

Retained EU Law (Revocation and Reform) Bill

COMMONS DISAGREEMENTS, COMMONS REASONS AND AMENDMENTS TO LORDS AMENDMENTS

[The page and line references are to HL Bill 89, the Bill as first printed for the Lords]

Clause 1

LORDS AMENDMENT 1

- 1 Clause 1, page 1, line 4, leave out subsection (1) and insert—
- “(1) Legislation listed in Schedule (*Sunset of subordinate legislation and retained direct EU legislation*) is revoked at the end of 2023, to the extent specified there.
 - (1A) In that Schedule—
 - (a) Part 1 lists subordinate legislation;
 - (b) Part 2 lists retained direct EU legislation.
 - (1B) Subsection (1) will only take effect if—
 - (a) the legislation listed in Schedule (*Sunset of subordinate legislation and retained direct EU legislation*) has been referred to a Joint Committee of both Houses, and
 - (b) a period of at least 30 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.
 - (1C) If the Joint Committee, after considering any legislation included in this Schedule, finds that the revocation of any item of legislation represents a substantial change to current UK law, a Minister of the Crown must arrange for the revocation of such legislation to be debated on the floor of each House and voted on before the date in subsection (1).
 - (1D) If the revocation of any legislation is not approved by both Houses before the date in subsection (1), it is retained.”

COMMONS AMENDMENT TO LORDS AMENDMENT

The Commons agree with the Lords in their Amendment 1 and propose Amendment 1A as an Amendment thereto –

1A Leave out lines 8 to 21

Clause 3

LORDS AMENDMENT 6

6 Leave out Clause 3 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).”

COMMONS REASON

The Commons disagree to Lords Amendment 6 for the following Reason –

6A *Because the retention of anything which is retained EU law by virtue of section 4 of the European Union (Withdrawal) Act 2018 would be inconsistent with the abolition of the principle of supremacy of EU law.*

After Clause 16

LORDS AMENDMENT 15

15 After Clause 16, insert the following new Clause –

“Environmental protection and food standards

- (1) Regulations may not be made by a relevant national authority under section 12, 13, 15 or 16 unless the relevant national authority is satisfied that the regulations do not –
 - (a) reduce the level of environmental protection arising from the EU retained law to which the provision relates;
 - (b) reduce the level of protection of consumers in relation to the safety, composition or labelling of food arising from the EU retained law to which the provision relates;
 - (c) conflict with any relevant international environmental agreements to which the United Kingdom is party.
- (2) 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, the Food Standards Agency and Food Standards Scotland, and
 - (c) publish a report setting out –
 - (i) how the provision does not reduce the level of environmental or consumer protection in accordance with subsection (1), and
 - (ii) how the authority has taken into account the advice from the persons referred to in paragraphs (a) and (b) of this subsection.
- (3) In section 4 (annual and other reports) of the Food Standards Act 1999, after subsection (1) insert –

“(1A) The report prepared under subsection (1) must include a detailed assessment, drawn up after seeking advice from such other persons or bodies with relevant expertise as the Agency considers appropriate, of the impact of the implementation of sections 12, 13, 15 and 16 of the Retained EU Law (Revocation and Reform) Act 2023 in the areas of food safety, composition, and labelling and other relevant areas of concern to consumers related to food.”
- (4) In this section “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).”

COMMONS REASON

The Commons disagree to Lords Amendment 15 for the following Reason –

- 15A** *Because the Commons do not consider the Lords Amendment necessary in order to maintain environmental protection or food standards.*

After Clause 17

LORDS AMENDMENT 16

- 16** After Clause 17, insert the following new Clause –

“Retained EU law dashboard and report

- (1) The Secretary of State must within the period of 30 days beginning with the day after the end of each reporting period –
 - (a) update the retained EU law dashboard;
 - (b) publish and lay before Parliament a report on the revocation and reform of retained EU law.
- (2) The report must –
 - (a) provide a summary of the data on the retained EU law dashboard (as updated under subsection (1)(a));
 - (b) set out the progress that has been made in revoking and reforming retained EU law during the reporting period to which the report relates;
 - (c) set out His Majesty’s Government’s plans to revoke and reform retained EU law in subsequent reporting periods.
- (3) The reporting periods are –
 - (a) the period beginning with the day on which this Act is passed and ending with 23 December 2023;
 - (b) the period of 12 months beginning with 24 December 2023;
 - (c) the period of 12 months beginning with 24 December 2024;
 - (d) the period of 6 months beginning with 24 December 2025.
- (4) If the Secretary of State does not meet the requirements in subsection (1) in relation to a reporting period, the Secretary of State must –
 - (a) explain why in a statement made in writing, and
 - (b) publish the statement and lay it before Parliament.

- (5) In this section—
 - “retained EU law dashboard” means the database on retained EU law maintained and made publicly available by the Secretary of State;
 - “revoke” has the same meaning as in section 15.
- (6) In subsection (2), “reform” includes “replace”.
- (7) In relation to the report under subsection (1)(b) in respect of the period ending with 23 June 2026, ignore subsection (2)(c).”

COMMONS AMENDMENTS TO LORDS AMENDMENT

The Commons agree with the Lords in their Amendment 16 and propose Amendments 16A and 16B as Amendments thereto –

- 16A** Line 15, at end insert “including specifying in a list such provisions of retained EU law as is intended to be revoked or reformed”
- 16B** Leave out lines 19 to 21 and insert—
 - “(b) each subsequent period of 6 months, subject to subsection (3A).
- (3A) The last reporting period ends with 23 June 2026.”

Schedule 4

LORDS AMENDMENT 42

- 42** Schedule 4, page 39, line 38, at end insert—
 - “8A (1) A Minister of the Crown may not make a statutory instrument containing regulations under sections 12, 13 and 15 unless—
 - (a) a document containing a proposal for those regulations has been laid before each House of 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.
 - (2) If the Joint Committee, after considering any regulations laid under this paragraph, finds that—
 - (a) the regulations represent a substantial change to the preceding retained EU law, or
 - (b) the Government have 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 (1)(c) elapses.

- (3) If any amendments to the regulations, whether or not proposed by the Joint Committee, are agreed by both Houses of Parliament the regulations must be made in the form so amended.
- (4) If one House agrees amendments to the regulations under sub-paragraph (3) 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.”

COMMONS REASON

The Commons disagree to Lords Amendment 42 for the following Reason –

42A *Because the Commons consider the scrutiny procedure imposed by the Lords Amendment to be inappropriate.*

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