

# Retained EU Law (Revocation and Reform) Bill

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AMENDMENTS  
TO BE MOVED  
ON REPORT

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**Clause 3**

LORD HOPE OF CRAIGHEAD

Clause 3, page 2, line 37, at end insert –

- “(1A) Section 1, as it applies to any EU-derived legislation and retained direct EU 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 was a reference to 31 December 2026.”

***Member's explanatory statement***

*This amendment postpones the date referred to in section 1(1) to a later date, to take account of the inability of the devolved administrations to do the work that is required of them in relation to the Common Frameworks by that date.*

LORD HOPE OF CRAIGHEAD

Clause 3, page 2, line 37, at end insert –

- “(1A) Subsection (1) has effect in relation to a provision that 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) a Northern Ireland department as if, after “A Minister of the Crown” there were inserted “or a Northern Ireland department”.
- (1B) A provision is within the competence of the Scottish Ministers, the Welsh Ministers or a Northern Ireland department 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 a 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) a Northern Ireland department.”

***Member's explanatory statement***

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

**Clause 4**

LORD ANDERSON OF IPSWICH  
LORD HOPE OF CRAIGHEAD  
LORD HODGSON OF ASTLEY ABBOTTS  
LORD HAMILTON OF EPSOM

Leave out Clause 4 and insert the following new Clause –

**“Revocation of retained EU rights, powers, liabilities etc**

- (1) Any rights, powers, liabilities, obligations, restrictions, remedies and procedures retained by section 4 of the European Union (Withdrawal) Act 2018 are revoked at the end of 2023 in accordance with subsections (2) to (4).
- (2) A responsible Minister of a relevant national authority may make a statement before the end of October 2023 to, as the case may be, each House of Parliament, the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly, identifying any rights, powers, liabilities, obligations, restrictions, remedies or procedures that the relevant national authority has decided not to restate, reproduce or replace before the end of 2023 and that it wishes to be revoked at the end of 2023.
- (3) If both Houses of Parliament, the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly, as the case may be, resolve that a right, power, liability, obligation, restriction, remedy or procedure identified in the statement referred to in subsection (2) be retained, it is not to be revoked under subsection (4) at the end of 2023.
- (4) If, and to the extent that, no such resolution referred to in subsection (3) has been made before the end of 2023, the rights, powers, liabilities, obligations, restrictions, remedies and procedures identified in the statement referred to in subsection (2) are revoked with effect from the end of 2023.
- (5) Any right, power, liability, obligation, restriction, remedy or procedure that is revoked by virtue of this section is not recognised or available in domestic law at or after the end of 2023 (and, accordingly, is not to be enforced, allowed or followed).”

**Member's explanatory statement**

*The purpose of this amendment, which is modelled on the amendment to Clause 1 in the name of Lord Hope of Craighead, is to enable Parliament and the devolved legislatures, not the Executive, to have the final decision as to whether or not rights, powers, liabilities &c. retained by section 4 of the EU (Withdrawal) Act 2018 should be revoked at the end of 2023.*

**Clause 7**

LORD HOPE OF CRAIGHEAD

Clause 7, page 5, line 25, at end insert –

- “(6A) The Scottish Ministers may by regulations make provision amending an enactment that is within devolved competence in consequence of the name of a thing being changed by subsection (1).
- (6B) The Welsh Ministers may by regulations make provision amending an enactment that is within devolved competence in consequence of the name of a thing being changed by subsection (1).
- (6C) A Northern Ireland department may by regulations make provision amending an enactment that is within devolved competence in consequence of the name of a thing being changed by subsection (1).”

**Member's explanatory statement**

*This amendment gives the Scottish and Welsh Ministers and a Northern Ireland Department a power, equivalent to the power of Ministers of the Crown in Clause 7(6), to amend legislation in consequence of the change in terminology from ‘retained EU law’ to ‘assimilated law’ made by Clause 7.*

**Clause 13**

LORD HOPE OF CRAIGHEAD

Clause 13, page 16, line 28, at end insert –

- “(1A) A Minister of the Crown may not make regulations under subsection (1) 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 the consent of the relevant devolved legislature is obtained before a Minister of the Crown can make regulations under this Clause that restate any secondary retained EU law where the provisions of those regulations fall within the devolved competence of a devolved legislature.*

**Clause 14**

LORD HOPE OF CRAIGHEAD

Clause 14, page 17, line 13, at end insert –

- “(1A) A Minister of the Crown may not make regulations under subsection (1) 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 the consent of the relevant devolved legislature is obtained before a Minister of the Crown can make regulations under this Clause that restate any secondary assimilated EU law where the provisions of those regulations fall within the devolved competence of a devolved legislature.*

**Clause 16**

LORD HOPE OF CRAIGHEAD

Clause 16, page 19, line 12, at end insert –

- “(1A) A Minister of the Crown may not make regulations under subsection (1) 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 the consent of the relevant devolved legislature is obtained before a Minister of the Crown can make regulations under this Clause that revokes any secondary retained EU law without replacing it where the provisions of those regulations fall within the devolved competence of a devolved legislature.*

**Clause 23**

LORD HOPE OF CRAIGHEAD

Clause 23, page 24, line 21, at end insert –

- “(4A) The Scottish Ministers may by regulations make such transitional, transitory or saving provision within their devolved competence 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 4.
- (4B) The Welsh Ministers may by regulations make such transitional, transitory or saving provision within their devolved competence 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 4.
- (4C) A Northern Ireland department may by regulations make such transitional, transitory or saving provision within their devolved competence 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 4.”

***Member's explanatory statement***

*This amendment gives the Scottish and Welsh Ministers and a Northern Ireland Department a power that is equivalent to that given to the UK Ministers by Clause 23.*

**Schedule 4**

LORD HOPE OF CRAIGHEAD

Schedule 4, page 49, line 10, 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.

- (16) A Minister of the Crown must obtain the consent of a Northern Ireland department 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 Northern Ireland Assembly if it were contained in an Act of the Northern Ireland Assembly, or
  - (b) could be made in subordinate legislation by a Northern Ireland department.”

***Member's explanatory statement***

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



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*24 March 2023*

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