

Retained EU Law (Revocation and Reform) Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

BARONESS MCINTOSH OF PICKERING

Clause 1, page 1, line 4, leave out “the end of 2023” and insert “11:59 pm on 31 December 2028”

Member's explanatory statement

This amendment amends Clause 1 to provide clarity about and extend the date on which the sunset provisions come into effect.

BARONESS MCINTOSH OF PICKERING

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

“(2A) Subsection (1) does not apply to any Common Framework as defined by section 10(4) of the United Kingdom Internal Market Act 2020.”

Member's explanatory statement

This amendment ensures that the sunset provision in clause 1 will not apply to any Common Framework.

Clause 2

BARONESS MCINTOSH OF PICKERING

Clause 2, page 2, line 9, leave out “Minister of the Crown” and insert “relevant national authority”

Member's explanatory statement

This amendment ensures that any relevant national authority (as defined in clause 21(1)) can extend the sunset referred to in Clause 1.

BARONESS MCINTOSH OF PICKERING

Clause 2, page 2, line 12, leave out “the end of 2023” and insert “11:59 pm on 31 December 2028”

Member's explanatory statement

This is an amendment consequential upon the previous amendment in the name of Baroness McIntosh of Pickering to clause 1.

BARONESS MCINTOSH OF PICKERING

Clause 2, page 2, line 18, leave out subsection (4)

Member's explanatory statement

This amendment deletes clause 2(4).

BARONESS MCINTOSH OF PICKERING

Clause 2, page 2, line 23, leave out “the end of 2023” and insert “11:59 pm on 31 December 2028”

Member's explanatory statement

This is a consequential amendment which provides clarity about the time the sunset provisions under clause 3 come into effect.

Clause 3

BARONESS MCINTOSH OF PICKERING

Clause 3, page 2, line 24, leave out subsection (2)

Member's explanatory statement

This amendment deletes subsection (2).

BARONESS MCINTOSH OF PICKERING

Clause 3, page 2, line 27, at end insert –

“(3) A relevant national authority may by regulations provide that subsection (1) has effect as if the reference to the end of 2023 were a reference to a later specified time.”

Member's explanatory statement

This amendment provides that the sunset of retained EU rights, powers and liabilities etc can be extended to a later time by a relevant national authority.

Clause 4

BARONESS MCINTOSH OF PICKERING

Clause 4, page 2, line 33, leave out “the end of 2023” and insert “11:59 pm on 31 December 2028”

Member's explanatory statement

This is a consequential amendment which provides clarity about the time the sunset of the principle of the supremacy of EU law comes into effect.

Clause 6

BARONESS MCINTOSH OF PICKERING

Clause 6, page 4, line 4, leave out “the end of 2023” and insert “11:59 pm on 31 December 2028”

Member's explanatory statement

This is a consequential amendment which provides clarity about precisely when retained EU law will be known as assimilated law.

BARONESS MCINTOSH OF PICKERING

Clause 6, page 4, line 16, leave out “the end of 2023” and insert “11:59 pm on 31 December 2028”

Member's explanatory statement

This is a consequential amendment which provides clarity about precisely when retained EU law will be known as assimilated law.

BARONESS MCINTOSH OF PICKERING

Clause 6, page 4, line 21, leave out “the end of 2023” and insert “11:59 pm on 31 December 2028”

Member's explanatory statement

This is a consequential amendment which provides clarity about precisely when retained EU law will be known as assimilated law.

Clause 7

BARONESS MCINTOSH OF PICKERING

Clause 7, page 5, line 30, leave out “must” and insert “may”

Member's explanatory statement

This amendment restores discretion to the higher court.

BARONESS MCINTOSH OF PICKERING

Clause 7, page 5, line 32, leave out lines 32 and 33

Member's explanatory statement

This amendment deletes new subsection (5)(a) inserted into section 6 of the EUWA by clause 7.

BARONESS MCINTOSH OF PICKERING

Clause 7, page 5, line 36, leave out “proper”

Member's explanatory statement

This amendment deletes the word “proper” from the new subsection (5) inserted into section 6 of the EUWA by clause 7.

BARONESS MCINTOSH OF PICKERING

Clause 7, page 8, line 1, leave out from beginning to end of line 5 on page 10

Member's explanatory statement

This amendment deletes new section 6B which is inserted in the EUWA by clause 7(8).

Clause 8

BARONESS MCINTOSH OF PICKERING

Clause 8, page 11, line 16, leave out subsection (4)

Member's explanatory statement

This is a consequential amendment.

Clause 12

BARONESS MCINTOSH OF PICKERING

Clause 12, page 16, line 4, at end insert –

- “(1A) Before making regulations under subsection (1) a relevant national authority must consult with any person who may be affected by the proposed regulations.
- (1B) If a Minister of the Crown proposes to make regulations under subsection (1) which concern devolved matters the Minister must, before making the regulations, consult with the relevant national authority.
- (1C) A relevant national authority and, where subsection (1B) applies, a Minister of the Crown must publish the results of any consultation conducted under this section.”

Member's explanatory statement

This amendment requires a relevant national authority or a Minister of the Crown to consult with those who may be affected by regulations before making them. All relevant national authorities are required to publish the results of the consultation.

BARONESS MCINTOSH OF PICKERING

Clause 12, page 16, line 20, leave out “the end of 2023” and insert “11:59 pm on 31 December 2028”

Member's explanatory statement

This amendment extends the statutory deadline within which a restatement of any secondary retained EU law may be made.

Clause 13

BARONESS MCINTOSH OF PICKERING

Clause 13, page 16, line 30, at end insert –

- “(1A) Before making regulations under subsection (1) a relevant national authority must consult with any person who may be affected by the proposed regulations.
- (1B) If a Minister of the Crown proposes to make regulations under subsection (1) which concern devolved matters the Minister must, before making the regulations, consult with the relevant national authority.
- (1C) A relevant national authority and, where subsection (1B) applies, a Minister of the Crown, must publish the results of any consultation conducted under subsection (1A) or (1B).”

Member's explanatory statement

This amendment requires a relevant national authority or a Minister of the Crown to consult with those who may be affected by regulations before making them. All relevant national authorities are required to publish the results of the consultation.

BARONESS MCINTOSH OF PICKERING

Clause 13, page 17, line 16, at end insert –

- “(8A) Before making regulations under subsection (8) a relevant national authority must consult with any person who may be affected by the proposed regulations.
- (8B) If a Minister of the Crown proposes to make regulations under subsection (8) which concern devolved matters the Minister must before making the regulations consult with the relevant national authority.
- (8C) A relevant national authority and, where subsection (8B) applies, a Minister of the Crown must publish the results of any consultation conducted under subsection (8A) or (8B).”

Member's explanatory statement

This amendment requires a relevant national authority or a Minister of the Crown to consult with those who may be affected by regulations under subsection 13(8) before making them. All relevant national authorities are required to publish the results of the consultation.

BARONESS MCINTOSH OF PICKERING

Clause 13, page 17, line 17, 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 a restatement of assimilated law or reproduction of sunsetted retained EU rights, powers, liabilities may be made.

BARONESS MCINTOSH OF PICKERING

Clause 13, page 17, line 24, leave out “the end of 2023” and insert “11:59 pm on 31 December 2028”

Member's explanatory statement

This amendment is consequential on another amendment in the name of Baroness McIntosh of Pickering.

Clause 14

BARONESS MCINTOSH OF PICKERING

Clause 14, page 18, line 13, leave out subsection (7)

Member's explanatory statement

This amendment deletes clause 14(7).

Clause 15

BARONESS MCINTOSH OF PICKERING

Clause 15, page 18, line 31, at end insert –

- “(1A) Before making regulations under subsection (1) a relevant national authority must consult with any person who may be affected by the proposed regulations.
- (1B) If a Minister of the Crown proposes to make regulations under subsection (1) which concern devolved matters the Minister must before making the regulations consult with the relevant national authority.
- (1C) A relevant national authority and, where subsection (1B) applies, a Minister of the Crown must publish the results of any consultation conducted under subsection (1A) or (1B).”

Member's explanatory statement

This amendment requires a relevant national authority or a Minister of the Crown to consult with those who may be affected by regulations under subsection 15(1) before making them. All relevant national authorities are required to publish the results of the consultation.

BARONESS MCINTOSH OF PICKERING

Clause 15, page 18, line 35, at end insert –

- “(2A) Before making regulations under subsection (2) a relevant national authority must consult with any person who may be affected by the proposed regulations.
- (2B) If a Minister of the Crown proposes to make regulations under subsection (2) which concern devolved matters the Minister must before making the regulations consult with the relevant national authority.
- (2C) A relevant national authority and a Minister of the Crown must publish the results of any consultation conducted under subsection (2A) or (2B).”

Member's explanatory statement

This amendment requires a relevant national authority or a Minister of the Crown to consult with those who may be affected by regulations under subsection 15(2) before making them. All relevant national authorities are required to publish the results of the consultation.

BARONESS MCINTOSH OF PICKERING

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

- “(3A) Before making regulations under subsection (3) a relevant national authority must consult with any person who may be affected by the proposed regulations.
- (3B) If a Minister of the Crown proposes to make regulations under subsection (3) which concern devolved matters the Minister must before making the regulations consult with the relevant national authority.
- (3C) A relevant national authority and a Minister of the Crown must publish the results of any consultation conducted under subsection (3A) or (3B).”

Member's explanatory statement

This amendment requires a relevant national authority or a Minister of the Crown to consult with those who may be affected by regulations under subsection 15(3) before making them. All relevant national authorities are required to publish the results of the consultation.

BARONESS MCINTOSH OF PICKERING

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 MCINTOSH OF PICKERING

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

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.

Clause 16

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.

Clause 19

BARONESS MCINTOSH OF PICKERING

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

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.

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