

# United Kingdom Internal Market Bill

---

## AMENDMENTS TO BE MOVED ON REPORT

---

### Clause 1

LORD HAIN  
BARONESS RITCHIE OF DOWNPATRICK  
LORD EAMES  
LORD CORMACK

*Re-tabled version of the amendment printed on HL Bill 150(b)*

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.”

### Clause 3

BARONESS MCINTOSH OF PICKERING

Page 3, line 27, leave out subsection (9) and insert –

“(9) Regulations under subsection (8) are subject to super-affirmative resolution procedure (see Schedule (*Super-affirmative resolution procedure*)).”

#### ***Member’s explanatory statement***

*This amendment ensures that regulations under subsection (8) are subject to super-affirmative resolution procedure and introduces the supportive Schedule in respect of super-affirmative resolution procedure.*

### Clause 5

BARONESS MCINTOSH OF PICKERING

Page 4, line 29, after “part” insert “only”

**Clause 6**

BARONESS MCINTOSH OF PICKERING

Page 5, line 25, leave out subsection (6) and insert –

“(6) Regulations under subsection (5) are subject to super-affirmative resolution procedure (see Schedule (*Super-affirmative resolution procedure*)).”

Page 5, line 29, at end insert –

“( ) The Secretary of State must publish the results of the consultation and give reasons for any decision reached.”

**Clause 8**

BARONESS BOYCOTT

Page 6, line 47, at end insert –

“(c) the protection of environmental standards.”

***Member’s explanatory statement***

*This amendment ensures that the protection of environmental standards is included within the definition of a "legitimate aim".*

BARONESS MCINTOSH OF PICKERING

Page 7, line 3, leave out subsection (8) and insert –

“(8) Regulations under subsection (7) are subject to super-affirmative resolution procedure (see Schedule (*Super-affirmative resolution procedure*)).”

Page 7, line 4, at end insert –

“( ) 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.”

Page 7, line 4, at end insert –

“( ) The Secretary of State must publish the results of the consultation and give reasons for any decision reached.”

**Clause 10**

BARONESS MCINTOSH OF PICKERING

Page 7, line 23, at end insert –

“( ) 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.”

**After Clause 10**

LORD WIGLEY

Insert the following new Clause—

**“Market access principles: protection of devolved competences**

The United Kingdom market access principles do not affect the existing powers of Senedd Cymru, the Scottish Parliament or the Northern Ireland Assembly, with regard to—

- (a) their existing procurement practices and procedures, or
- (b) their existing competence to legislate to secure and apply procurement policies which underpin their economic and social strategies.”

***Member’s explanatory statement***

*This amendment seeks to ensure that existing policies pursued by the devolved legislatures are not undermined by this Act and aims to prevent uncertainty regarding the legitimacy of procurement rules and regulations currently in force in the devolved territories.*

BARONESS BOYCOTT

Insert the following new Clause—

**“Environmental derogation for market access principles**

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 or other requirement so far as—

- (a) its purpose is to protect the environment including tackling climate change, and
- (b) it is a proportionate means of achieving a legitimate aim.”

***Member’s explanatory statement***

*The purpose of this new clause is to provide for exceptions and derogations that allow all four UK nations to put in place proportionate measures to protect the environment and improve environmental standards and includes measures which tackle climate change.*

**Clause 11**

LORD JUDGE

Page 8, leave out line 17 and insert “the European Union (Withdrawal) Act 2018”

***Member’s explanatory statement***

*This amendment is consequential on the removal of Part 5 (Northern Ireland Protocol) at Committee Stage.*

**Clause 12**

BARONESS MCINTOSH OF PICKERING

Page 8, line 22, at end insert—

- “( ) Before preparing guidance under subsection (1) the Secretary of State must consult the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland.”

**Clause 12 - continued**

Page 8, line 31, at end insert –

- “( ) Before revising or withdrawing any guidance under subsection (1) the Secretary of State must consult the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland.”

**After Clause 12**

LORD CALLANAN

Insert the following new Clause –

**“Duty to review the use of Part 1 amendment powers**

- (1) In this section “the Part 1 amendment powers” are the powers conferred by sections 6(5), 8(7) and 10(2) (powers to amend certain provisions of Part 1).
- (2) The Secretary of State must, during the permitted period –
  - (a) carry out a review of any use that has been made of the Part 1 amendment powers,
  - (b) prepare a report of the review, and
  - (c) lay a copy of the report before Parliament.
- (3) In carrying out the review the Secretary of State must –
  - (a) consult the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland;
  - (b) consider any relevant reports made, or advice given, by the Competition and Markets Authority under Part 4; and
  - (c) assess the impact and effectiveness of any changes made under the Part 1 amendment powers.
- (4) The permitted period is the period beginning with the third anniversary of the passing of this Act and ending with the fifth anniversary.
- (5) If any Part 1 amendment power has not been used by the time the review is carried out, this section has effect –
  - (a) as if the report required by subsection (2), so far as relating to that power, is a report containing –
    - (i) a statement to the effect that the power has not been used since it came into force, and
    - (ii) such other information relating to that statement as the Secretary of State considers it appropriate to give, and
  - (b) as if the requirements of subsection (3) did not apply in relation to that power.”

***Member’s explanatory statement***

*This new Clause would require the Secretary of State to carry out a review of, and to lay a report to Parliament about, the use made of the amendment powers in Part 1. The review cannot start within three years of Royal Assent, and the steps required would need to be completed within five years.*

**Clause 16**

LORD HAIN  
 BARONESS RITCHIE OF DOWNPATRICK  
 LORD EAMES  
 LORD CORMACK

*Re-tabled version of the amendment printed on HL Bill 150(b)*

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.”

BARONESS NEVILLE-ROLFE

Leave out Clause 16

***Member’s explanatory statement***

*This probing amendment is intended to clarify the extent to which the Government has considered how the provisions of the bill in respect of services will work in practice.*

**Clause 17**

BARONESS MCINTOSH OF PICKERING

Page 12, line 40, at end insert –

“( ) 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.”

Page 12, line 41, leave out subsection (3) and insert –

“(3) Regulations under subsection (2) are subject to super-affirmative resolution procedure (see Schedule (*Super-affirmative resolution procedure*)).”

**Schedule 2**

BARONESS BENNETT OF MANOR CASTLE

Page 46, line 30, at end insert –

“Teaching services

provision of teaching services in schools or colleges”

***Member’s explanatory statement***

*This amendment would add the profession of teacher and teaching services to the scope of the exclusions from the Bill, in the same way that the legal professions and legal services are excluded.*

**Clause 19**

BARONESS MCINTOSH OF PICKERING

Page 13, line 17, at end insert “only to the extent that it directly discriminates against the service provider.”

**Clause 20**

BARONESS MCINTOSH OF PICKERING

Page 13, line 35, at end insert “only to the extent that it directly discriminates against the service provider.”

Page 14, line 39, at end insert –

“( ) 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.”

Page 14, line 40, leave out subsection (9) and insert –

“(9) Regulations under subsection (8) are subject to super-affirmative resolution procedure (see Schedule (*Super-affirmative resolution procedure*)).”

**After Clause 20**

LORD CALLANAN

Insert the following new Clause –

**“Duty to review the use of Part 2 amendment powers**

- (1) In this section “the Part 2 amendment powers” are the powers conferred by sections 17(2) and 20(8) (powers to amend certain provisions of Part 2).
- (2) The Secretary of State must, during the permitted period –
  - (a) carry out a review of any use that has been made of the Part 2 amendment powers,
  - (b) prepare a report of the review, and
  - (c) lay a copy of the report before Parliament.
- (3) In carrying out the review the Secretary of State must –
  - (a) consult the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland;
  - (b) consider any relevant reports made, or advice given, by the Competition and Markets Authority under Part 4; and
  - (c) assess the impact and effectiveness of any changes made under the Part 2 amendment powers.
- (4) The permitted period is the period beginning with the third anniversary of the passing of this Act and ending with the fifth anniversary.
- (5) If either of the Part 2 amendment powers has not been used by the time the review is carried out, this section has effect –

**After Clause 20 - continued**

- (a) as if the report required by subsection (2), so far as relating to that power, is a report containing—
  - (i) a statement to the effect that the power has not been used since it came into force, and
  - (ii) such other information relating to that statement as the Secretary of State considers it appropriate to give, and
- (b) as if the requirements of subsection (3) did not apply to that power.”

***Member’s explanatory statement***

*This new Clause would require the Secretary of State to carry out a review of, and to lay a report to Parliament about, the use made of the amendment powers in Part 2. The review cannot start within three years of Royal Assent, and the steps required would need to be completed within five years.*

## LORD STEVENSON OF BALMACARA

Insert the following new Clause—

**“Exclusions from market access principles: services**

- (1) The United Kingdom market access principles do not apply to this Part in respect of, and sections 18(1), 19(1) and 20(1) 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,
  - (e) 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 a higher extent by requirements in the originating part of the United Kingdom.”

**After Clause 24**

LORD STEVENSON OF BALMACARA

Insert the following new Clause –

**“Exception from section 22: public interest derogations**

- (1) The United Kingdom market access principles do not apply to this Part in respect of, and section 22(2) does not apply to, any provisions 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 provision 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,
  - (e) 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 a higher extent by requirements in the originating part of the United Kingdom.”

**Clause 25**

BARONESS BENNETT OF MANOR CASTLE

Page 19, line 25, at end insert “, or the teaching profession.”

***Member’s explanatory statement***

*This amendment would add the profession of teacher and teaching services to the scope of the exclusions from the Bill, in the same way that the legal professions and legal services are excluded.*

**After Schedule 3**

BARONESS MCINTOSH OF PICKERING

Insert the following new Schedule –

**“SUPER-AFFIRMATIVE RESOLUTION PROCEDURE**

- 1 If the Secretary of State considers it appropriate to make regulations under this Act which are subject to the super-affirmative resolution procedure, the Secretary of State may lay before Parliament –
  - (a) draft regulations, and
  - (b) an explanatory document.



**After Schedule 3 - continued**

- 2 The explanatory document must introduce and give reasons for draft regulations.
- 3 Subject as follows, if after the expiry of the 40-day period the draft regulations laid under paragraph 1 are approved by a resolution of each House of Parliament, the Secretary of State may make regulations in the terms of the draft regulations.
- 4 The procedure in paragraphs 5 to 8 apply to the draft regulations instead of the procedure in paragraph 3 if—
  - (a) either House of Parliament so resolves within the 30-day period, or
  - (b) a committee of either House charged with reporting on the draft regulations so recommends within the 30-day period and the House to which the recommendation is made does not by resolution reject the recommendation within that period.
- 5 The Secretary of State must consult the—
  - (a) Scottish Ministers,
  - (b) Welsh Ministers, and
  - (c) Northern Ireland Executiveand have regard to—
  - (a) their representations,
  - (b) any other representations received,
  - (c) any resolution of either House of Parliament, and
  - (d) any recommendations of a committee of either House of Parliament charged with reporting on the draft regulations, made during the 60-day period on the draft regulations.
- 6 If, after the expiry of the 60-day period, the draft regulations are approved by a resolution of each House of Parliament, the Secretary of State may make regulations in the terms of the draft regulations.
- 7 If, after the expiry of the 60-day period, the Secretary of State wishes to proceed with the draft regulations but with material changes, the Secretary of State may lay before Parliament—
  - (a) a revised draft of the regulations, and
  - (b) a statement giving a summary of the changes proposed, which may be approved by each House.
- 8 If the revised draft regulations are approved by a resolution of each House of Parliament, the Secretary of State may make regulations in the terms of the revised draft regulations.
- 9 For the purposes of this Schedule regulations are made in the terms of draft regulations or revised draft regulations if they contain no material changes to their provisions.
- 10 In this paragraph, references to the “30-day”, “40-day” and “60-day” periods in relation to any draft regulations are to the periods of 30, 40 and 60 days beginning with the day on which the draft regulations were laid before Parliament.”

**After Clause 41**

LORD HAIN  
 BARONESS RITCHIE OF DOWNPATRICK  
 BARONESS SUTTIE

*Re-tabled version of the amendment printed on HL Bill 150(a)*

Insert the following new Clause—

**“Trader Support Service**

- (1) 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.
- (2) Any charges on public funds arising under this section must be paid out of the Consolidated Fund of Northern Ireland.”

***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 42**

LORD THOMAS OF CWMGIEDD  
 LORD PURVIS OF TWEED

Leave out Clause 42

***Member’s explanatory statement***

*This amendment 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.*

**After Clause 42**

LORD STEVENSON OF BALMACARA

Insert the following new Clause—

**“UK Shared Prosperity Fund Commissioner**

- (1) Within the period of six months beginning with the day on which this Act is passed, the Secretary of State must by regulations appoint a person as the Commissioner of the UK Shared Prosperity Fund (“the Commissioner”), whose primary task is to make recommendations to the Secretary of State, Scottish Ministers, Welsh Ministers and the Department for the Economy in Northern Ireland respectively for the disbursement of the Shared Prosperity Fund set up as specified in subsection (5)(a).
- (2) Regulations under this section are subject to the affirmative resolution procedure.
- (3) The Commissioner is to hold office in accordance with the terms of the Commissioner’s appointment.
- (4) The Secretary of State may pay in respect of the Commissioner any administrative expenses or allowances that the Secretary of State may determine.
- (5) The Secretary of State—

**After Clause 42 - continued**

- (a) must before the beginning of each financial year specify a maximum sum which is to be made available for the amelioration of relative need, through the Shared Prosperity Fund, as defined in subsection (11), and which may be spent that year by the bodies specified in subsection (9),
  - (b) may permit that to be exceeded for a specified purpose,
  - (c) must consult with and seek the consent of Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland on the amount to be available to the Shared Prosperity Fund, and
  - (d) subject to paragraphs (a) and (b), must defray the Commissioner's expenditure for each financial year.
- (6) In this section, "financial year" means –
- (a) the period beginning with the day on which the first Commissioner takes office and ending with the following 31 March, and
  - (b) each successive period of 12 months.
- (7) The Commissioner may appoint staff.
- (8) 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 the appointment of the Commissioner.
- (9) The bodies who are eligible to distribute financial assistance under section 42 are local authorities, sectoral organisations, community groups, educational institutions and other appropriate bodies and persons in England, Scotland, Wales and Northern Ireland.
- (10) Prior to submitting recommendations for the disbursement of the Shared Prosperity Fund set up as specified in subsection (5)(a) the Commissioner must discuss these with the Secretary of State, Scottish Ministers, the Welsh Ministers, and the Department for the Economy in Northern Ireland.
- (11) In this section, relative need includes but is not limited to –
- (a) the proportion of children living below the poverty line,
  - (b) low income,
  - (c) economic weakness,
  - (d) the age structure of the population,
  - (e) the impact of a pandemic, and
  - (f) the impact of climate change.
- (12) If a Minister of the Crown does not follow the recommendations made under subsection (1), a Minister of the Crown must make a statement to Parliament explaining why the recommendations were not followed."

**Clause 43**

LORD WIGLEY

Page 35, line 8, at end insert—

- “(3) Financial assistance for economic development provided under section 42 for Wales, Scotland and Northern Ireland is managed and administered by the Welsh Ministers, the Scottish Ministers and a Northern Ireland Department respectively.
- (4) The amounts made available for financial assistance under section 42 to Wales, Scotland and Northern Ireland are determined on a needs-based formula related to the Gross Domestic Product per capita in each of the three devolved nations in relation to the Gross Domestic Product per capita of the United Kingdom.
- (5) Regulations containing the needs-based formula to be used for the financial determinations in subsection (4) above must be made by a Minister of the Crown and are subject to the affirmative resolution procedure.
- (6) Before presenting the draft order specified in subsection (5) to Parliament, the Minister must consult the relevant Welsh and Scottish Ministers and a Northern Ireland Department and secure their agreement on the content of that order.
- (7) The financial assistance provided under section 42 must be presented in the form of a multi-annual rolling fund.”

***Member’s explanatory statement***

*The purpose of this amendment is to ensure that the devolved governments retain control over the funding allocation for economic regeneration programmes; are involved in drawing up the formula on which such funding is based; and have a multi-annual assurance of the continuity of funding to facilitate coherent financial planning.*

LORD PURVIS OF TWEED

Leave out Clause 43

**Clause 44**LORD THOMAS OF CWMGIEDD  
LORD PURVIS OF TWEED

Leave out Clause 44

***Member’s explanatory statement***

*This amendment 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 46**

LORD JUDGE

Page 37, line 2, leave out subsection (1) and insert –

- “(1) Section 11 ceases to have effect when Articles 5 to 10 of the Northern Ireland Protocol cease to apply.”

***Member’s explanatory statement***

*This amendment is consequential on the removal of Part 5 (Northern Ireland Protocol) at Committee Stage.*

Page 37, line 7, leave out “except the amendment made by subsection (3)”

***Member’s explanatory statement***

*This amendment is consequential on the removal of Part 5 (Northern Ireland Protocol) at Committee Stage.*

Page 37, line 13, leave out subsection (3)

***Member’s explanatory statement***

*This amendment is consequential on the removal of Part 5 (Northern Ireland Protocol) at Committee Stage.*

**After Clause 46**

LORD MACKAY OF CLASHFERN

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

**After Clause 48**

BARONESS MCINTOSH OF PICKERING

Insert the following new Clause –

**“Scrutiny procedure in certain urgent cases**

- (1) Subsection (2) applies to a statutory instrument containing regulations under this Act to which the super-affirmative resolution procedure applies.

**After Clause 48 - continued**

- (2) The instrument may be made without scrutiny under the super-affirmative resolution procedure if it contains a declaration that the Secretary of State is of the opinion that, by reason of urgency, it is necessary to make the regulations without a draft being approved under that procedure.
- (3) After an instrument is made in accordance with subsection (2), it must be laid before each House of Parliament.
- (4) Regulations contained in an instrument made in accordance with subsection (2) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (5) In calculating the period of 28 days, no account is to be taken of any time during which—
  - (a) Parliament is dissolved or prorogued, or
  - (b) either House of Parliament is adjourned for more than four days.
- (6) If regulations cease to have effect as a result of subsection (4), that does not
  - (a) affect the validity of anything previously done under the regulations, or
  - (b) prevent the making of new regulations.”

**Clause 50**

LORD JUDGE

Page 39, line 6, leave out subsection (4)

***Member's explanatory statement***

*This amendment is consequential on the removal of Part 5 (Northern Ireland Protocol) at Committee Stage.*

# United Kingdom Internal Market Bill

---

AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*12 November 2020*

---