

European Union (Withdrawal) Bill

UK GOVERNMENT FIXING ETC. POWERS: MODIFICATION THE SCOTLAND ACT 1998 OR THE GOVERNMENT OF WALES ACT 2006

Clause 7

- 1** In clause 7, page 6, line 13, after <it,> insert—
- <() modify the Scotland Act 1998 or the Government of Wales Act 2006,>

Clause 8

- 2** In clause 8, page 6, line 38, at end insert <, or
- () modify the Scotland Act 1998 or the Government of Wales Act 2006.>

Clause 9

- 3** In clause 9, page 7, line 8, at end insert—
- <() The consent of the Scottish Ministers is required before any provision is made in regulations under this section that modifies the Scotland Act 1998.
- () The consent of the Welsh Ministers is required before any provision is made in regulations under this section that modifies the Government of Wales Act 2006.>

UK GOVERNMENT FIXING ETC. POWERS: REQUIREMENT FOR CONSENT OF SCOTTISH MINISTERS OR WELSH MINISTERS IF MAKING PROVISION WITHIN DEVOLVED COMPETENCE

Clause 7

- 4** In clause 7, page 6, line 25, at end insert—
- <() The consent of the Scottish Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Scottish Ministers within the meaning given in paragraph 9 of Schedule 2.
- () The consent of the Welsh Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Welsh Ministers within the meaning given in paragraph 10 of Schedule 2.>

Clause 8

- 5** In clause 8, page 6, line 40, at end insert—

- <() The consent of the Scottish Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Scottish Ministers within the meaning given in paragraph 18 of Schedule 2.
- () The consent of the Welsh Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Welsh Ministers within the meaning given in paragraph 19 of Schedule 2.>

Clause 9

6 In clause 9, page 7, line 9, at end insert—

- <() The consent of the Scottish Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Scottish Ministers within the meaning given in paragraph 18 of Schedule 2.
- () The consent of the Welsh Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Welsh Ministers within the meaning given in paragraph 19 of Schedule 2.>

LEGISLATIVE AND EXECUTIVE COMPETENCE: REMOVAL OF “RETAINED EU LAW” RESTRICTION / UK FRAMEWORKS PROVISION

Clause 11

7 In clause 11, page 7, line 16, leave out subsections (1) and (2) and insert—

- <(1) In section 29(2)(d) of the Scotland Act 1998 (no competence for Scottish Parliament to legislate incompatibly with EU law), omit “or with EU law”.
- (2) In section 108A(2)(e) of the Government of Wales Act 2006 (no competence for National Assembly for Wales to legislate incompatibly with EU law), omit “or with EU law”.>

Schedule 3

8 In schedule 3, page 25, line 37, leave out paragraphs 1 and 2 and insert—

<Scotland Act 1998

- 1 In section 57(2) of the Scotland Act 1998 (no power for members of the Scottish Government to make subordinate legislation, or otherwise act, incompatibly with EU law or Convention rights), omit “or with EU law”.

Government of Wales Act 2006

- 2 In the Government of Wales Act 2006, omit section 80 (EU law).>

SCOTTISH MINISTERS AND WELSH MINISTERS FIXING ETC. POWERS: REMOVAL
OF RESTRICTIONS AND CONSENT REQUIREMENT

Schedule 2

9 In schedule 2, page 16, line 30, at end insert—

<() Sub-paragraph (4)(b) does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.>

10 In schedule 2, page 17, line 9, at end insert—

<() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.>

11 In schedule 2, page 17, line 13, at end insert—

<() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.>

12 In schedule 2, page 17, line 20, at end insert—

<() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.

Requirement for consultation in certain circumstances

5A No regulations may be made under this Part by the Scottish Ministers or the Welsh Ministers acting alone so far as the regulations—

(a) are to come into effect before exit day, or

(b) remove (whether wholly or partly) reciprocal arrangements of the kind mentioned in section 7(2)(c) or (e),

unless the regulations are, to that extent, made after consulting with a Minister of the Crown.>

13 In schedule 2, page 22, line 10, at end insert—

<() Sub-paragraph (4)(d) does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.>

14 In schedule 2, page 22, line 32, at end insert—

<() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.>

15 In schedule 2, page 23, line 11, at end insert—

<() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.

Requirement for consultation in certain circumstances

16A (1) No regulations may be made under this Part by the Scottish Ministers or the Welsh Ministers acting alone so far as the regulations—

- (a) are to come into force before exit day,
- (b) are for the purpose of preventing or remedying any breach of the WTO Agreement, or
- (c) make provision about any quota arrangements or are incompatible with any such arrangements,

unless the regulations are, to that extent, made after consulting with a Minister of the Crown.

(2) In sub-paragraph (1)—

“the WTO Agreement” has the meaning given in paragraph 16(2),

“quota arrangements” has the meaning given in paragraph 16(3).>

16 In schedule 2, page 24, line 33, at end insert—

<() Sub-paragraph (4)(d) does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.>

17 In schedule 2, page 25, line 11, at end insert—

<() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.>

18 In schedule 2, page 25, line 15, at end insert—

<() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.>

19 In schedule 2, page 25, line 28, at end insert—

<() This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.

Requirement for consultation in certain circumstances

25A (1) No regulations may be made under this Part by the Scottish Ministers or the Welsh Ministers acting alone so far as the regulations make provision about any quota arrangements or are incompatible with any such arrangements unless the regulations are, to that extent, made after consulting with a Minister of the Crown.

(2) In sub-paragraph (1), “quota arrangements” has the meaning given in paragraph 25(2).>

CONSEQUENTIAL AMENDMENTS

Schedule 2

20 In schedule 2, page 19, line 47, leave out <and retained EU law>

21 In schedule 2, page 20, line 23, leave out <and retained EU law>

22 In schedule 2, page 23, line 21, leave out <and retained EU law>

23 In schedule 2, page 23, line 25, leave out <and section 57(4) and (5) of that Act>

- 24 In schedule 2, page 23, line 31, leave out <and retained EU law>
- 25 In schedule 2, page 23, line 35, leave out <80(8)> and insert <80>

Schedule 3

- 26 In schedule 3, page 28, line 2, leave out from <, and> to end of line 3
- 27 In schedule 3, page 28, line 38, leave out from <for> to end of line 39 and insert <omit “or with EU law”>
- 28 In schedule 3, page 29, line 5, leave out paragraph 21
- 29 In schedule 3, page 29, line 28, leave out from <(4)(d)> to end of line 29 and insert <(4), omit paragraph (d).>
- 30 In schedule 3, page 30, line 4, leave out <before “EU” insert “Retained”> and insert <for “EU law, human” substitute “Human”>
- 31 In schedule 3, page 30, line 5, leave out paragraph 31

Schedule 8

- 32 In schedule 8, page 50, line 19, leave out <section 57(4) of the Scotland Act 1998, section 80(8) of the Government of Wales Act 2006 or>
- 33 In schedule 8, page 51, line 1, leave out <section 57(4) of the Scotland Act 1998, section 80(8) of the Government of Wales Act 2006 or>
- 34 In schedule 8, page 55, leave out lines 8 to 13 and insert—
 <(a) in paragraph (a), omit sub-paragraph (ii), and
 (b) in paragraph (b), omit “or with EU law”.>
- 35 In schedule 8, page 59, leave out lines 10 to 16
- 36 In schedule 8, page 59, leave out lines 23 to 29
- 37 In schedule 8, page 59, line 47, leave out from beginning to end of line 8 on page 60
- 38 In schedule 8, page 60, leave out lines 13 to 23