

# LIST OF SUGGESTED AMENDMENTS

## Submitted by the External Affairs and Additional Legislation Committee, National Assembly for Wales

### European Union (Withdrawal) Bill

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#### **Amendment 1**

Schedule 2, page 16, line 12, leave out from “as” to “to prevent” in line 13 and insert “is essential”.

#### *Member’s explanatory statement*

*This amendment limits the power available to a devolved authority to deal with deficiencies in retained EU law arising from withdrawal in such a way that it can only make provision that is essential to that end.*

#### **Amendment 2**

Schedule 2, page 16, line 18, leave out “they consider appropriate” and insert “is essential”.

#### *Member’s explanatory statement*

*This amendment limits the power available to a Minister of the Crown acting jointly with a devolved authority to deal with deficiencies in retained EU law arising from withdrawal in such a way that they can only make provision that is essential to that end.*

#### **Amendment 3**

Schedule 2, page 21, line 38, leave out from “as” to “to prevent” in line 39 and insert “is essential”.

#### *Member’s explanatory statement*

*This amendment limits the power available to a devolved authority to prevent or remedy a breach of international obligations in such a way that it can only make provision that is essential to that end.*

#### **Amendment 4**

Schedule 2, page 21, line 43, leave out “they consider appropriate” and insert “is essential”.

#### *Member’s explanatory statement*

*This amendment limits the power available to a Minister of the Crown acting jointly with a devolved authority to prevent or remedy a breach of international obligations in such a way that they can only make provision that is essential to that end.*

### **Amendment 5**

Schedule 2, page 24, line 11, leave out from “as” to “for” in line 12 and insert “is essential”.

#### *Member’s explanatory statement*

*This amendment limits the power available to a devolved authority to implement the withdrawal agreement in such a way that it can only make provision that is essential to that end*

### **Amendment 6**

Schedule 2, page 24, line 16, leave out “they consider appropriate” and insert “is essential”.

#### *Member’s explanatory statement*

*This amendment limits the power available to a Minister of the Crown acting jointly with a devolved authority to implement the withdrawal agreement in such a way that they can only make provision that is essential to that end.*

### **Amendment 7**

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

“( ) But the power in subsection (1) may not be exercised to make provision for Wales to the extent that that provision would be within the devolved competence of the Welsh Ministers for the purposes of Part 1 of Schedule 2.”.

#### *Member’s explanatory statement*

*This amendment prevents a Minister of the Crown from making provision to deal with deficiencies in retained EU law arising from withdrawal to the extent that the provision would be within the devolved competence of the Welsh Ministers.*

### **Amendment 8**

Clause 8, page 6, line 30, at end insert –

“( ) But the power in subsection (1) may not be exercised to make provision for Wales to the extent that that provision would be within the devolved competence of the Welsh Ministers for the purposes of Part 2 of Schedule 2.”.

#### *Member’s explanatory statement*

*This amendment prevents a Minister of the Crown from making provision to prevent or remedy any breach of international obligations to the extent that the provision would be within the devolved competence of the Welsh Ministers.*

**Amendment 9**

Clause 9, page 6, line 45, at end insert –

“( ) But the power in subsection (1) may not be exercised to make provision for Wales to the extent that that provision would be within the devolved competence of the Welsh Ministers for the purposes of Part 2 of Schedule 2.”.

**Member’s explanatory statement**

*This amendment prevents a Minister of the Crown from making provision to implement the withdrawal agreement to the extent that the provision would be within the devolved competence of the Welsh Ministers.*

**Amendment 10**

Clause 17, page 14, line 9, at end insert –

“( ) But the power in subsections (1) and (3) may not be exercised to make provision for Wales to the extent that that provision would be within the devolved competence of the Welsh Ministers for the purposes of Part 2 of Schedule 2.”.

**Member’s explanatory statement**

*This amendment prevents a Minister of the Crown from making transitional, transitory or saving provision to the extent that the provision would be within the devolved competence of the Welsh Ministers.*

**Amendment 11**

Schedule 2, page 25, line 31, at end insert –

“PART [ ]

WELSH MINISTERS – POWER TO MAKE CONSEQUENTIAL AND TRANSITIONAL PROVISION

- [ ] (1) The Welsh Ministers may by regulations make such provision as is essential in consequence of this Act.
- (2) The power to make regulations under sub-paragraph (1) may (among other things) be exercised by modifying any provision made by or under an enactment.
- (3) In sub-paragraph (2), “enactment” does not include-
- (a) primary legislation passed or made after the end of the Session in which this Act is passed, or
  - (b) any provision of the Government of Wales Act 2006.
- (4) The Welsh Ministers may by regulations make such transitional, transitory or saving provision as is essential in connection with the coming into force of any provision of this Act or the appointment of exit day.
- (5) No regulations may be made under this Part unless every provision of them is within the devolved competence of the Welsh Ministers for the purposes of Part 2.”.

**Member's explanatory statement**

*This amendment provides a power to the Welsh Ministers to make consequential and transitional provision within the devolved competence of the Welsh Ministers.*

**Amendment 12**

In clause 7, page 6, line 13, after "it," insert –

“( ) modify the Government of Wales Act 2006.”.

**Member's explanatory statement**

*This amendment prevents the Government of Wales Act 2006 from being amended by regulation under clause 7.*

**Amendment 13**

In clause 8, page 6, line 38, at end insert –

“, or

(e) modify the Government of Wales Act 2006.”.

**Member's explanatory statement**

*This amendment prevents the Government of Wales Act 2006 from being amended by regulation under clause 8.*

**Amendment 14**

In clause 9, page 7, line 8, at end insert –

“, or

(e) modify the Government of Wales Act 2006.”.

**Member's explanatory statement**

*This amendment prevents the Government of Wales Act 2006 from being amended by regulation under clause 9.*

**Amendment 15**

In clause 17, page 14, line 4, at end insert “or the Government of Wales Act 2006.”.

**Member's explanatory statement**

*This amendment prevents the Government of Wales Act 2006 from being amended by regulation under clause 17.*

**Amendment 16**

Schedule 2, page 20, line 25, after “Crown”, insert “and excluding any provision that could be made under paragraph 7(2) of Schedule 7B to the Government of Wales Act 2006”.

**Member's explanatory statement**

*This amendment, and amendment [17, 18 and 19], prevent the Welsh Ministers from using powers proposed in the Bill (to deal with deficiencies in retained EU law arising from withdrawal) to amend the Government of Wales Act 2006.*

**Amendment 17**

Schedule 2, page 20, line 41, after "5" insert "or".

**Member's explanatory statement**

*This amendment, and amendment [16, 18 and 19], prevent the Welsh Ministers from using powers proposed in the Bill (to deal with deficiencies in retained EU law arising from withdrawal) to amend the Government of Wales Act 2006.*

**Amendment 18**

Schedule 2, page 20, line 41, leave out "or 7".

**Member's explanatory statement**

*This amendment, and amendment [16, 17 and 19], prevent the Welsh Ministers from using powers proposed in the Bill (to deal with deficiencies in retained EU law arising from withdrawal) to amend the Government of Wales Act 2006.*

**Amendment 19**

Schedule 2, page 20, line 43, at end insert—

“(f) the provision does not modify the Government of Wales Act 2006.”.

**Member's explanatory statement**

*This amendment, and amendment [16, 17 and 19], prevent the Welsh Ministers from using powers proposed in the Bill (to deal with deficiencies in retained EU law arising from withdrawal) to amend the Government of Wales Act 2006.*

**Amendment 20**

Schedule 2, page 22, line 10, at end insert—

“(f) amend, repeal or revoke the Government of Wales Act 2006.”.

**Member's explanatory statement**

*This amendment prevents the Welsh Ministers from using powers proposed in the Bill (to comply with international obligations) to amend the Government of Wales Act 2006.*

**Amendment 21**

Schedule 2, page 24, line 33, at end insert—

“(h) amend, repeal or revoke the Government of Wales Act 2006.”.

**Member's explanatory statement**

This amendment prevents the Welsh Ministers from using powers proposed in the Bill (to implement the withdrawal agreement) to amend the Government of Wales Act 2006.

**Amendment 22**

Schedule 7, page 39, line 42, leave out sub-paragraphs (6) and (7).

**Member's explanatory statement**

This amendment, and amendments [23 and 25], remove provisions in the Bill that prescribe scrutiny procedures for the National Assembly for Wales. These amendments, coupled with amendment [24] allow the National Assembly for Wales to set the scrutiny procedures it considers appropriate for the control of powers proposed for the Welsh Ministers under the Bill.

**Amendment 23**

Schedule 7, page 41, line 15, leave out sub-paragraphs (10) and (11).

**Member's explanatory statement**

This amendment, and amendments [22 and 25], remove provisions in the Bill that prescribe scrutiny procedures for the National Assembly for Wales. These amendments, coupled with amendment [24] allow the National Assembly for Wales to set the scrutiny procedures it considers appropriate for the control of powers proposed for the Welsh Ministers under the Bill.

**Amendment 24**

Schedule 7, page 45, line 40, at end insert –

*“Scrutiny of regulations made by Welsh Ministers*

- [ ] (1) A statutory instrument containing regulations under this Act of the Welsh Ministers must be made in accordance with the procedures from time to time set out in the Standing Orders of the National Assembly for Wales for the scrutiny of regulations under this Act.
- (2) Sub-paragraph (1) applies to statutory instruments made by the Welsh Ministers acting alone and to statutory instruments made by the Welsh Ministers acting jointly with a Minister of the Crown.
- (3) The Standing Orders of the National Assembly for Wales may set out different procedures for the making of different statutory instruments or for different categories of statutory instruments under this Act and, for the avoidance of doubt, may empower the Assembly or a committee of the Assembly to decide which of those procedures is to apply to an instrument or category of instruments.
- (4) For the purposes of section 11A of the Statutory Instruments Act 1946, and any other provisions of that Act referred to in that section, the provisions set out from time to time in the Standing Orders of the National Assembly for Wales for the scrutiny of regulations under this Act shall be deemed to be provisions of an Act.”.

***Member's explanatory statement***

*This amendment allows the National Assembly for Wales to set the scrutiny procedures it considers appropriate for the control of powers proposed for the Welsh Ministers under the Bill.*

**Amendment 25**

Schedule 7, page 48, line 14, leave out sub-paragraph (4).

***Member's explanatory statement***

*This amendment, and amendments [22 and 23], remove provisions in the Bill that prescribe scrutiny procedures for the National Assembly for Wales. These amendments, coupled with amendment [24] allow the National Assembly for Wales to set the scrutiny procedures it considers appropriate for the control of powers proposed for the Welsh Ministers under the Bill.*