

United Kingdom Internal Market Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 1

LORD HAIN
BARONESS RITCHIE OF DOWNPATRICK
LORD EAMES
LORD CORMACK

Page 1, line 11, at end insert –

- “() This Part only has effect during any time when the Government has acted and is acting so as to ensure unfettered market access for goods moving from Northern Ireland to other parts of the United Kingdom’s internal market and vice versa.”

Clause 3

BARONESS HAYTER OF KENTISH TOWN

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

Page 3, line 31, at end insert –

- “() But the Secretary of State may make regulations under subsection (8) without the consent required by subsection (10) if that consent is not given within the period of one month beginning with the day on which the Secretary of State requests it.
- () If the Secretary of State makes regulations without the consent required by subsection (10), the Secretary of State must publish a statement explaining why the Secretary of State has proceeded with making the regulations.”

Clause 8

LORD CALLANAN

Page 7, line 4, at end insert –

- “(8A) Before making regulations under subsection (7) the Secretary of State must consult the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland.”

Member's explanatory statement

This amendment would require the Secretary of State to consult the devolved administrations before making regulations amending the "legitimate aims" in Clause 8 (which can mean that provision does not count as indirectly discriminatory against goods).

BARONESS HAYTER OF KENTISH TOWN

Page 7, line 4, at end insert—

- “(8A) Before making regulations under subsection (7) the Secretary of State must obtain the consent of the Scottish Ministers, the Welsh Ministers, and the Department for the Economy in Northern Ireland.
- (8B) But the Secretary of State may make regulations under subsection (7) without the consent required by subsection (8A) if that consent is not given within the period of one month beginning with the day on which the Secretary of State requests it.
- (8C) If the Secretary of State makes regulations without the consent required by subsection (8A), the Secretary of State must publish a statement explaining why the Secretary of State has proceeded with making the regulations.”

Clause 10

LORD CALLANAN

Page 7, line 25, at end insert—

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

Member's explanatory statement

This amendment would require the Secretary of State to consult the devolved administrations before making regulations amending Schedule 1 (which contains exceptions from the rules about market access for goods).

BARONESS HAYTER OF KENTISH TOWN

Page 7, line 25, at end insert—

- “(3A) Before making regulations under subsection (2) the Secretary of State must obtain the consent of the Scottish Ministers, the Welsh Ministers, and the Department for the Economy in Northern Ireland.
- (3B) But the Secretary of State may make regulations under subsection (2) without the consent required by subsection (3A) if that consent is not given within the period of one month beginning with the day on which the Secretary of State requests it.
- (3C) If the Secretary of State makes regulations without the consent required by subsection (3A), the Secretary of State must publish a statement explaining why the Secretary of State has proceeded with making the regulations.”

Clause 12

BARONESS HAYTER OF KENTISH TOWN

Page 8, line 31, at end insert –

- “(4A) Before issuing, revising or withdrawing any guidance under subsection (4), the Secretary of State must obtain the consent of the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland.”
- (4B) But the Secretary of State may issue, revise or withdraw any guidance without the consent required by subsection (4A) if that consent is not given within the period of one month beginning with the day on which the Secretary of State requests it.
- (4C) If the Secretary of State makes regulations without the consent required by subsection (4A), the Secretary of State must publish a statement explaining why the Secretary of State has proceeded with making the regulations.”

Clause 16LORD HAIN
BARONESS RITCHIE OF DOWNPATRICK
LORD EAMES
LORD CORMACK

Page 12, line 23, at end insert –

- “() This Part only has effect during any time when the Government has acted and is acting so as to ensure unfettered market access for services provided by a service provider in Northern Ireland to customers in other parts of the United Kingdom, and for services provided to customers in Northern Ireland by a service provider in another part of the United Kingdom.”

Clause 17

BARONESS HAYTER OF KENTISH TOWN

Page 12, line 42, at end insert –

- “(3A) Before making regulations under subsection (3) the Secretary of State must obtain the consent of the Scottish Ministers, the Welsh Ministers, and the Department for the Economy in Northern Ireland.”
- (3B) But the Secretary of State may make regulations under subsection (3) without the consent required by subsection (3A) if that consent is not given within the period of one month beginning with the day on which the Secretary of State requests it.
- (3C) If the Secretary of State makes regulations without the consent required by subsection (3A), the Secretary of State must publish a statement explaining why the Secretary of State has proceeded with making the regulations.”

LORD CALLANAN

Page 12, line 43, leave out subsection (4)

Member's explanatory statement

This amendment would remove the ability to make regulations amending Schedule 2 (which contains exceptions from the rules about market access for services) under the made affirmative procedure instead of the affirmative procedure for an initial three-month period.

Page 12, line 45, at end insert –

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

Member's explanatory statement

This amendment would require the Secretary of State to consult the devolved administrations before making regulations amending Schedule 2 (which contains exceptions from the rules about market access for services).

After Clause 18

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

Insert the following new Clause –

“Common frameworks process

- (1) The mutual recognition of authorisation requirements shall not apply to any regulatory requirement that gives effect to a decision to diverge from harmonised requirements 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.”

Clause 20

LORD CALLANAN

Page 14, line 41, at end insert –

- “(9A) Before making regulations under subsection (8) the Secretary of State must consult the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland.”

Member's explanatory statement

This amendment would require the Secretary of State to consult the devolved administrations before making regulations amending the “legitimate aims” in Clause 20 (which can mean that provision does not count as indirectly discriminatory against service providers).

BARONESS HAYTER OF KENTISH TOWN

Page 14, line 41, at end insert –

- “(9A) Before making regulations under subsection (8) the Secretary of State must obtain the consent of the Scottish Ministers, the Welsh Ministers, and the Department for the Economy in Northern Ireland.”

Clause 20 - continued

- (9B) But the Secretary of State may make regulations under subsection (8) without the consent required by subsection (9A) if that consent is not given within the period of one month beginning with the day on which the Secretary of State requests it.
- (9C) If the Secretary of State makes regulations without the consent required by subsection (9A), the Secretary of State must publish a statement explaining why the Secretary of State has proceeded with making the regulations.”

Clause 25

LORD HOPE OF CRAIGHEAD
BARONESS FINLAY OF LLANDAFF

Page 19, line 25, at end insert –

- “() Section 22(2) does not apply if the provision has been agreed through the common frameworks process.”

Clause 29

LORD CALLANAN

Page 23, line 16, at end insert –

- “(2A) That objective includes, in particular, supporting the operation of the internal market –
- (a) in the interests of all parts of the United Kingdom, and
 - (b) in the interests of consumers of goods and services as well as other classes of person with an interest in its operation.
- (2B) The CMA must also, in carrying out its functions under this Part, have regard to the need to act even-handedly as respects the relevant national authorities.”

Member’s explanatory statement

This amendment would set out in more detail the considerations that the CMA (including while acting through the Office for the Internal Market) must have regard to in exercising its functions under Part 4.

After Clause 37

LORD CALLANAN

Insert the following new Clause –

“Laying of annual documents before devolved legislatures

- (1) Schedule 4 to the Enterprise and Regulatory Reform Act 2013 (the Competition and Markets Authority) is amended as follows.
- (2) In paragraph 12(3)(annual plan to be laid before Parliament), for “Parliament” substitute “–
 - (a) Parliament,
 - (b) the Scottish Parliament,
 - (c) Senedd Cymru, and
 - (d) the Northern Ireland Assembly”.

After Clause 37 - continued

- (3) In paragraph 13(2)(proposals for annual plan to be laid before Parliament), for “Parliament” substitute “ –
- (a) Parliament,
 - (b) the Scottish Parliament,
 - (c) Senedd Cymru, and
 - (d) the Northern Ireland Assembly”.
- (4) In paragraph 14(3)(a)(performance report to be laid before Parliament), for “Parliament” substitute “ –
- (i) Parliament,
 - (ii) the Scottish Parliament,
 - (iii) Senedd Cymru, and
 - (iv) the Northern Ireland Assembly”.

Member’s explanatory statement

This new Clause would require the CMA to lay its annual plan, proposals for its annual plan and its performance report before the devolved legislatures as well as Parliament.

Clause 39

LORD CALLANAN

Page 31, line 30, leave out “such” and insert “ –

- (a) each relevant national authority, and
- (b) such other”

Member’s explanatory statement

This amendment would provide that the domestic administrations must be among the bodies consulted by the CMA in relation to its policy on enforcing information-gathering notices.

Clause 40

LORD CALLANAN

Page 32, line 19, after “CMA,” insert –

“(aa) each other relevant national authority,”

Member’s explanatory statement

This amendment would provide that the other domestic administrations must be among the bodies consulted by the Secretary of State about regulations setting the level of penalties for contraventions of information-gathering notices issued by the CMA.

Clause 43

LORD CALLANAN

Page 35, line 8, at end insert –

- “(3) As soon as practicable after 31 March each year, a Minister of the Crown must prepare a report summarising how the power in section 42 has been exercised during the preceding period of 12 months ending with 31 March.

Clause 43 - continued

- (4) Subsection (3) does not apply if the power has not been exercised during that period.
- (5) Reports under subsection (3) must be laid before Parliament.”

Member’s explanatory statement

This amendment would require Ministers to prepare annual reports summarising how the financial assistance power has been exercised and lay them before Parliament.

Schedule 3**LORD CALLANAN**

Page 47, line 27, at end insert—

- “(2ZA) In making appointments under paragraphs (iv) and (v) of subparagraph (1)(b) the Secretary of State must have regard to the desirability of securing that—
- (a) a variety of skills, knowledge and experience is available among the members of the OIM panel, and
 - (b) there is an appropriate balance among the members of that panel of persons who have skills, knowledge or experience relating to the operation of the United Kingdom internal market in different parts of the United Kingdom.”

Member’s explanatory statement

The amendment would require the Secretary of State to have regard to the desirability of having a variety of skills, knowledge and experience in the Office for the Internal Market panel and for a balance between members with specific skills, knowledge or experience in the internal market as operating in different parts of the United Kingdom.

Page 47, line 29, leave out “consult” and insert “seek the consent of”

Member’s explanatory statement

The amendment would require the Secretary of State to seek the consent of the devolved administrations to any proposed appointment to the OIM panel.

Page 47, line 36, at end insert—

- “(2B) Subsection (2C) applies if consent to an appointment is not given by any of those authorities within the period of one month beginning with the day on which it is sought from that authority.
- (2C) In that event the Secretary of State—
- (a) may make the appointment without the consent of the authority or authorities concerned; and
 - (b) must, if the appointment is made, inform each authority which did not give consent of the reasons for the decision to proceed with the appointment.”

Member's explanatory statement

The amendment relates to Lord Callanan's proposed amendment at page 47, line 29 and would give the Secretary of State the option to proceed with an appointment to the OIM panel after an interval of at least one month, even if one or more of the devolved administrations have not given their consent.

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11 November 2020
