



House of Commons

Tuesday 22 October 2019

COMMITTEE OF THE WHOLE HOUSE

New Amendments handed in are marked thus ★

Amendments tabled since the last publication: 1 to 5 and NC1 to NC5

EUROPEAN UNION (WITHDRAWAL AGREEMENT) BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the European Union (Withdrawal Agreement) Bill (Programme) Motion to be proposed by Secretary Stephen Barclay.

CLAUSES 1 TO 4; NEW CLAUSES RELATING TO PART 1; NEW SCHEDULES RELATING TO PART 1

Mr Chris Leslie
Anna Soubry

1

★ Clause 1, page 2, line 43, at end insert—

“(5A) A Minister of the Crown must publish a report on the day following the day on which the European Union (Withdrawal Agreement) Act 2019 is passed setting out the application of the jurisdiction of the Court of Justice of the European Union during the implementation period.”

Mr Chris Leslie
Anna Soubry

2

★ Clause 1, page 2, line 43, at end insert—

“(5B) A Minister of the Crown must publish a report on the day following the day on which the European Union (Withdrawal Agreement) Act 2019 is passed setting out the impact and consequences for the United Kingdom economy of—

(a) the arrangements proposed for the implementation period, and

European Union (Withdrawal Agreement) Bill, *continued*

- (b) the arrangements that may apply under a full range of scenarios following the completion of the implementation period.”

CLAUSES 21 TO 23; SCHEDULE 3; CLAUSE 24; CLAUSES 29 TO 34; SCHEDULE 4; CLAUSES 35 AND 36; NEW CLAUSES RELATING TO ANY OF CLAUSES 21 TO 23, SCHEDULE 3, CLAUSE 24, CLAUSES 29 TO 34, SCHEDULE 4, CLAUSE 35 OR CLAUSE 36; NEW SCHEDULES RELATING TO ANY OF CLAUSES 21 TO 23, SCHEDULE 3, CLAUSE 24, CLAUSES 29 TO 34, SCHEDULE 4, CLAUSE 35 OR CLAUSE 36

Mr Chris Leslie
Anna Soubry

3

★ Clause 36, page 37, line 5, “and has always been sovereign.”

Mr Kenneth Clarke
Helen Goodman
Stewart Hosie
Norman Lamb
Lucy Powell
Jack Dromey

Liam Byrne
Bill Esterson
Ruth George
Yvette Cooper
Ruth Smeeth
Anna Soubry

Debbie Abrahams
Seema Malhotra
Stephen Kinnock
Gloria De Piero
Gareth Snell
Justin Madders

Daniel Zeichner
Melanie Onn
Nick Boles
Lisa Nandy
Mr Chris Leslie

NC1

★ To move the following Clause—

“Implementation period negotiating objectives: customs union

- (1) It shall be an objective of the Government to secure an agreement within the framework of the future relationship of the UK and EU to a comprehensive and permanent customs union for the whole of the UK with the EU before the end of the implementation period (“the customs union negotiations”).
- (2) A Minister shall lay before each House of Parliament a progress report on the customs union negotiations within six months of this Act being passed, at subsequently at intervals of no more than three months.”

Member’s explanatory statement

This new Clause would mandate the Government to seek a comprehensive customs union for the whole of the UK with the EU before the end of the implementation period.

European Union (Withdrawal Agreement) Bill, *continued*

Nick Thomas-Symonds
 Jeremy Corbyn
 Keir Starmer
 Jenny Chapman
 Paul Blomfield
 Mr Nicholas Brown

NC2

★ To move the following Clause—

“Joint Committee

- (1) This section makes provision relating to the Joint Committee established by Article 164(1) of the withdrawal agreement (“the Joint Committee”).
- (2) A person may not be appointed as a representative of the United Kingdom on the Joint Committee unless the House of Commons has passed a motion of the form set out in subsection (3).
- (3) The form of the motion is—
 - “That this House approves the appointment of [name of person or persons] to the Joint Committee established by Article 164(1) of the Withdrawal Agreement.”
- (4) The Secretary of State must lay before both Houses of Parliament each document of the Joint Committee circulated to the European Union and the United Kingdom under Rule 5 of Annex VIII of the withdrawal agreement.
- (5) The Secretary of State must, within one month of this section coming into force, table a motion in the House of Commons to—
 - (a) establish a select committee of the House of Commons to oversee and scrutinise the work of the United Kingdom representatives on the Joint Committee, and
 - (b) provide for appointments to that select committee to be subject to approval by resolution of the House of Commons.
- (6) A Minister of the Crown must make an oral statement to both Houses of Parliament following each meeting of the Joint Committee.”

Member’s explanatory statement

This new Clause would provide for Parliamentary scrutiny of the work of the Joint UK-EU Committee established by Article 164(1) of the withdrawal agreement.

Nick Thomas-Symonds
 Jeremy Corbyn
 Keir Starmer
 Jenny Chapman
 Paul Blomfield
 Mr Nicholas Brown

NC3

★ To move the following Clause—

“Disputes and arbitration panels

- (1) A Minister of the Crown must make an oral statement to both Houses of Parliament on each occasion—
 - (a) the Joint Committee is given written notice of a party wishing to commence dispute consultations under Article 169(1) of the withdrawal agreement, or

European Union (Withdrawal Agreement) Bill, *continued*

- (b) a party requests the establishment of an arbitration panel under Article 170 of the withdrawal agreement, or
 - (c) the Court of Justice of the European Union gives a ruling binding on an arbitration panel under Article 174 of the withdrawal agreement.
- (2) A person may not be included as one of the ten persons proposed by the United Kingdom to be a potential arbitration panel member under Article 171(1) of the withdrawal agreement unless the House of Commons has passed a motion of the form set out in subsection (3).
- (3) The form of the motion is—
- “That this House approves [name of person or persons] to serve as a member of an arbitration panel under Article 171(1) of the Withdrawal Agreement.”
- (4) In this section, “the Joint Committee” means the Joint Committee established by Article 164(1) of the withdrawal agreement.”

Member’s explanatory statement

This new Clause would provide for Parliamentary scrutiny of the UK-EU disputes procedures established under the withdrawal agreement.

CLAUSES 7 TO 14; SCHEDULE 1; CLAUSE 15; SCHEDULE 2; CLAUSES 16 AND 17; NEW CLAUSES RELATING TO PART 3; NEW SCHEDULES RELATING TO PART 3

Stuart C. McDonald
Tom Brake
Mr Chris Leslie

4

- ★ Clause 7, page 9, line 36, leave out from “Crown” to end of Clause and insert “must by regulations make provision—
- (a) implementing article 18(4) of the withdrawal agreement (right of eligible citizens to receive a residence document), including making provision for a physical document;
 - (b) implementing article 17(4) of the EEA EFTA separation agreement (right of eligible citizens to receive a residence document) including making provision for a physical document; and
 - (c) implementing article 16(4) of the Swiss citizens’ rights agreement (right of eligible citizens to receive a residence document).”

Jo Swinson
Tom Brake
Mr Alistair Carmichael
Stuart C. McDonald
Mr Chris Leslie

5

- ★ Clause 7, page 10, line 41, at end insert—
- “(3A) Regulations made under this section may not prevent EEA and Swiss nationals, or their family members, who are resident in the United Kingdom on or prior to 31 December 2020 applying for settled status at any time.”
-

European Union (Withdrawal Agreement) Bill, *continued*

Nick Thomas-Symonds
Jeremy Corbyn
Keir Starmer
Jenny Chapman
Paul Blomfield
Mr Nicholas Brown

NC4

★ To move the following Clause—

“European Court of Justice: preliminary rulings

- (1) The Secretary of State shall publish reports setting out the number of occasions on which a court or tribunal in the UK has, by virtue of Article 158 of the Withdrawal Agreement, requested the Court of Justice of the European Union to give a preliminary ruling on a question relating to Part Two (Citizens’ Rights).
- (2) A report under subsection (1)(a) shall include a statement on the implications for domestic law of any preliminary ruling given by the Court of Justice of the European Union during the period covered by the report.
- (3) Reports under subsection (1)(a) shall be published each month from the start of the implementation period until the end of the period of eight years starting from the end of the implementation period.
- (4) A Minister of the Crown shall make an oral statement in each House of Parliament on—
 - (a) preliminary rulings given by the Court of Justice of the European Union, by virtue of Article 158 of the Withdrawal Agreement, on any question relating to Part Two (Citizens’ Rights) of the Agreement, and
 - (b) the implications of those rulings for UK domestic law.
- (5) An oral statement under subsection (4) shall be made in the House of Commons in each month in which the House sits, from the start of the implementation period until the end of the period of eight years starting from the end of the implementation period.
- (6) An oral statement under subsection (4) shall be made in the House of Lords in each month in which the House sits, from the start of the implementation period until the end of the period of eight years starting from the end of the implementation period.”

Member’s explanatory statement

This new Clause would require the Government to publish reports on, and make oral statements on, questions which have been referred to the European Court of Justice for a preliminary ruling under Article 158 of the Withdrawal Agreement.

European Union (Withdrawal Agreement) Bill, *continued*

Jo Swinson
 Tom Brake
 Mr Alistair Carmichael
 Stuart C. McDonald
 Mr Chris Leslie

NC5

★ To move the following Clause—

“EU Settlement Scheme: physical documented proof

The Secretary of State must make provision to ensure that EEA and Swiss nationals and their family members who are granted settled or pre-settled status are provided with physical documented proof of that status.”

 EUROPEAN UNION (WITHDRAWAL AGREEMENT) BILL (PROGRAMME)

Secretary Stephen Barclay

That the following provisions shall apply to the European Union (Withdrawal Agreement) Bill:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee

2. Proceedings in Committee of the whole House shall be completed in two days.
3. The proceedings shall be taken on each of those days as shown in the first column of the following Table and in the order so shown.
4. The proceedings shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

TABLE

Proceedings

Time for conclusion of proceedings

First day

Clauses 1 to 4; new Clauses relating to Part 1; new Schedules relating to Part 1

Three hours after the commencement of proceedings on the Motion for this Order

European Union (Withdrawal Agreement) Bill, *continued**Proceedings**Time for conclusion of proceedings**Second day*

Clauses 21 to 23; Schedule 3; Clause 24; Clauses 29 to 34; Schedule 4; Clauses 35 and 36; new Clauses relating to any of Clauses 21 to 23, Schedule 3, Clause 24, Clauses 29 to 34, Schedule 4, Clause 35 or Clause 36; new Schedules relating to any of Clauses 21 to 23, Schedule 3, Clause 24, Clauses 29 to 34, Schedule 4, Clause 35 or Clause 36

Three hours after the commencement of proceedings on the Bill on the second day

Clauses 7 to 14; Schedule 1; Clause 15; Schedule 2; Clauses 16 and 17; new Clauses relating to Part 3; new Schedules relating to Part 3

Six hours after the commencement of proceedings on the Bill on the second day

Clauses 18 to 20; Clauses 5 and 6; Clauses 25 to 28; Clauses 37 and 38; Schedule 5; Clause 39; Schedule 6; Clause 40; new Clauses relating to any of Clauses 18 to 20, Clauses 5 and 6, Clauses 25 to 28, Clauses 37 and 38, Schedule 5, Clause 39, Schedule 6 or Clause 40; new Schedules relating to any of Clauses 18 to 20, Clauses 5 and 6, Clauses 25 to 28, Clauses 37 and 38, Schedule 5, Clause 39, Schedule 6 or Clause 40

Nine hours after the commencement of proceedings on the Bill on the second day

New Clauses relating to a further referendum in connection with the United Kingdom's membership of the European Union, new Schedules relating to a further referendum in connection with the United Kingdom's membership of the European Union, remaining new Clauses, remaining new Schedules, remaining proceedings on the Bill

Twelve hours after the commencement of proceedings on the Bill on the second day

Proceedings on Consideration and up to and including Third Reading

5. Any proceedings on Consideration, any proceedings in legislative grand committee and proceedings on Third Reading shall be taken in one day in accordance with the following provisions of this Order.
6. Any proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion six hours after the commencement of proceedings on the Bill on that day.

European Union (Withdrawal Agreement) Bill, *continued*

7. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion eight hours after the commencement of proceedings on the Bill on that day.

Programming committee

8. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to other proceedings up to and including Third Reading.

Consideration of Lords Amendments

9. Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.

Subsequent stages

10. Any further Message from the Lords may be considered forthwith without any Question being put.
 11. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.
-