

Retained EU Law (Revocation and Reform) Bill

AMENDMENTS

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

Amendment
No.

Clause 1

LORD WHITTY

44A★ Leave out Clause 1 and insert the following new Clause –

“Status of retained EU law and regulation

All EU law retained under the European Union (Withdrawal) Act 2018 is to be treated as part of United Kingdom law unless repealed or amended by Act of Parliament.”

Clause 2

LORD WHITTY

56A★ Leave out Clause 2 and insert the following new Clause –

“Dashboard of EU derived legislation

Within three months of the day on which this Act is passed the Secretary of State must publish a definitive list of the EU derived legislation, set out by Government Department or national authority, which is retained and still in force and which has not been superseded by United Kingdom primary or secondary legislation.”

Clause 3

LORD WHITTY

61A★ Clause 3, page 2, line 27, at end insert –

- “(3) Sections 1 and 2, and subsections 3(1) and 3(2), do not apply to retained EU legislation in the following areas –
- (a) employment rights;
 - (b) health and safety at work.”

Member's explanatory statement

This would exclude issues relating to employment from the Bill's provisions giving Ministers 'Henry VIIIth' powers to revoke or change the legislation, and also from the end-2023 sunset provisions. This would mean that those areas which are most relevant to trade agreements would have to go through normal Parliamentary procedures.

LORD WHITTY

61B★ Clause 3, page 2, line 27, at end insert –

“(3) Sections 1 and 2, and subsections 3(1) and 3(2), do not apply to retained EU legislation covering transport safety and passenger rights.”

Member's explanatory statement

This would exclude this area from the Bill's provisions giving Ministers 'Henry the VIIIth' powers to revoke or change the legislation, and also from the end-2023 sunset provisions.

LORD WHITTY

61C★ Clause 3, page 2, line 27, at end insert –

“(3) Sections 1 and 2, and subsections 3(1) and 3(2), do not apply to retained EU legislation in the following areas –

- (a) food standards;
- (b) environmental standards;
- (c) animal welfare standards.”

Member's explanatory statement

This would exclude these areas from the Bill's provisions giving Ministers 'Henry the VIIIth' powers to revoke or change the legislation, and also from the end-2023 sunset provisions. This - together with other amendments in the name of Lord Whitty - would mean that those areas which are most relevant to trade agreements, climate change and health would have to go through normal Parliamentary procedures.

LORD WHITTY

62A★ Leave out Clause 3 and insert the following new Clause –

“Establishment of Committee to consider future status of all retained EU law

- (1) Within two months of the day on which this Act is passed there shall be established a Committee which will consist of equal numbers of members of each House of Parliament, and with the Chair to be elected from amongst that membership.
- (2) The remit of that Committee shall be to review in five years all retained EU legislation that remains in force and make recommendations to both Houses as to whether the retained legislation should be –
 - (a) retained and given the status of assimilated UK primary legislation,

- (b) retained and given the status of assimilated UK secondary legislation,
 - (c) replaced by alternative forms of wording or of legislative status,
 - (d) revoked in its entirety.
- (3) In cases where the subject matter of the EU derived law is devolved, the issue shall also be referred to the appropriate national authority.
- (4) The Committee shall consider EU retained legislation by subject matter, taking evidence from appropriate organisations, and shall report on each area to both Houses; the sequence of such reports will be a matter for the Committee after consultation with appropriate Government Ministers and the devolved administrations.
- (5) Either House may accept, reject or amend a report, and recommendations as to the status of the relevant legislation, if agreed by both Houses, will become law.
- (6) Nothing in subsections (2) to (5) precludes the Government (or a devolved administration where matters are devolved) from putting to each House of Parliament, in situations where the Government or devolved administration considers clarification of the legal status is urgent, proposals for changing the status of EU retained law or regulations in advance of receiving a relevant report from the Committee.”

Member's explanatory statement

This amendment proposes a Parliamentary process for reviewing retained EU legislation, rather than one depending on the Minister using 'Henry VIIIth' powers. It would establish a statutory Committee of members of both Houses to review all retained EU law and make recommendations to Parliament. Together with other amendments in the name of Lord Whitty it would also delete the end-2023 and end-2026 sunset provisions.

Clause 7

LORD WHITTY

99A★ Leave out Clause 7 and insert the following new Clause –

“Retained EU case law

Court case precedents relying in whole or in part on retained EU case law which were established up until the departure of the United Kingdom from the European Union remain valid until such time as the relevant legislation is changed by a UK legislative process.”

Member's explanatory statement

This maintains the principle that case law established under laws in place at the time of the case remains valid until that legislation is altered by statute.

Clause 15

LORD WHITTY

121A★ Clause 15, page 19, line 17, leave out subsections (5) to (11)

Member's explanatory statement

This would remove the requirement that any redrafting of the EU law would have to reduce regulatory burdens and reduce business costs with no regard for effectiveness.

Retained EU Law (Revocation and Reform) Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Marshalled List]

22 February 2023
