

WELSH GOVERNMENT:

MODEL AMENDMENTS FOR THE UNITED KINGDOM INTERNAL MARKET BILL

The Welsh Government has prepared 'model amendments' which it would urge Peers to consider tabling to address its concerns with regard to the Bill, which as drafted would fundamentally undermine the devolution settlement.

In order to be valid and logical without further drafting, the amendments are presented so as to apply to Scotland and Northern Ireland as well as Wales.

Parts 1 – 3 and Schedules 1 and 2

In respect of Parts 1 – 3 of the Bill, the amendments aim to:

- Limit the application of Parts 1 to 3 to those subject areas, services or professions specified in regulations, which should only be made in circumstances where it has not been possible to reach agreement on a Common Framework for that specific subject area, service or profession *[amendment no. 1 to insert new Clause after Clause 1, amendment no. 13 to insert new Clause to replace Clause 17, amendment no. 16 to insert new Clause after Clause 23 and amendment no. 25 inserting a new Schedule before Schedule 1. There are also related amendments to Clause 3 (amendment 3), Clause 9 (amendment 7), Clause 16 (amendments 11 and 12) and Clause 25 (amendment 17)]*
- Widen the scope of the exceptions to the market access principles to a wider range of public policy considerations, in line with practice within the EU *[amendment no. 8 inserting new Clause to replace Clause 10, amendment no. 9 to Clause 11, amendment no. 14 to Clause 18, amendment no. 15 to Clause 20, amendments nos. 26 and 27 to Schedule 1]*
- Require the consent of the devolved administrations should the Government wish to use its delegated powers to add to the areas or scope in which the principles can be applied or amend the exceptions to them and to any guidance issued by the Government *[amendment no. 2 to Clause 3, amendment no. 4 to Clause 6, amendment no. 10 to Clause 12]*
- Limit the scope of the application of the non-discrimination principle *[amendment nos. 5 and 6 to Clause 8]*
- Require Ministers, when making legislation, to have regard to the need to ensure a high level of protection in respect of environmental protection, food standards etc. in the regulation of goods *[amendment no. 24 inserting new Clause after Clause 52.]*

Part 4 and Schedule 3

In respect of Part 4 and Schedule 3, the amendments are intended to:

- Reflect the fact that, unlike its other functions, the Office of the Internal Market (OIM) in the Competition and Markets Authority (CMA) will be dealing with matters within devolved competence. These amendments therefore strengthen the role of the devolved institutions in the CMA's overall governance and the appointment of the OIM Panel [*amendments no. 19 to Clause 39, amendment no. 20 to Clause 40 and amendment nos. 28 to 34 to Schedule 3*]
- Ensure that the OIM is equally accountable to all four legislatures and administrations [*amendment no. 35 to Schedule 3*]
- Add to the role of the OIM to reflect the fact that powers under Parts 1 – 3 can only be 'switched on' by Regulations [*amendment no. 18 to insert a new Clause after Clause 31*]

Part 6

In respect of Part 6, the amendments are intended to remove the wholly new powers which the Bill would give to UK Ministers to fund activities within devolved competence in Scotland, Wales and Northern Ireland [*amendment no. 21 to remove Clause 48*]

Part 7

In respect of Part 7 the amendments are intended to:

- Remove the provisions which would prevent devolved legislation from making provision about the regulation of State aid, thereby maintaining the status quo and ensuring that each part of the UK can play a part in determining the UK's future State aid regime [*amendment no. 22 to remove Clause 50*]
- Remove the provisions which would make the Bill a 'protected enactment' (which would mean devolved legislatures would be prohibited from making any change to it), as the Government has claimed it is an economic, not a constitutional Bill [*amendment no.23 to remove Clause 51*]