

# United Kingdom Internal Market Bill

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AMENDMENTS  
TO BE MOVED  
ON REPORT

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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”

LORD STEVENSON OF BALMACARA  
BARONESS MCINTOSH OF PICKERING

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 paragraphs (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 SUTTIE  
BARONESS ALTMANN

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 this Act.
- (4) The Prime Minister must convene a plenary session of the Joint Ministerial Council in order to seek agreement of the market access principles in subsection (2).
- (5) If an agreement on the market access principles is reached, the Secretary of State must lay before Parliament a memorandum of understanding which sets out –
  - (a) that the principles have been agreed, as well as any provisos or undertakings that have also been agreed in order to secure agreement of the principles; and
  - (b) 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.
- (6) If unanimous agreement is not reached at the conclusion of the Joint Ministerial Council session, the Secretary of State must lay before Parliament a report outlining –
  - (a) why unanimous agreement could not be reached; and
  - (b) proposals for the operation of the internal market in the United Kingdom in light of the fact that an agreement under subsection (4) was not reached unanimously.
- (7) A statutory instrument containing regulations under section 50(3) may not appoint a day for the commencement of Parts 1, 2, 3 or 4 until the requirement in either subsection (5) or (6) is met.”

**After Clause 1**

LORD HOPE OF CRAIGHEAD  
BARONESS FINLAY OF LLANDAFF  
LORD MACKAY OF CLASHFERN  
LORD BOURNE OF ABERYSTWYTH

Insert the following new Clause—

**“Common frameworks process**

- (1) The United Kingdom market access principles shall not apply to any statutory provision or requirement that gives effect to a decision to diverge from harmonised rules that has been agreed through the common frameworks process.
- (2) No regulations may be made by a Minister of the Crown with regard to a matter that is under consideration under the common frameworks process while that process in relation to that matter is still in progress.
- (3) The “common frameworks process” is a means, established by the Joint Ministerial Committee on European Negotiations, by which a measure of regulatory consistency to enable a functioning internal market within the United Kingdom may be mutually agreed between the United Kingdom and devolved governments.”

**Clause 3**

BARONESS ANDREWS  
BARONESS MEACHER  
LORD BEITH  
LORD CARLILE OF BERRIEW

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

**Clause 6**

BARONESS ANDREWS  
BARONESS MEACHER  
LORD BEITH  
LORD CARLILE OF BERRIEW

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

**Clause 8**

LORD STEVENSON OF BALMACARA  
LORD ANDERSON OF IPSWICH

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.”

**Clause 8 - continued**

BARONESS ANDREWS  
 BARONESS MEACHER  
 LORD BEITH  
 LORD CARLILE OF BERRIEW

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

**Clause 10**

BARONESS ANDREWS  
 BARONESS MEACHER  
 LORD BEITH  
 LORD CARLILE OF BERRIEW

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

LORD STEVENSON OF BALMACARA  
 LORD ANDERSON OF IPSWICH

Leave out Clause 10 and 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,
  - (g) regional socio-cultural characteristics, or
  - (h) 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.”

**Clause 11**

BARONESS RITCHIE OF DOWNPATRICK  
BARONESS SUTTIE  
LORD HAIN

Page 8, line 15, at end insert –

- “(7A) Statutory provision is not a relevant requirement for the purposes of the non-discrimination principle for goods if that provision –
- (a) is enacted after this section comes into force, and
  - (b) is intended to comply with any obligations arising under Articles 4 and 5 of the EU withdrawal agreement and Article 13(3) of the Northern Ireland Protocol to implement in the law of Northern Ireland amendments to or replacement of any provisions of EU law that are relevant to the commitments in Article 2 of the Northern Ireland Protocol.
- (7B) In this section, references to “Article 2” of the Northern Ireland Protocol include the provisions of EU law listed in Annex 1 to the Northern Ireland Protocol and any other provisions or rules of law, including provisions of the EU withdrawal agreement, that relate to Article 2 or Annex 1.”

***Member’s explanatory statement***

*This amendment would ensure that any statutory provision introduced to implement in the law of Northern Ireland certain amendments to EU law after the transition period may not be challenged under the Clause 5 non-discrimination principle, where the statutory provision is necessary to ensure continued compliance with the principle of non-regression in Article 2 of the Northern Ireland Protocol.*

**Clause 17**

BARONESS ANDREWS  
BARONESS MEACHER  
LORD BEITH  
LORD CARLILE OF BERRIEW

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

**Clause 20**

LORD STEVENSON OF BALMACARA

Page 14, line 37, at end insert –

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

**Clause 20 - continued**

BARONESS ANDREWS  
 BARONESS MEACHER  
 LORD BEITH  
 LORD CARLILE OF BERRIEW

Page 14, line 38, leave out subsections (8) and (9)

**After Clause 30**

LORD STEVENSON OF BALMACARA  
 BARONESS NEVILLE-ROLFE

Insert the following new Clause—

**“Office for the Internal Market**

- (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 independent of the CMA.
- (2) Regulations under this section are subject to the affirmative resolution procedure.
- (3) The Secretary of State must consult and seek the consent of Scottish Ministers, the Welsh Ministers, and the Department for the Economy in Northern Ireland on appointments to the OIM.
- (4) The OIM may –
  - (a) do anything required or authorised to be done by the CMA under Part 4,
  - (b) launch an investigation into distortive or harmful subsidies and subsidy races,
  - (c) rule that any distortive or harmful subsidies are illegal and should be repaid,
  - (d) recommend to the Secretary of State changes to the test for a harmful subsidy, the scope of exemptions, and time limits on approvals,
  - (e) impose a penalty, and
  - (f) 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.”

**After Clause 41**

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 50**

LORD STEVENSON OF BALMACARA

Page 39, line 5, at end insert –

- “( ) A statutory instrument containing regulations under subsection (3) may not appoint a day for the commencement of provisions in Parts 1, 2 or 3 unless, for each matter covered by the common frameworks process to enable the functioning of the internal market in the United Kingdom, the Minister of the Crown is satisfied that –
- (a) the relevant common frameworks process is no longer in progress as no agreement has been reached to the satisfaction of all parties involved; and
  - (b) any relevant dispute resolution process has been invoked after the relevant common frameworks process did not end in an agreement and all concerned are satisfied with the result.”

**Schedule 3**

LORD THOMAS OF CWMGIEDD  
BARONESS HAYTER OF KENTISH TOWN

Page 47, line 26, 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 47, line 32, 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 48, line 28, at end insert –

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

“(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.*



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*10 November 2020*

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