Northern Ireland Protocol Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

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Clause 15

BARONESS RITCHIE OF DOWNPATRICK

Page 9, line 15, at end insert—

    "(d)   Article 18 (democratic consent in Northern Ireland)"

Member's explanatory statement
This amendment adds Article 18 (Democratic Consent in Northern Ireland) of the Northern Ireland Protocol to the list of articles that a Minister of the Crown cannot exercise powers conferred by subsection (2) to provide cease to have effect in the United Kingdom to any extent.

Clause 18

BARONESS RITCHIE OF DOWNPATRICK

Page 10, line 12, at end insert "and a motion approving the conduct has been passed by the Northern Ireland Assembly."

Member's explanatory statement
This amendment would subject the exercise of the Minister's power to engage in conduct in relation to any matter dealt with in the Northern Ireland Protocol that is not otherwise authorised by the Act to a motion approving the conduct in the Northern Ireland Assembly.

Clause 22

BARONESS RITCHIE OF DOWNPATRICK

Page 11, line 16, at end insert—

"(1A) A Minister of the Crown may not exercise any power to make regulations conferred by this Act unless a legislative consent motion approving a draft of the regulations has been passed by the Northern Ireland Assembly."

Member's explanatory statement
This amendment would prevent a Minister of the Crown seeking to use powers conferred by this Act to make regulations unless and until the consent of the Northern Ireland Assembly to said regulations has been obtained.

Page 12, line 15, at end insert—

"(6A)   A Minister may not exercise the power to make regulations under subsection (6) with respect to a devolved authority in Northern Ireland unless the exercise of that power is first approved by the First Minister and deputy First Minister acting jointly—

(a)   on behalf of the Northern Ireland Executive,

(b)   following a resolution by the Northern Ireland Assembly,

or both."

Member's explanatory statement
This amendment would prevent a Minister of the Crown seeking to use powers conferred by subsection (6) without the agreement of the First Minister and deputy First Minister of Northern Ireland acting jointly. The First Minister and deputy First Minister may be acting on behalf of the Northern Ireland Executive and/or following a resolution of the Northern Ireland Assembly.

After Clause 22

BARONESS RITCHIE OF DOWNPATRICK

Insert the following new Clause—

"Consent of the Northern Ireland Assembly

(1)   A Minister of the Crown may not exercise the powers to make regulations conferred by this Act before a legislative consent motion approving a draft of the regulations has been passed by the Northern Ireland Assembly.

(2)   A Minister of the Crown must, at the end of the relevant period, seek a legislative consent motion of the Northern Ireland Assembly approving the continued application of regulations made under the powers conferred by this Act.

(3)   For the purposes of subsection (2), the "relevant period" is—

(a)   the period ending four years after the powers are exercised, or

(b)   the period ending eight years after the powers are exercised, where the original legislative consent motion was approved by the Assembly with—

(i)   the support of a majority of members, a majority of designated Nationalists and a majority of Unionists,

(ii)   the support of 60 per cent of members, 40 per cent of designated Nationalists and 40 per cent of designated Unionists, or

(iii)   the support of two-thirds of members."

Member's explanatory statement
This new Clause would require a Minister of the Crown to obtain the consent of the Northern Ireland Assembly to exercise the power to make regulations conferred by this Act. It would also require a Minister of the Crown to obtain the consent of the Northern Ireland Assembly for the continued application of the regulations beyond the relevant period.

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18 October 2022

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