would set out the scope of the additional exclusion created by the amendment in my name adding paragraph (f) to Clause 43(2). The exclusion applies where a check etc is needed to address a threat to the health of humans or animals posed by unsafe food or feed.*

LORD FOX

Page 36, line 1, leave out subsection (8)

***Member’s explanatory statement***

*This amendment would remove the Secretary of State’s regulation-making power, as recommended by the Delegated Powers and Regulatory Reform Committee in its 24th Report.*

LORD JUDGE  
LORD FALCONER OF THOROTON  
LORD HOWARD OF LYMPNE  
THE LORD BISHOP OF LEEDS

*The above-named Lords give notice of their intention to oppose the Question that Clause 43 stand part of the Bill.*

**Clause 44**

LORD JUDGE  
LORD FALCONER OF THOROTON  
LORD HOWARD OF LYMPNE  
THE LORD BISHOP OF LEEDS

*The above-named Lords give notice of their intention to oppose the Question that Clause 44 stand part of the Bill.*

**After Clause 44**

LORD HAIN  
BARONESS RITCHIE OF DOWNPATRICK

Insert the following new Clause –

**“No discrimination against goods from Northern Ireland**

- (1) On or after IP completion day, an appropriate authority must not exercise any function in a way that would impose any tariffs or any requirement of customs procedures for goods originating in Northern Ireland which are entering Great Britain, or discriminate, either directly or in effect, in relation to such goods entering Great Britain as compared to other goods being traded within the United Kingdom.
- (2) In this section, “appropriate authority” has the same meaning as in section 43.”

***Member’s explanatory statement***

*Because Northern Ireland goods will be produced in accordance with EU rules under the Irish Protocol, this amendment will ensure that NI goods in particular will not be discriminated against in the operation of the UK internal market.*

LORD HAIN  
BARONESS RITCHIE OF DOWNPATRICK  
BARONESS SUTTIE

Insert the following new Clause –

**“Trader Support Service**

Persons and businesses seeking to bring trade goods either into Northern Ireland from Great Britain, or into Great Britain from Northern Ireland, may access the Trader Support Service at no cost.”

***Member’s explanatory statement***

*The Trader Support Service set up to facilitate GB-NI trade is currently only established for a two year period. This amendment extends that support indefinitely.*

**Clause 45**

LORD JUDGE  
LORD FALCONER OF THOROTON  
LORD HOWARD OF LYMPNE  
LORD NEWBY

*The above-named Lords give notice of their intention to oppose the Question that Clause 45 stand part of the Bill.*

**Clause 46**

LORD JUDGE  
LORD FALCONER OF THOROTON  
LORD HOWARD OF LYMPNE  
LORD NEWBY

*The above-named Lords give notice of their intention to oppose the Question that Clause 46 stand part of the Bill.*

**Clause 47**

LORD JUDGE  
LORD FALCONER OF THOROTON  
LORD HOWARD OF LYMPNE  
LORD NEWBY

*The above-named Lords give notice of their intention to oppose the Question that Clause 47 stand part of the Bill.*

**Clause 48**

BARONESS FINLAY OF LLANDAFF  
LORD BRUCE OF BENNACHIE

*The above-named Lords give notice of their intention to oppose the Question that Clause 48 stand part of the Bill.*

***Member's explanatory statement***

*This notice is intended to remove the provision for a Minister of the Crown to provide financial assistance for economic development etc. anywhere in the United Kingdom.*

**Clause 50**

BARONESS FINLAY OF LLANDAFF  
LORD STEVENSON OF BALMACARA  
LORD FOX

*The above-named Lords give notice of their intention to oppose the Question that Clause 50 stand part of the Bill.*

***Member's explanatory statement***

*This notice is intended to remove provisions changing the legislative competence of the devolved legislatures to prevent devolved Acts making provision about the regulation of the provision of certain subsidies by public authorities.*

**Clause 51**

BARONESS FINLAY OF LLANDAFF  
LORD STEVENSON OF BALMACARA  
BARONESS HUMPHREYS

*The above-named Lords give notice of their intention to oppose the Question that Clause 51 stand part of the Bill.*

**Member's explanatory statement**

*This notice is intended to remove provisions changing the legislative competence of the devolved legislatures to prevent devolved Acts modifying the United Kingdom Internal Market Act 2020.*

**Clause 52**

LORD FALCONER OF THOROTON

*Lord Falconer of Thoroton gives notice of his intention to oppose the Question that Clause 52 stand part of the Bill.*

**After Clause 52**

LORD MACKAY OF CLASHFERN

Insert the following new Clause—

**“Common frameworks: regulations**

When a decision is made between the UK Government and devolved governments on Common Frameworks covering the United Kingdom internal market, the Secretary of State must lay before Parliament regulations to bring such agreements into law.”

**Member's explanatory statement**

*This amendment would ensure that Common Frameworks would be put on a statutory footing, with parliamentary scrutiny.*

Insert the following new Clause—

**“Joint Ministerial Committee on European Negotiations: agreement of regulations**

- (1) Regulations to be made under any provision of this Act must be brought before the Joint Ministerial Committee on European Negotiations for discussion and agreement before they may be laid before Parliament.
- (2) If the Joint Ministerial Committee on European Negotiations do not agree to the regulations, the Secretary of State must lay before Parliament the reasons for the disagreement, and table a motion in both Houses of Parliament to debate the regulations and disagreement before they are approved.”

**Member's explanatory statement**

*This amendment seeks to ensure the Joint Ministerial Committee on European Negotiations, representing all four nations, have sight of the regulations made under this Bill.*

LORD FOULKES OF CUMNOCK

Insert the following new Clause—

**“Non-regression of standards in common framework areas**

- (1) It is the objective of the Secretary of State to ensure that standards are not reduced where they have been established in common framework areas until the conditions in subsection (2) are met.
- (2) The conditions in this subsection are that—

**After Clause 52 - continued**

- (a) the Secretary of State has made an agreement with the Scottish Ministers, the Welsh Ministers and a Northern Ireland department about the common framework areas, and
  - (b) the Secretary of State has laid the agreement before Parliament.
- (3) In this section, “common framework areas” means areas of law and public policy that were previously within the competence of the European Union where the Joint Ministerial Committee has considered that it might be necessary to establish a common framework in order to enable the functioning of the internal market in the United Kingdom.”

Insert the following new Clause –

**“Internal market common framework**

- (1) The Secretary of State must seek to reach agreement with the Scottish Government, the Welsh Government and the Northern Ireland Executive on a common framework on the United Kingdom internal market.
- (2) A common framework under subsection (1) may cover –
  - (a) the functioning of the United Kingdom internal market;
  - (b) the effectiveness of market access principles; and
  - (c) drawing up a shared prosperity fund to balance economic development across the whole of the United Kingdom.
- (3) The Secretary of State must take into account the common framework on the United Kingdom internal market in exercising any powers under Part 6 (financial assistance powers).”

***Member’s explanatory statement***

*This new Clause would put the common framework process on a statutory footing.*

BARONESS FINLAY OF LLANDAFF  
LORD STEVENSON OF BALMACARA  
BARONESS RANDESON

Insert the following new Clause –

**“Establishing and maintaining high levels of protection in the regulation of goods**

- (1) The duty in subsection (2) applies where an appropriate authority exercises any function of making of subordinate legislation that establishes, alters or removes a relevant requirement.
- (2) The appropriate authority must have regard to the need to establish and maintain a high level of protection in respect of any regulatory aim that is relevant to the relevant requirement.
- (3) A person, acting as or on behalf of an appropriate authority, in charge of a Bill in an appropriate legislature that contains provision establishing, altering or removing a relevant requirement must make a statement, on or before introduction of the Bill, that –

**After Clause 52 - continued**

- (a) sets out the person’s view as to whether the provisions will provide for a level of protection in respect of any regulatory aim relevant to the relevant requirement that is equivalent to, higher than or lower than the level of protection afforded by the law before it would be changed by the Bill, and
  - (b) sets out the person’s reasons for holding that view.
- (4) The form of any statement under subsection (3), and the manner in which it is to be made, is to be determined under the standing orders of the appropriate legislature.
- (5) Before making subordinate legislation that establishes, alters or removes a relevant requirement, the appropriate authority must make a statement that –
- (a) sets out the authority’s view as to whether the legislation will provide for a level of protection in respect of any regulatory aim relevant to the relevant requirement that is equivalent to, higher than or lower than the level of protection afforded by the law before it would be changed by the legislation, and
  - (b) sets out the person’s reasons for holding that view.
- (6) A statement made under subsection (5) must be in writing and be published at such a time before the subordinate legislation is made and in such manner as the authority making it considers appropriate.
- (7) But subsection (6) is subject to any requirements imposed by the standing orders of the appropriate legislature in the case of subordinate legislation that must be laid before the legislature.
- (8) In this section –
- “appropriate authority” means –
- (a) a Minister of the Crown;
  - (b) the Scottish Ministers;
  - (c) the Welsh Ministers;
  - (d) the First Minister and deputy First Minister in Northern Ireland acting jointly, a Northern Ireland Minister or a Northern Ireland department;
  - (e) any other person who exercises the function of making subordinate legislation;
- “appropriate legislature” means –
- (a) either House of Parliament;
  - (b) the Scottish Parliament;
  - (c) Senedd Cymru;
  - (d) the Northern Ireland Assembly;
- “regulatory aim” means –
- (a) the protection of the life or health of humans, animals or plants,
  - (b) the protection of public safety or security,
  - (c) the protection of the environment,
  - (d) the protection of animal welfare,
  - (e) consumer protection,

**After Clause 52 - continued**

- (f) the improvement of working conditions, or
- (g) a combination of any of those aims;

“relevant requirement” means –

- (a) a relevant requirement (within the meaning given by section 3) for the purposes of the mutual recognition principle for goods as it applies in relation to the sale of goods in a part of the United Kingdom, or
- (b) a relevant requirement (within the meaning given by section 6) for the purposes of the non-discrimination principle for goods.”

***Member’s explanatory statement***

*This amendment means that Ministers and others involved in making legislation must have regard to the need to establish and maintain a high level of protection in respect of regulatory aims relevant to that legislation and to which the mutual recognition principle for goods or the non-discrimination principle apply.*

**Clause 53**

LORD HAIN  
BARONESS RITCHIE OF DOWNPATRICK  
BARONESS ALTMANN  
BARONESS SUTTIE

Page 43, line 41, at end insert –

- “( ) No regulations may be made under this Act which affect matters which were within the devolved competence of the Scottish Ministers, the Welsh Ministers or a Northern Ireland department prior to 31 January 2020 unless a common framework on the United Kingdom internal market, or on the relevant aspect of the internal market, has been agreed between the United Kingdom Government and the relevant devolved administration or administrations.”

**Clause 56**

LORD HAIN  
BARONESS RITCHIE OF DOWNPATRICK  
BARONESS ALTMANN  
BARONESS SUTTIE

Page 45, line 17, at end insert –

- “( ) No provisions of this Act come into force unless the United Kingdom is, at the time that any provision of this Act would otherwise come into force, fully in compliance with the following, and, if at any time the United Kingdom fails to be fully in compliance with the following, the provisions of this Act will cease to have effect as of the first day on which the United Kingdom is non-compliant –
  - (a) the terms regarding the United Kingdom internal market set out in the Northern Ireland Protocol, and
  - (b) the terms of the Good Friday Agreement which are relevant to the United Kingdom internal market.”

# United Kingdom Internal Market Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*20 October 2020*

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