

Retained EU Law (Revocation and Reform) Bill

FIFTH MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 6th February 2023, as follows –

Clauses 1 to 6	Clauses 11 to 20
Schedule 1	Schedules 3 and 4
Clauses 7 to 10	Clauses 21 to 23
Schedule 2	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 15

BARONESS RANDESON
LORD BRUCE OF BENNACHIE

117 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.

BARONESS HUMPHREYS

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

“(3A) A Minister of the Crown may not make regulations under subsections (1) to (3) if any provision of those regulations is within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly unless the relevant devolved legislature has passed a legislative consent motion in respect of those regulations.”

Member's explanatory statement

This amendment ensures that a legislative consent motion must be passed by the relevant devolved legislature if a Minister of the Crown seeks to make regulations to revoke or replace secondary EU retained law where the provisions of those regulations fall within the legislative competence of a devolved legislature.

BARONESS THORNTON
BARONESS CRAWLEY

118A Clause 15, page 18, line 38, at end insert –

- “(3A) A Minister of the Crown, whether acting alone or with another relevant national authority, may not exercise the power in subsection (2) or (3) unless –
- (a) a draft of the relevant regulations has been sent to the Equality and Human Rights Commission for an opinion on the impact on equalities and human rights of the proposed revocation or revocation and alternative provision,
 - (b) the Equality and Human Rights Commission sends the Minister an opinion which assesses the implications for equalities or human rights-based legal rights, including but not limited to those currently in force as part of retained EU law, and any aspect of the operation of the Equality Act 2010 or of the Human Rights Act 1998, and
 - (c) the opinion states that there is no negative impact from the proposed exercise of the power in subsection (2) or (3).”

Member's explanatory statement

The power in clause 15(2) is to revoke and the power in clause 15(3) is to revoke and replace any REUL. It can be exercised alone or with a devolved government without any consultation, including of Parliament. This amendment would require an opinion on the impact on equalities and human rights from the EHRC before these powers can be used by a Minister.

BARONESS RITCHIE OF DOWNPATRICK
BARONESS SUTTIE

119 Clause 15, page 19, line 16, at end insert –

- “(iii) effect substantial policy change so far as it relates to human rights, equality or environmental protection legislation with effect in Northern Ireland.”

Member's explanatory statement

This amendment would ensure that substantial policy change with regards to human rights, equality or environmental protection in Northern Ireland may not be effected via the exercise of delegated powers.

LORD FOX
BARONESS LUDFORD
BARONESS CHAPMAN OF DARLINGTON

120 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.

THE EARL OF LINDSAY
BARONESS CRAWLEY

121 Clause 15, page 19, line 17, leave out subsections (5) and (6)

Member's explanatory statement

This amendment removes the requirement for replacement regulations to not increase the overall regulatory burden.

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.

BARONESS MCINTOSH OF PICKERING

122 Clause 15, page 19, line 27, leave out “23 June 2026” and insert “11:59 pm on 31 December 2028”

Member's explanatory statement

This amendment extends the statutory deadline within which the powers to revoke or replace may be used.

BARONESS LAWLOR

122A [Withdrawn]

THE EARL OF LINDSAY
BARONESS CRAWLEY

123 Clause 15, page 19, leave out lines 29 to 35.

Member's explanatory statement

See the statement relating to the member's amendment to clause 15, page 19, line 17, to remove the requirement for replacement regulations to not increase the overall regulatory burden.

BARONESS MCINTOSH OF PICKERING

- 124 Clause 15, page 19, line 43, leave out “the end of 2023” and insert “11:59 pm on 31 December 2028”

Member's explanatory statement

This is a consequential amendment.

BARONESS MCINTOSH OF PICKERING

- 125 Clause 15, page 20, line 1, leave out “the end of 2023” and insert “11:59 pm on 31 December 2028”

Member's explanatory statement

This is a consequential amendment.

LORD FOX
BARONESS CHAPMAN OF DARLINGTON
LORD ANDERSON OF IPSWICH
LORD HOPE OF CRAIGHEAD

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

Member's explanatory statement

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

After Clause 15

BARONESS PARMINTER
LORD KREBS
LORD RANDALL OF UXBRIDGE
BARONESS BENNETT OF MANOR CASTLE

- 126 After Clause 15, insert the following new Clause—

“Powers to revoke or replace: application to environmental law

- (1) This section applies in respect of provision which may be made by a relevant national authority under section 15 where the provision is in respect of secondary retained EU law which is environmental law.
- (2) No provision to which this section applies may be made in relation to an element of the environment unless the relevant national authority considers that the provision, taken together with other secondary retained EU law relating to the element of the environment, will contribute to a significant improvement in environmental protection.

- (3) The relevant national authority must ensure that any provision made under section 15 does not –
- (a) reduce the level of environmental protection arising from the EU retained law to which the provision relates,
 - (b) conflict with –
 - (i) the relevant international environmental agreements,
 - (ii) the relevant international environmental principles, and
 - (c) otherwise undermine the implementation of the policy statement on environmental principles as set out in section 17 of the Environment Act 2021 before the duty to have regard to the statement is brought into force.
- (4) Prior to making any provision to which this section applies, the relevant national authority must –
- (a) seek advice from persons who are independent of the authority and have relevant expertise,
 - (b) seek advice from, as appropriate, the Office for Environmental Protection, Environmental Standards Scotland, a devolved environmental governance body or another person exercising similar functions, and
 - (c) publish a report setting out –
 - (i) how the provision does not reduce the level of environmental protection in accordance with subsection (3),
 - (ii) how the provision will contribute to a significant improvement in environmental protection in accordance with subsection (2), and
 - (iii) how the authority has taken into account the advice from the persons referred to in paragraphs (a) and (b) of this subsection.
- (5) In this section –
- the “relevant international environmental agreements” means –
- (a) the UNECE Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus, 25 June 1998);
 - (b) the Council of Europe's Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979);
 - (c) the UN Convention on Biodiversity (Rio, 1992);
 - (d) the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979);
 - (e) the Convention for the Protection of the Marine Environment of the North-East Atlantic (1992);
 - (f) the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, 1971);
- the “relevant international environmental principles” means –
- (a) the integration principle;
 - (b) the precautionary principle;
 - (c) the prevention principle;
 - (d) the rectification at source principle;
 - (e) the polluter pays principle.”

Member's explanatory statement

This new clause creates additional conditions to be satisfied before the powers set out in clause 15 can be exercised where the subject matter of their exercise concerns environmental law. It would set out in legislation the commitments Government has made not to reduce environmental standards through exercise of the powers in clause 15 of REUL which are not (currently) reflected in clause 15 or elsewhere.

Clause 16

BARONESS RITCHIE OF DOWNPATRICK
BARONESS SUTTIE

127 Clause 16, page 20, line 9, at end insert –

“(1A) Regulations under subsection (1) may not be used to effect substantial policy change so far as it relates to human rights, equality or environmental protection legislation with effect in Northern Ireland.”

Member's explanatory statement

This amendment would ensure that substantial policy change with regards to human rights, equality or environmental protection in Northern Ireland may not be effected via the exercise of delegated powers.

BARONESS MCINTOSH OF PICKERING

Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 16 stand part of the Bill.

After Clause 16

BARONESS LUDFORD
LORD FOX

128 After Clause 16, insert the following new Clause –

“Conditions on the exercise of powers under sections 15 and 16

- (1) A national authority may not exercise powers under section 15 or 16 unless the following conditions are met.
- (2) The first condition is that the relevant national authority has consulted such organisations as appear to it to be representative of interests substantially affected by its proposal, and any such other persons as it considers appropriate, on a draft of those regulations.
- (3) The second condition is that the national authority has, after that consultation has concluded and after considering any representations made to it, laid a draft of the regulations before each House of Parliament (or, as the case may be, the Scottish Parliament, Senedd Cymru or Northern Ireland Assembly), together with a report

setting out, with reasons, the authority's view as to the likely advantages and disadvantages of making those regulations, setting out in particular –

- (a) a summary of the objectives and effect of those regulations as compared to the instrument that they will revoke, replace or modify,
 - (b) any difference as between that instrument and the proposed regulations in terms of protections for consumers, workers, businesses, the environment, or animal welfare,
 - (c) any benefits which are expected to flow from the revocation or replacement of that instrument,
 - (d) the consultation undertaken as required by subsection (2),
 - (e) any representations received as a result of that consultation,
 - (f) the reason why the national authority considers that it is appropriate to make those regulations, having considered those representations,
 - (g) the reasons why the national authority considers that section 15(5) (overall reduction in burdens) does not preclude the making of the regulations, explaining what burdens are reduced or increased as a result of the making of the regulations,
 - (h) the compatibility of the revocation, modification, or replacement of that instrument with obligations in the Trade and Cooperation Agreement between the United Kingdom and the EU, and the likely effect on UK exports of goods or services to the European Economic Area, and
 - (i) the likely effect of the revocation, modification, or replacement of that instrument on the operation of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.
- (4) The third condition is that a period of 60 days has passed since those draft regulations or that report were laid as required by subsection (3) with no account to be taken of any time during which Parliament (or, as the case may be, the Scottish Parliament, Senedd Cymru or Northern Ireland Assembly) is dissolved or prorogued or during which either House or that body is adjourned for more than four days, and where they were laid before Parliament, paragraph 8(11)(a) of Schedule 3 applies in determining the commencement of that period.
- (5) The fourth condition is that the national authority has considered any representations made during the period provided for by subsection (4) and, in particular, any resolution or report of, or of any committee of, either House of Parliament (or, as the case may be of the Scottish Parliament, Senedd Cymru or Northern Ireland Assembly) with regard to the proposals, and has published its reasons for accepting or rejecting any such representations, resolution, or report.”

Member's explanatory statement

This new Clause requires the relevant national authorities to consult with key stakeholders on proposed regulations revoking or replacing REUL, and to show Parliament their assessment of the impact of the changes.

LORD KREBS
LORD ROOKER
BARONESS BOYCOTT

129 After Clause 16, insert the following new Clause—

“Powers relating to retained EU law and assimilated law: food standards

Regulations may not be made by a relevant national authority under section 12, 13, 15 or 16 unless the relevant national authority—

- (a) is satisfied that the regulations will not weaken or reduce the level of protection of consumers in relation to the safety, composition or labelling of food or any particular aspects of such protection subsisting immediately before the time when the regulations would apply, and
- (b) has complied with the requirements in section 48(4) and (4A) of the Food Safety Act 1990 as to consultation and advice from the Food Standards Agency, Food Standards Scotland and other relevant organisations, which are to be deemed applicable to any such regulations proposed in the areas falling within paragraph (a).”

Member's explanatory statement

This amendment has two effects. It ensures that any changes to regulations do not weaken consumer protection in relation to food and it requires the Government to seek the advice of the Food Standards Agency and Food Standards Scotland as well as other relevant bodies on whether or not consumer protections are maintained.

After Clause 17

BARONESS HAYMAN OF ULLOCK
LORD KREBS
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS BENNETT OF MANOR CASTLE

130 After Clause 17, insert the following new Clause—

“Maintaining environmental standards

- (1) The relevant national authority may only make provision in relation to the regulations specified in subsection (4) if satisfied that the provision does not reduce the level of environmental protection arising from the retained EU law to which the provision relates.
- (2) In making regulations under this section the relevant national authority must have regard to the particular importance of—
 - (a) furthering the conservation and enhancement of biodiversity,
 - (b) improving water quality,
 - (c) protecting people and the environment from hazardous chemicals.

- (3) Before making regulations under this section the relevant national authority must lay before the relevant Parliament or Assembly, and publish, a statement explaining why the relevant national authority is satisfied as mentioned in subsection (1).
- (4) The regulations are –
- (a) the Conservation of Habitats and Species Regulations 2017,
 - (b) the Conservation of Offshore Marine Habitats and Species Regulations 2017,
 - (c) the REACH Regulation (1907/2006),
 - (d) the REACH Enforcement Regulations 2008, and
 - (e) the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.”

Member's explanatory statement

This amendment would ensure that the powers to amend these important pieces of retained EU environment law must not reduce the level of environmental protection provided by them. It would also specify that when exercising these powers, authorities must have regard to the conservation and enhancement of biodiversity, improvement of water quality and protection of people and the environment from hazardous chemicals.

LORD KREBS
LORD ROOKER
BARONESS BOYCOTT

131 After Clause 17, insert the following new Clause –

“Implementation reports on food issues

In section 4 of the Food Standards Act 1999 (annual and other reports), after subsection (1) insert –

“(1A) The report prepared under subsection (1) must include a detailed assessment of the impact of the implementation of the provisions of the Retained EU Law (Revocation and Reform) Act 2023 in the areas of food safety, composition, labelling and other relevant areas of concern to consumers related to food.””

Member's explanatory statement

This amendment will require the Food Standards Agency and Food Standards Scotland to prepare an annual report to Parliament on the impact of the REUL Bill on consumer protection and concerns in relation to food.

BARONESS CHAPMAN OF DARLINGTON

132 After Clause 17, insert the following new Clause –

“Criteria for use of powers

At least 30 days before using any of the powers contained within sections 12 to 17, a Minister of the Crown must publish a report which contains a set of criteria

which relevant national authorities must have regard to when determining whether or not to use each respective power.”

Member's explanatory statement

This requires the Government to publish criteria on how decisions whether to retain amend or remove retained EU law will be made.

Clause 19

BARONESS MCINTOSH OF PICKERING

133 Clause 19, page 21, line 31, leave out “appropriate” and insert “necessary”

Member's explanatory statement

This amendment deletes “appropriate” and replaces it with “necessary”.

BARONESS MCINTOSH OF PICKERING

134 Clause 19, page 21, line 33, at end insert –

“(3) Before making regulations under subsection (1) a Minister of the Crown must consult with the other relevant national authorities and any other person who may be affected by the proposed regulations.

(4) A Minister of the Crown must publish the results of any consultation conducted under subsection (3).”

Member's explanatory statement

This amendment requires a Minister of the Crown to consult with the other relevant national authorities and interested persons before making regulations under Clause 19.

Clause 20

LORD HODGSON OF ASTLEY ABBOTTS

134ZA Clause 20, page 22, line 8, leave out “does not apply in relation to any power to make regulations under this Act” and insert “has effect in relation to any power to make regulations under this Act as if in subsection (2)(a) of that section, after “section 30)”, there were inserted “which must require that a report setting out the conclusions of the review is published within the period of three years beginning with the day on which the regulatory provision comes into force””

Member's explanatory statement

This amendment would remove the disapplication under the Bill of section 28 of the Small Business, Enterprise and Employment Act 2015 (duty to review regulatory provisions in secondary legislation) to the powers to make regulations under the Bill, and add a requirement to publish a review within three years, following the concerns expressed by the Secondary Legislation Scrutiny Committee in paragraphs 65 and 66 of its 28th Report ‘Losing Control?: The Implications for Parliament of the Retained EU Law (Revocation and Reform) Bill.’

LORD LUCAS

134A Clause 20, page 22, line 9, at end insert –

“(6) No provision may be made by a relevant national authority under this Act in relation to the environment unless the relevant national authority considers that the overall effect of the changes made by it under this Act (including the proposed provision and changes made previously) improve environmental protection.”

LORD HODGSON OF ASTLEY ABBOTTS

134B Clause 20, page 22, line 9, at end insert –

“(6) Where a statutory instrument, or a draft of a statutory instrument, containing regulations under this Act is laid before Parliament, the instrument, or draft instrument, must be accompanied at the same time by a regulatory impact assessment for it which –

- (a) provides a cost benefit analysis of its regulatory impact, and
- (b) conforms with such guidance as may be published by the independent body appointed under section 25 of the Small Business, Enterprise and Employment Act 2015 (appointment of body to verify assessments and lists in reports).”

Member's explanatory statement

This amendment would require all statutory instruments, or drafts of statutory instruments, to be accompanied by a regulatory impact assessment at the time that the instrument is laid before Parliament, in accordance with the statement by the Secondary Legislation Scrutiny Committee in paragraph 64 of its 28th Report ‘Losing Control?: The Implications for Parliament of the Retained EU Law (Revocation and Reform) Bill’.

Schedule 3LORD HOPE OF CRAIGHEAD
BARONESS HUMPHREYS

135 Schedule 3, page 33, line 9, at end insert –

“(3A) A Minister of the Crown must obtain the consent of the Scottish Ministers before making regulations to which this Part of this Schedule applies if the regulations contain a provision that –

- (a) would be within the legislative competence of the Scottish Parliament if it were contained in an Act of the Scottish Parliament, or
- (b) could be made in subordinate legislation by the Scottish Ministers acting alone.

(3B) A Minister of the Crown must obtain the consent of the Welsh Ministers before making regulations to which this Part of this Schedule applies if the regulations contain a provision that –

- (a) would be within the legislative competence of Senedd Cymru if it were contained in an Act of Senedd Cymru (ignoring any requirement for consent of a Minister of the Crown imposed under Schedule 7B of the Government of Wales Act 2006), or
- (b) could be made in subordinate legislation by the Welsh Ministers acting alone.”

Member's explanatory statement

This amendment modifies the powers which are conferred on Ministers of the Crown in devolved areas under this Schedule so that they may only be exercised with the consent of the Scottish or Welsh Ministers.

Schedule 4

LORD FOX
BARONESS LUDFORD
BARONESS CHAPMAN OF DARLINGTON

136 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.”

BARONESS LUDFORD

137 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.

LORD CALLANAN

138 Schedule 4, page 37, line 37, leave out “1” and insert “(Exceptions to sunset under section 1)”

Member's explanatory statement

This amendment is consequential on the Minister’s amendments at Clause 1, page 1, line 7 and After Clause 1. It also makes procedural provision in relation to subsection (1)(c) of new Clause (Exceptions to sunset under section 1).

LORD HODGSON OF ASTLEY ABBOTTS
BARONESS RANDEKSON
LORD HUTTON OF FURNESS

139 Schedule 4, page 39, line 17, leave out “10” and insert “15”

Member's explanatory statement

This amendment, together with amendment 140, would extend the period available to committees of the two Houses to discharge the sifting function provided for under the Bill, as recommended by the Secondary Legislation Scrutiny Committee in paragraph 59 of its 28th Report “Losing Control?: The Implications for Parliament of the Retained EU Law (Revocation and Reform) Bill”.

LORD HODGSON OF ASTLEY ABBOTTS
BARONESS RANDEKSON
LORD HUTTON OF FURNESS

140 Schedule 4, page 39, line 19, leave out “10” and insert “15”

Member's explanatory statement

This amendment, together with amendment 139, would extend the period available to committees of the two Houses to discharge the sifting function provided for under the Bill, as recommended by the Secondary Legislation Scrutiny Committee in paragraph 59 of its 28th Report “Losing Control?: The Implications for Parliament of the Retained EU Law (Revocation and Reform) Bill”.

LORD HOPE OF CRAIGHEAD
BARONESS HUMPHREYS

141 Schedule 4, page 39, line 38, at end insert –

- “(14) A Minister of the Crown must obtain the consent of the Scottish Ministers before making regulations to which this Part of this Schedule applies if the regulations contain a provision that –
- (a) would be within the legislative competence of the Scottish Parliament if it were contained in an Act of the Scottish Parliament, or
 - (b) could be made in subordinate legislation by the Scottish Ministers acting alone.
- (15) A Minister of the Crown must obtain the consent of the Welsh Ministers before making regulations to which this Part of this Schedule applies if the regulations contain a provision that –
- (a) would be within the legislative competence of Senedd Cymru if it were contained in an Act of Senedd Cymru (ignoring any requirement for consent of a Minister of the Crown imposed under Schedule 7B of the Government of Wales Act 2006), or
 - (b) could be made in subordinate legislation by the Welsh Ministers acting alone.”

Member's explanatory statement

This amendment modifies the powers conferred on Ministers of the Crown when making regulations in devolved areas under this Schedule so that the power may only be exercised with the consent of the Scottish or Welsh Ministers.

LORD LISVANE
 BARONESS LUDFORD
 LORD BACH
 LORD HODGSON OF ASTLEY ABBOTTS

141A Schedule 4, page 39, line 38, at end insert –

- “8A (1) This paragraph applies to regulations under section 15.
- (2) A Minister of the Crown may not make a statutory instrument containing regulations to which this paragraph applies unless –
- (a) a document containing a proposal for those regulations has been laid before Parliament,
 - (b) the document has been referred to a Joint Committee of both Houses, and
 - (c) a period of at least 40 days has elapsed after that referral, not including any period during which Parliament is dissolved or prorogued, or either House is adjourned for more than four days.
- (3) Subject to sub-paragraph (4), the regulations must be made, or (as the case may be) laid before Parliament in draft, in the form in which they appeared in the document laid before Parliament under sub-paragraph (2).
- (4) If the Joint Committee referred to in subsection (2)(b), after considering any regulations laid under this paragraph, finds that –
- (a) the regulations represent a substantive change to the preceding retained EU law, or
 - (b) the Government has not carried out sufficient public consultation lasting at least six weeks before laying the draft before Parliament,
- a Minister of the Crown must arrange for the instrument to be debated on the floor of each House and voted on before the period in sub-paragraph (2)(c) elapses.
- (5) If any amendments to the form of the regulations are agreed by both Houses of Parliament, the regulations must be made, or (as the case may be) laid before Parliament in draft, in the form as so amended.
- (6) If one House agrees amendments to the form of the regulations under sub-paragraph (5) the Minister may not make the relevant statutory instrument until the other House has debated and voted on a motion to agree or disagree with those amendments.”

Member's explanatory statement

This amendment would refer regulations made under Clause 15 to a Joint Committee of both Houses for sifting. Where the Committee judged it appropriate, for example when regulations

represented a significant change from existing law, the Committee would be able to refer instruments to a process allowing Parliament a substantive say over their contents.

Clause 21

BARONESS RITCHIE OF DOWNPATRICK
BARONESS SUTTIE

142 Clause 21, page 23, line 18, at end insert –

“(4) The provisions of this Act have effect without prejudice to section 7A of the EU (Withdrawal) Act 2018.”

Member's explanatory statement

This amendment would ensure that the provisions of the current Bill are interpreted in conformity with section 7A of the EU (Withdrawal) Act 2018, which gives domestic effect to the UK EU Withdrawal Agreement.

Clause 22

LORD HOPE OF CRAIGHEAD
BARONESS HUMPHREYS

143 Clause 22, page 23, line 39, at end insert –

- “(4A) The Scottish Ministers may by regulations make such transitional, transitory or saving provision as they consider appropriate in connection with –
- (a) the coming into force of any provision of this Act,
 - (b) the revocation of anything by section 1, or
 - (c) anything ceasing to be recognised or available in domestic law (and accordingly ceasing to be enforced, allowed or followed) as a result of section 3.
- (4B) The Welsh Ministers may by regulations make such transitional, transitory or saving provision as they consider appropriate in connection with –
- (a) the coming into force of any provision of this Act,
 - (b) the revocation of anything by section 1, or
 - (c) anything ceasing to be recognised or available in domestic law (and accordingly ceasing to be enforced, allowed or followed) as a result of section 3.”

Member's explanatory statement

This amendment gives the Scottish and Welsh Ministers a power that is equivalent to that given to the UK Ministers by Clause 22(4) of the Bill.

LORD CALLANAN

144 Clause 22, page 23, line 40, leave out subsection (5)

Member's explanatory statement

This amendment removes an exception from the Clause 1 sunset. The exception is contained in new clause (Exceptions to sunset under section 1).

THE EARL OF LINDSAY
BARONESS CRAWLEY

145 Clause 22, page 24, line 8, at end insert –

“(d) anything referred to in the Digital Markets, Competition and Consumer Act 2023.”

Member's explanatory statement

This amendment ensures that the Retained EU Law Bill does not apply to any regulations relevant to the Government's forthcoming Digital Markets, Competition and Consumer Bill.

LORD KREBS
LORD ROOKER
BARONESS BOYCOTT

146 Clause 22, page 24, line 8, at end insert –

“(d) an instrument, or provision of an instrument, where the instrument or provision of the instrument is wholly or partly made under, or with reference to, powers contained within the Food Safety Act 1990.”

Member's explanatory statement

This amendment ensures that any changes to regulations arising from the REUL Bill do not undermine the provisions of the Food Safety Act 1990.

Clause 23

BARONESS RITCHIE OF DOWNPATRICK

147 Clause 23, page 24, line 14, leave out “and Northern Ireland”

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6 March 2023

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