

# European Union (Withdrawal Agreement) Bill

---

---

## COMMONS REASONS

---

---

*[The page and line references are to HL Bill 16, the bill as first printed for the Lords.]*

---

---

---

### LORDS AMENDMENT 1

#### Clause 7

**1** Leave out Clause 7 and insert the following new Clause –

**“Rights related to residence**

- (1) The Secretary of State must by regulations make provision implementing –
  - (a) Article 18(4) of the withdrawal agreement (right of eligible citizens to receive a residence document),
  - (b) Article 17(4) of the EEA EFTA separation agreement (right of eligible citizens to receive a residence document), and
  - (c) Article 16(4) of the Swiss citizens’ rights agreement (right of eligible citizens to receive a residence document),including making provision for a physical document providing proof of residence.
- (2) Subsection (1) applies in the same way to –
  - (a) persons within the personal scope of the withdrawal agreement having the right to reside in the United Kingdom, and
  - (b) persons to whom the provisions in paragraph (a) do not apply but who are eligible for –
    - (i) indefinite leave to enter or remain, or
    - (ii) limited leave to enter or remain,by virtue of residence scheme immigration rules (see section 17).”

## COMMONS REASON

*The Commons disagree to Lords Amendment 1 for the following reason –*

- 1A** *Because it would involve a charge on public funds, and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*

## LORDS AMENDMENT 2

**Clause 26**

- 2** Page 30, line 13, leave out paragraph (b)

## COMMONS REASON

*The Commons disagree to Lords Amendment 2 for the following reason –*

- 2A** *Because the provision removed by the Lords Amendment would provide an appropriate means of dealing with the issue of domestic courts departing from the case law of the European Court after IP completion day.*

## LORDS AMENDMENT 3

- 3** Page 30, line 20, leave out paragraph (d) and insert –  
“(d) after subsection (5) insert –

- “(5A) Where a court or tribunal other than the Supreme Court or the High Court of Justiciary is of the opinion that any retained EU case law that is relevant to an issue before it should be departed from, that court or tribunal must –
- (a) in its judgment set out the reasons for that opinion, and
  - (b) refer the case to the Supreme Court or, as appropriate, the High Court of Justiciary,

and if the Supreme Court or High Court of Justiciary grants leave for the case to proceed, it must decide whether to depart from the EU case law on the issue before it.”, and”

## COMMONS REASON

*The Commons disagree to Lords Amendment 3 for the following reason –*

- 3A** *Because it does not deal appropriately with the issue of domestic courts departing from the case law of the European Court after IP completion day.*

## LORDS AMENDMENT 4

**Clause 37**

- 4** Leave out Clause 37

## COMMONS REASON

*The Commons disagree to Lords Amendment 4 for the following reason –*

- 4A** *Because it is not appropriate for the negotiating objectives of Her Majesty's Government to be provided for in legislation.*

## LORDS AMENDMENT 5

**Clause 38**

- 5** Page 37, line 27, after “Kingdom” insert “, acting in accordance with the conventions relating to devolved power set out in –
- (a) section 28(8) of the Scotland Act 1998, and
  - (b) section 107(6) of the Government of Wales Act 2006,”

## COMMONS REASON

*The Commons disagree to Lords Amendment 5 for the following reason –*

- 5A** *Because it is unnecessary and inappropriate to refer to the conventions mentioned in the Lords Amendment in Clause 38.*

# **European Union (Withdrawal Agreement) Bill**

---

---

## COMMONS REASONS

---

*22nd January 2020*

---

© Parliamentary copyright House of Lords

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS