

Trade Bill

MOTION TO BE MOVED
ON CONSIDERATION OF COMMONS REASONS AND AMENDMENTS

After Clause 2

LORDS AMENDMENT 3

Lord Alton of Liverpool to move that this House do not insist on its Amendment 3 to which the Commons have disagreed for their Reason 3A and do propose the following amendment in lieu –

After Clause 2, insert the following new Clause –

“Agreements with states accused of committing genocide

- (1) The High Court of England and Wales, or the Court of Session in Scotland, or the High Court of Justice in Northern Ireland, may make a preliminary determination that another signatory to a relevant agreement represents a state which has committed genocide, within the meaning of Article II and Article III of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, following an application to the Court from a person or group of persons belonging to a national, ethnic, racial or religious group, or an organisation representing such a group, which is alleged to have been the subject of that genocide.
- (2) “A relevant agreement” in subsection (1) is a bilateral trade agreement towards which the United Kingdom is negotiating or to which it is a signatory.
- (3) The Lord Chancellor must lay before both Houses of Parliament any such preliminary determination by the Court.
- (4) After the laying before Parliament of a preliminary determination under subsection (3) a Minister of the Crown must, after a reasonable period, make arrangements for a motion to be debated in each House of Parliament requiring the Government to set out its course of action relating to the relevant agreement in subsection (1) which may include (but is not limited to) discontinuation of negotiations towards, or withdrawal or termination of, that relevant agreement.
- (5) This section applies to genocides which occur after this section comes into force, and to those considered by any Court in subsection (1) to have been ongoing at the time of its coming into force.

- (6) A Minister of the Crown may by regulations made by statutory instrument make provision for or in connection with an application and preliminary determination made pursuant to subsection (1).
- (7) Regulations under subsection (6) above may in particular –
 - (a) specify the form, content, and criteria for applications;
 - (b) make provision about the procedure to be followed in relation to applications;
 - (c) make provision about the procedure and rules of evidence necessary for consideration of an application by the Court, allowing for contradictory representations to be made.
- (8) In making such regulations the Minister of the Crown must have regard to –
 - (a) the experience gained in the operation of this section;
 - (b) the object and intended purpose behind the operation of this section.
- (9) Regulations under subsection (6) may contain supplemental, incidental, consequential and transitional provision.
- (10) A statutory instrument containing regulations under subsection (6) is subject to annulment in pursuance of a resolution of either House of Parliament.”

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