

European Union (Withdrawal) Bill

Amendments to be moved in Committee

Clause 2, page 1, line 12 after “passed” insert “and commenced”

Clause 2, page 1, line 19 add at end –

“(3) for the purposes of this Act, any EU derived domestic legislation has effect in domestic law immediately before exit day if –

(a) in the case of anything which comes into force at a particular time and is stated to apply from a later time it is in force and it applies immediately before exit day,

(b) in any other case, it has been commenced and is in force immediately before exit day.”

Clause 4, page 2, line 46 after “continue” insert “subject to the terms of Schedule 1”

Clause 5, page 3 line 11 leave out Subsection (1) and insert –

“(1) An enactment or rule of law passed or made on or after exit day will not be subject to the principle of the supremacy of EU law”.

Clause 5, page 3, line 19 add at end –

“(4) Subsections (1), (2) and (3) shall cease to have effect after the end of the period of ten years beginning with exit day”.

Clause 5, page 3, line 20 leave out Subsections (4) and (5).

Clause 6, page 3, line 33 after “matter” insert “(other than a pending matter)”.

Clause 6, page 3, line 34 leave out Subsection (2) and insert -

“(2) A court or tribunal may regard the decisions of the European Court made on or after exit day to be persuasive”.

Clause 6, page 4, line 20 add at end –

“pending matter” means any litigation which has been commenced in any Court or Tribunal in the United Kingdom and which is not finally determined at exit date”.

Clause 6, page 4, line 20 leave out Subsection (7)

Clause 7, page 5, line 4 leave out “appropriate” and insert “necessary”.

Clause 7, page 6, line 18 add at end –

“(g) amend or repeal the Scotland Act 1998”.

Clause 7, page 6, line 18 add at end –

“(h) amend or repeal the Wales Act 2017”.

Clause 8, page 6, line 28 leave out “appropriate” and insert “necessary”.

Clause 9, page 6, line 43 leave out “appropriate” and insert “necessary”.

Clause 11, page 8, line 28 add at end –

“(4) this section only applies to

(a) an Act of the Scottish Parliament,

(b) an Act of the National Assembly for Wales; and

(c) an Act of the Northern Ireland Assembly,
which was introduced to the Parliament or Assembly as the case may be after
exit day”.

Clause 11, page 8, line 31 add at end –

“(5) This section and Part 1 of schedule 3 will cease to have effect after the end of
the period of two years beginning with exit day”.

Clause 14, page 10, line 57 add at end –

““retained case law” means—

(a) retained domestic case law, and

(b) retained EU case law,””

Clause 14, page 11, line 2 add at end –

“retained domestic case law” means any principles laid down by, and any decisions
of, a court or tribunal in the United Kingdom, as they have effective immediately
before exit day and so far as they –

(a) relate to anything to which section 2,3 or 4 applies, and

(b) are not excluded by section 5 or Schedule 1, (as those principles and decisions
are modified by or under this Act or by other domestic law from time to time);

“retained EU case law” means any principles laid down by, and any decisions of, the European Court, as they have effect in EU law immediately before exit day and so far as they –

(a) relate to anything to which section 2, 3 or 4 applies, and

(b) are not excluded by section 5 or Schedule 1, (as those principles and decisions are modified by or under this Act or by other domestic law from time to time);

“retained EU law” means anything which, on or after exit day, continues to be, or forms part of, domestic law by virtue of section 2, 3 or 4 or Subsection (3) or (6) above (as that body of law is added to or otherwise modified by or under this Act or by other domestic law from time to time);

“retained general principles of EU law” means the general principals of EU law, as they have effect in EU law immediately before exit day and so as they –

(a) relate to anything to which section 2, 3 or 4 applies, and

(b) are not excluded by section 5 or Schedule 1, (as those principles are modified by or under this Act or by other domestic law from time to time)”.

Clause 17, page 13, line 35 leave out “appropriate” and insert “necessary”.

Clause 17, page 14, line 7 leave out “appropriate” and insert “necessary”.

Schedule 1, page 15, line 11 leave out “of a kind described or provided for in regulations”.

Schedule 1, page 15, line 12 add at end –

“on the basis that the instrument is in the Minister’s view invalid”.

Schedule 1, page 15, line 13 leave out paragraph 1(3).

Schedule 1, page 15, line 16 leave out lines 16 to 26.

Schedule 2, page 16, line 13 leave out “appropriate” and insert “necessary.”

Schedule 2, page 16, line 18 leave out “appropriate” and insert “necessary”.

Schedule 2, page 17, line 1 leave out paragraph 3.

Schedule 2, page 21, line 39 leave out “appropriate” and insert “necessary”.

Schedule 2, page 21, line 43 leave out “appropriate” and insert “necessary”.

Schedule 2, page 24, line 12 leave out “appropriate” and insert “necessary”.

Schedule 2, page 24, line 16 leave out “appropriate” and insert “necessary”.

Schedule 7, page 39, line 14 after “unless” insert.

“(a) the Minister laying the instrument has made a declaration that the instrument does no more than necessary to prevent remedy or mitigate –

(i) any failure of retained EU Law to operate effectively, or

(ii) any other deficiency in retained EU Law arising from the withdrawal of the United Kingdom from the EU,

(b)”

Schedule 7, page 39, line 16 add at end – “and each House of Parliament may require that the Minister withdraw an instrument laid and represent it for approval under an alternative procedure”.