

Trade Bill

MOTIONS TO BE MOVED
ON CONSIDERATION OF COMMONS REASONS AND AMENDMENTS

After Clause 2

LORDS AMENDMENTS 1 AND 5

Lord Lansley to move that this House do not insist on its Amendments 1 and 5 to which the Commons have disagreed for their Reasons 1A and 5A and do propose the following amendment in lieu –

After Clause 2, insert the following new Clause –

“Parliamentary approval of international trade agreements and treaties

- (1) If a decision has been made by the Secretary of State to commence negotiations towards a free trade agreement, a statement must be made to both Houses of Parliament.
- (2) Negotiations for that trade agreement may not proceed until the Secretary of State has laid draft negotiating objectives in respect of that agreement before Parliament, and an amendable motion endorsing the draft negotiating objectives has been approved by a resolution of the House of Commons.
- (3) Prior to the draft negotiating objectives being laid, the Secretary of State must consult each devolved authority on the content of the draft negotiating objectives, and seek their consent.
- (4) The Constitutional Reform and Governance Act 2010 is amended as follows.
- (5) In section 20 (treaties to be laid before Parliament before ratification), after subsection (1)(b) insert –
 - “(ba) where the treaty is an international trade agreement as defined in the Trade Act 2021, a Minister of the Crown has published an analysis of the requirement for the treaty to be implemented through changes to domestic legislation, and
 - (bb) where the treaty is an international trade agreement as defined in the Trade Act 2021, the House of Commons has resolved, within period A, that the treaty should be ratified, and”

- (6) In section 21 (extension of 21 sitting day period), after subsection (2) insert—

“(2A) Where a relevant Committee of either House of Parliament has recommended that a treaty constituting an international trade agreement as defined by the Trade Act 2021 should be debated in that House, the Minister of the Crown must ensure that the period does not expire before that debate has taken place.”

LORDS AMENDMENT 2

Lord Collins of Highbury to move that this House do not insist on its Amendment 2 to which the Commons have disagreed for their Reason 2A and do propose the following amendment in lieu —

After Clause 2, insert the following new Clause —

“Free trade agreements: determination on state actions

- (1) Before a trade agreement can be laid before Parliament under section 20(1) of the Constitutional Reform and Governance Act 2010, Ministers of the Crown must determine whether another signatory to the relevant agreement has committed crimes against humanity, or if the agreement is compliant with the United Kingdom’s human rights and international obligations. Such a determination must be published and made available to the relevant Committees in both Houses of Parliament at the same time as they are requested to consider a signed trade agreement.
- (2) The Government must present an annual report to the relevant Committees in both Houses of Parliament which examines any crimes against humanity committed or alleged to have been committed by another signatory to the relevant agreement since it was signed. If such crimes have taken place, Ministers of the Crown must make a determination on the continuation of a trade agreement.”

LORDS AMENDMENT 3

This motion replaces the motion in the name of Lord Alton of Liverpool printed on sheet HL Bill 164(a).

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).
- (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 including –
 - (i) the upholding of all undertakings in and international obligations arising from the United Nations Convention on the Prevention and Punishment of the Crime of Genocide;
 - (ii) provision of meaningful access to the Court by persons making applications specified in subsection (1) without hindrance from unreasonable provision made pursuant to subsection (7).
- (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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