

# Retained EU Law (Revocation and Reform) Bill

---

## AMENDMENTS

### TO BE MOVED

#### IN COMMITTEE OF THE WHOLE HOUSE

---

##### Clause 1

LORD FOX  
BARONESS BURT OF SOLIHULL

Clause 1, page 1, line 4, at beginning insert “Except for the Maternity and Parental Leave etc. Regulations 1999 (S.I. 1999/3312),”

***Member's explanatory statement***

*This amendment excludes the Maternity and Parental Leave etc Regulations 1999 from the sunset in Clause 1. These Regulations confer rights to maternity and parental leave.*

LORD FOX  
LORD CLEMENT-JONES

Clause 1, page 1, line 4, at beginning insert “Except for the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (S.I. 2000/1551) and the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 (S.I. 2002/2034),”

***Member's explanatory statement***

*This amendment excludes the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 from the sunset in Clause 1. These Regulations give part-time workers the right not to be treated less favourably than a comparable full-time worker and fixed-term workers the right to be treated no less favourably than a comparable permanent employee.*

LORD FOX

Clause 1, page 1, line 4, at beginning insert “Except for the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/593),”

***Member's explanatory statement***

*This amendment excludes the European Qualifications (Health and Social Care Professions) (Amendment etc.) (EU Exit) Regulations 2019 from the sunset in Clause 1.*

LORD FOX

Clause 1, page 1, line 4, at beginning insert “Except for Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers,”

***Member's explanatory statement***

*This amendment excludes Regulation (EU) No. 1169/2011 from the sunset in Clause 1. The Regulation requires that packaged food and drink provides a product name and list of ingredients, including allergens.*

LORD FOX

Clause 1, page 1, line 4, at beginning insert “Except for the Toys (Safety) Regulations 2011 (S.I. 2011/1881),”

***Member's explanatory statement***

*This amendment excludes the Toys (Safety) Regulations 2011 from the sunset in Clause 1. The Regulations control the safety of toys in the UK and include provision for warning labels.*

LORD CLEMENT-JONES

Clause 1, page 1, line 4, at beginning insert “Except for the Artist’s Resale Right Regulations 2006 (S.I. 2006/346) and the Artist’s Resale Right (Amendment) Regulations 2011 (S.I. 2011/2873),”

***Member's explanatory statement***

*This amendment excludes the Artist’s Resale Right Regulations 2006 and 2011 from the sunset in Clause 1. The Regulations protect the royalty rights of artists and their heirs.*

LORD CLEMENT-JONES

LORD FOX

Clause 1, page 1, line 4, at beginning insert “Except for the Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations 1993 (S.I. 1993/31),”

***Member's explanatory statement***

*This amendment excludes the Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations 1993 from the sunset in Clause 1. The Regulations protect children from serious injury or death in vehicle accidents.*

BARONESS RANDESON

LORD FOX

Clause 1, page 1, line 4, at beginning insert “Except for Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights,”

**Member's explanatory statement**

*This amendment excludes Regulation (EU) No. 261/2004 from the sunset in Clause 1. The Regulation makes provision for compensation and assistance for passengers when a flight is delayed or cancelled.*

BARONESS RANDESON  
LORD FOX

Clause 1, page 1, line 4, at beginning insert “Except for the Package Travel and Linked Travel Arrangements Regulations 2018 (S.I. 2018/634),”

**Member's explanatory statement**

*This amendment excludes the Package Travel and Linked Travel Arrangements Regulations 2018 from the sunset in Clause 1. The Regulations provide fundamental legal and financial protection to consumers, such as in case of cancellation or the travel company becoming insolvent.*

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
BARONESS PARMINTER

Clause 1, page 1, line 4, at beginning insert “Except for the Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012),”

**Member's explanatory statement**

*This amendment excludes the Conservation of Habitats and Species Regulations 2017 from the sunset in Clause 1. The Regulations provide protection for nature and special habitats.*

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
BARONESS PARMINTER

Clause 1, page 1, line 4, at beginning insert “Except for the Bathing Waters Regulations 2013 (S.I. 2013/1675),”

**Member's explanatory statement**

*This amendment excludes the Bathing Waters Regulations 2013 from the sunset in Clause 1. The Regulations ensure swimmers can avoid pollution and make informed choices about where and when to swim.*

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE  
BARONESS PARMINTER

Clause 1, page 1, line 4, at beginning insert “Except for the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (S.I. 2017/407),”

**Member's explanatory statement**

*This amendment excludes the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 from the sunset in Clause 1. The Regulations protect the UK's water environment.*

LORD FOX  
BARONESS LUDFORD

Clause 1, page 1, line 4, at beginning insert “Subject to section (*Consultation and reporting*),”

***Member's explanatory statement***

*This amendment is connected to Lord Fox’s amendment after Clause 1 “Consultation and reporting”.*

BARONESS MCINTOSH OF PICKERING

Clause 1, page 1, line 4, leave out “2023” and insert “2028”

BARONESS HUMPHREYS  
BARONESS RANDERSON

Clause 1, page 1, line 6, at end insert –

- “(1A) Subsection (1) does not apply to an instrument, or a provision of an instrument, that–
- (a) would be within the legislative competence of –
    - (i) the Scottish Parliament if it were contained in an Act of the Scottish Parliament,
    - (ii) Senedd Cymru if it were contained in an Act of Senedd Cymru, or
    - (iii) the Northern Ireland Assembly if it were contained in an Act of the Northern Ireland Assembly, or
  - (b) could be made in subordinate legislation by –
    - (i) the Scottish Ministers, the First Minister or the Lord Advocate acting alone,
    - (ii) the Welsh Ministers acting alone, or
    - (iii) Ministers of the Northern Ireland Executive.”

***Member's explanatory statement***

*This amendment restricts the automatic revocation or “sunsetting” of EU-derived subordinate legislation and retained direct EU legislation under Clause 1 of the Bill so that it does not apply to legislation that is within the legislative competence of each of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly or Executive.*

LORD HOPE OF CRAIGHEAD  
LORD MURPHY OF TORFAEN

Clause 1, page 1, line 9, at end insert –

- “(2A) Subsection (1) does not apply to legislation that is relevant to the policy content and operation of the Common Frameworks.”

LORD FOX  
BARONESS LUDFORD

Leave out Clause 1 and insert the following new Clause –

**“Objectives for revoking or amending EU-derived subordinate legislation and retained direct EU legislation**

- (1) EU-derived subordinate legislation and retained direct EU legislation continue to have effect in domestic law unless it is specified in regulations made by a relevant national authority that the legislation is revoked.
- (2) In determining whether to revoke legislation under subsection (1), the relevant national authority must pursue the objectives in subsections (3) to (6).
- (3) The first objective is to consider whether the legislation is not fit for purpose.
- (4) The second objective is to consider whether alternative regulation would achieve different and preferable goals.
- (5) The third objective is to consider whether alternative regulation would provide greater benefits to –
  - (a) consumers;
  - (b) workers;
  - (c) businesses;
  - (d) the environment;
  - (e) animal welfare;
  - (f) public safety.
- (6) The fourth objective is to consider whether alternative regulation would provide greater legal certainty.”

***Member's explanatory statement***

*This amendment retains all REUL in domestic legislation until such time as a relevant national authority determines that legislation should be revoked, after applying certain objectives to that decision.*

BARONESS CHAPMAN OF DARLINGTON  
LORD FOX

Leave out Clause 1 and insert the following new Clause –

**“Parliamentary revocation of EU-derived subordinate legislation and retained direct EU legislation**

- (1) In order to revoke retained EU law, a Minister of the Crown must lay before each House of Parliament a draft revocation list which contains, as separate items, provisions of –
  - (a) EU-derived subordinate legislation, and
  - (b) retained direct EU legislation,to be revoked.

- (2) In order to be revoked, the items on a revocation list must be approved by a resolution of each House of Parliament by whichever is the later of –
  - (a) the end of the calendar year, or
  - (b) 6 months,from the day on which the list has been laid.
- (3) Different revocation lists may be laid by different Ministers of the Crown, or by the same Minister at different times.
- (4) A revocation list may refer to any item of retained EU law, in whole or in part, and different lists may refer to different provisions of the same instrument.
- (5) For the purposes of subsection (2), if each House of Parliament approves the revocation list on a different date, the list is considered as having been approved on the latest date.
- (6) The revocation of an item of retained EU law by a list under subsection (1) does not affect any amendment made by that item of retained EU law to any other enactment.
- (7) In this section, “EU-derived subordinate legislation” means any domestic subordinate legislation so far as –
  - (a) it was made under section 2(2) of, or paragraph 1A of Schedule 2 to, the European Communities Act 1972, or
  - (b) it was made, or operated immediately before IP completion day, for a purpose mentioned in section 2(2)(a) of that Act (implementation of EU obligations etc),and as modified by any enactment.
- (8) In subsection (7), “domestic subordinate legislation” means any instrument (other than an instrument that is Northern Ireland legislation) that is made under primary legislation.”

***Member's explanatory statement***

*Under this amendment, retained EU law would by default remain on the statute books, rather than disappearing, so that only legislation identified and approved by Parliament is revoked.*

LORD FOX  
BARONESS LUDFORD  
BARONESS MCINTOSH OF PICKERING

*The above-named Lords give notice of their intention to oppose the Question that Clause 1 stand part of the Bill.*

**After Clause 1**

LORD FOX  
BARONESS LUDFORD

After Clause 1, insert the following new Clause –

**“Consultation and reporting**

- (1) Section 1(1) does not apply to any EU-derived subordinate legislation or retained direct EU legislation unless the conditions in subsections (2) to (4) are met.
- (2) A relevant national authority must consult such organisations, and any such other persons, as appear to it to be representative of interests substantially affected by the revocation of that instrument.
- (3) The consultation period under subsection (2) must be at least 12 weeks.
- (4) After considering the responses of organisations and persons in subsection (2), a national authority must lay a report before Parliament (or, as the case may be, the Scottish Parliament, Senedd Cymru, or the Northern Ireland Assembly) as to the following matters –
  - (a) whether it considers it is, or is not, appropriate to revoke the instrument concerned;
  - (b) a summary of the objectives and effect in law of the instrument and the legal consequences of its revocation;
  - (c) whether that instrument affords any protections for –
    - (i) consumers,
    - (ii) workers,
    - (iii) businesses,
    - (iv) the environment, or
    - (v) animal welfare,and if so, whether and how that protection is to be continued if it is proposed that the instrument be revoked;
  - (d) any benefits which are expected to flow if it is proposed to revoke that instrument;
  - (e) the consultation undertaken as required by subsection (2);
  - (f) any representations received as a result of that consultation;
  - (g) the reason why the national authority considers that it is appropriate to revoke or retain the instrument following those representations;
  - (h) if it is proposed that the instrument be revoked, the likely effect of the revocation on –
    - (i) the operation of the Trade and Cooperation Agreement between the United Kingdom and the EU, and
    - (ii) UK exports of goods or services to the European Economic Area;
  - (i) if it is proposed that the instrument be revoked, the likely effect of the revocation on the operation of the Protocol on Ireland/Northern Ireland.”

**Member's explanatory statement**

*This amendment ensures that no EU-derived subordinate legislation or retained direct EU legislation is repealed at the end of 2023 unless there is consultation on the proposed revocation and a report has been laid before Parliament or the appropriate devolved legislature detailing the consequences of the proposed revocation.*

**Clause 2**

BARONESS HUMPHREYS  
BARONESS RANDERSON

Clause 2, page 2, line 12, at end insert –

- “(1A) Subsection (1) has effect in relation to a provision which is within the competence of –
- (a) the Scottish Ministers as if, after “A Minister of the Crown”, there were inserted “or the Scottish Ministers”,
  - (b) the Welsh Ministers as if, after “A Minister of the Crown”, there were inserted “or the Welsh Ministers”, and
  - (c) the Ministers of the Northern Ireland Executive as if, after “A Minister of the Crown” there were inserted “or the Ministers of the Northern Ireland Executive”.
- (1B) A provision is within the competence of the Scottish Ministers, the Welsh Ministers or the Ministers of the Northern Ireland Executive for the purposes of this section if –
- (a) it would be within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly if it were contained in an Act of the Scottish Parliament, an Act of Senedd Cymru or an Act of the Northern Ireland Assembly, or
  - (b) it is provision which could be made in other subordinate legislation by –
    - (i) the Scottish Ministers, the First Minister or the Lord Advocate acting alone,
    - (ii) the Welsh Ministers acting alone, or
    - (iii) Ministers of the Northern Ireland Executive.”

**Member's explanatory statement**

*This amendment clarifies what provisions would be devolved and therefore under the competence of Scottish Ministers, the Welsh Ministers or the Ministers of the Northern Ireland Executive for decision, rather than a Secretary of State.*



LORD HOPE OF CRAIGHEAD  
LORD MURPHY OF TORFAEN

Clause 2, page 2, line 12, at end insert –

“(1A) Section 1, as it applies to legislation that is relevant to the policy content and operation of the Common Frameworks, has effect as if the reference in section 1(1) to the end of 2023 were a reference to the end of 2026.”

**Clause 5**

LORD FOX  
BARONESS LUDFORD

*The above-named Lords give notice of their intention to oppose the Question that Clause 5 stand part of the Bill.*

***Member's explanatory statement***

*This amendment is to probe the effect of abolishing the general principles of EU law.*

**Clause 10**

LORD FOX  
BARONESS LUDFORD  
BARONESS CHAPMAN OF DARLINGTON

*The above-named Lords give their notice of intention to oppose the Question that Clause 10 stand part of the Bill.*

***Member's explanatory statement***

*This amendment is based on a recommendation from the Delegated Powers and Regulatory Reform Committee's report on the Bill.*

**Clause 12**

LORD FOX  
BARONESS LUDFORD  
BARONESS CHAPMAN OF DARLINGTON

*The above-named Lords give their notice of intention to oppose the Question that Clause 12 stand part of the Bill.*

***Member's explanatory statement***

*This amendment is based on a recommendation from the Delegated Powers and Regulatory Reform Committee's report on the Bill.*

**Clause 13**

LORD FOX  
BARONESS LUDFORD  
BARONESS CHAPMAN OF DARLINGTON

*The above-named Lords give their notice of intention to oppose the Question that Clause 13 stand part of the Bill.*

***Member's explanatory statement***

*This amendment is based on a recommendation from the Delegated Powers and Regulatory Reform Committee's report on the Bill*

**After Clause 14**

LORD FOX  
BARONESS LUDFORD

After Clause 14, insert the following new Clause –

**“Conditions on restatement**

- (1) No regulations may be made under section 12(1) or 13(1) unless the following conditions have been satisfied.
- (2) The first condition is that the relevant national authority has consulted on a draft of the regulations with organisations and persons representative of interests substantially affected by, or with expertise in the likely legal effect of, those regulations.
- (3) The second condition is that, after that consultation has concluded, the relevant national authority has laid a report before each House of Parliament (or, as the case may be, the Scottish Parliament, Senedd Cymru, or the Northern Ireland Assembly) setting out –
  - (a) the authority's view as to whether the proposed regulations make any change in the rights of and protections for consumers, workers, and businesses, and protections of the environment and animal welfare, and the reasons for that view;
  - (b) whether in making the regulations the national authority has considered using its discretion under section 12(6), 13(6), or 14(2), (3) or (4), and if so, the reason why it has or has not exercised that discretion.
- (4) The third condition is that a period of 60 days has passed since that report was laid, with no account to be taken of any time during which Parliament (or, as the case may be, the Scottish Parliament, the Senedd, or the Northern Ireland Assembly) is dissolved or prorogued or during which it was adjourned for more than four days, and where it was laid before Parliament, paragraph 8(11)(a) of Schedule 4 applies in determining the commencement of that period.”

***Member's explanatory statement***

*This amendment requires the national authority to consult on a draft text of “restatement” regulations, and to set out its reasoning on the choices made when drafting those regulations to Parliament or the relevant devolved legislature.*

**Clause 15**

LORD FOX  
BARONESS LUDFORD

Clause 15, page 18, line 35, leave out “objectives” and insert “effects”

***Member's explanatory statement***

*Clause 15 gives a power to national authorities to replace EU law with provisions that achieve the same or similar objectives. This amendment aims to minimise significant policy changes.*

LORD FOX  
BARONESS LUDFORD  
BARONESS CHAPMAN OF DARLINGTON

Clause 15, page 19, line 17, leave out subsection (5)

***Member's explanatory statement***

*This amendment is to probe the benefits of removing regulatory burdens.*

LORD FOX  
BARONESS LUDFORD  
BARONESS CHAPMAN OF DARLINGTON

*The above-named Lords give their notice of intention to oppose the Question that Clause 15 stand part of the Bill.*

***Member's explanatory statement***

*This amendment is based on a recommendation from the Delegated Powers and Regulatory Reform Committee’s report on the Bill.*

**Schedule 4**

LORD FOX  
BARONESS LUDFORD  
BARONESS CHAPMAN OF DARLINGTON

Schedule 4, page 37, line 4, after “containing” insert –

- “(a) regulations under section 2, or
- (b)”

***Member's explanatory statement***

*This amendment is based on a recommendation from the Delegated Powers and Regulatory Reform Committee's report on the Bill. The Committee considers that "given the importance of the power, we consider that its use merits affirmative procedure scrutiny."*



# Retained EU Law (Revocation and Reform) Bill

---

---

AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

---

*7 February 2023*

---

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS