PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

RETAINED EU LAW (REVOCATION AND REFORM) BILL

Fourth Sitting

Tuesday 22 November 2022

(Afternoon)

CONTENTS

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Saturday 26 November 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 *(Wealden)* (Con)
† 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 22 November 2022

(Afternoon)

[Sir George Howarth *in the Chair*]

Retained EU Law (Revocation and Reform) Bill

Clause 1

Sunset of EU-derived subordinate legislation and retained direct EU legislation

Amendment moved (this day): 73, in clause 1, page 1, line 9, at end insert—

"(2A) Subsection (1) does not apply to the following instruments—

(a) Management of Health and Safety at Work Regulations 1999,

(b) Children and Young Person Working Time Regulations 1933,

(c) Posted Workers (Enforcement of Employment Rights) Regulations 2020,

(d) Part Time Employees (Prevention of Less Favourable Treatment) Regulations 2000,

(e) Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002,

(f) Transfer of Undertakings (Protection of Employment) Regulations 2006,

(g) Information and Consultation of Employees Regulations 2004,

(h) Road Transport (Working Time) Regulations 2005,

(i) Working Time Regulations 1998,

(j) Agency Workers Regulations 2010,

(k) Maternity and Parental Leave etc Regulations 1999,

(l) Trade Secrets (Enforcement etc) Regulations 2018,

(m) The Health and Safety (Consultation with Employees) Regulations 1996, and

(n) Information and Consultation of Employees Regulations 2004."—*(Justin Madders.)*

This amendment would exclude certain regulations which provide for workers' protections from the sunset in subsection (1).

2 pm

The Chair: I remind the Committee that with this we are discussing the following:

Amendment 76, in clause 15, page 17, line 5, at end insert—

"(1A) Subsection (1) does not apply to the following instruments—

(a) Management of Health and Safety at Work Regulations 1999,

(b) Children and Young Person Working Time Regulations 1933,

(c) Posted Workers (Enforcement of Employment Rights) Regulations 2020,

(d) Part Time Employees (Prevention of Less Favourable Treatment) Regulations 2000,

(e) Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002,

(f) Transfer of Undertakings (Protection of Employment) Regulations 2006,

(g) Information and Consultation of Employees Regulations 2004,

(h) Road Transport (Working Time) Regulations 2005,

(i) Working Time Regulations 1998,

(j) Agency Workers Regulations 2010,

(k) Maternity and Parental Leave etc Regulations 1999,

(l) Trade Secrets (Enforcement etc) Regulations 2018,

(m) The Health and Safety (Consultation with Employees) Regulations 1996, and

(n) Information and Consultation of Employees Regulations 2004."

This amendment would exclude certain legislation which provides for workers' protections from the power to revoke without replacement in subsection (1).

Amendment 67, in clause 22, page 21, line 42, at end insert—

"(da) section [Workers' rights];"

Amendment 60, in clause 22, page 22, line 19, at end insert—

"(d) any regulations made under section 2 of the European Communities Act 1972 which have the effect of conferring rights or protections on workers."

New clause 4—*Workers' rights*—

"The Secretary of State must by 1 January 2023 publish a list of any provision to which this Act applies which confers rights or protections on workers which has not been—

(a) subject to regulations under section 1(2),

(b) restated under section 12 or 13,

(c) replaced under section 15(2), or

(d) revoked under section 15(3) and replaced with alternative provision

as at 1 January 2023."

Justin Madders (Ellesmere Port and Neston) (Lab): It is a pleasure to see you in the Chair this afternoon, Sir George. Before our lunch break, I was talking about some of the important employment rights that derived from EU legislation.

Mr David Jones (Clwyd West) (Con): I rather wondered why the hon. Gentleman was regaling us with this list of workers' rights. Is he seriously suggesting that this Government would sweep away all those rights? If he is, does he not accept that that is scaremongering? Does he not agree that in many respects, workers' rights in this country are far superior to those employed in many European countries?

Justin Madders: If the right hon. Member wants to give the public reassurance that there is no intention to sweep away the rights, this is the perfect opportunity to do so by voting for the amendments. I remind him that over the past 12 years the Government have doubled the qualifying period for unfair dismissal, introduced employment tribunal fees and cut down on consultation requirements for collective redundancies. The track record is a mixed one to say the least. A number of prominent Brexiteers

have talked extensively about the need to reduce red tape and do away with employment rights, which I will discuss shortly.

If, as the right hon. Member says, there is no intention to remove employment rights, that is welcome news. It would be more welcome if the amendments were supported, because that would be consistent with the manifesto that Conservative Members stood on in 2019, which says on page 5 that

"we will legislate to ensure high standards of workers' rights, environmental protection and consumer rights."

This is the chance to legislate for that, starting with amendment 76 on workers' rights.

Peter Grant (Glenrothes) (SNP): I am possibly anticipating what will be said later, but for clarification will the hon. Member confirm that retaining all this EU legislation in domestic law does not in any way prevent the Government from deciding that they want to legislate for a greater level of workers' rights or environmental protection than is currently the norm throughout Europe? They would only need to repeal this law if they intended to weaken those protections.

Justin Madders: The hon. Member is exactly right. If there is no intention to do away with these laws, the Government simply have to accept the amendment with no further question or debate about it. We will be very pleased to be able to report to our constituents that their rights are protected.

We are sceptical about some of the intentions of the Conservative party. The right hon. Member for North East Somerset (Mr Rees-Mogg), the architect of the Bill, has gone on the record with what can only be described as a Victorian attitude to workers' rights, with such classic lines as "there is no moral right to annual leave." There were reports in *The Times* only a couple of months ago that he was planning to scrap both the Working Time Regulations 1998 and the Agency Workers Regulations 2010. Amendment 76 would protect both measures, putting the issue beyond doubt. The Minister does not need to the follow the right hon. Member's lead any more; she can act today to show that she is on the side of workers, that she understands the value and importance of workers' rights and that she can do the right thing by supporting the amendment.

When discussing these amendments it is important to acknowledge that there will almost certainly be a disproportionate impact on women if these laws are scrapped, as many of them have been of great benefit to women in the workplace. Fifty years after this country legislated for equal pay between men and women we still have not quite got there. Women face far greater challenges of discrimination at work. Let us not make an unacceptable situation any worse by reducing some of the measures that protect them.

The Bill's own impact assessment recognises that it contain threats to equality, particularly in paragraphs 11, 25 and 41. Unison has said that the Bill will

"deliberately wipe the slate clean and create confusion around the principle of precedent that UK common law is premised on. It places ideological principles above the lived, practical needs of the UK."

Perhaps the Minister will tell us, as the right hon. Member for Clwyd West has already suggested, that we are being melodramatic, and that the Government do indeed intend to honour their manifesto commitments to improve workers' rights. We know what we need to do if that is the case.

As I say, I am a little suspicious about what is going on with the Bill and why it has been drafted in such a way to squirrel away debate and discussion about workers' rights. If the Government truly intended to maintain these rights, they could have put something in the Bill along the lines of the amendments from Labour or the SNP. Better still, as we have touched on, they could have done the Bill the other way round, so that we knew what was going to be removed. The fact that they have not done that raises concerns.

When the review of retained EU law commenced, Lord Frost said that the Government were in the position to ensure that retained EU law could be revoked, replaced, restated, updated and removed or amended to remove burdens. Of course, he could have added to those comments and said that, while we want to do that with retained European law, we respect and support workers' rights and do not need to change them. Instead, we have the language of attack—of revocation, of removing burdens—not the language of a Government intent on upholding workers' rights.

I urge Members to consider what the Minister's colleague, the right hon. Member for Beverley and Holderness, said on Second Reading on the subject of workers' rights:

"In line with the UK's track record, we will seek to modernise our regulations, including on workers' rights, ensuring that unnecessary burdens are minimised".—[*Official Report*, 25 October 2022; Vol. 721, c. 252.]

I am not sure what he meant by "modernise", given that the Government have yet to implement the vast majority of recommendations from the Taylor review that sought to bring in new regulations to protect workers in the gig economy, but it is the latter part of that sentence that I want to examine further.

We hear far too often from those on the right of politics that employment rights are an unnecessary burden on businesses. Of course, for many, the visceral hatred of workers' rights was a huge motivating factor for wanting to leave the EU. However, I would say that workers' rights are not a burden, but an essential ingredient of a civilised society. If we want our citizens to play an active role in the country moving forward and in future economic growth, our citizens have to be rewarded fairly and treated fairly. Security and respect at work are the cornerstone of any success we may have as a nation. A secure and happy workforce is a productive workforce. Giving people dignity, certainty and fairness in the workplace is not a burden on businesses, but is what good businesses want to do, what good businesses will see the fruits of, if they implement it properly, and what we as Members of this House should want to see in every workplace.

We view the Government's approach to the amendment with scepticism. I urge all members of this Committee not to pass up the opportunity that this amendment gives them to say to those who may see the Bill as a chance to weaken workers' rights that we are not going to let that happen: these rights are not up for grabs, they are non-negotiable and they will not be dumped at the end of 2023.

Stella Creasy (Walthamstow) (Lab/Co-op): I know there was bated breath and anticipation as we returned this afternoon. I hope we have as joyous and entertaining a debate as we had this morning about such an important piece of legislation.

We are getting to the meat of the matter this afternoon, which is what the legislation will do and what the Government's intention actually is. It is only fair for the Government to come clean on their intentions. They keep saying that those of us who are raising concerns are scaremongering, but it is our job to probe the Government. As much as the Minister might not like these questions, our constituents deserve better than vague pledges that the Government would not possibly do something that we know in the past this Government and its Members have tried precisely to do.

Let us start with workers' rights. These amendments are about a perfectly reasonable parliamentary process of fleshing out the Government's intentions. This morning, we heard that there is, of course, time for the replacement of all the legislation that will be deleted by the Bill. We heard that none of us should have any concerns about the timetable or process or persons unknown who will be responsible for this legislation. The reasons for our concerns are to do not with Brexit but with the content of the Bills that are going to be deleted. They are Bills and rights on which our constituents have depended for generations, and workers' rights are an absolute case in point because they safeguard the right to a decent workplace and decent employers. Businesses do not want employment rights to be watered down. They want certainty so that they can get on with rebuilding their businesses in this difficult economic climate.

As we have seen in the responses that we have received, many businesses agree with the rights that the Bill puts at risk of deletion. The Working Time Regulations 1998 include the right to paid time off, including bank holidays. This is a very simple proposition for Conservative Members: if they do not vote with us to remove these laws from this Bill, they will put the right to a bank holiday up for deletion. The Government have been very clear that they will not provide any guarantees as to what will replace or amend any of the laws that they are deleting. If they join us, they will make things a lot clearer for our constituents.

It is not just about the working time directive. My hon. Friend the Member for Ellesmere Port and Neston said this morning that he was not sure how many people benefit from TUPE. I can tell him that 30,000 people a year benefit from TUPE protections, yet the Beecroft report suggested that TUPE legislation should be watered down. It is not unreasonable for those of us who have had concerns for many years about this Government's approach to workers' rights to be concerned that this Bill deletes TUPE in its entirety, which is something that Beecroft only dreamed of.

The Management of Health and Safety at Work Regulations 1999 protect, among other rights, the requirement for an employer to perform a risk assessment for all workers, and specify that that must include a risk assessment once an employee falls pregnant. If Conservative Members think that those rights should be protected, they should vote in favour of them today, send a clear message to their Government colleagues to remove the measure from the Bill and put beyond doubt the fact that it is reasonable to require an employer to carry out a risk assessment when an employee falls pregnant. We must protect health and safety regulations. Each year many of us commemorate those who have lost their lives in the workplace, but this Bill deletes important legislation at a stroke and Ministers have not given any assurances or details as to which regulations they will bring back in their entirety.

The children and young person working time regulations protect a child's right to access education by preventing the employment of children. Ministers and Conservative Members will say that it is scaremongering to talk of sending children back down the mines or up a chimney, but that legislation was brought in precisely to protect children. Why on earth would we not want to put it beyond doubt that we want to keep those protections, unless the Government either want to water them down or abolish them altogether? Voting for the amendment would put that beyond doubt.

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 ensure that millions of our constituents are not discriminated against in the workplace. It is predominantly women who are protected by those regulations. Nearly a fifth more women than men are on temporary contracts, and more than twice as many women are in part-time employment than men. When this Bill is enacted, the rights that they have relied on to protect them in the workplace will be dissolved at a stroke. It is not unreasonable for us to give them the comfort that those rights will remain by ensuring that they are not removed by the Bill.

The Maternity and Parental Leave etc. Regulations 1999 protect women in the workplace from unequal treatment on account of maternity leave, pregnancy or childbirth. We know that 50,000 women a year experience pregnancy discrimination, even with that legislation in place. Removing it and refusing to keep it will result in even more women experiencing pregnancy discrimination. That is a critical point. Nobody is suggesting that these laws are perfect or that they do not require amendment and should not change with the times we are in, but that does not mean that they should be abolished and that we should hope that a future Minister remembers that they were on the list and comes up with some proposals. The 50,000 women already experiencing pregnancy discrimination need to know that the law is going to move forwards, not backwards, and this Bill can only be a retrograde step.

Conservative Members should come clean to their constituents. If they do not think these rights are important, they should put them up for abolition and hope that Ministers will come forward with alternatives. They should be clear with their constituents, because we will hold every single Member in this House to account if they delete the right to have a bank holiday or not be discriminated against as a pregnant woman or new mother.

Lia Nici (Great Grimsby) (Con) *indicated dissent.*

2.15 pm

Stella Creasy: I can see the hon. Lady shaking her head—I am sure everyone can—but that is exactly what the legislation does. It is important to our constituents that we either do not deny that that is a possibility or we act to remove it. This amendment gives Conservative

Members the ability to offer more than just words on this matter—to make a deed and ensure they protect the workers' rights their constituents depend on.

We are very clear: if Government Members do not vote for this amendment, we will hold them to account and ensure that their constituents know that they voted to put those rights up for grabs with no guarantee that they will be protected. I can see Conservative Members smiling. Those smiles will not be smiles when our constituents ask why they put their rights into a process that will mangle them with 4,000 other pieces of legislation, with no guarantee that parliamentary time can be found and no guarantee of what it means for their employers. The right hon. Member for Clwyd West asked if it was scaremongering. It is not scaremongering. It is called accountability, and it is about time the Government listened to it.

Mr Jones: The hon. Lady will know that this Government have consistently improved the rights of workers. It is a process that has continued over the last 12 years since this party has been in Government. Frankly, it does her no credit at all to raise these concerns with probably very vulnerable people, who will now be concerned about what she has said. She will have to be accountable for what she has said.

Stella Creasy: I thank the right hon. Gentleman for his intervention. He was part of a Government who brought forward the Beecroft report, so I will take absolutely no lectures about frightening vulnerable people.

What I see before me is a piece of legislation that deletes those rights. That is beyond doubt. The question is whether they are going to be replaced. The right hon. Gentleman could argue that that is what Ministers have committed to. I am sure that is what the Minister will try to say—that we should not worry and that these rights will be replaced—but at this point in time when we are being asked to pass this legislation, there are no guarantees. There is nothing on the statute book. There have been no specific pledges on these rights.

We have a Government with a track record of seeking to try to delete and dilute rights. They were prevented from doing so by being members of the European Union at the time. Brexit has happened. Now the entire responsibility and onus on protecting those rights relies on Government Ministers and Members of Parliament holding the Government to account. That is exactly what we are doing today. Vulnerable people deserve to know the truth of what the outcome of this legislation will be.

Dr Luke Evans (Bosworth) (Con): The hon. Lady is making a very good point about ensuring we have protections in place. Is she not missing the point and being slightly mischievous, because this is setting out a framework of how to deal with the problem, not the specifics? Those can still come later. She is right to argue that anyone in the House could make those changes, but the whole principle here is laying out the framework to enact these rights.

Stella Creasy: The hon. Gentleman comes so close, yet does not quite score his goal. He has said that it is about setting out a framework so these things could happen. There is no guarantee about what comes next. That is the challenge for his constituents. That is why the amendment puts in place what could come next by removing these particular rights from that process. The hon. Gentleman is right to say that it sets out a process. The point is what is the impact of that process. If he cannot read this legislation, he needs to read all the submissions we have had from people setting out their concerns.

Paul Blomfield (Sheffield Central) (Lab): My hon. Friend is right in her response to the question of process. Does she agree that it was a previous Conservative Government—there have been so many—that set out a process in the withdrawal Act? That process was to embrace the principle of retained law so that we did not risk losing the rights and protections we had collectively agreed over 43 years and would then have the opportunity, as and when the chance arose or it would seem fit, to change or improve that law. That process would be set against the safety net of not losing what we already had. That was the process the Conservative Government put in place and which this Bill is now ripping apart.

Stella Creasy: My hon. Friend speaks with the experience and frustration of having seen this all before. That is the challenge. The hon. Member for Bosworth is relatively new to this experience, but many of us who have had to deal with this Government in its various incarnations over employment rights—and, indeed, over legislative processes—have seen the deterioration in their respect for and approach towards the parliamentary process, whereby Members could be confident about the Government's direction of travel.

In this morning's sitting I mentioned the words "cock-up" or "conspiracy". A cock-up would be accidentally losing some of these pieces of legislation. That is why this amendment is so important: it sets out specifically all those pieces of legislation and provides a safety net. We could then have a sunrise approach to this legislation. If the Government wish to amend things, at least the legislation would be retained until it is amended. The conspiracy element comes from the previous experience of dealing with this Government, and the bemusement as to why Ministers and Back Benchers claim that we are scare-mongering, but refuse to give that commitment.

If the Minister will give a specific commitment today that every single one of those rights will be rewritten into UK legislation to give our constituents the same protection that they have now, I will happily support her, but she is not likely to do so. In that absence, it falls to all of us to make sure that our constituents—the vulnerable people we are concerned about—do not worry that their rights, precious as they are, are about to be abandoned. They have to hope that it is better to have a cock-up than a conspiracy, and that they might still be saved at some point, rather than that there is a deliberate attempt to reintroduce Beecroft by the back door—because that is what the Bill looks like, and that is what the amendment protects us against.

Brendan O'Hara (Argyll and Bute) (SNP): I will speak to amendments 60, 67 and new clause 4, tabled in my name and that of my hon. Friend the Member for Glenrothes. The amendments would oblige the Secretary of State to publish a full list of workers' rights that could be put at risk under this legislation by 1 January 2023. It is a pleasure to follow the hon. Members for

[Brendan O'Hara]

Ellesmere Port and Neston, and for Walthamstow. I fully agree with everything they said. If they press their amendment to a Division, our support is guaranteed.

We have heard several times today that the Bill gives UK Government Ministers unprecedented powers to rewrite and replace huge swathes of domestic law, covering matters such as environmental protection, consumer rights, and of course those long-established, hard-won workers' rights. The right hon. Member for Clwyd West, and indeed the Government generally, have been at pains throughout the passage of the Bill to say that there will be no diminution of workers' rights, but given that they have failed to produce an accessible list of exactly what will stay and what will go as a result of the Bill, coupled with the fact that so many stakeholders see the Bill as the starter pistol for a deregulatory race to the bottom, they will fully understand the scepticism that exists not just here, but outside this place, over any promise that workers' rights will be protected.

Although we have heard the Government's vague promises that everything will be okay, and the reassuring words, "Trust us, we'll see you okay", that is not good enough. Workers across the country will fear that the Government are going down a one-way road towards deregulation that will certainly not benefit workers or protect their rights.

We heard in the oral evidence session that the trade unions are particularly sceptical about what the Government have planned for workers' rights. They have serious concerns that, among those 3,800—so far—discovered pieces of legislation that are due to be sunsetted in 13 months' time, there could be legislation covering annual leave entitlement, women returning to the workplace, the treatment of part-time workers, protection from dismissal, holiday pay, legislation on working hours, and rights to parental leave. As the hon. Member for Ellesmere Port and Neston said earlier, the fact that this legislation was the brainchild of, and initially piloted by, the right hon. Member for North East Somerset (Mr Rees-Mogg) sets alarm bells ringing—with some justification, given that back in 2013 he was quoted as saying,

> "It is hard to believe that the right to paid holiday is an absolute moral right; it is something that comes about because of political pressure at the time"—[*Official Report*, 1 March 2013; Vol. 559, c. 605.]

If that is not evidence enough of the direction of travel—or, at least, the suggested direction of travel—in which this Government are heading, I do not know what is. The Government have to accept that they have a long way to go in addressing the concerns of the trade unions, who explained much of their fear was based on being unable to find out exactly which pieces of legislation will stay and which will go. Shantha David of Unison said that the dashboard is

"the most incomprehensible piece of equipment. You have to put in random words to try and identify whether certain pieces of legislation will remain or go."—[*Official Report, Retained EU Law (Revocation and Reform) Public Bill Committee,* 8 November 2022; c. 58, Q91.]

It is a completely unsatisfactory position. All that new clause 4 would do is oblige the Government to provide trade unions, individuals and other organisations with a comprehensive list of every piece of employment legislation that could be impacted by the Bill. I do not think for a minute that that is too much to ask, or indeed too much to expect, the Government to provide. If the Government are serious and they want us to believe that the Bill will not put workers' rights under threat, that is a very small and simple step to at least signal they are moving in the right direction.

The Minister for Industry and Investment Security (Ms Nusrat Ghani): You will not be surprised to hear, Sir George, that I wish to reject amendments 73, 76, 67 and 60, and new clause 4. While the speeches were taking place, I was reflecting on the level of scrutiny we had when we were governed and subjugated by rules coming out of Europe. I do not recall transcripts from those meetings, or opportunities for Members elected to represent constituents and their businesses to get involved and offer up what they thought was needed for those businesses domestically. However, here we have an opportunity to assimilate, review and potentially improve rules and regulations, and to ensure that we are governed by rules that we enact here in the United Kingdom.

Peter Grant: I may be mistaken, but I distinctly remember being a member of the European Scrutiny Committee in this place for several years. The explicit job of that Committee was to scrutinise proposed EU legislation and to express whether it, on behalf of Parliament, was content for Ministers to either support that legislation or oppose it. It was not the fault of the European Union that very often that Committee had no teeth. It was certainly not the fault of the European Union that as often as not, Ministers ignored the views of that Committee. Is it not the case that the difficulties with parliamentary oversight of European legislation for the 40 years that we were in the EU were nothing to do with the failings of the European Union, and everything to do with the failings of scrutiny in this place?

Ms Ghani: The hon. Gentleman is honest about his position when he says that there was no problem with the European Union; that is the core of many of the arguments put forward by Opposition Members.

Saqib Bhatti (Meriden) (Con): Opposition Members keep telling us that they accept the result of the referendum and this is not about Brexit. Is it not the case that through this legislation we are taking back control and allowing Parliament to be the body that has the scrutiny mechanisms? Does the Minister have more faith in Parliament than Opposition Members do?

Ms Ghani: My hon. Friend hits the nails on the head. I have far more faith and confidence in the UK Parliament, and in the Members elected to represent the United Kingdom and its constituencies.

Paul Blomfield: Will the Minister give way?

Ms Ghani: I will give way, but then I must carry on.

Paul Blomfield: I thank the Minister for giving way. On her point on the absence of scrutiny, did she not read the written evidence submitted by the Bar Council? In paragraph 12, it said:

"We also point to the very valuable work over the years of the House of Commons EU Scrutiny Select Committee and other Select Committees...UK ministers, politicians and officials, stakeholders and policy makers had ample opportunity to, and did, exert influence on the development of EU policy and secondary legislation...Indeed, in most cases, the EU legislation was supported, and even promoted, by the UK Government of the day."

The idea that there was no scrutiny is nonsense, is it not?

Ms Ghani: What is nonsense is the fact that the European Scrutiny Committee was unable to reject any legislation.

Several hon. Members *rose—*

Ms Ghani: What I will make some progress now.

The Bill is enabling legislation. The measures in it, including the sunset, will allow UK Ministers, including those in the devolved Governments, to make decisions to review, amend or repeal retained EU law as they see fit. We have heard considerable contributions about which laws have moved down into UK law from the EU, making the assumption that we were never able to lay down rules and laws for our people in the UK, and that somehow we would get rid of all the high standards we have.

Let me point out some of the things that we have done, to let everyone know that we have pretty high standards when we are passing legislation. We have the highest minimum wage in Europe, which increased again on 1 April. UK workers are entitled to 5.6 weeks of annual leave, compared with the EU requirement of just four weeks. We provide a year of maternity leave, with the option to convert to shared parental leave to enable parents to share care, while the EU minimum maternity leave is just 14 weeks. The right to request flexible working for all employees was introduced to the UK in the early 2000s, while the EU agreed rules only recently and will offer the right to parents and carers only. The UK introduced two weeks' paid paternity leave in 2003, while the EU has only recently legislated for that. Those facts show that we are very capable of ensuring good standards here in the UK.

2.30 pm

Paul Blomfield: Will the Minister give way while she is pausing?

Ms Ghani: I am moving forward. I will give way shortly.

The sunset is not intended to restrict decision making; rather, it will accelerate the review of REUL. The Bill will allow UK Ministers, including those in devolved Administrations, additional flexibility and discretion to make decisions in the best interests of their citizens. It is up to Departments and devolved Administrations what they will do on specific pieces of policy. The Bill creates the tools for Departments. Plans will be approved by a Minister of the Crown or the devolved authority where appropriate, and will be shared when ready, given that this is an iterative process that is still ongoing.

On the specifics policies listed in the amendment, the Government do not intend to remove any necessary equality law rights and protections. With the introduction of the Bill, the Health and Safety Executive is reviewing its retained EU law to consider how best to ensure that our regulatory frameworks continue to operate effectively, and to seek opportunities to modernise its regulations without reducing health and safety rights. The Government have no intention of abandoning our strong record on workers' rights, having raised domestic standards over recent years to make them some of the highest in the world. Our high standards were never dependent on our membership of the EU. Indeed, the UK provides stronger protections for workers than required by EU law. I listed a few a moment ago.

Several hon. Members *rose—*

Ms Ghani: On new clause 4, it is right that the public should know how much legislation is derived from the EU and the progress that the Government are making to reform it. This is why on 22 June 2022 we published an authoritative public record of where REUL sits on the UK statute book in the form of the REUL dashboard on gov.uk, which catalogues more than 2,400 pieces of legislation derived from the EU. The information is there; asking that we cut and paste it somewhere else is slightly ridiculous and over-bureaucratic.

Peter Grant: Will the Minister give way?

Ms Ghani: The Government have no intention of abandoning our strong record on workers' rights, having raised domestic standards over recent years to make them some of the highest in the world.

The hon. Member for Walthamstow raised the issue of maternity rights. She has done a huge amount of work for women's rights, as have I. I just find it incredibly unfortunate that both she and I have been defending and promoting women's rights but that we might create an anxiety based on fiction and not on fact. The repeal of maternity rights is not and has never been Government policy. The high standards of maternity rights that I mentioned earlier have never been dependent on, or even mirrored, those of the EU; we have always gone a lot further.

Taking all that into account, I ask the hon. Member for Ellesmere Port and Neston to withdraw his amendment.

Justin Madders: I have quite a few things to say. First, the rehashing of the old arguments about a lack of scrutiny when the laws covered by the amendment were introduced is, as I said at length this morning, not correct. Even if people think that, the answer is certainly not to make it harder to scrutinise laws now.

Stella Creasy: Will my hon. Friend comment on the irony that the Minister has argued that we need to do this because we were never able to refuse a piece of legislation from the European Union, but at the same time is defending a piece of legislation that will not take back control to Parliament, but will give it to Ministers? Under the Bill, MPs will not be able to refuse or amend a piece of legislation that, like it or lump it, will come from No. 10 rather than Brussels. How is that taking back control?

Justin Madders: It is not taking back control, is it? Anyone who has read the Bill will understand that Parliament's role will be severely restricted, and that

[Justin Madders]

is why the Opposition are worried about what will happen. The Minister cited a long list of measures that strengthened employment rights, many of them introduced under a Labour Government of course. Not all of them came from Europe—the minimum wage is not derived from European law. We want to see such rights protected.

I think the Minister is sincere in her desire to support equality, but her exact words were that there is no intention to remove any necessary equality law. I just question whose definition is used to decide what is necessary or unnecessary. What does that mean? That is why it is so important that we have a proper scrutiny process. If it is decided that no equality laws are unnecessary, they should be removed from the terms of the Bill all together.

Peter Grant: I will ask question that the Minister chose not to hear. The Bill runs to 37 pages, and we do not know how long the Government have taken to put it together, but we know that they had a month between First and Second Reading. In that time, at least 15 mistakes were identified in the Bill, because the Government themselves have tabled 15 amendments to correct mistakes in a Bill of 37 pages. The items of legislation subject to the hon. Gentleman's amendment run to something like 360 pages. The legislation relating to this amendment alone is nearly 10 times as long as the Bill we are currently considering, yet the Government have so far identified 15 amendments that are required to the Bill. What confidence can we have that 360 pages of revoked legislation will have been properly gone through and assessed, and all properly put back into law in just over a year from now?

Justin Madders: We do not have a lot of confidence. The hon. Member is right to point out the amount of legislation to which just this amendment relates. We are trying to do the Government a favour by attempting to remove various legislation from the Bill. The Minister spoke about an over-bureaucratic process, and we can help with that by removing some regulations from the Bill so that they are retained in law. There is therefore no need to go through any bureaucratic exercise.

The Minister spoke about modernising health and safety law. To me, modernising can mean any number of things, and it does not always mean that law will be improved or rights increased. As we know, the Bill specifically prevents an increase in the legislative burden, and I think a lot of people may say that health and safety is a burden, although I certainly do not think it is; I think it is an absolute essential, but we know how it is characterised in some quarters.

I want to address head-on the claim that we are scaremongering, worrying people and causing anxiety by raising the issue. In order to remove such anxieties, the simple answer is to vote for the amendment, because then there would no question about those rights being protected.

Paul Blomfield: My hon. Friend is right. Had I had the opportunity to intervene on the Minister, and had she accepted my intervention, I would have asked why she failed to respond to the challenge from my hon. Friend the Member for Walthamstow to reassure the House simply by committing on the record that all the legislation listed in our amendments 73 and 76 would be replicated at least in full, and perhaps made better, and not lessened in any way whatsoever. As a starting point, the Minister could commit to put the legislation through before December 2023. Would my hon. Friend welcome that if the Minister were to intervene now to give that commitment?

Justin Madders: I guess that we are not going to get that assurance, and that shows why we were exactly right to table the amendment, and we will put it to a vote. I do not think that even Conservative Members when campaigning for election here put on their literature that they wanted to put workers' rights at risk. I doubt the people of Grimsby, Orpington or Yeovil actually want to see a reduction in workers' rights. It is time now to send out that clear message.

Lia Nici: The hon. Member mentioned my constituents of Great Grimsby. Actually, my constituents want to see Brexit laws rescinded, so that we do not continue under EU legislation. The reality behind the Opposition's arguments is that they do not want us to go out of the EU.

Justin Madders: It may be news to the hon. Lady, but we left some time ago. I find that intervention interesting, because it rather suggests that there is an intention to weaken some workers' rights. We have concerns, and I am afraid that the debate has heightened them.

Stella Creasy: Does my hon. Friend agree that it is worth having concerns when not only do Government Members prioritise removing anything that includes the word "Europe", but the Minister seems not to know the complete history of maternity and pregnancy discrimination legislation in this country? The European Union held the UK Government to account with the pregnant workers directive in the 1990s because the UK Government sought to water down the protection of women. I am sure that Government Members would support the legislation on maternity discrimination introduced by their colleague, the right hon. Member for Basingstoke (Dame Maria Miller), which sought to move things forward, but we have not seen progress on that from the Government.

Ministers seem not to be fully aware of the history of European legislation when it comes to maternity rights and pregnancy discrimination; there has been a lack of action in response to proposals from Government Members; and we now have a piece of legislation that deletes rules simply because they have the word "Europe" in, with no guarantee of what comes next. Given all that, we understand why organisations such as Pregnant Then Screwed are campaigning on maternity and pregnancy discrimination. It is happening now, under this Government, and the Government are doing very little about it.

Justin Madders: I thank my hon. Friend for her intervention. I think there was a question in there somewhere. I agree with the general point that the fight for equality does not stop. It is always ongoing, and we have to look forward and ask ourselves what kind of

country we want to be now that we have left the European Union. Do we want stronger workplace rights? Do we want equality in the workplace? Do we want to end discrimination? If we agree with those things, and certainly the Opposition do, the way to guarantee that we at least maintain the status quo is to vote for the amendment. My constituents will be considerably poorer over the next few years as a result of the economic decisions made by the Government. I do not want them to be poorer in rights as well, and that is why I will press the amendment to a vote.

Brendan O'Hara: Very briefly on new clause 4, it is extremely disappointing that the Government have dismissed what I believe was an easy opportunity to show that they were listening to genuine concerns that have been brought before the Committee. The information may be out there, but the fact that it is so difficult to find and has been described as incomprehensible by a qualified solicitor acting on behalf of trade unions should raise some concerns within Government. It really is not good enough to say, "It's there. You just have to find it."

All Governments have a duty to make things as transparent as possible. Now that the Government have been alerted to the fact that the information is incomprehensible, their casual dismissal of such fears as ridiculous does not bode well for those in the Opposition and outside the Committee who think we are on a one-way track to deregulation and the diminution of workers' rights.

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 9.

Division No. 3]

AYES

Blomfield, Paul	Madders, Justin
Creasy, Stella	O'Hara, Brendan
Glindon, Mary	Sobel, Alex
Grant, Peter	

NOES

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

Question accordingly negatived.

2.45 pm

Alex Sobel (Leeds North West) (Lab/Co-op): I beg to move amendment 74, in clause 1, page 1, line 9, at end insert—

"(2A) Subsection (1) does not apply to the following instruments—

(a) The REACH Regulation and the REACH Enforcement Regulations 2008,

(b) The Conservation of Habitats and Species Regulations 2017,

(c) The Conservation of Offshore Marine Habitats and Species Regulations 2017,

(d) The Urban Waste Water Treatment (England and Wales) Regulations 1994,

(e) The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010,

(f) The Bathing Waters Regulations 2013,

(g) Water Environment (Water Framework Directive) (England and Wales) Regulations 2017,

(h) The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 (also known as the Farming Rules for Water),

(i) The Marine Strategy Regulations 2010,

(j) The Marine Works (Environmental Impact Assessment) Regulations 2007,

(k) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017,

(l) The Plant Protection Products Regulations 1107/2009,

(m) The Sustainable Use Directive Regulation (EC) 396/2005,

(n) The National Emission Ceilings Regulations 2018,

(o) Invasive Alien Species (Enforcement and Permitting) Order (2019),

(p) Directive 2010/63 on the protection of animals used for scientific purposes,

(q) Directive 1999/74 laying down minimum standards for the protection of laying hens,

(r) Regulation 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof, and

(s) The Welfare of Animals (Transport) (England) Order 2006."

This amendment would exclude certain legislation which provides for environmental protections from the sunset in subsection (1).

The Chair: With this it will be convenient to discuss amendment 77, in clause 15, page 17, line 5, at end insert—

"(1A) Subsection (1) does not apply to the following instruments—

(a) The REACH Regulation and the REACH Enforcement Regulations 2008,

(b) The Conservation of Habitats and Species Regulations 2017,

(c) The Conservation of Offshore Marine Habitats and Species Regulations 2017,

(d) The Urban Waste Water Treatment (England and Wales) Regulations 1994,

(e) The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010,

(f) The Bathing Waters Regulations 2013,

(g) Water Environment (Water Framework Directive) (England and Wales) Regulations 2017,

(h) The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 (also known as the Farming Rules for Water),

(i) The Marine Strategy Regulations 2010,

(j) The Marine Works (Environmental Impact Assessment) Regulations 2007,

(k) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017,

(l) The Plant Protection Products Regulations 1107/2009,

(m) The Sustainable Use Directive Regulation (EC) 396/2005,

(n) The National Emission Ceilings Regulations 2018,

(o) Invasive Alien Species (Enforcement and Permitting) Order (2019),

(p) Directive 2010/63 on the protection of animals used for scientific purposes,

(q) Directive 1999/74 laying down minimum standards for the protection of laying hens,

(r) Regulation 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof, and

(s) The Welfare of Animals (Transport) (England) Order 2006."

This amendment would exclude certain legislation which provides for environmental protections from the power to revoke without replacement in subsection (1).

Alex Sobel: We now come to the impact of the Bill on laws that fall within the remit of the Department for Environment, Food and Rural Affairs. The Government's dashboard lists only 570 laws that DEFRA identified as falling in scope of the Bill; that figure alone would make DEFRA the most heavily impacted Department in Government. However, we understand that DEFRA officials have privately revealed that more than 1,000 individual laws are at risk of being revoked by the Bill's sunset clause. How do the Government plan to resource DEFRA to enable officials to properly examine each of these laws in the time remaining before the sunset sweeps them away?

The Department is already beset by delay and overwhelmed by consultation responses. The supposed Government priorities of environmental action and animal welfare are long past their due dates; on 31 October, for example, the Government missed a legal deadline to publish environmental targets. Instead of clogging up the entire Department with months of pointless work reviewing lists of laws that no one wants to drop, the Government should prioritise their environmental commitments in the Environment Act 2021 and the 25-year environment plan, including the actions and policies necessary to deliver nature's recovery by 2030.

The sample of 19 laws listed in these amendments cover a vast range of important policy areas about which the public feel passionately. They include animal welfare, water quality, the treatment and discharge of sewage, the protection of wildlife, the safe use of chemicals and pesticides, the protection of human health from the impacts of air pollution, the use of animals in scientific testing and the prevention of the spread of animal diseases, such as the bird flu that is devastating poultry businesses and our precious wild bird populations. The regulations listed in amendments 74 and 77 should therefore be seen as a non-exhaustive list of the key examples of law that it is vital to retain to maintain standards. The regulations listed in the amendments represent some of the most prominent environmental protections, but many potentially vital but not always easily identifiable protections will remain at risk.

A definitive list of environmentally important measures does not exist. One could say that the Government have been naughty by nature, but I would not do that. However, we know that it is even more extensive than the comparable list of the retained EU law that provides critical protections for workers' rights and conditions, which we have debated in relation to amendments 73 and 76. The inventory of workers' rights legislation is shorter and more easily identified, so there are important differences between the three domains of rights and protections highlighted by our amendments.

The environmental retained EU laws covered by the Bill include major protections that we rely on for clean air, clean water and safe food, as well as providing crucial safeguards for a struggling natural world. Under the Bill, critical environmental protections face the prospect of being revoked without replacement or replaced by weaker regulations, because of the extremely limited time available to consider and draft workable replacements before the application of the sunset clause, and because of the lack of parliamentary oversight and public consultation—those are the focus of other amendments.

The Government have said that they are committed to maintaining environmental protections. For instance, the former Business Secretary, the right hon. Member for North East Somerset, said that

"the Government is committed to maintain all the environmental protections that currently exist and met a number of the environmental lobby groups to confirm this".

I will go into a little more detail about how we believe the Bill will completely undermine those commitments and place at risk the safety of chemicals.

REACH stands for the registration, evaluation, authorisation and restriction of chemicals. Under the European Union (Withdrawal) Act 2018, the EU REACH regulation was brought into UK law on 1 January 2021 and is now known as UK REACH, but the UK and EU REACH regulations operate independently from each other. Most industries must therefore comply with both sets of regulations if they want to trade in both the UK and the EU. Furthermore, UK REACH regulates only chemicals placed on the market in GB, and, under the terms of the Northern Ireland protocol, EU REACH continues to apply in Northern Ireland.

The HSE website explains that REACH is

"a regulation that applies to the majority of chemical substances that are manufactured in or imported into Great Britain (GB)…This can be…A substance on its own…A substance in a mixture, for example ink or paint"

or a

"substance that makes up an 'article'—an object that is produced with a special shape, surface or design, for example a car, furniture or clothes."

The chemicals legislation in the amendments works closely with the 2008 classification, labelling and packaging of chemicals regulations, which are about the responsibility for identifying and communicating hazardous properties of chemicals. That legislation also works with other chemicals regulations listed on the Government dashboard, such as the Toys (Safety) Regulations 2011 and the Cosmetic Products Enforcement Regulations 2013, which restrict the use of certain chemicals in those products.

REACH places restrictions on the use of more than 2,000 harmful chemicals on which it has taken more than 13 years to legislate at EU level. That has helped to drive innovation in the development of safer alternatives and delivered considerable benefits for our health and environment. Lifting or weakening those restrictions could result in the import of everyday products—from sofas and paint to cosmetics and toys—that contain chemicals that are linked to cancer or affect intellectual development, and that are restricted in the EU but sold in other parts of the world.

The UK was one of the driving forces behind the creation of EU REACH in 2006. That was acknowledged during proceedings on the Environment Act by the

Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Taunton Deane (Rebecca Pow), who said that

"we were instrumental in designing the whole process in the first place, which we kicked off during our presidency in 1990."—[*Official Report, Environment Public Bill Committee,* 19 November 2020; c. 598.]

Perhaps the Minister who is with us today will argue that revoking REACH would nevertheless realise Brexit opportunities. However, businesses are not asking for the revocation of REACH; quite the reverse.

Last week, the chief executive officer of the Chemical Industries Association said:

"We are not in the market for any regulatory bonfire".

Far from helping to drive economic growth—that is the intention behind the Bill—throwing UK rules into doubt will create uncertainty and instability for businesses, and it will very likely deter investment. Businesses will essentially be left with three costly options: to comply with two regimes at once; to end exports to the EU; or to remain aligned to EU standards, in which case why attempt to deregulate UK REACH?

If Ministers think that the Bill is needed to provide the flexibility to adapt the regulations to a UK context, they seem not to realise that legislative powers for updating and adapting REACH for a UK context already exist under schedule 21 of the Environment Act. Those Environment Act powers include important safeguards for public health and the environment that the Government have not necessarily thought to include in the Bill. Furthermore, work to review and adapt REACH to a UK context has been ongoing pre and post EU exit. The Bill will pointlessly divert that work. For example, we are still waiting for a UK chemicals strategy, which was first promised in the 25-year environment plan more than four years ago.

Without a strategy, the various parallel Department for Environment, Food and Rural Affairs reviews lack strategic direction. A strategy is urgently needed to set out much-needed measures to improve the regulation to address our growing chemical pollution crisis. Why does REACH need the amending powers in the Bill, unless it is to deregulate and to lower standards? The hon. Member for Taunton Deane previously assured us that we would maintain

"high standards of protection for the environment, consumers and workers"

while having

"the autonomy to decide how best to achieve that for Great Britain."—[*Official Report, Environment Public Bill Committee,* 19 November 2020; c. 598.]

The status quo in the Environment Act already does that, but the Bill could only be designed to usher in low environmental standards.

Labour tabled an amendment to provide a non-regression mechanism to schedule 21 powers in the Environment Bill. The response from the hon. Member for Taunton Deane was that there was no intention to regress. She pointed to proper safeguards in the powers to ensure that, including protected provisions

"that cannot be changed…relating to the fundamental principles of REACH".—[*Official Report, Environment Public Bill Committee,* 19 November 2020; c. 598.]

Those principles include core principles of good chemicals regulation such as "no data, no market" and the precautionary principle. It is difficult not to see the "malign opportunities" that she rejected when she highlighted the safeguards in the powers two years ago. If the aim is a sensible review and updating of our laws, the Government should allow her Department to get on with it.

We already know that there is a serious lack of capacity and expertise in the HSE to do its job. That has resulted in declining safety standards on chemicals in the UK. A recent NAO review found that a lack of operational capacity and loss of data is having a negative impact on HSE's ability to assess risks and carry out its work, and that it would not be able to achieve its long-term objectives unless that were addressed. How can the Government even contemplate piling even more work on to the HSE's already overstretched workforce by requiring it to review and rewrite the retained EU law elements of our chemicals regulation?

On top of that, Ministers seem to completely ignore the additional burden on UK business. The pressure on HSE already results in UK REACH considering far fewer protections for health and the environment from harmful substances. For example, the UK has initiated only two restrictions on hazardous substances compared with the five that have been implemented in the EU since UK exit, and a further 20 are in the EU pipeline. Specifically, it has rejected 10 protections that have been targeted by its European counterpart. That includes a restriction on concentration limits for eight polycyclic aromatic hydrocarbons used as infill and in loose form in synthetic football pitches and playgrounds.

Stella Creasy: Say it again!

Alex Sobel: You will have to intervene if you want me to say it again. Those chemicals are linked to an increased cancer risk, putting our children's health at risk.

The protective gap between the UK and the EU could become a chasm over the years ahead as the EU takes forward its chemicals strategy for sustainability. That is likely to result in the dumping of harmful chemical products on the UK market, with the divergence harming UK businesses.

There is a severe lack of chemical safety data. This is the central challenge of a separate, stand-alone system and it still has not been resolved. Deadlines for companies to submit vital safety data on the UK market are due to be put back for the second time, while the chemical safety database will not be complete for eight or nine years. The Government's own latest figures estimate that the chemicals industry faces £2 billion of post-Brexit red tape—twice the cost of initial estimates. During proceedings on the Environment Act, Labour pushed for a minimum standard of protection under UK REACH. We have major concerns that the UK system is already considerably weaker than EU REACH, and the Secretary of State has taken sweeping powers to further reduce the level of protection for the public and environment from hazardous chemicals.

I will now turn much more briefly to other important environmental protections, a sample of which are listed in the amendments. The Government have been dragging their heels on protecting our animals for years, with lots of press releases but little action. Many of the animal welfare measures in the last Queen's Speech were lifted directly from Labour's animal welfare manifesto, but

[Alex Sobel]

the Government have repeatedly stalled and delayed on taking through Parliament the limited selection that they have so far committed to, such as the missing-without-a-trace Animal Welfare (Kept Animals) Bill and the unkept promises to ban the imports of fur and foie gras.

We can have little confidence in this Government's commitment to animal welfare. Their manifesto promised not to compromise on Britain's high standards in trade deals, but the Australian trade deal and the precedent it has set risk bulldozing through our standards for animal welfare and environmental protections as well as impoverishing our farmers. As the Committee heard from David Bowles of the RSPCA, there are 44 individual pieces of animal welfare legislation that could be dropped or weakened because of the Bill.

Amendments 74 and 77 list an illustrative sample of just four of these: directive 2010/63 on the protection of animals used for scientific purposes; directive 1999/74 laying down minimum standards for the protection of laying hens; regulation 139/2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof; and the Welfare of Animals (Transport) (England) Order 2006.

As we have explained, the whole purpose of the Bill is to weaken and reduce regulations that ideological purists in the Conservative party see as an irredeemable burden. However, directive 2010/63 sets standards for the accommodation and care of animals used for research, and lowering these standards would increase suffering among lab animals. Article 14 of the directive requires, where possible, animal experiments to be carried out under general or local anaesthesia. The removal of this requirement could greatly increase the pain and suffering of animals undergoing experiments.

Directive 1999/74 banned the use of barren cages for laying hens. Weakening it could change acceptable cage standards for laying hens, allowing the expansion of battery chicken farming through the back door. Regulation 139/2013 stops the importation of wild-caught birds for the pet trade. Its introduction across the EU in 2005 reduced the volume of wild bird trading to about 10% of its former level. In addition to increasing the risk of the importation of wild bird diseases such as avian flu, weakening the regulation could breathe new life into the trade in wild-caught birds, and renewed UK demand could provoke further devastation of wild bird populations in South America, Africa and Asia.

Finally, the Welfare of Animals (Transport) (England) Order 2006 set basic welfare conditions for the live transportation of animals. Weakening the order could see UK welfare standards for animal transportation fall below those of our neighbours in the EU. It would also mark the complete reversal of the UK Government's plans to increase welfare standards in transportation following Brexit—already stalled through the halting of the Animal Welfare (Kept Animals) Bill.

I turn to the conservation of rare and endangered wildlife and the precious habitats inhabited by vulnerable species. The Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017 include a crucial provision preventing any development that could adversely affect the integrity of our most precious nature sites. We have already seen this Government threaten our areas of outstanding natural beauty through scrapping protections when they fall in a so-called investment zone. Now, with this Bill, we face the prospect of a much more widespread weakening to allow unsustainable development to go ahead on or around important nature sites, even when it would cause damage to them. This damage could include more pollution reaching water habitats and the shrinking of terrestrial habitats. Nationally and internationally important nature sites on land and at sea in England, including Ashdown Forest, Braunton Burrows and Dogger Bank, will become more vulnerable.

Amendments 74 and 77 list the following laws that are part of the legal framework protecting our waterways from pollution: the Urban Waste Water Treatment (England and Wales) Regulations 1994; the Bathing Waters Regulations 2013; the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017; the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010; and the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018. Those regulations provide the legislative underpinning for efforts to protect and clean up our rivers.

The Urban Waste Water Treatment (England and Wales) Regulations 1994 are important for keeping up the pressure on water companies and developers to provide sufficient primary waste water infrastructure to meet the needs of urban areas, especially when they are growing. If those regulations end up weaker as a result of the Bill, there will be an increased risk of insufficiently treated waste water from urban areas spreading pollution across the fresh water network. Weakening the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 and the Bathing Water Regulations 2013 would undercut the measures that drive frontline organisations, especially water companies, to take holistic action to improve water quality.

3 pm

If we lessened that central impetus, progress on cleaning up our rivers could stall as important improvement measures become siloed. Weakening the Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018 and the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 would allow more agricultural pollutants in our rivers. These pollutants are devastating to freshwater wildlife; they reduce oxygen levels and, in areas where they are particularly concentrated, even kill fish outright.

Air pollution is a national health emergency. It results in an estimated 40,000 early deaths each year and costs the UK £20 billion annually. The Government already have a woeful record on this. They have repeatedly failed to act, and have delayed action to combat air pollution, despite losing numerous court cases. In September 2021, the World Health Organisation announced new, substantially stricter, clean air standards. Its new global air quality guidelines aim to save millions of lives, and it calls for clean air to be a fundamental human right. Conservative MPs repeatedly voted against incorporating WHO air quality limits in law after leaving the long-promised Environment Bill in parliamentary limbo for months. So much for raising standards after leaving the EU.

The National Emission Ceilings Regulations 2018, listed in amendments 74 and 77, drive policy analysis and interventions to meet the emissions caps set out in them. The slackening of that drive, through a weakening of the regulations, would likely reduce the pace and ambition of air pollution policies in the UK. The National Air Pollution Control Programme provides an illustrative example. It is built around the national emission ceilings; it reports progress towards meeting them, and sets out policy options to enable further progress. A weakening of those regulations would inhibit that catalyst for increasing ambition on air pollution policy and lead to ongoing air pollution and associated poor health outcomes. Members will be pleased to know that I have only got two more sets of these, and then I am finished.

Protections for the marine environment are maintained by the following illustrative regulations listed in the amendments: the Marine Strategy Regulations 2010; the Marine Works (Environmental Impact Assessment) Regulations 2007; and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. The Marine Strategy regulations oblige the UK Government to take steps towards achieving good environmental status, and to monitor and report on their urgently needed progress. If we weakened those regulations, we would reduce the obligation on the Government to make further progress towards GES, and to monitor and report on that progress. The policy imperative to recover ocean health would slacken.

Weakening the two environmental impact assessment regulations could loosen the requirements on those progressing marine projects to provide evidence of environmental impact in order to inform decision making, and could reduce the mitigation measures in projects that go ahead. That would increase harmful impacts from development on marine species and habitats.

The environmental impacts of pesticides are minimised, and habitats, wildlife, food and human health are safeguarded, by the sample of pesticides regulations listed in the amendments: the Plant Protection Products Regulations 1107/2009 and the Sustainable Use Directive Regulation (EC) 396/2005. Those two regulations provide against the weakening of plant protection, and if we scrapped them, it would lead to less stringent tests for pesticides before they are authorised for use in the UK, opening the door to more dangerous products in our fields, and, ultimately, our food. Weakening of the Sustainable Use Directive and Regulation (EC) 396/2005 would undercut efforts to curb pesticide harms and encourage the use of pesticide alternatives.

Altering those regulations could also undermine decisions previously made under them, such as the 2018 ban on non-emergency use of neonicotinoids, which, as everybody knows, are a type of chemical that inhibit bees and other pollinators. Changing the regulations would leave the legal status of decisions made under them open to question. Banned pesticides could inadvertently become legal to use once again, with adverse outcomes for human health and biodiversity.

Finally, I come to the Invasive Alien Species (Enforcement and Permitting) Order (2019), which is listed in the amendments. It is the only piece of legislation that works to prevent the introduction of invasive species. The damage done by invasive non-native plants, insects and animals includes the devastation of our native red squirrels by the introduced grey squirrel; and I must mention again the native white-clawed crayfish, for which I am species champion, and the severe impact caused to it by the American red signal crayfish. Other pieces of legislation regarding invasive species work only to prevent their spread, and do not contain powers to stop their introduction in the first place. If the order is made weaker, it would open a breach in the UK's defences against invasive species, which cause significant ecological and economic damage.

I have just talked about a sample of 20 regulations of the 570, and there are probably many more. That shows the work required if the Government's task is to be completed by the sunset date next December. It illustrates why we need to agree to the amendments, and future amendments; unfortunately, there were others that were not agreed to today.

Stella Creasy: I pay testament to my hon. Friend for working through that list, and for introducing us all to the concept of killer shrimp. I am sure that we will have nightmares about them, as we might about the legislation and the Committee sittings.

I hope that we can find common ground in Committee, because many of us have had to deal with the consequences of animal welfare legislation in our constituencies, particularly in relation to avian flu. As a local MP, I never thought that I would say regularly, "Don't touch the ducks!" but that has become a refrain in my community because of problems we have had with avian botulism and avian flu. That is why I am convinced that it is important we parliamentarians should understand legislation—just as we should the Schleswig-Holstein question—and the intricacies and details of the negotiations behind the laws that protect us.

I see that Regulation (EU) No 139/2013, which lays down the animal health conditions governing the importation of birds and their quarantine conditions, is up for deletion under the Bill. I know, however, that in Bosworth last year, Wealden earlier this year, and recently in Clwyd West, members of the Committee had the same experience and I have of bird flu in their constituency. They know about the importance of the regulation. We recognise the concern that if that regulation is simply torn up and no commitment is made to it, the means of addressing that very live issue in our communities is at stake. Consider the work that is done to protect our bird life, our wildfowl and other wildlife. In particular, consider the avian influenza prevention zones, which have had an impact in many constituencies across the House. All that work is underpinned by that EU regulation, so the idea of deleting it when we have such a live issue with bird flu in the UK causes concern.

My hon. Friend the Member for Leeds North West referred to the National Emission Ceilings Regulations 2018. Many of us will have seen the horrific case this week of the child who died in a damp property, but we also remember Ella Kissi-Debrah's death in February 2013, which was found to be caused by acute respiratory failure and severe asthma. As MPs we deal with such issues—damp, mould, air quality—and complaints about them daily. The retained European law has underpinned the regulations and standards to which we have held our local authorities and, indeed, our national Government. Nobody is saying that that is why we should not have left the EU—that has happened. We are simply saying

[Stella Creasy]

that deleting laws on such live issues without making a commitment to replace them creates uncertainty at a time when our constituents are asking for action on air quality and avian flu.

Anyone who has been an MP for any length of time also knows that when animal welfare issues come up in the House, our inboxes explode. It is an old chestnut. The Bill deletes all the protections offered on animal welfare, and brings back something that I have not seen since I was a teenager—not terrible '90s fringes or blue lipstick, but live animal exports. I never thought that we would have to debate that again in the House, because I thought that there was agreement that we would not see that practice return. The Bill, however, deletes the very laws that made that debate go away and made clear what we wanted to see as a country. The Minister may say to us that the Government have no plans to remove such laws, but at the moment, the only plan on the table is the plan to remove them. That is the challenge here.

My hon. Friend the Member for Leeds North West did an incredible job in setting out the range of laws at risk. Supporting the amendment would be the first step towards taking 3,500 laws, possibly more, that would need to be rewritten, off the table. There is common agreement. Perhaps I am naive, but I have yet to meet anyone in this place who wants to reinstate live animal exports, or battery farming for hens. Those are settled matters, and yet we will now have to find parliamentary time for them, unless we can pass the amendment and take those issues off the table.

I am sure that there were firm words among Ministers after the Statutory Instrument Committee that sat yesterday. My hon. Friend talked about REACH and the chemicals regulations. Those chemicals regulations, which were part of another piece of legislation, were not known to DEFRA officials. The Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for Taunton Deane (Rebecca Pow) said she knew that at least 800 pieces of legislation were up for grabs, but what that means in terms of the ability to do business next year, let alone in the years to come, is questionable. Taking major pieces of legislation off the table, including some that are not on the dashboard but we know will be affected by the Bill, will make the Government's life simpler.

I plead with the Government to see sense, if not for the ducks in my local park, Lloyd Park, which are struggling, then for the hens and sheep that were being exported when I was a mere 15-year-old. Involvement in politics was then just a glint in my eye, but I was getting up early to shout at the docks. Those issues are not contentious, because there is a commitment to animal welfare across the House. Why would we put them up for grabs? Why would we raise the prospect of reducing our standards, or having to spend parliamentary time to rewrite regulations on them? Why not take those regulations off the table and move on? The point of the amendments is to take off the table the things that we all thought were not contentious. I suspect that our environmental colleagues who are listening in will hear this loudly.

If the Government do not do this, they are sending a clear message that they want to put these issues up for grabs, revisit old arguments, and water down animal welfare and conservation regulations, with all the chaos that will come with that. So many laws such as planning laws rest on those regulations. That is quite apart from the fact that colleagues in DEFRA are having nightmares about the effect on those 800 laws.

I hope that the Minister will give us some more positive news. She did not really take up my offer to suss out which employment protections the Government will absolutely keep, so that my constituents could be confident in supporting her, but perhaps she will do so on the environmental protections, and will reassure us that the ducks are safe and the killer shrimps will be defeated.

Ms Ghani: Hon. Members will not be surprised to hear that I will reject amendments 74 and 77. It has been an absolute joy to hear a new shadow Minister, the hon. Member for Leeds North West, who shadows DEFRA. I have a couple of powerful responses to make to his points, but I will need time to go through them; as he knows, I am not a DEFRA Minister.

I do not understand why the Opposition are trying to create a huge amount of fear. Fundamentally, that comes from their standpoint of being part of the anti-Brexit brigade. We are simply trying to finally finish the process finally. As Members know, because I have said it many times, the Bill is enabling legislation. The measures in it, including the sunset, will provide for UK and devolved Ministers to make decisions to review, amend or repeal their REUL as they see fit. Where Ministers see fit, they have the power to preserve REUL that would otherwise be in scope of the sunset. That includes Ministers in the devolved Governments. There is no need to have specific exemptions. I am responding directly to amendments 74 and 77.

Secondary REUL that is outdated and no longer fit for purpose can be revoked or replaced. Such REUL can also be restated to maintain policy intent. As such, there is simply no need for any carve-outs for individual Departments, specific policy areas or sectors. REUL across all sectors of the economy in the UK is unfit for purpose, and it is right that it be reviewed and updated equally in all sectors and in the same timeframe.

A point was made about scrutiny. Departments will be expected to develop and deliver plans that outline their intention for each piece of retained EU law. The Brexit Opportunities Unit team will work with Departments to draw up those delivery plans and to ensure that the legislative process proceeds smoothly. The delivery plans will be subject to scrutiny via the internal Government or ministerial stock-take process. More information will follow, including on how to factor such processes into statutory instrument timetables.

There is no doubt that this is a considerable amount of work, but we do not enter politics or Government to be work-shy. The work will definitely be done. The sunset empowers all to think boldly about these regulations, and provides an impetus for Departments to remove unnecessary regulatory burdens.

Turning to amendment 77, the Bill will allow Departments to unleash innovation, and will propel growth across every area of our economy. The power in clause 15 to revoke or replace is an important, cross-cutting enabler of reform. Exempting regulations associated with environmental protections from the power will

reduce the genuine reform that the Bill sets out to deliver. The UK is a world leader when it comes to environmental protection. In reviewing our retained EU law, we want to ensure that environmental law is fit for purpose and able to drive improved environmental outcomes. We remain committed to delivering on our legally binding target to halt nature's decline by 2030. The Bill will not alter that. That is why we do not consider the proposed carve-out for environmental regulations to be necessary.

3.15 pm

In his splendid speech, the hon. Member for Leeds North West made a point about REACH and the Chemical Industries Association. There are no specific provisions in the Bill relating to UK REACH, so the Bill will have no impact on UK REACH policy—no impact separate from that of retained EU law. The Department for Environment, Food and Rural Affairs is working closely with the sector and non-governmental organisations to find an alternative transitional registration model that lowers the cost to industry of registrations while ensuring strong protection for human health and the environment.

A question was raised about the resources required to adapt the 100 pieces of retained EU law. DEFRA has already reformed retained EU law in key areas through flagship legislation such as the Environment Act 2021, the Fisheries Act 2020, and the Agriculture Act 2020. This Bill will make it easy to amend, repeal or replace retained EU law, so that we can build on that work. The Department is assessing where the new secondary powers should be used. That will inform our approach to resourcing.

I was asked how we will ensure that environmental regulations are protected. Under the Environment Act 2021, we are committed to delivering on our target to halt nature's decline. DEFRA aims to drive improved environmental outcomes while ensuring that regulators can deliver efficiently, so that the UK regulatory framework is appropriate and tailored to the UK. The Government have clear environmental and climate goals, set out in the 25-year climate plan and the net zero strategy respectively. Any changes to environmental regulation will need to support those goals.

A question was raised about habitat regulations. We have been clear about the importance of environmental protection across the UK, not least through our world-leading Environment Act, which includes that target to halt nature's decline by 2030. We are committed to meeting that target, and the Bill does not undermine that obligation. Earlier this year, we published a nature recovery Green Paper, which set out proposals to reform our system of protection, including habitat regulations.

The Government have always given animal welfare a high priority, and we have published an action plan setting out the breadth of work that we are undertaking. Our action plan sets out our main priorities, but is not exhaustive. We intend to deliver reforms through all available means. I could go on about all the work done in DEFRA, but that will not appease the Opposition. I fundamentally believe that they do not think that we need to deliver on the final part of Brexit.

A question was raised about water quality, which the Government are committed to protecting and enhancing. Retained EU law reforms will not come at the expense of our high environmental standards. Our Environment Act has strengthened regulation since we left the EU. We have consulted on legally binding targets for the water environment, covering pollution from waste water, agriculture and abandoned metal mines, and on reducing water demand.

I do not have a specific response on killer prawns or shrimp, but the appropriate Department will no doubt want to speak to the hon. Member for Leeds North West at length on protecting the environment from them. It is up to Departments and devolved Administrations to decide what they will do on specific policies; the Bill creates the tools for those Departments. Plans will be approved by a Minister of the Crown, or the devolved authority where appropriate, and will be shared when ready, given that this is an iterative and ongoing process. I ask the hon. Gentleman to withdraw the amendment.

Alex Sobel: The Minister's response reflects the scale of the task at DEFRA. Just last week, a question was asked of DEFRA on the topic of pesticide regulations. The Minister for Food, Farming and Fisheries responded:

"We are currently working through Defra's REUL to identify the actions we intend to take before the sunset date."

I think the scale of the task is reflective of what is before DEFRA. From what the Minister has said, I am looking forward to this huge army of new civil servants who are going to arrive in DEFRA and do all this work before December 2023. We are just trying to retain and carve out some of the most important pieces of legislation—the ones the public will be most concerned about in terms of the regulation that they see as protecting them in their everyday life.

Paul Blomfield: My hon. Friend will be aware that the former Secretary of State for DEFRA, the right hon. Member for Camborne and Redruth (George Eustice), bitterly fought the right hon. Member for North East Somerset (Mr Rees-Mogg) in Cabinet in opposition to the sunset clause, and was worried about the impact on the Department and its capacity to deliver on it. Does my hon. Friend think that is because the right hon. Member for Camborne and Redruth had real concerns, or is it, as the Minister suggested, because he was workshy?

Alex Sobel: It was interesting to see the proclamations by the right hon. Member for Camborne and Redruth on various aspects. I mentioned the Australia trade deal in my speech, and last week the right hon. Member was very derogatory about the terms of that trade deal for the UK and UK farmers. We are now hearing from him what really happened behind the scenes, and we are going to see an unfurling of some of the work that took place and the disagreements around the Cabinet table. I do not want to prejudge the speech of my hon. Friend the Member for Ellesmere Port and Neston, but we might hear about some of the consequences of the Government carrying on with this Bill. We might see some of the same commentary as that from the right hon. Member for Camborne and Redruth from other Members who have left ministerial offices. We have had a lot of churn recently, have we not?

Stella Creasy: Does my hon. Friend think this is also a live issue for current DEFRA Ministers? In the Delegated Legislation Committee yesterday on the Persistent Organic

[Stella Creasy]

Pollutants (Amendment) (EU Exit) Regulations, the Minister was not able to say what would happen with them, given that the regulations are based on legislation that is not on the dashboard in some areas and on it in others. She could not give a commitment as to what would happen to those regulations post 2023. As DEFRA has most of the regulation, does he think that DEFRA Ministers probably have the most to offer in terms of understanding why taking some of these regulations off the rule book altogether would make life a lot simpler for them?

Alex Sobel: I do not want to rehash the debate we have already had, but we were talking about maybe as many as 500 or more regulations not currently on the dashboard, with effects that we cannot predict. I would not want to be a Minister in the Government staring down the line at that, but that is exactly what Ministers in DEFRA are doing, so they have my sympathy in that regard.

The 20 sets of regulations that we want to carve out represent a small fraction of the canon of DEFRA legislation that the Bill could sweep away at the end of next year or leave at risk of being weakened. Amendments 74 and 77 list only a tiny sample of the protections that could be swept away because of the reckless and incompetent approach the Government have chosen to take with this Bill. There are hundreds of items of retained environmental law, in a complex web sitting within and alongside domestic legislation, some with significant case law attached to them. The Minister is making the argument that the amendments are unnecessary, but I am looking to the future progress of the Bill and seeing how that will unfurl and how many of these Bills will potentially be swept away, whether by the present set of Ministers or those who might follow.

Question put, That the amendment be made.

The Committee divided: Ayes 7, Noes 8.

Division No. 4]

AYES

Blomfield, Paul	Madders, Justin
Creasy, Stella	O'Hara, Brendan
Glindon, Mary	
Grant, Peter	Sobel, Alex

NOES

Bacon, Gareth	Jones, rh Mr David
Evans, Dr Luke	Morrissey, Joy
Fysh, Mr Marcus	Nici, Lia
Ghani, Ms Nusrat	Randall, Tom

Question accordingly negatived.

Justin Madders: I beg to move amendment 75, in clause 1, page 1, line 9, at end insert—

"(2A) Subsection (1) does not apply to the following instruments—

(a) The Civil Aviation (Denied Boarding, Compensation and Assistance) Regulations 2005,

(b) Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations,

(c) The Consumer Rights (Payment Surcharges) Regulations 2012,

(d) The Electrical Equipment (Safety) Regulations 2016,

(e) The Toys (Safety) Regulations 2011,

(f) The Control of Asbestos Regulations 2012,

(g) The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015,

(h) The Cocoa and Chocolate Products (England) Regulations 2003,

(i) Commission Regulation (EU) No 748/2012 of 3 August 2012,

(j) The Representation of the People (England and Wales) Regulations 2001, and

(k) The Bauer [C-168/18] and Hampshire [C-17/17] judgements."

This amendment would exclude certain retained EU law which provides for consumer protections from the sunset in subsection (1).

The Chair: With this it will be convenient to discuss amendment 78, in clause 15, page 17, line 5, at end insert—

"(1A) Subsection (1) does not apply to the following instruments—

(a) The Civil Aviation (Denied Boarding, Compensation and Assistance) Regulations 2005,

(b) Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations,

(c) The Consumer Rights (Payment Surcharges) Regulations 2012,

(d) The Electrical Equipment (Safety) Regulations 2016,

(e) The Toys (Safety) Regulations 2011,

(f) The Control of Asbestos Regulations 2012,

(g) The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015,

(h) The Cocoa and Chocolate Products (England) Regulations 2003,

(i) Commission Regulation (EU) No 748/2012 of 3 August 2012,

(j) The Representation of the People (England and Wales) Regulations 2001, and

(k) The Bauer [C-168/18] and Hampshire [C-17/17] judgements."

This amendment would exclude certain legislation which provides for consumer protections from the power to revoke without replacement in subsection (1).

Justin Madders: Now that we are done with the forces of nature, I will take Government Members to the edge of panic again with more of what they will consider to be scaremongering—this time, about consumer rights. We are not trying to worry anyone; we are just trying to protect the rules that are already in place.

Amendment 75 prevents key consumer regulations and legislation from falling off a legislative cliff edge in a little over a year's time, and amendment 78 removes them from the scope of the powers to revoke without replacement in section 15 of the Bill. To be clear, neither of the amendments is designed to tie the hands of the Government; in fact, they could be seen as doing the opposite. Leaving barely a year to process all the retained EU law could be seen in itself as tying the hands of the

Government, although they seem very comfortable with that at the moment. The amendments remove the hard deadlines for these key pieces of legislation, preventing them from being removed without replacement or being watered down. That will free the Government to find ways to improve upon these rights in a considered manner, and—as was argued during the referendum campaign—make the most of our freedom to move beyond EU regulations to better and more appropriately protect consumers' rights. I cannot see how Conservative Members could oppose these amendments, but I have a feeling that we may again be disappointed.

Paragraphs (a) to (k) of amendment 75 deal with only a fraction of the consumer rights that come under the scope of the Bill. However, these are some of the most important rights to our consumers and constituents, and their presence on the list of rights subject to the sunset date will no doubt cause unnecessary uncertainty. Taking a lead from my hon. Friend the Member for Leeds North West, I will go through some of the legislation we are seeking to protect—I will probably not take quite as long as he did, but I will do my best.

First, the Civil Aviation (Denied Boarding, Compensation and Assistance) Regulations 2005 enact EU regulations that uphold rights in the commercial aviation sector. Its provisions include the right to compensation when flights are cancelled or delayed or boarding is denied, and giving priority to passengers who have a disability. I ask the Minister: are those rights meaningless red tape? They are important protections for Britain's air passengers and should be maintained, not under the threat of being sunsetted in a year's time without any replacement.

Of course, it is not just the protection of air passengers' rights that falls under that sunset date. Key protections for Britain's rail passengers are also included in the retained law that implements regulation 1371/2007 of the European Parliament and the Council. It contains provisions that impact all aspects of taking a train in the UK, including, rather topically—I am sure many Members will be aware of this—stipulations on passengers' right to receive compensation, and the amount of compensation they are entitled to, when a train is delayed or cancelled in the form of the Delay Repay system. That system is probably getting more visits than the Government's retained law dashboard at the moment. The regulation also contains important rights to accessibility assistance at platforms and on train services, maintaining a lifeline for many of the people who rely on that form of transport. Why can the Government not accept that those rights should be retained?

Paragraphs (c), (d) and (e) of amendment 75 are all examples of how retained EU law protects the rights of our high street shoppers on a daily basis. The Consumer Rights (Payment Surcharges) Regulations 2012 prevent shops from imposing surcharges that go beyond the coverage of costs; the Electrical Equipment (Safety) Regulations 2016 are technical and sweeping, yet are crucial in protecting consumers from unsafe electrical equipment by setting standards for the testing of products and the voltages of appliances; and the Toys (Safety) Regulations 2011 impose minimum safety standards on products sold for children's consumption.

The amendment does not only name consumer protections that maintain high-quality standards on products and services; it also deals with how to deal with disputes under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015. Under those regulations, consumers have a clearer route for out-of-court settlements when they have a dispute over a product. In essence, they facilitate, through an impartial body, the ability to claim compensation. Given the amount of litigation that this Bill will generate, it is a good idea to continue to divert people away from the court process if an alternative is possible.

3.30 pm

Perhaps a humbler regulation is the Cocoa and Chocolate Products (England) Regulations 2003. These regulations serve an important function, defining a popular good that is loved by many—possibly too much by some of us—and stipulate that its contents ought to be labelled. Such pieces of legislation are at particular risk because they are not the big-ticket items that have been discussed at some length, and they could slip under the radar and straight off the statute book at the end of 2023. Including those regulations and others in the amendment will hopefully ensure that we are not left with holes that we do not want at the end of the year.

Moving away from consumer-oriented legislation, we have the Control of Asbestos Regulations 2012. It is astonishing that we have to have a debate about whether regulations that stipulate how to handle a material as dangerous as asbestos should be placed under threat of revocation and on a legislative cliff edge. It would be easy, and most welcome, for the Minister to acquiesce and prevent this important piece of legislation from falling off the statute book.

What about airworthiness? Does the Minister agree that that is also an important safety matter? While the laws that set the standards and certificates for aircrafts and their parts are contained in the retained body of EU law under Commission Regulation (EU) No 748/2012, clearly a form of this legislation will be needed to enable aircraft to keep flying from the UK to the EU. Therefore it makes sense to include it within this amendment. Why would we want to remove a piece of legislation that will clearly be vital moving forward? *[Interruption.]*

The final pieces of retained EU law listed in this amendment are the Bauer and Hampshire judgments and the Representation of the People (England and Wales) Regulations 2001. Like most of the regulations listed in this amendment, they are deeply significant regulations. The former are rulings that build on each other to protect workers' pensions in the case of an employer becoming insolvent and placing them at risk of poverty. We would be extremely concerned to see that go. The latter contains important regulations guiding our elections, including—quite topically—the use of postal votes. It is testament to how calamitous the whole situation is that the Government do not even know what elements of that legislation are contained in retained EU law. Given how important this matter is, it stands to reason that there should be a clear understanding as to what parts will be impacted by the sunset, yet the Department for Levelling Up, Housing and Communities could not confirm exactly what is included in its entry on the retained EU law dashboard. The Government are not only placing these regulations at risk, but doing so in such a manner that even Government Departments are unable to say what is and is not covered.

That is why this amendment is important. These 11 pieces of legislation, on top of the previous 25-plus environmental and employment protections, have important, distinct and vital implications for everyday life. Most people probably do not even know that they exist yet, but they affect everyone's lives every day. We should not allow the risk that they could be removed. We have spent much of the day arguing that the Government ought to actively choose what they want to see covered by the sunset, as opposed to their strategy of sitting on their hands, allowing things to fall by default and hoping that no one notices that key protections are lost. Through this amendment and others, we are offering the Government an opportunity to reconsider this flawed approach. It is another opportunity to send a strong signal that the Government actually care about the protections that people value—about consumer rights, the environment and employment rights.

There is a choice here: Members can vote this down—as they probably will do—and place these important regulations in a form of purgatory, or they can vote for the amendments, remove them from the sunset and allow for a reasoned and considered process that ensures the vital protections enjoyed by our constituents will remain. If the Government are serious about their claim to be strengthening the protections and making the most of the opportunities facilitated by exiting from the EU, they will surely see that the amendment is nothing for them to fear at all.

Stella Creasy: We come to a list of things that surely leads Members of different parties to think, "Of course we're going to retain these pieces of legislation. Why even give it a second glance?" I am absolutely confident that Government Members will say to us, "Don't scaremonger. Of course people will still be able to get compensation if their flight is delayed." The trouble is that we do not have from the Government anything like a list of what will exist post 2023. That is the challenge, as these are probably the pieces of legislation that our constituents rely on most of all, because they deal with people's everyday transactions. They are matters about which people get extremely agitated, because it feels incredibly unfair if someone's flight is delayed or they suddenly discover that they have bought something that is faulty. People expect to be able to get redress as a matter of course.

In a former lifetime, I had the sheer joy of being the shadow consumer Minister. I encourage all Members to come shopping with me—if nothing else, most employers try to get me out of the shop quickly by offering a very good deal by the end of the transaction, because I was involved in writing the Consumer Rights Act 2015. These sorts of requirements shaped that piece of legislation, and they did so with good reason, because where is the partisan argument about the Electrical Equipment (Safety) Regulations 2016? We may disagree about the impact of workers' rights on our economy—clearly, we do. Government Members did not want to save bank holidays, and that is their call, but surely we all agree that somebody should be able to plug in a toaster and not have it blow up or cause them harm, and that having regulations is not onerous but sets a level playing field. Most businesses, which are good actors, want to be confident that they will not be undercut by somebody selling faulty goods.

I know that the hon. Member for Bosworth will be relieved to hear that the regulations do not cover charging cables for phones and iPads—so they can play as much music as they like. However, they do cover whether goods are of a certain standard. Having goods of a certain standard is surely not something that we want to put up for grabs, because if we do, over the course of the next year—assuming that we find time for all the DEFRA pieces of legislation and for working out whether workers' rights will be replaced or changed—we will then have to find time to deal with all these pieces of legislation.

Members may feel more strongly about some pieces of legislation than others. As I say, not being able to get a refund when someone has been mis-sold something, or has experienced a delay, is a cause of high concern for many people. Often, it is something that they will come to their Member of Parliament about, so I would not want to be the MP explaining that I had deleted people's right to compensation and did not know what was going to come next. I would be giving a green light—unusually for some of these companies, because many of them operate with red lights.

Justin Madders: It just strikes me that the idea of someone coming to their Member of Parliament and saying, "This isn't what we asked for, and we would like a refund," is what we are dealing with in the Bill. I do not think that many people who voted to leave the European Union voted to remove all the laws that we are talking about.

Stella Creasy: I would certainly be happy to refer them to any consumer champion, because I think they would have a very strong case that they were not getting compensation in reasonable time and in a reasonable format, which is obviously what the Consumer Rights Act—it is a piece of UK legislation, but it echoes the requirements—does.

There are other things on the list, which is not comprehensive but is authoritative—after all, we have been told that that is acceptable—about the sorts of things that surely we should all want to put beyond doubt, such as when people's pensions are at risk. We have all had cases in our constituencies of pensioners whose pensions were put at risk. They may have worked for companies that went bust, and now they need protection. I absolutely want to take up the challenge about not frightening vulnerable people. The pension protection fund itself would not disappear, because that is part of UK legislation, but the challenge is that the Bauer and Hampshire judgments set out what that fund can do. The issue is not that there would not be someone to whom we could refer our constituents, but let us be clear: if we delete the relevant legislation and do not replace it, that organisation will start to query what it can do to help our constituents. That may mean that they end up with a lower level of compensation.

It could be the same when it comes to people having their flight or train delayed. The Delay Repay claims have given most people a level of certainty and confidence about their travelling, and I think we all want to see that reinforced—we all think people should have a fair deal. Why would we therefore spend parliamentary time rewriting something that works? Why would we put up for grabs the amount that people can be charged for using a debit

card, when many of our constituents are trying to use them to manage their finances because there is too much month at the end of their money? Why would we do that?

Why would we again put the content of chocolate up for grabs? Come on. We have seen what happened to Cadbury; we have all tasted the difference. Anyone here knows the limitations of Hershey. Yet here we are again, rewriting laws that we brought in to protect things so that consumers could have confidence and go about their business every day. That is the point about all this. It is not about leaving the EU; that has happened. It is not about an objection to leaving the EU; that debate has happened. It is about an objection to deleting laws we all agree on, and the waste of time that the legislation creates, especially in terms of consumer protection.

Again, I offer the hand of friendship to the Minister, although I am sure she will bite it off with glee at this point in the afternoon. If she can tell us precisely what will replace the regulations listed in the amendment, and commit that our constituents will retain the protection of those standards, she will have my support. That is the purpose of the amendments. If she can tell us what will happen to the Representation of the People (England and Wales) Regulations 2001, she will have our support, because people want that certainty. The parts of EU law to which the amendment relates refer to those bits of everyday life where people do not want the headache of uncertainty. I hope that the Minister will take up that offer, finally, as we consider the third list of regulations.

Now that we have been through some of the laws in question, I hope the Minister's colleagues understand what is at stake. This might be a process, but we must remember the impact of it and the uncertainty that it creates. There is a risk that Ministers and MPs will sign off a piece of legislation only to find themselves having to explain to their constituents, "Ah yes, I was told that there wouldn't be a dilution of your rights to compensation, but the Minister came forward with a change and, like with those pesky EU regulations I said I could not amend, the Minister has told me that I've got to like it or lump it." Remember, the Bill does not offer any scope for amendment. I do not think Conservative Members would want to be in that constituency surgery explaining to somebody that, if they have been done over by Mastercard, they have been done over, or that their chocolate will have to taste bitter. That would be a bittersweet conversation.

Ms Ghani: I urge the Committee to reject amendments 75 and 78. The issue of scrutiny has come up again, and I find myself repeating that, as well as the dashboard, Departments will be expected to develop a delivery plan to outline their intention for each piece of retained EU law. I will try to go through each of the points raised to satisfy some of the questions.

A question was raised about electrical equipment and toy safety. Our current product safety framework is largely a mix of retained EU law, domestic law and industry standards. As a result, it can be complex and difficult to understand. The Government remain committed to protecting consumers from unsafe products being placed on the market now and in the future. Although the Bill is unlikely to give us the powers needed to implement a new framework, we hope that the powers in it will make it possible to amend or remove outdated EU-derived regulations and give us the ability to make some changes to reduce burdens for business.

Justin Madders: Can the Minister give us some examples of those outdated regulations?

Ms Ghani: That is the beauty of each Department putting together their delivery plan. Their own teams will be able to put forward the pieces of REUL that they will assimilate, update or remove. That is the beauty of the programme; it works across each Department.

A question was raised about consumer disputes. The Government are committed to a consumer rights framework that protects consumers and drives consumer confidence, while minimising unnecessary cost to business. Core consumer protections, as set out in the Consumer Rights Act 2015, remain unaffected by the REUL Bill. The Government will maintain their international commitments on consumer protection. We will bring forward proposals to address REUL that impacts consumer protection using the powers in the Bill or other available legislative instruments. The UK regime sets some of the highest standards of consumer protection in the world, and this will continue to be the case.

3.45 pm

A question was raised about aviation. As a former Transport Minister, I know that the Department for Transport is working very hard, including on trying to achieve net zero for aviation and maritime. Both plans are world leading, including in Europe. The powers in retained EU law are wide enough to allow us to maintain comprehensive provision in an area for compensation—for example, for preserving or restarting the provisions of this legislation. The Department for Transport published a consultation on reforming aviation consumer protection in January 2022, which includes proposals on enforcement of aviation consumer protections, redress for breaches of consumer rights, and reforms to compensation for delays and damage to wheelchairs and other mobility equipment.

An issue was raised about disability. As the Minister responsible for disability in Transport, I put together the transport accessibility plan, which was the world's first in achieving the UN goal of giving disabled passengers access to public transport. I did not need the EU; the UK was quite prepared to be the first and to respond to the UN. Once again, there is nothing to be afraid of. There is much to be proud of here in the UK.

An issue was raised about the 2012 asbestos regulation. Asbestos is of course the biggest cause of work-related death, and the question was raised whether the Bill reduces workers' protection from exposure. The Government will continue to honour our commitment to protecting workers' rights in matters of health and safety in the workplace. Managing the legacy asbestos exposure risk in workplaces across Great Britain remains a key part of that, ensuring, importantly, that duty holders actively manage the asbestos risks in their buildings.

The Bauer judgment was raised. The UK has a strong record of setting high standards on workers' rights, and we have been clear that we will continue to ensure that rights are protected. However, the Department for Work and Pensions does not intend to implement

the Bauer judgment through the benefits system, as it is a European Court judgment that does not fully align to the UK private pension protection scheme.

The Hampshire judgment was also raised. The Hampshire judgment is a clear example of where an EU judgment conflicts with the United Kingdom Government's policies. Removing the effects of the judgment will help to restore the system to the way it was intended to be.

Stella Creasy: Will the Minister give way?

Ms Ghani: As I mentioned earlier, it is up to Departments and devolved Administrations as to what they would do on specific pieces of policy. The Bill creates the tools for Departments. Plans will be approved by a Minister of the Crown—I know that Opposition Members object to that—or a devolved authority where appropriate, and will be shared when ready, given that this is an iterative process that is still ongoing. I therefore ask the hon. Member for Ellesmere Port and Neston to withdraw the amendment.

Justin Madders: I think we got a real mix there of things that the Government intend to continue with, but also—I am particularly concerned about how this relates to the Bauer judgment—things that they do not wish to continue with. But the underlying theme, the stock answer or explanation, was that Departments will put forward their delivery plans in respect of these REULs in due course, and that simply is not good enough.

Stella Creasy: Given that the Minister would not let me intervene on her earlier, I want to clarify that she appeared to give us our first piece of evidence about what the Government intend to do with this Bill, when she said that they do not intend to continue with the Bauer and Hampshire judgments, which require pension protection funds to pay out half the value of people's pension if their employer goes bust. Does my hon. Friend agree that we have finally seen, for the first time today, what the consequences of this legislation are? That is why we are all so worried: because protection for employees is being withdrawn by this Government. The Minister has just confirmed that—perhaps she wants to intervene to say that that is not the case, although that is what she said, and she does not look like she is about to get up. Does my hon. Friend therefore agree that at least now we have seen why we should all be so worried by this legislation?

Justin Madders: I thank my hon. Friend for that intervention. It has taken us perhaps five or six hours to get to that point. We now finally see why we are right to be concerned about this process, why it is important that we put in proper scrutiny safeguards, and why we want to see certain pieces of legislation exited from the Bill so that they are not lost. Pension protection is an important issue. My predecessor, the late Andrew Miller, did an awful lot in that regard when he represented Ellesmere Port and Neston. An awful lot of people in my constituency have benefited from the Pension Protection Fund. If we are to see a reduction, we will no doubt explore that with the relevant Department. For now, we will do our bit to protect these regulations and the others mentioned in the amendment by pressing it to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 9.

Division No. 5]

AYES

Creasy, Stella	Madders, Justin
Glindon, Mary	O'Hara, Brendan
Grant, Peter	Sobel, Alex

NOES

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

Question accordingly negatived.

Ms Ghani: I beg to move amendment 2, in clause 1, page 1, line 10, after "instrument" insert—

", or a provision of an instrument,".

This amendment and Amendment 3 provide that the revocation of a provision of an instrument does not affect any amendment made by the provision to any other enactment.

The Chair: With this it will be convenient to discuss Government amendments 3 and 4.

Ms Ghani: As hon. Members know from this morning, the clause is the backbone of the Bill, ensuring that EU-derived subordinate legislation and retained direct EU legislation will all be removed or reformed by 31 December 2023. Specifically, the amendment will ensure that the Bill's sunset does not impact on amendments to primary legislation inserted by retained EU law that is now in scope of the sunset. As drafted, the Bill provides for that to be the case only where an entire instrument is revoked by the sunset. This Government amendment provides that the revocation of a particular provision of an instrument does not affect any amendment made by the provision to any other enactment. Sunsetting amendments to primary legislation is not our aim with the Bill. We clearly rule that out of the Bill's scope. I ask the Committee to join me in voting for the amendment.

Turning to Government amendment 3, further clarity is required to ensure that, where the preservation power under clause 1(2) has been exercised, it is REUL as it exists at the time of the sunset that is preserved. Without amendment 3, there is a risk that modifications to a piece of REUL made after it has been preserved, but before the sunset date, would unintentionally be subject to the sunset. The amendment will ensure that the modification is also preserved. As such, it is minor and technical but ensures the necessary clarity that REUL is preserved as intended, with necessary amendments or restatements.

Peter Grant: The Government have admitted that, even before we decide on clause 1, three important parts of what the Minister described as a fundamentally important clause need to be amended, because the

Government got it wrong. How can we be confident that, in less than a year, 4,000-plus statutory instruments will be amended, revoked or replaced without similar mistakes being identified when it is too late and the defective legislation is already in place, with no other choice but to amend them in a Public Bill Committee?

Ms Ghani: The hon. Gentleman might have been in Parliament longer than I have and might have sat on Committees longer than I have, but it is not unusual to amend pieces of legislation in Committee. I have known that in legislation from many Departments. It is not unusual; it is just the process that we are in.

Stella Creasy: Will the Minister give way?

Ms Ghani: Government amendment 4 clarifies the power to make transitional provisions for the sunset. Transitional provisions are provisions that regulate transition from the existing law to the law as it will be amended by the Bill. For instance, transitional provisions could be made to ensure that laws that fall away after the sunset will continue to apply to certain types of ongoing contracts after the sunset date if the contracts were entered into on the basis of those laws applying. Consequently, the amendment ensures consistency for businesses and citizens following the sunset's effects. That is highly important, given the role the Bill will play as a key driver for growth. I trust that Committee Members will support consistency and growth for British business and citizens, and I ask them to support these amendments.

Justin Madders: I will not speak for long. Will the Minister explain what the procedure will be, particularly for dealing with amendments to regulations under Government amendment 4? That is important. I think I understood the Minister's train of thought, but if she could explain what that process will be and what opportunity there will be for parliamentary scrutiny, I would be grateful.

Stella Creasy: The Minister is not allowing questions, so will she provide clarification? It is absolutely normal to have amendments to legislation, but it is not normal to delete all the legislation and then try to amend in a lacuna. Will she clarify whether she recognises that these amendments need to be put forward because the legislation, as currently drafted, is not correct? She will know of other legislation that has had to be drafted—indeed, statutory instruments have come forward. What provision—what backstop or safety net—is in place, should something be deleted and should a change need to be made by this legislation in that absence? Will that law remain on the statute book, or will we simply see potentially thousands of amendments needing to be made but no legislation to be amended? If the Minister could take questions, she could probably reassure all of us on these questions. I do not think they are unreasonable ones to ask—she has raised the point.

Peter Grant: Before the comments from the hon. Member for Walthamstow, the Minister thought she was winning the argument. She said that there was nothing unusual in legislation having to be amended by the Government in Committee. That is exactly the problem. It is not unusual; in fact, it is almost inevitable. It is happening so many times in this 23-clause Bill, which runs to 30-something pages, but we are expected to believe that anything up to 4,000 pieces of legislation can be wiped out and that they will all be properly and adequately replaced, when this Public Bill Committee stage, which is allowing the defects in the original Bill to be corrected, will be removed from all of them. That is why this is such a reckless and cavalier way to go about changing the laws of these islands. We are not talking about one or two pieces of secondary legislation being introduced to replace or amend what was there before. We are talking about thousands of pieces of legislation needing to be enacted to replace a blank set of paper—in order to replace complete anarchy. Does the Minister now understand that that is why, with the best will in the world, the civil servants will not get them all right? If we go ahead with clause 1 and the rest of the Bill, as the Minister insists, there will be defects in the legislation that is put in place. Bits will be missed out that no one wanted to miss out. Businesses will suffer as a result.

Ms Ghani: Another question about scrutiny. Thank goodness that we are having this debate and legislating in the UK, where there is an opportunity to scrutinise and have everything on record in *Hansard*.

Let me go through the process again. Departments will be expected to develop a delivery plan, which will outline their intention for each piece of retained EU law. They will be supported by the Brexit Opportunities Unit. There will be a huge amount of outreach and stock-take process in place. To go through the process further, the Bill will obviously go from here to Report stage and then to the House of Lords. There will be a huge amount of scrutiny throughout. Once the Bill receives Royal Assent, work on reform will continue in Departments. They will review their retained EU law, prioritise areas for reform and lay statutory instruments where appropriate. That process may include designing policy and services; conducting stakeholder consultations; drafting impact assessments; or supporting individuals who may be impacted by any such reform. That is the level of work that we always conduct when we are legislating.

On the question about the statutory instrument programme, and how the House will have sight, the Government recognise the significant role that Parliament has played in scrutinising instruments to date and are committed to ensuring the appropriate scrutiny of any legislation made under the delegated powers in the Bill. The Bill will follow the appropriate scrutiny procedures as it progresses through Parliament. It is right that we ensure that any reforms to retained EU legislation receive the proper scrutiny from the relevant legislatures and are subject to the proper processes for consultation and impact assessment.

Once the Bill receives Royal Assent, work on reform by Departments will continue. They will review their retained EU law, prioritise areas for reform and lay SIs before Parliament where appropriate. A sifting procedure has been included to ensure that Parliament can assess the suitability of the procedure used for SIs. Parliament can recommend stronger scrutiny procedures as needed. I hope that is thorough enough.

4 pm

Amendment 2 agreed to.

Amendments made: 3, in clause 1, page 1, line 11, after "instrument" insert "or provision".

See the statement for Amendment 2.

Amendment 4, in clause 1, page 2, line 3 at end insert—

"(6) Any reference in regulations under subsection (2) to an instrument or a provision of an instrument is, unless otherwise stated, to the instrument or provision as it subsists immediately before the time when the revocation under subsection (1) would otherwise apply in relation to it." *—(Ms Ghani.)*

This amendment clarifies that the effect of regulations under subsection (2) exempting an instrument (or a provision of an instrument) from the sunset is to exempt that instrument (or that provision) as it subsists immediately before the sunset.

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

Peter Grant: I do not want to detain the Committee much longer, but I cannot support clause 1. It is not just about me not accepting that this Parliament has the right to take my people out of an international union that they voted to be part of. It is about the fact that even if we accept that there is no way back into the European Union—even if we accept that Brexit has to be a process of substantially distancing ourselves from it—this is not the right way to go about it.

It is perfectly possible, as others have said, to set up a process that allows retained EU law that gets in the way to be revoked, repealed or amended, but that allows good EU law to be maintained and adopted into domestic legislation, without running the risk of having to start from a blank sheet of paper and replace 40-years of legislation in the space of a few months.

The briefing paper to the late Queen's Speech that the Government produced to set out the background to the Bill talked about using the Bill to assert the sovereignty of Parliament. Well, quite clearly, the Government do not understand that this Parliament never has exerted, and never will exert, sovereignty over the people of Scotland. If the Bill was to progress with clause 1 as it is, it would not be asserting the sovereignty of Parliament; it would be asserting the sovereignty of the Prime Minister and the Government Chief Whip. They will decide what goes in the legislation, they will decide who presents that legislation to Parliament and they will decide what Minister gets the boot if they do not support the necessary changes. That is not about the sovereignty of Parliament; it is about the sovereignty of the Executive—of the Prime Minister and Chief Whip in particular.

If we look at that briefing on the important aspects of the Bill, we see red flags all over the place because it is about short-circuiting the parliamentary process. The Government's own assessment is that, if we were to take this retained EU law through a proper process of parliamentary scrutiny, it would take decades to get through. I am not necessarily saying that we should wait decades for the process to be completed. But taking a process of decades—by implication, that is 20 years at least—and squeezing it into a single year, and especially a single year when the Government are dealing with the impacts of the war in Ukraine, the after-effects of covid and the worst cost of living crisis in living memory, is not a responsible way for the Government to make legislation.

I will be opposing clause 1. If people believe that that will wreck the Bill, then this is a Bill that has to be wrecked. The Government have to be told to go back and bring forward a Bill that achieves what most Members in this House now seem to want, but that does so in a way that does not expose all of us—and those who elected us—to risks that we cannot yet even identify because they could come out of legislation that nobody here knows exists. It would be madness to repeal a piece of legislation that we do not even know is there.

Ms Ghani: The people of the UK voted in overwhelming numbers for an end to undue EU legal influence. The clause establishes a way to finally excise that influence. I move that it stands part of the Bill.

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

The Committee divided: Ayes 9, Noes 6.

Division No. 6]

AYES

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

NOES

Creasy, Stella	Madders, Justin
Glindon, Mary	O'Hara, Brendan
Grant, Peter	Sobel, Alex

Question accordingly agreed to.

Clause 1, as amended, ordered to stand part of the Bill.

Clause 2

Extension of sunset under section 1

Justin Madders: I beg to move amendment 72, in clause 2, page 2, line 5, leave out "Minister of the Crown" and insert "relevant national authority".

This amendment provides devolved assemblies the power to make the decision to delay the sunset of legislation, and not just a Minister of the Crown.

The Chair: With this it will be convenient to discuss the following:

Amendment 31, in clause 2, page 2, line 8, at end insert—

"(1A) Subsection (1) has effect in relation to provision which is within the competence of the Scottish Ministers as if, after "A Minister of the Crown", there were inserted "or the Scottish Ministers".

(1B) A provision is within the devolved competence of the Scottish Ministers for the purposes of this section if—

(a) it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament, or

(b) it is provision which could be made in other subordinate legislation by the Scottish Ministers, the First Minister or the Lord Advocate acting alone."

New clause 5—*Extension of sunset to 2026 under section 1 by Scottish Ministers*—

"(1) The Scottish Ministers may by regulations provide that section 1, as it applies in relation to a specified instrument or a specified description of legislation within section 1(1)(a) or (b), has effect as if the reference in section 1(1) to the end of 2023 were a reference to a later specified time.

(2) In subsection (1) "specified" means specified in the regulations.

(3) Regulations under subsection (1) may not specify a time later than the end of 23 June 2026."

This amendment would give the Scottish Ministers a power to extend the sunset date for devolved retained EU law equivalent to that conferred on a Minister of the Crown by Clause 2 of the Bill.

New clause 6—*Extension of sunset to 2029 under section 1 by Scottish Ministers*—

"(1) The Scottish Ministers may by regulations provide that section 1, as it applies in relation to a specified instrument or a specified description of legislation within section 1(1)(a) or (b), has effect as if the reference in section 1(1) to the end of 2026 were a reference to a later specified time.

(2) In subsection (1) "specified" means specified in the regulations.

(3) Regulations under subsection (1) may not specify a time later than the end of 23 June 2029."

This new clause confers a power on the Scottish Ministers to modify the date that the revocation of EU-derived subordinate legislation and retained direct EU legislation may take effect, to a date no later than 23 June 2029.

Justin Madders: I will not detain the Committee long. We have ventilated a lot of the arguments about amendment 72 already in relation to why the 2023 deadline —or cliff edge—is unacceptable. The amendment would give the power that UK Government Ministers feel able to retain for themselves to extend the cliff edge to 2026 to the devolved authorities. There is no reason why we should have a different approach in the devolved authorities from that of the UK Government. Again, when we get into questions of devolved competency, it is clearly appropriate that those provisions should apply to devolved nations as well. We have already discussed these issues at length so I will not detain the Committee any longer.

Brendan O'Hara: I shall speak to amendment 31, tabled in my name and that of my hon. Friend the Member for Glenrothes. The amendment is crucial and goes to the heart of the whole debate. It seeks to clarify exactly which provisions the UK Government consider devolved and would therefore fall under the competence of Scottish Ministers, and which provisions would be reserved to the UK Secretary of State.

When this place passed the Scotland Act 1998, it listed areas of competence that were reserved. Everything that was not on that list was considered to be devolved. Yet in terms of the Bill, and with particular reference to the Government's published dashboard, remarkably we still do not know exactly which areas the UK Government regard as reserved and which they consider to be wholly devolved.

Of course, it could be argued with some justification that the United Kingdom Internal Market Act 2020 knowingly created that confusion, and deliberately blurred the hitherto clear lines of demarcation between powers that had been devolved and powers that were reserved. Prior to the passing of the 2020 Act, it had long been accepted that environmental health, food standards and animal welfare were wholly devolved to the Scottish Parliament, but since its passing we have seen a significant encroachment by the UK Government and Ministers into policy areas that hitherto have been wholly devolved. That not only goes completely against the spirit of devolution, but directly contravenes the Sewel convention, which in 2016 was given statutory footing in the 1998 Act.

As a result, the Bill, in tandem with the 2020 Act, threatens to further undermine the devolution settlement by giving primacy to UK law in areas that have been wholly devolved, meaning that legislation passed in the Scottish Parliament to keep us in lockstep with European Union regulations could be overruled by the Government in Westminster, so I have a number of questions for the Minister. If the Scottish Parliament decides that we will remain aligned to the European Union and re-ban the sale of chlorinated chicken, but this place decides that cheap imported chlorine-washed chicken is acceptable, will the Scottish Parliament have the power to stop lorryloads of chlorinated chicken crossing the border and appearing on our supermarket shelves—yes or no?

Similarly, should the UK agree a trade deal that allows the importation of hormone-injected meat, but the Scottish Parliament decides to protect Scottish consumers and farmers by adhering to the standards and protections that we have now, can the Minister guarantee that under the provisions of the Bill the Scottish Government will be able to prevent hormone-injected meat from reaching Scotland's supermarkets—again, yes or no? If we decide to retain long-established best practice in the welfare and treatment of animals entering the food chain but Westminster chooses to deregulate, will she give a cast-iron guarantee that the Scottish Parliament will be able to stop animals whose provenance is unknown and whose welfare history is unaccounted for from entering the food chain—again, yes or no?

Under the terms of the devolution settlement, the answer to all those questions should be an unequivocal yes, but despite us and the Scottish Government asking several times, we have been unable to get those guarantees. That is why amendment 31 is vital. I would be enormously grateful if the Minister could give clear, precise and unambiguous answers to my questions.

Ms Ghani: I ask hon. Members to reject the amendments and new clauses. Amendments 72 and 31 seek to make the power to extend available to devolved authorities as well as Ministers of the Crown. That power, exercisable under clause 2, will allow Ministers of the Crown to extend the sunset for specified pieces and descriptions of in-scope REUL, both in reserved and devolved areas, up to 23 June 2026. We therefore do not consider it necessary for the power to be conferred on the devolved authorities.

Conferring the power on the devolved Governments would introduce additional legal complexity, as it may result in different pieces and descriptions of REUL expiring at different times in different jurisdictions in the UK, across both reserved and devolved policy areas. I am sure that hon. Members understand how that would create a lot of confusion. Ministers of the Crown

[Ms Ghani]

will also have the ability to legislate to extend pieces or descriptions of retained EU legislation in areas of devolved competence on behalf of devolved Ministers. That is to minimise legal complexity across the jurisdictions, as previously described.

Turning to the new clauses, the Bill already includes an extension power in clause 2. There is no need for an additional extension power solely for Scottish Ministers. Moreover, new clause 6 would change the sunset extension date from 23 June 2026 to 23 June 2029, in effect allowing REUL and revoked direct EU legislation otherwise subject to the sunset date to remain on our statute book in some form until the end of the decade. We have every intention of completing this ambitious programme of REUL reform by 31 December 2023. However, we are aware that complex reforms sometimes take longer than expected, and we will need to consult on new regulatory frameworks that will work best for the UK.

4.15 pm

Brendan O'Hara: Could the Minister clarify the answer she has given? I think she said that because of the confusion that could arise from different regulatory frameworks operating in different Parliaments and different jurisdictions, UK law will take primacy, and there would be nothing that the Scottish Government could do to prevent us from having chlorinated chicken, hormone-injected beef or animals of questionable provenance. I am not clear on that; I am looking for a simple yes or no.

Ms Ghani: Well, it was not a simple question, and it was full of contradictions. During debates on previous amendments, we have spoken to the high levels of animal welfare that we have here in the UK, and the level of scrutiny that will take place.

To the point that the hon. Gentleman raised, conferring the extension power on the devolved Governments would introduce additional legal complexity. Specifically, it might result in different pieces and descriptions of retained EU law expiring at multiple different times in different Administrations across the UK. Those pieces of retained EU law may cover a mix of reserved and devolved policy areas, and policy officials are still working through how the extension power will work in practice, but we are committed to working collaboratively with devolved officials. I am keen to discuss this policy as it progresses to ensure that the power works for all parts of the UK. The amendment would work against everything we are trying to achieve through the Bill, which is why I ask the hon. Member for Ellesmere Port and Neston to withdraw it.

Peter Grant: The Minister's clarification in response to my hon. Friend the Member for Argyll and Bute's questions has been about as clear as mud. On the basis of that response, I sincerely hope that my hon. Friend will stick to his guns, move his amendment and push it to a vote. Either the Minister genuinely does not get devolution, or she gets it and is trying to roll it back, because the whole point of devolution is the recognition that there are four distinct identities, at the very least—four distinct sets of needs and priorities—within the four nations of this Union. Arguably, England could be split into several autonomous regions as well if the people of those parts of England so desired.

I think the fault line is that the Minister continually expects the people of Scotland to be reassured when she says, "This is not what the Government intend to do with this new power. This is not what the Government intend to do with this new legislation." I mean nothing personal against this particular Minister when I tell her that the people in Scotland do not trust this Government. The people in Scotland have never trusted a Tory Government and never will, so if the reassurance that the Minister wants to give my constituents and constituents of other colleagues in Scotland is "We promise you that although we've got this power, we will not do it to you", that will not be enough. The one way to make that promise credible is to say, "We are so determined not to do this to you that we are not going to take the power that would allow us to do it. We are going to make a law that would prevent us from doing that."

The Minister still has not answered my hon. Friend the Member for Argyll and Bute's questions, so maybe I can ask them in a different way. Who does she believe should have the right to decide whether chlorine-washed chicken or hormone-injected beef should be allowed to be sold in shops in Scotland? Is that a decision that rightfully belongs with the Parliament of Scotland, or does it belong to this place?

Justin Madders: To follow on from what the hon. Member for Glenrothes has said, I think the Minister misunderstands the point of devolution if her main argument against these amendments is that we cannot have different deadlines and laws in different jurisdictions. The whole point of devolution is that each devolved nation is able to decide the laws that sit within its devolved competence. I will not push our amendment to a vote, but the answers we have received this evening are pretty inadequate.

Brendan O'Hara: We will press amendment 31 to a vote. I am far from satisfied with the answer that the Minister provided. We recognise that there is a power grab taking place and this Government are coming for the powers of our Parliament.

Shortly before Second Reading, I met the National Farmers Union Scotland in my constituency of Argyll and Bute. It recognises that this legislation is a potential death sentence for the Scottish agricultural sector. In rural areas, such as my constituency, the farmers require a hefty subsidy to manage the land, keep their lights on, provide employment and stem rural depopulation, while producing high-quality, high-value beef, lamb and dairy products. This legislation is a death sentence for Scottish agriculture.

Tomorrow morning I will again meet a delegation from the National Farmers Union Scotland here in Westminster, and I will be sorry to have to report to them that we have received no assurances whatsoever about the protections that this vital industry needs. That is why it is essential that we push amendment 31 to a vote.

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

Amendment, by leave, withdrawn.

Amendment proposed: 31, in clause 2, page 2, line 8, at end insert—

"(1A) Subsection (1) has effect in relation to provision which is within the competence of the Scottish Ministers as if, after "A Minister of the Crown", there were inserted "or the Scottish Ministers".

(1B) A provision is within the devolved competence of the Scottish Ministers for the purposes of this section if—

(a) it would be within the legislative competence of the Scottish Parliament if it were contained in an Act of that Parliament, or

(b) it is provision which could be made in other subordinate legislation by the Scottish Ministers, the First Minister or the Lord Advocate acting alone."—*(Brendan O'Hara.)*

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 9.

Division No. 7]

AYES

Creasy, Stella	Madders, Justin
Glindon, Mary	O'Hara, Brendan
Grant, Peter	Sobel, Alex

NOES

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

Question accordingly negatived.

Brendan O'Hara: I beg to move amendment 32, in clause 2, page 2, line 10, leave out subsection (3).

The Chair: With this, it will be convenient to discuss amendment 29, in clause 2, page 2, line 11, leave out "2026" and insert "2029".

This amendment changes the date that the revocation of EU-derived subordinate legislation and retained direct EU legislation may be extended to, up to a final deadline of 23 June 2029.

Brendan O'Hara: The amendment is in my name and that of my hon. Friend the Member for Glenrothes. It seeks to extend the date at which revocation can take place to 23 June 2029.

As we have heard from many, many hon. Members, this Bill is a bad piece of legislation that has been badly drafted and ill conceived. As I have said, we will vote against it, as we have throughout this Bill Committee, and as we will again when it returns to the Floor of the House.

My hon. Friend the Member for Glenrothes has laid out in pretty thorough detail what a confused mess of a Bill this is, both in terms of what it is trying to achieve and how it has been so hurriedly thrown together. That is why we will soon get on to Government amendments that seek to correct basic mistakes. As my hon. Friend correctly pointed out a few moments ago, if there are that many mistakes in this legislation, goodness knows what is yet to appear and what will be missed in the coming 13 months if we are to stick to the insane timeline that the Government are working to.

Having said that we will oppose the Bill every step of the way, we feel duty-bound to highlight its most glaring deficiencies and to suggest amendments. If the Bill has to pass, it should do so in a form that does the least damage to the people who will have to live with its consequences.

It is in that spirit that we tabled amendments 32 and 29. Amendment 32 would remove clause 2(3) entirely, and amendment 29 would change the final deadline from 2026 to 23 June 2029. As we have heard many times today, arbitrary, self-imposed deadlines are rarely, if ever, useful. I again suggest, as many others have, that Government Members canvass the opinion of the right hon. Member for Camborne and Redruth on arbitrary, self-imposed deadlines.

The cliff edge makes no sense whatsoever. It appears to have been inserted into the Bill by the zealots who were then in charge of the ship, and were merrily steering it on to the rocks, as a way of preventing cooler, more rational heads from looking at the Bill and coming to the same conclusion as the rest of us: it is unworkable, ideologically driven madness. If the Bill is to work, there must be adequate time for its provisions to be put in place.

Surely all but the true believers will see the sense in the amendment. Although it would not improve the substance or intent of the Bill, it would allow for a far more reasonable timescale, and would ensure that mistakes are not made, or that when they are people are not left exposed, which will almost inevitably happen given the way the Bill is currently written; things will almost certainly be missed, and will fall off the statute book. I encourage the Minister to see this as a helpful amendment to a thoroughly rotten Bill. It is an attempt to make the Bill ever so slightly less unpalatable.

Ms Ghani: I ask hon. Members to reject amendments 32 and 29. In short, they delay and deny Brexit. As the hon. Member for Argyll and Bute has said himself, he opposes every step of the Bill. Amendment 32 would leave out clause 2(3), which would remove the extension mechanism's deadline, and effectively allow retained EU law to be extended for ever more. Amendment 29 would push the date to 2029. Conservative Members are here to deliver Brexit, not to deny it. I therefore ask the hon. Member to withdraw his amendment.

Brendan O'Hara: I thank the Minister for her answer. As I have often said, it satisfies me not one jot, but I understand and was expecting that answer. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 2 ordered to stand part of the Bill.

Ordered, That further consideration be now adjourned. —*(Joy Morrissey.)*

4.29 pm

Adjourned till Thursday 24 November at half-past Eleven o'clock.

Written evidence to be reported to the House

REULB22 National Parks England

REULB23 Professor James Lee

REULB24 Ian Wood

REULB25 Glasgow Loves EU

REULB26 Social Care Institute for Excellence (SCIE)

REULB27 National Trust

REULB28 Institute of Physics and Engineering in Medicine (IPEM)

REULB29 TheCityUK

REULB30 Independent Monitoring Authority for the Citizens' Rights Agreements ("the IMA")

REULB31 Chartered Trading Standards Institute (CTSI)

REULB32 Dr Viviane Gravey, Senior Lecturer in European Politics Queen's University Belfast, and co-chairs of Brexit & Environment, an ESRC funded network of academics investigating the impact of Brexit on the environment (supplementary evidence)

REULB33 William Wilson, Barrister, Wyeside Consulting Ltd

REULB34 The Angling Trust

REULB35 Which?

REULB36 International Meat Trade Association (IMTA)

REULB37 John Ratcliffe

REULB38 City of London Corporation

REULB39 Energy UK

REULB40 Oxford University

REULB41 John Bell

REULB42 Planning and Environmental Bar Association

REULB43 IEEP

REULB44 Focus on Labour Exploitation

REULB45 Ernst and young LLP

REULB46 Office for Environmental Protection (OEP)

REULB47 UNISON (supplementary submission)

REULB48 British Copyright Council

REULB49 The Chartered Institute of Trade Mark Attorneys (CITMA)

REULB50 JUSTICE

REULB51 Bingham Centre for the Rule of Law, British Institute of International and Comparative Law (BIICL), co-authored by Dr Oliver Garner and Dr Julian Ghosh KC

REULB52 The UK Musicians' Union

REULB53 Charles Whitmore, Research Associate, Cardiff University – Wales Governance Centre & Wales Council for Voluntary Action (supplementary submission)

REULB54 The Society for Radiological Protection

REULB55 Copyright Licensing Agency Ltd (CLA)

REULB56 The Law Society of Scotland (further submission)

REULB57 UK Music

REULB58 ESB Generation and Trading

REULB59 IP Federation

REULB60 Sussex Wildlife Trust's Storrington & Arun Valley Regional Group

REULB61 Acas (the Advisory, Conciliation and Arbitration Service)

REULB62 Make UK

REULB63 Friends of the Earth England, Wales and Northern Ireland

REULB64 Chartered Institute of Environmental Health (CIEH)

REULB65 CIWM

REULB66 British Standards Institution (BSI)

REULB67 UK Metric Association

REULB68 Border Reform and Research Group (BRRG)

REULB69 Ms Viviane Doussy

REULB70 Christine Lindsay

REULB71 Mrs Suzanne Ewers

REULB72 United Kingdom Accreditation Service (UKAS)

REULB73 Health Food Manufacturers' Association

REULB74 Exeter XR Biodiversity Working Group

REULB75 Cruelty Free International

REULB76 Institute of Acoustics

REULB77 UK Environmental Law Association (UKELA)

REULB78 Directors UK

REULB79 Institute of Food Science & Technology

REULB80 BMA (British Medical Association)