PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

RETAINED EU LAW (REVOCATION AND REFORM) BILL

Eighth Sitting

Tuesday 29 November 2022

(Afternoon)

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not later than

Saturday 3 December 2022

The Committee consisted of the following Members:

Chairs: Sir George Howarth, † Sir Gary Streeter

† Bacon, Gareth *(Orpington)* (Con)
† Bhatti, Saqib *(Meriden)* (Con)
† Blomfield, Paul *(Sheffield Central)* (Lab)
Creasy, Stella *(Walthamstow)* (Lab/Co-op)
† Evans, Dr Luke *(Bosworth)* (Con)
† Fysh, Mr Marcus *(Yeovil)* (Con)
Ghani, Ms Nusrat *(Minister for Industry and Investment Security)*
† Glindon, Mary *(North Tyneside)* (Lab)
† Grant, Peter *(Glenrothes)* (SNP)
† Jones, Mr David *(Clwyd West)* (Con)
† Madders, Justin *(Ellesmere Port and Neston)* (Lab)
† Morrissey, Joy *(Beaconsfield)* (Con)
† Nici, Lia *(Great Grimsby)* (Con)
† O'Hara, Brendan *(Argyll and Bute)* (SNP)
† Randall, Tom *(Gedling)* (Con)
† Sobel, Alex *(Leeds North West)* (Lab/Co-op)
† Stuart, Graham *(Minister for Climate)*

Huw Yardley, Sarah Thatcher, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 29 November 2022

(Afternoon)

[Sir Gary Streeter *in the Chair*]

Retained EU Law (Revocation and Reform Bill)

Clause 22

Commencement, transitional and savings

Amendment proposed (this day): 65, in clause 22, page 21, line 42, at end insert—

"(da) section [Disapplication of the UK Internal Market Act 2020];"—*(Brendan O'Hara.)*

2 pm

Question again proposed, That the amendment be made.

The Chair: I remind the Committee that with this we are considering new clause 2—*Disapplication of the UK Internal Market Act 2020*—

"Where Scottish Ministers have used any power granted to them under this Act—

(a) to provide that any EU-derived subordinate legislation or retained direct EU legislation is not subject to revocation at the end of 2023, or

(b) to restate any provision of retained EU law (or, as the case may be, assimilated law),

that legislation or provision shall apply notwithstanding any provision of the UK Internal Market Act 2020."

Question put, That the amendment be made.

The Committee divided: Ayes 2, Noes 9.

Division No. 16]

AYES

Grant, Peter	O'Hara, Brendan

NOES

Bacon, Gareth	Morrissey, Joy
Bhatti, Saqib	Nici, Lia
Evans, Dr Luke	Randall, Tom
Fysh, Mr Marcus	Stuart, rh Graham
Jones, rh Mr David	

Question accordingly negatived.

Brendan O'Hara (Argyll and Bute) (SNP): I beg to move amendment 62, in clause 22, page 22, line 5, at end insert—

"(3A) But no provision of this Act, other than this section, may come into force in relation to Scotland unless the Scottish Parliament has passed a motion consenting to the Act."

This is the last of the amendments in my name and that of my hon. Friend the Member for Glenrothes, but it is arguably the most telling, because it gets to the nub of everything that we have said about the Bill, while putting the Government on the spot about their commitment to the devolution settlement. The amendment says that none of the Bill's provisions can take effect on areas of devolved competence unless and until the Scottish Parliament has consented to the Bill through the granting of a legislative consent motion.

I have mentioned on numerous occasions in Committee the seemingly endless stream of warm words on how valued, respected, appreciated and indeed cherished Scotland is by this place, and on how absolutely catastrophic it would be if we decided to leave this not-so-voluntary and not particularly precious Union. The amendment is a litmus test of that commitment to devolution. It would allow the Scottish Parliament to operate as it has done, and as it has always intended to, by giving it the power to decide on matters in a whole raft of policy areas—indeed, on everything that is not specifically reserved to this place. In that spirit, and mindful of everything said by the Prime Minister and others in the past week, I ask: is it too much to ask the Government turn that stream of warm words into action, to accept this amendment, and to prove to the growing band of doubters north of the border that the Government respect Scottish democracy after all? This is, in many ways, the last chance for the Government to secure their support and turn the tide. I wonder whether they will take it.

The Minister for Climate (Graham Stuart): It is only right that all four nations of this United Kingdom should benefit from the ability to reform and amend retained EU law, so I reject the amendment. The Bill's territorial scope is the whole UK. As such, all its key measures, including the sunset, will apply to the devolved Governments. That will ensure that we can amend or remove outdated EU-derived law that is no longer right for any part of the UK. The Bill is an essential piece of legislation that will enable the four nations of the UK to capitalise on the regulatory autonomy offered by our departure from the EU, and to fully realise the opportunities of Brexit.

Peter Grant (Glenrothes) (SNP): Who is best placed to decide whether any of this retained EU law is in Scotland's best interests? Is it the 5.5 million people who live in Scotland or the Minister?

Graham Stuart: I would have thought the hon. Gentleman would still be smarting from finding out—from the Supreme Court, no less—that all the exaggerated, hyperbolic claims made by the Scottish National party had no grounding whatever. If he was a true democrat, he would respect that once-in-a-generation opportunity taken by the Scottish people, in which they were asked if they wished to stay part of this Parliament and this United Kingdom; and they decided that, yes, they would. It is on that basis that I reject the amendment. I am pleased that the Supreme Court agreed with any other well-informed commentator—other than those specially selected by the Scottish nationalist party—that we are behaving in an appropriate way that fully supports and respects Scottish democracy, and will continue to do so.

Peter Grant: I genuinely and sincerely thank the Minister for the contemptuous way in which he has dismissed the demands of the people of Scotland, because he has added another couple of percentage points to their support for independence. Perhaps—appropriately, when we are discussing a Bill that is full of opportunities for the Government to change the law by mistake—he is single-handedly bringing independence day that wee bit nearer.

There is an important point here. The Minister claimed that in 2014 the people of Scotland were given the chance to decide our future. The chance to decide our future is not something we are given by some colonial overlord. The chance to decide our future is recognised in this place as a fundamental right, as, indeed, is the chance to decide whether the interests of Scotland are best served by a chaotic Brexit, as illustrated in this Bill, or by remaining in the European Union. I accept the Minister wants this country out of the European Union. It is time he respected that I want my country back in. If he wants to talk about the decision that was made in 2014—

The Chair: Order. I blame the Minister for taking us down a particular path, but I encourage the hon. Gentleman to stick to amendment 62.

Peter Grant: I will stick to amendment 62, Sir Gary. The amendment is the last chance in the Bill to respect the decision of the people of Scotland in 2014. Among other things, they voted the way they did because they wanted to remain in the European Union, and they confirmed that with a 24% margin of victory in the 2016 referendum. If the Minister wants to respect the will of the people of Scotland in respect to our relationship with Europe, he will support the amendment, and his Whip, the hon. Member for Beaconsfield, will hold up a board telling Government Back Benchers to support it too.

Brendan O'Hara: Again, I am not remotely surprised that the Government have rejected the amendment; they have rejected every single amendment we have tabled in the past six sittings, over three days. We have given the Government ample opportunity to respect the devolution settlement and for them to say to the Scottish people, "Yes, we respect your Parliament. We respect your democracy. We respect that you have the right to do things differently, as enshrined in the devolution settlement," but they have rejected every single opportunity they have been offered.

My hon. Friend the Member for Glenrothes is absolutely right to say that Scotland is being denied democracy. This Bill, coupled with the UK Internal Market Act 2020, is a full-on assault on Scottish democracy. I will not push the amendment to a vote, but I will return to this issue on Report. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Graham Stuart: I beg to move amendment 7, in clause 22, page 22, line 9, at end insert—

"(b) the revocation of anything by section 1, or

(c) anything ceasing to be recognised or available in domestic law (and, accordingly, ceasing to be enforced, allowed or followed) as a result of section 3."

This amendment provides that transitional, transitory or saving provision may be made in connection with anything sunsetted under Clause 1 or 3.

The Chair: With this it will be convenient to discuss clause stand part.

Graham Stuart: The amendment clarifies the power to make transitional provisions for the sunset. Transitional provisions regulate transition from the current law to the law as it will be when amended by the Bill. For instance, transitional provisions could be made to ensure that laws that will fall away after the sunset continue to apply to certain types of ongoing contracts after the sunset date, if the contracts were entered into on the basis of those rules applying. Consequently, the amendment ensures consistency for businesses and citizens following the sunset's effects. That is highly important, given the roles the Bill will play as a key driver for growth. I trust the Committee will support consistency and growth for British business and citizens, and thus will join me in voting for the amendment.

Justin Madders (Ellesmere Port and Neston) (Lab): As the Minister just said, Labour will support growth for British business, and we look forward to seeing some in the next 18 months, or maybe before. However, I have a couple of questions about the commencement dates.

Subsection (2) states:

"Section 18 comes into force…two months"

after Royal Assent, whereas subsection (3) contains a much broader provision for Ministers of the Crown to implement different parts of the Act on different dates. As the Committee will have gathered from my comments this morning, I think that that will be sooner rather than later for much of this Bill, but will the Minister explain the difference? Why is there a specific date for section 18, but a much broader power for the remaining provisions?

Subsection (5) refers to various pieces of legislation, including the Financial Services and Markets Act 2022, Financial Conduct Authority and Prudential Regulation Authority rules, and the Financial Services (Banking Reform) Act 2013, as not being applicable to this Act. We have tried to exclude and carve out various pieces of legislation from this Bill, because we believe that some provisions are important for our constituents. I wonder what the rationale is for deciding that those particular provisions are so special that they deserve that treatment.

Graham Stuart: In short, it is because clause 18 covers the business impact target, which is an internal Government process, so I hope that answers the hon. Gentleman's question.

Amendment 7 agreed to.

Question put, That the clause, as amended, stand part of the Bill.

The Committee divided: Ayes 9, Noes 2.

Division No. 17]

AYES

Bacon, Gareth	Morrissey, Joy
Bhatti, Saqib	Nici, Lia
Evans, Dr Luke	Randall, Tom
Fysh, Mr Marcus	Stuart, rh Graham
Jones, rh Mr David	

NOES

Grant, Peter	O'Hara, Brendan

Question accordingly agreed to.

Clause 22, as amended, ordered to stand part of the Bill.

Clause 23 ordered to stand part of the Bill.

The Chair: We come to new clause 1, which has already been debated. I call Brendan O'Hara to move new clause 1 formally.

Peter Grant: On a point of order, Sir Gary. I am looking for some clarification. The earlier amendments that would have introduced these new clauses were voted down, so we were unsure whether the new clauses themselves could still be voted on, or whether they had automatically been deemed to have fallen.

2.15 pm

The Chair: I think I have made a slight error, so we will move on. The new clauses have fallen—my apologies.

New Clause 8

CONDITIONS FOR BRINGING SECTIONS 3, 4 AND 5 INTO FORCE

"(1) None of sections 3, 4 or 5 may be brought into force unless all the following conditions have been satisfied.

(2) The first condition is that a Minister of the Crown has, after consulting organisations and persons representative of interests substantially affected by, or with expertise in the likely legal effect of, that section on a draft of that report, laid a report before each House of Parliament setting out, with reasons, the Minister's view as to the likely advantages and disadvantages of bringing that section into force, setting out in particular the effect of that section on—

(a) the rights of and protections for consumers, workers, and businesses, and protections of the environment and animal welfare;

(b) legal certainty, and the clarity and predictability of the law;

(c) the operation of the Trade and Cooperation agreement between the United Kingdom and the EU, and UK exports of goods and services to the European Economic Area; and

(d) the operation of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.

(3) In relation to section 4, that report must take into account any regulation made or likely to be made by a relevant national authority under section 8(1).

(4) The second condition is that a period of sixty days has passed since that report was laid before Parliament, with no account to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than four days.

(5) The third condition is that, after the end of that period, both Houses of Parliament have approved a resolution that that section come into force.

(6) If both Houses of Parliament have approved a resolution that that section should not come into force unless it is amended in a way set out in that resolution, then the Minister may by regulation amend that section accordingly, and that section may not be brought into force until that amendment has been made."*—(Justin Madders.)*

This new clause requires Ministers to analyse, and to explain their analysis of, the effect of the removal of retained EU law rights, the principle of supremacy of EU law, and of the general principles. It also includes opportunity for Parliamentary approval and timeframes for laying reports before both Houses.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 5, Noes 9.

Division No. 18]

AYES

Blomfield, Paul	O'Hara, Brendan
Grant, Peter	
Madders, Justin	Sobel, Alex

NOES

Bacon, Gareth	Morrissey, Joy
Bhatti, Saqib	Nici, Lia
Evans, Dr Luke	Randall, Tom
Fysh, Mr Marcus	Stuart, rh Graham
Jones, rh Mr David	

Question accordingly negatived.

New Clause 10

EQUALITY IMPACT ASSESSMENTS

"(1) This section applies when—

(a) a relevant national authority is making regulations under section 12, 13, 15 or 16, or

(b) EU-derived subordinate legislation or retained direct EU legislation is to be revoked under section 1(1) of this Act and regulations made under section 2 do not apply to that legislation.

(2) Six weeks prior to the coming into force of the regulations or (as the case may be) three months before the revocation of the legislation, a relevant national authority must lay before Parliament a report demonstrating that in making the regulations or allowing the revocation of the legislation the authority has fulfilled its obligations under section 149 of the Equality Act 2010.

(3) If the report required by subsection (2) is not laid before Parliament by the date required by subsection (2), the regulations may not be made or (as the case may be) the legislation is, notwithstanding section 1(1), not revoked."*—(Justin Madders.)*

This new clause will insert the requirement for undertaking an equality impact assessment when using the powers afforded by sections 12, 13, 15, and 16, and before the application of section 1(1) (sunset of retained EU law).

Brought up, and read the First time.

Justin Madders: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 11—*Impact assessments*—

"(1) This section applies when—

(a) a relevant national authority is making regulations under section 12, 13, 15 or 16, or

(b) EU-derived subordinate legislation or retained direct EU legislation is to be revoked under section 1(1) of this Act and regulations made under section 2 do not apply to that legislation.

(2) Six weeks prior to the coming into force of the regulations or (as the case may be) three months before the revocation of the legislation, a relevant national authority must lay before Parliament the report required by subsection (3).

(3) The report required by this subsection must outline the impact the authority expects the regulations or (as the case may be) revocation to have on—

(a) the UK's obligations under the Trade and Cooperation Agreement,

(b) divergence in standards, rights, protections and regulatory burden between component parts of the UK,

(c) the regulatory burden for businesses seeking to import or export goods or services, and

(d) level playing field provisions contained within bilateral trade agreements between the UK and countries outside the EU.

(4) If the report required by subsection (3) is not laid before Parliament by the date required by subsection (2), the regulations may not be made or (as the case may be) the legislation is, notwithstanding section 1(1), not revoked."

This new clause will insert the requirement for taking out a comprehensive impact assessment when using the powers afforded by sections 12, 13, 15, and 16, and before the application of section 1(1) (sunset of retained EU law).

Justin Madders: The Government have a track record of inadequate impact assessments going back a few years, and they are not showing much sign of improvement with this Bill. Labour sees it as our duty to push for new clauses that would force the Government to wake up and properly assess the impact of this Bill and policies that will flow from it. As we are approaching the end of proceedings, I will try to keep this brief.

Subsections (1) and (2) of both new clauses should be somewhat familiar to those who have been following our new clauses closely. In both new clauses, subsection (1) simply states that the new clauses would apply to national authorities making regulations under clauses 12, 13, 15 and 16, or section section 1(1), and subsection (2) mimics the timeframe stipulations in our other new clauses; it requires that at least six weeks before the legislation comes into force, or at least three months before it is revoked, a report should be laid before the House that sets out the issues outlined in the new clauses.

The two new clauses differ in the issues that the impact assessments are designed to tackle. New clause 10 focuses on the impact that modifications will have on each authority's obligations under section 149 of the Equality Act 2010. If Members are unaware of what that includes, it is a duty to consider the need to

"eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act…advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it"

and

"foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

Those are principles that I hope all members of the Committee can sign up to, so it should not be seen as an unreasonable requirement on the Government to prepare such an assessment. In fact, I would be deeply concerned if they were not planning to do that as a matter of course.

The Minister told us last week that the Government were committed to retaining all necessary equality legislation. Leaving aside the question of who decides whether legislation is necessary, if the Government were committed to maintaining equality, they would surely as a matter of course want to know the impact on equalities of all the changes that Ministers are giving themselves the power to make under the Bill. All the new clause does is require the Government to lay a report on these issues before Parliament in good time. Can the Minister tell us whether the Government intend to undertake equality impact assessments of each legislative change in the Bill? He mentioned this morning that there was a commitment to undertaking assessments, but I do not think that we specifically heard that there would be equality impact assessments.

I remain sceptical that we will get the full and proper assessments that we need, because there has been little time and space for proper scrutiny and assessment of the consequences of the powers that Ministers are giving themselves in the Bill. That is, of course, not an accident. As I argued last week, it is by design, so that as little attention as possible is drawn to the impact of any changes that the Bill may deliver.

Tom Randall (Gedling) (Con): I stand to be corrected, but my understanding is that equality impact assessments under the 2010 Act are not a legal requirement anymore. If I am right on that—I may not be—are the Opposition requiring an equality impact assessment for this Bill alone, or is this part of a broader change in their approach?

Justin Madders: Of course, we can talk only about the effects of the Bill, so the proposal is limited to the Bill at this stage. If the hon. Member has been listening throughout the last three days, he will know that Ministers' powers to revoke and amend EU legislation have a range of potential implications on equalities. That is why an assessment is particularly important in this instance. Our concern is that the Government do not want it in the public domain that changes under the legislation will lead to Equality Act obligations being failed or less stringent. They seem to be trying to ensure, either by accident or design, that the legislation passes without the microscope of scrutiny and assessment that we think is necessary when talking about basic protections and equality laws.

We parliamentarians should be concerned about the consequences of any legislation that we pass. Our new clauses address that. They do not just set out a requirement to report on obligations under the Equality Act. In new clause 11 we ask for a more general impact assessment, including of the effect on our obligations under the trade and co-operation agreement, which we discussed briefly, and on divergences in rights, standards protections and regulatory burdens in the component parts of the UK. We discussed that, and why it is important, this morning.

We have already discussed the regulatory burdens incurred by businesses seeking to import and export goods and services, and the level playing field provisions in bilateral trade agreements between the UK and the EU, so I will not detain the Committee by setting out why those assessments are vital for the Bill. One would hope that those issues were being factored into any decisions made by Ministers under the powers in the Bill, but there are two key problems that would be made less likely as a result of the impact assessments under new clause 11. Proposed new subsection (3)(a) and (d) would ensure that the assessment highlighted the potential for changes to break international trade obligations. Proposed new subsection (3)(b) and (c) would require the assessment to ensure that the impact on our economy was minimal.

The Minister does not need me to tell him that if the Government decide that basic employment or environmental protections should no longer apply, they will potentially be in breach of the level playing field provisions in the TCA. That is probably the headline example of why we think that impact assessments are important. We certainly do not want to enter into a trade war. All we ask is that the Government make

[Justin Madders]

available to parliamentarians the details of what they have taken into consideration. Given how short a period the Government have in which to process every retained law, it is important that the assessment is available to parliamentarians. It will help us to identify any potential burdens on businesses and, significantly, whether there will be divergences across the country—an issue that we have already discussed. It is important that those issues are picked up at an early stage before regulations are passed.

We rely on the Government to undertake the necessary due diligence, but at the moment, we parliamentarians will not see the benefit of it. That is why I tabled the new clauses. We are trying not to place unreasonable restrictions on the Government, but we parliamentarians need the right information to scrutinise the changes. Unfortunately, assessments in recent times have been pretty flimsy. The Regulatory Policy Committee described the impact assessment for the Bill as "weak" or "very weak" in every respect. It said:

"As first submitted, the IA was not fit for purpose as it failed to consider adequately the full impacts of the Bill, in line with RPC primary legislation guidance. Specifically, the RPC highlighted, in its initial review, that the IA had not…provided a clear baseline position, with respect to the overall number of REUL",

which of course is something that we are still waiting to get to the bottom of,

"that was in scope of the Bill and would, potentially, be retained, amended or sunset".

We have discussed the question of what is in scope. The report also said that the impact assessment had not

"clarified whether other legislation that is in progress, will have impacts on some of the REUL contained in the overall figure of over 2,400 pieces of REUL",

or 3,800, depending on which report we believe.

The Regulatory Policy Committee also said:

"The Department was not clear on how the different legislation would interact with the Bill",

nor had it

"discussed, or set out, any examples of the REUL that is likely to be sunset, despite the Department having previously published extensive assessments of candidate REUL that could be changed or removed…The Department had not drawn upon any evidence or analysis, which was used to support those prior legislative changes, to provide an indication of the potential impacts associated with amending/replacing"

legislation, nor had it

"provided a more considered assessment of the full range of impacts of the Bill",

so—

2.28 pm

Sitting suspended for a Division in the House.

2.40 pm

On resuming—

The Chair: We will continue with the excellent speech being made by the shadow Minister, the hon. Member for Ellesmere Port and Neston. If you feel that there are points that we may have forgotten, you may wish to repeat them.

Justin Madders: With that encouragement, I will start from the beginning. Hon. Members will be relieved to hear that I was actually reaching my peroration. The new clauses are designed to address our concerns about the amount of consideration that has been given to the Bill's impact. We are continually told that this is a framework Bill. What confidence can we have that there will be sufficient assessment of the powers in the Bill? It is not outlandish or unreasonable to ask the Government to identify and critique the impact of the changes that they intend to make. Any prudent Government would seek to do that, given the nature of the Bill. For that reason, I hope that the Minister will finally agree, at the fag end of this Committee, to the new clause.

Graham Stuart: I ask the Committee to reject the new clause. I assure the hon. Gentleman that the Government take their responsibilities under the Equality Act 2010 very seriously. We would never intend to bring forward legislation that does not comply with that law. The Government will continue to provide equality impact assessments for regulations that engage a relevant public sector equality duty, as is good practice. We follow our responsibilities under the Equality Act, and will continue to do so when the Bill becomes law. With no further ado, I ask the hon. Gentleman to consider withdrawing the new clause.

Justin Madders: I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 12

ASSESSMENT OF IMPACT ON GOVERNANCE

"(1) Each relevant national authority must, within 28 days of the passage of this Act, lay before Parliament a report on—

(a) the projected cost incurred by each Government department or relevant national authority of complying with the requirements of sections 1 to 23 of this Act;

(b) the projected number of staff required by each Government department or relevant national authority to process all of the relevant retained EU law by the deadline in section 1(1);

(c) the amount of Parliamentary time expected to be needed to process the legislation relevant to each Government department or relevant national authority; and

a timeline outlining how each Government department or relevant national authority plans to meet the deadline in section 1(1)."—*(Justin Madders.)*

This new clause will establish the requirement for relevant departments to publish an assessment of the impact of processing through all the retained EU Law before the deadline set by Clause 1(1).

Brought up, and read the First time.

Justin Madders: I beg to move, That the clause be read a Second time.

We are almost back where we started, with questions about governance and capacity. Despite spending the best part of three days scrutinising the Bill, we are no closer to getting satisfactory answers. The new clause requires each national authority to produce a report for its Parliament within 28 days of the Bill becoming law, setting out the costs that each Department expects to incur in complying with the Bill's requirements, the projected number of staff required to process all the retained EU law before the 2023 cliff edge, and the amount of parliamentary time that will be needed to deal with all

the legislation. Most importantly, the new clause requires national authorities to produce a plan for how that deadline will be met.

I hope that Members see why there is a need for that report. We are concerned, if not alarmed, about the level of denial in Government about what they are letting themselves in for. There will be consequences, possibly negative ones, because of that lack of understanding of the task ahead. Any big project needs a critical analysis of timescales, resources and capacity.

Say the Government decided to build a giant gas pipeline all the way to Arctic, and someone said, "Let's have it done by the end of next year." People might reasonably ask whether one could build a pipeline of that length in just over a year. If all we parliamentarians got back was an assurance that each Department had teams looking at what was involved, we might question whether those plans were realistic. If we were lucky, that Arctic pipeline might reach the Shetland islands by the end of next year. The Bill is that pipeline. It is a hopelessly optimistic, totally unrealistic and frankly reckless attempt to achieve something on a timescale that is driven entirely by political rather than practical considerations. For the umpteenth time, completing this task by the end of next year is not going to stop Brexit, because we have already left the European Union.

2.45 pm

Let me deal with each component of the new clause. The first part is about cost. We were told that leaving the EU would reduce our costs and burdens, but the Government have commissioned the National Archives to do a job it seemed incapable of doing—identifying all the relevant laws that would be covered by the Bill. How much did that exercise cost? We know from the former Minister, the hon. Member for Watford (Dean Russell), that the exercise has so far not produced an ideal outcome. He told us that the dashboard, which is the preferred method for identifying retained EU law,

"presents an authoritative, not comprehensive, catalogue of REUL."

There might be an interesting conversation about whether the dashboard is money well spent. Of course, we failed in our bid to have the Bill contain all the laws affected by it, because Government members decided that legislating by dashboard is a far more helpful approach. If we could get the Government to make at least some estimate of costs, then they would have to do their own assessment, Department by Department, of what was involved. Although we would not then have a comprehensive list—or at least not until the dashboard was updated—we would at least have the comfort of knowing that each Department knew what was involved.

The Government ought to know what the Bill is looking at. The exercise should have been comprehensive in the first place. I will say it again: if the Government cannot accurately produce a list, the question ought to be: why they are insistent on creating this unnecessary risk? It seems that this approach is designed to create as little transparency as possible.

The second limb of the new clause relates to the report in the *Financial Times* on 27 October that the Bill's sponsoring Department would need 400 staff to review its body of retained EU law. The reasonable question follows: what does that mean for the whole of Government? The *Financial Times* also reported that

"Whitehall insiders said that reviewing the majority of retained EU law by 2023 would present a massive bureaucratic burden. One senior Whitehall official estimated that between 1,000 and 1,500 statutory instruments would be required in order to convert retained EU law that was deemed necessary on to the UK statute book."

Mark Fenhalls said in evidence to the Committee:

"I am no expert in how much civil service time exists, but I would be astonished if it were remotely possible to cover but a fraction of this. I do not know why it is set up as anything other than a political problem."—[*Official Report, Retained EU Law (Revocation and Reform) Public Bill Committee,* 8 November 2022; c. 28, Q56.]

There is no end of pressing challenges for this Government, so how much capacity is there to focus on this very important task? Going back to the pipeline analogy, we do not want something full of holes because there have not been enough people to do the job properly. We certainly do not want workers' rights, health and safety laws, environmental protections or airline safety rules to be lost or reintroduced in a negative way because there were not enough people to do the necessary work. We want to ensure that negative consequences are avoided.

That leads to questions about how everything will knit together in the time available. As Professor Barnard said in evidence,

"what is the internal process? Even if the Secretary of State in DEFRA decides that he or she wants to retain all the legislation because it is so important in different forms, what happens? Does it go to the Cabinet? Is there some sort of star chamber that looks at what is being proposed by the Departments? We know none of that, and we know none of the detail about whether there will be any consultation with external stakeholders, which is particularly important in the field of agriculture, where a large number of stakeholders are affected."—[*Official Report, Retained EU Law (Revocation and Reform) Public Bill Committee,* 8 November 2022; c. 15, Q27.]

I accept that we will not get the openness, scrutiny and consultation that we Opposition Members believe is needed on a Bill of this significance, but as I said with regard to the first limb of this new clause, if the Government were required to turn their mind to the work involved, and to report to Parliament, we might be a little more comfortable that the Bill will not turn out to be the mess that many people fear it will. I say "many people"; I include among them the 14 national organisations representing businesses, unions and civil society that wrote to the Secretary of State last week asking for the Bill to be withdrawn. They include such august bodies as the Institute of Directors, the Chartered Institute of Personnel and Development and the TUC. I have not heard anything in Committee in the past few days that persuades me that those organisations are not recommending the right course of action.

The final limb of the new clause is about the amount of parliamentary time that will be needed. Sadly, there will not be as much of that as we would have had if some of our earlier amendments had been accepted. As it stands, there is a huge question about whether sufficient parliamentary time will be available to properly scrutinise the elements of the Bill that the Government think are sufficiently important for parliamentarians to consider. As Eleonor Duhs told us in the evidence session,

"In order to get the statute book ready for Brexit, which was in some ways a much more simple task than this, it took over two years and over 600 pieces of legislation. The reason I say it was a simpler task is that we were essentially making the statute book work without the co-operation framework of the EU…That was

a much simpler task than what we have here, and that took over two and a half years…There may be huge policy changes under this legislation, and the end of 2023 is simply not a realistic timeframe for the process."—[*Official Report, Retained EU Law (Revocation and Reform) Public Bill Committee,* 8 November 2022; c. 29, Q56.]

Departments have to consider these changes alongside all their other priorities and commitments by the latter half of 2023—six to eight months at best. They would benefit at least from knowing what Ministers' understanding of the parliamentary call on time will be for doing that.

We do not think this Bill is at all realistic. The setting of the arbitrary and clearly impractical sunset date is an entirely unnecessary risk to the preservation of these important rules for businesses, consumers, employees and the environment. The way the Bill is framed is an unnecessarily reckless step into the unknown for the sake of an easy headline now. The price will be many more negative headlines later when we see the fallout, and the failure to prepare properly becomes apparent. That is why we think the new clause is necessary.

Graham Stuart: You will be surprised to learn, Sir Gary, that I ask the Committee to reject the new clause. I apologise to Government Members for the Opposition's mournful tone. They may not realise that, here we are, restoring our sovereignty in this Parliament—restoring our law, rather than being subject to that of a foreign sovereign.

Through the legislation that my colleagues and I are helping to proceed through this House, we are seeking to ensure that this law is fit for the needs of the UK, Department by Department. We are challenging Departments to look at retained EU law to ensure it is fit for purpose. I admit we are giving them a challenging deadline by which to do that, but I make no apology for doing that, and nor does any other Government Member. We are ambitious; we want to get on with growing the UK economy and ensure we do so in the right way. The new clause would place an unnecessary and laborious burden on the very officials who should be dedicating their time to delivering the retained EU law reform programme.

Paul Blomfield (Sheffield Central) (Lab) *rose—*

Graham Stuart: I see I have provoked the hon. Gentleman.

Paul Blomfield: I am impressed by the Minister's ambition, although I am not sure that everybody shares his confidence. Will he share with the Committee how realistic it is that that ambition will be realised? He will know that the previous Secretary of State, the right hon. Member for North East Somerset (Mr Rees-Mogg), was advised that, in his Department alone, it would take 400 civil servants to work on the 300 laws that need revision. What assessment has the Minister made of the impact that will have on the Department's other work? If that figure is wrong, what is the correct figure? I am sure that, behind all that rhetoric, an awful lot of detailed work has gone on to work out how this will be put into practice.

Graham Stuart: I recognise that the retained EU law reform programme is a significant piece of work. However, it is the quickest and most efficient way to deliver the Bill's objective and end retained EU law as a legal category in its current form—something that everyone who accepts the result of the referendum—

Peter Grant *rose—*

Graham Stuart: The hon. Gentleman, who represents the SNP, does, of course, have a problem with accepting the results of referendums. He never likes the result they come to! Those who have accepted the result will recognise that this is the best way to incentivise genuine reform of retained EU law in ways that work for all four nations of the UK and are consistent with the devolution settlements.

Peter Grant: If the Minister checks his record, he will find that in three of the four referendums I have voted in in Scotland, Scotland voted in accordance with my wishes, and only one of those has been in any way respected by the present Government. The Minister gave a great oration about how important it is for him that the laws affecting his country are made by his country. Could he then explain why it is that when he wants the laws that affect his country to be made by a Government elected by his country, he is a patriot, but when I want the laws affecting my country to be made by the Government elected by the people of my country, I am a narrow-minded separatist? Why is that?

Graham Stuart: Of course, the hon. Gentleman is part of Parliament. That is why he is sitting in this United Kingdom Parliament—because, when his electors and electors across Scotland were asked, "Do you want to be in an independent Scotland?", they said no. Despite that, this false narrative is pushed on a daily basis by the separatists opposite, who try to suggest that they are being held against their will. In fact, the only will they are being held against is the will of the Scottish people, who refuse to comply with the demands of the separatist SNP, which does not listen to the results of a referendum taking place in Scotland.

Getting back to the Bill, Departments will be expected to develop a delivery plan that outlines their intention for each piece of retained EU law. The Brexit Opportunities Unit will work with Departments to draw up those delivery plans and ensure the legislative process proceeds smoothly. The delivery plans will be subject to scrutiny via an internal Government process or ministerial stocktake process. More information on that will follow, including information on how to factor these processes into statutory instrument timetables.

Turning to the body of law we are talking about, we are currently engaging with the National Archives to uncover any additional information on retained EU law. However, it is worth nothing that many statutory instruments uncovered by the National Archives have been recognised either as orphaned statutory instruments or as no longer applicable to our current legal framework. We are exploring various ways—whether that is star chambers or using the dashboard—to identify what REUL is kept or sunsetted. Although individual Departments will take responsibility, we in the Department for Business, Energy and Industrial Strategy will be helping to co-ordinate this across Government.

Alex Sobel (Leeds North West) (Lab/Co-op): It is helpful that the Minister has given us some insight into the work of the National Archives. When does he think those regulations—whether orphaned or not—will appear on the dashboard so that we can see them? They are currently opaque for the rest of us.

Graham Stuart: The National Archives has a statutory duty, as the King's printer, to ensure the statute book is accurate, so asking it to look at REUL is in its existing remit, and—going back to the question from the hon. Member for Ellesmere Port and Neston—it does not cost additional money. It is actually a fundamental part of its work. It is working on that and, like him, I hope to see progress as quickly as possible.

The Government have proved during the Brexit transition and covid-19 that they can deliver extensive legislative programmes to tight deadlines. In so many ways—I should not stray from the subject, so I will not—we have learned from those programmes, and will work with Parliament to bring an even more successful REUL SI programme before the House. I therefore ask the hon. Member for Ellesmere Port and Neston to consider withdrawing his new clause.

Justin Madders: We have had a slightly lively end to the proceedings. I want to pick up on some of the comments made by the Minister. He characterised our opposition to the Bill as not being ambitious—well, if we are in league with the Institute of Directors in saying that this Bill should be withdrawn, I cannot think of a more ambitious bunch of people. Its correct characterisation is that anyone who thinks the timescales in this Bill are realistic is deluded. There is a difference between reality and ambition, and at some point the Government will find the two colliding. I do not want be on the Government Benches when we have to deal with the fallout from that.

3 pm

Graham Stuart: Don't worry—you'll never be on this side.

Justin Madders: We'll see about that.

Whichever Benches I am on, I will always hold firm to the view that Parliament should be sovereign, and that Parliament should be the body that looks at laws and considers changes that affect our constituents. People voted in 2016 for Parliament to take back control, but the Bill does not do that; it gives control to Ministers. It wrenches control away from Parliament and the people we represent. At the core of this is a lack of transparency and a lack of confidence in the Government's programme, because if they cannot tell us what they intend to do with the Bill and they do not want the light of scrutiny shone on their intentions, it suggests that they are not confident about what the public will say when those intentions become clear. A Government who are not confident in their own policies should not have the confidence of the public. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

The Chair: We come to the Question that I report the Bill, as amended, to the House.

Justin Madders: I would like to thank you, Sir Gary, and Sir George for—

The Chair: Is this on a spurious point of order?

Justin Madders: On a spurious point of order, Sir Gary—no point of order is ever spurious in this place. I would like to thank you and Sir George for chairing the Committee, and the Clerks for their hard work in making sure that everything we have done has been in order—even this point of order. I also thank all Members for participating. We have had some robust and healthy debates, and I look forward to taking them forward in the main Chamber.

Brendan O'Hara: Further to that point of order, Sir Gary. I associate myself with the comments made by the hon. Member for Ellesmere Port and Neston, and thank the Clerks and the Government's civil servants for the hard work that they have done. I realise that it has been a bit of mauling from this side of the House, but it was never, ever intended to be personal; it is purely political.

I thank you, Sir Gary, and Sir George, who guided us through the first two days of our proceedings. I am delighted to thank colleagues on both sides of the Chamber for the usually constructive, respectful and informed discussions that we have had over the past few days. I put on the record my sincere thanks, and those of my hon. Friend the Member for Glenrothes, to Emilie-Louise Purdie, who did so much work behind the scenes so that my hon. Friend and I occasionally knew what we were talking about.

Graham Stuart: Further to that point of order, Sir Gary—spurious or otherwise. I thank the Committee for being so indulgent of me, as I have come in on this final day. It has been a robust but extremely good-humoured Committee, which has managed—under your excellent chairmanship, Sir Gary—to move with expedition through the Order Paper in front of us. I thank the Clerks for their support for all that we have done, and my civil servants in BEIS. If the hon. Member for Argyll and Bute had trouble with his colleague being brought up to speed, I can assure him that BEIS civil servants had an even harder task at bringing me up to speed. Members will be the judge of whether they managed that very well, but they put in a great deal of effort. Finally, I thank the hon. Member for Ellesmere Port and Neston, and I congratulate him on his birthday last week and on the fact that he brought in his 50th birthday cake—it is just a shame I did not get a slice.

Bill, as amended, to be reported.

3.4 pm

Committee rose.

Written evidence to be reported to the House

REULB93 Food and Safety, East Suffolk Council

REULB94 ClientEarth

REULB95 No Falls Foundation

REULB96 Access Industry Forum

REULB97 BMA (British Medical Association) (further submission)

REULB98 Greener UK and Wildlife and Countryside Link