

Retained EU Law (Revocation and Reform) Bill

COMMONS REASONS

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

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.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 15, to which the Commons have disagreed for their Reason 15A, and do propose Amendment 15B in lieu –

- 15B** After Clause 16, insert the following new Clause—

“Environmental protection

- (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 retained EU law to which the provision relates;
 - (b) 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, and
 - (b) publish a report setting out—
 - (i) how the provision does not reduce the level of environmental protection in accordance with subsection (1), and
 - (ii) how the authority has taken into account the advice from the persons referred to in paragraph (a) of this subsection.
- (3) In this section “relevant international environmental agreements” includes but is not limited to—
 - (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 Biological Diversity (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 (OSPAR, 1992);
 - (f) the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, 1971).”

COMMONS REASON

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

- 15C** *Because the Commons do not consider the Lords Amendment necessary in order to maintain environmental protection.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 15B, to which the Commons have disagreed for their Reason 15C, and do propose Amendment 15D in lieu –

- 15D** After Clause 16, insert the following new Clause –

“Environmental protection

- (1) Regulations may be made by a relevant national authority under section 12, 13, 15 or 16 only if the relevant national authority is satisfied that the regulations do not reduce the level of environmental protection arising from the EU retained law to which the provision relates.
- (2) Prior to making any provision to which this section applies, the relevant national authority must seek advice from persons who are independent of the authority and have relevant expertise.”

COMMONS REASON

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

- 15E** *Because the Commons do not consider the Lords Amendment necessary in order to maintain environmental protection.*

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.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 42, to which the Commons have disagreed for their Reason 42A, and do propose Amendment 42B in lieu –

42B After Clause 15, insert the following new Clause –

“Parliamentary scrutiny

- (1) A Minister of the Crown may not make regulations under section 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, and considered by, a Committee of the House of Commons (‘the Committee’), and
 - (c) 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.
- (2) If the Committee determines that special attention should be drawn to the regulations in question, 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 subsection (1)(c) elapses.
- (3) If any amendments to the regulations, whether or not proposed by the 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 subsection (3), the regulations may not be made 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 42B for the following Reason –

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

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 42B, to which the Commons have disagreed for their Reason 42C, and do propose Amendment 42D in lieu –

42D After Clause 15, insert the following new Clause –

“Parliamentary scrutiny

- (1) This section applies to all regulations proposed to be made under section 15 by a Minister of the Crown which revoke any secondary retained EU law and –
 - (a) replace it with such provision to achieve the same or similar objectives, or
 - (b) make such alternative provision,as a Minister of the Crown considers to be appropriate.
- (2) Regulations referred to in subsection (1) may not be made (under the applicable provisions of paragraphs 7 and 8 of Schedule 4) unless a

document containing a proposal for those regulations has been referred to a Committee of the House of Commons, together with a statement by the Minister of the Crown which explains why the Minister considers the replacement or the alternative provision proposed, as the case may be, is appropriate, and the other requirements of this section have been met.

- (3) If the Committee reports that special attention should be drawn to the proposed regulations in question, then subsections (4) to (8) apply.
- (4) A Minister of the Crown must arrange for the proposal for the regulations to be debated on the floor of each House within the relevant period referred to in subsection (5).
- (5) The relevant period is a period of 60 days beginning with the day on which the proposal and the corresponding statement were referred to the Committee, not including any period during which Parliament is dissolved or prorogued or either House is adjourned for more than four days.
- (6) The Minister making the regulations must have regard to any resolution of either House and to any recommendations by the Committee made during the relevant period.
- (7) If, after the expiry of the relevant period, the Minister making the regulations wishes to make an instrument in the terms of the proposal (under the applicable provisions of paragraphs 7 and 8 of Schedule 4), the Minister may do so only if the proposal for those regulations is approved by a resolution of each House of Parliament.
- (8) If, after the expiry of the relevant period, the Minister making the regulations wishes to make an instrument in the terms of a revised version of the proposal (under the applicable provisions of paragraphs 7 and 8 of Schedule 4), the Minister must lay before Parliament a document containing the revised proposal for the regulations together with a statement of the changes proposed and may make an instrument in the terms of the revised proposal only if the revised proposal is approved by a resolution of each House of Parliament.
- (9) The Committee may, at any time before the regulations are laid in draft or made (under the applicable provisions of paragraphs 7 and 8 of Schedule 4), recommend that they should not be proceeded with.
- (10) Where a recommendation is made by the Committee under subsection (9), the regulations may not be laid in draft or made unless the recommendation is rejected by a resolution of the House of Commons.”

COMMONS REASON

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

42E

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

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