

Retained EU Law (Revocation and Reform) Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

BARONESS RANDERSON
LORD BRUCE OF BENNACHIE

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

- “(2A) Subsection (1) does not apply to an instrument, or a provision of an instrument, which is subject to an agreed Common Framework unless it has been subject to the full process agreed between His Majesty’s Government and the devolved administrations for that instrument.”

Member's explanatory statement

This amendment is to probe the application of Common Framework Agreements to retained EU law.

After Clause 1

BARONESS RANDERSON

After Clause 1, insert the following new Clause –

“Devolved authorities: identification of retained EU law

- (1) A Minister of the Crown may request the devolved authorities to identify any EU-derived subordinate legislation and retained direct EU legislation that has been incorporated into the domestic law of Scotland, Wales or Northern Ireland and is subject to the power in section 1(1).
- (2) A Minister of the Crown or a devolved authority may publish any legislation identified under subsection (1).”

Member's explanatory statement

This amendment is to probe the progress being made in identifying EU-derived subordinate legislation and retained direct EU legislation that has been incorporated into law by the devolved administrations.

After Clause 2

LORD HOPE OF CRAIGHEAD

After Clause 2, insert the following new Clause –

“Extension of sunset under section 1 by Scottish Ministers

- (1) The Scottish Ministers may by regulations provide that section 1, as it applies in relation to a specified instrument or a specified description of legislation within section 1(1)(a) or (b), has effect as if the reference in section 1(1) to the end of 2023 were a reference to a later specified time.
- (2) In subsection (1) “specified” means specified in the regulations.
- (3) Regulations under subsection (1) may not specify a time later than 23 June 2026.”

Clause 3

BARONESS LUDFORD

Leave out Clause 3 and insert the following new Clause –

“Abolition of retained EU rights, powers, liabilities etc

- (1) A relevant national authority may by regulations abolish any rights, powers, liabilities, obligations, restrictions, remedies and procedures otherwise recognised and available in domestic law after exit day by virtue of section 4 of the European Union (Withdrawal) Act 2018 (saving for rights, powers, liabilities etc under section 2(1) of the European Communities Act 1972).
- (2) No regulations may be made under subsection (1) unless the conditions in subsections (3) to (6) are met.
- (3) A relevant national authority must identify the right, power, liability, obligation, restriction, remedy or procedure it proposes to abolish.
- (4) The relevant national authority must thereafter consult such organisations, and any such other persons, as appear to it to be representative of interests substantially affected by the identified right, power, liability, obligation, restriction, remedy or procedure which is proposed to be abolished.
- (5) The consultation period under subsection (4) must be at least 12 weeks.
- (6) After considering the responses of organisations and persons in subsection (4), the relevant 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 abolish the right, power, liability, obligation, restriction, remedy or procedure;
 - (b) a summary of the objectives and effect in law of the right, power, liability, obligation, restriction, remedy or procedure and the legal consequences of its abolition;

- (c) whether that right, power, liability, obligation, restriction, remedy or procedure 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 right, power, liability, obligation, restriction, remedy or procedure is abolished;
 - (d) any benefits which are expected to flow if the right, power, liability, obligation, restriction, remedy or procedure is abolished;
 - (e) the consultation undertaken as required by subsection (4);
 - (f) any representations received as a result of that consultation;
 - (g) the reason why the national authority considers that it is appropriate to abolish the right, power, liability, obligation, restriction, remedy or procedure following those representations;
 - (h) the likely effect of abolition on –
 - (i) the operation of the Trade and Cooperation Agreement between the United Kingdom and the EU, and UK exports of goods or services to the European Economic Area;
 - (ii) the operation of the Protocol on Ireland/Northern Ireland.
- (7) In section 4 of the European Union (Withdrawal) Act 2018 (saving for rights, powers, liabilities etc under section 2(1) of the European Communities Act 1972), in subsection (2)
- (a) omit the “or” at the end of paragraph (a), and
 - (b) at the end of paragraph (b) insert “, or
 - (c) have been abolished by virtue of section 3 (abolition of retained EU rights, powers, liabilities etc) of the Retained EU Law (Revocation and Reform) Act 2023.””

Member's explanatory statement

This amendment would remove the automatic deletion by the sunset clause of the rights, powers, liabilities etc currently recognised and available in domestic law by virtue of section 4 of the EUWA 2018. Instead, the amendment ensures no rights, powers, liabilities etc are abolished unless they have been identified, been subject to consultation, and a report has been laid before the relevant legislature detailing the consequences of abolition.

Clause 15

BARONESS RANDERSON
LORD BRUCE OF BENNACHIE

Clause 15, page 18, line 38, at end insert –

“(3A) Regulations under subsections (2) or (3) may not be made if they apply to an instrument, or a provision of an instrument, which is subject to an agreed Common Framework unless it has been subject to the full process agreed between His Majesty’s Government and the devolved administrations for that instrument.”

Member's explanatory statement

This amendment is to probe the application of Common Framework Agreements to retained EU law.

Schedule 4

BARONESS LUDFORD

Schedule 4, page 37, line 24, at end insert –

“(za) regulations under section 3 (abolition of retained EU rights, powers, liabilities etc).”

Member's explanatory statement

This amendment is consequential on Baroness Ludford’s amendment to Clause 3 and would ensure any instrument abolishing rights, powers, liabilities etc would be subject to the affirmative procedure.

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