

BRIEFING: AMENDING THE EU (WITHDRAWAL) BILL TO PROTECT AND UPHOLD THE DEVOLUTION SETTLEMENTS

Overview

The Repeal Bill Alliance is guided by a set of broad principles:

- Parliamentary scrutiny and democratic accountability in the transposition process
- The preservation of existing rights and standards
- Parity of institutions
- Respect for the devolution settlements
- A UK framework for common standards, that is mutually agreed between the four administrations, to enable cross-border working and maintain an internal common market. **This framework must respect the devolution settlements**, meaning any administration can raise standards within the scope of those settlements, if they wish to do so.

It is on the basis of these principles that the Alliance call on MPs to back amendments that respect the current devolution settlements to be debated on the 4th and 6th December respectively (Day 4 and 5 of the Committee Stage).

As drafted, the Withdrawal Bill risks not only undermining hardwon devolution settlements but also giving ministers significant leeway to interpret their delegated powers. This will rewrite devolution acts that were endorsed by referendums in the respective nations and regions of the UK.

Delegated powers

Clause 10 sets out the powers given to devolved ministers. The vague phrasing of what these powers can be used for **means they are open to wide interpretation**. This could potentially result in ministers using their delegated powers to make policy changes, without parliamentary scrutiny.

Schedule 2 shows that the delegated powers for devolved ministers differs substantially from those delegated to UK ministers. The power to amend retained EU law is restricted to UK ministers even though some elements fall under what are currently areas of devolved legislative competence.

To avoid granting ministers sweeping, ill-defined powers which could be used to change devolved policy areas, the Alliance call on MPs to back amendments that will **ensure clear limits and safeguards on the powers given to UK ministers in the bill** that enable them to interfere with referendum approved devolution acts.

The repatriation of powers and common frameworks

Clause 11 prevents the devolved administrations from modifying retained EU law. The bill inserts a new restriction which would **stop the administrations from creating new agricultural, fisheries, or regional**

policies. Instead, the devolved powers in these areas would be frozen until the UK Government and Parliament decide whether to “unfreeze” any of them. Consequently, all powers currently exercised at an EU level will flow back to Westminster.

Significantly, this means **the UK government is unilaterally moving devolution in the UK towards a conferred powers model, away from the existing reserved powers model.** While the government has attempted to provide assurances this is only a temporary measure, the lack of a sunset clause on powers being centrally held by Westminster should raise alarm bells.

The Alliance agrees that following the UK’s withdrawal from the EU, there will be a need for common standards and frameworks to enable cross-border working and the maintenance of an internal common market. However, **the desirability of establishing common UK frameworks does not justify the current approach the bill takes.**

The Alliance urges MPs to back amendments that will ensure a UK common framework is **mutually agreed between the four administrations.**

Protecting the Good Friday Agreement

While the Government has confirmed that the Belfast Good Friday Agreement (BGFA) should be safeguarded as the UK exits the EU, the Withdrawal bill contains **no formal recognition or protection of the GFA** nor does the bill provide any assurances that its complete implementation is a priority when the UK exit the EU. This is despite its reassurance of “steadfast support for the Belfast Agreement and its successors” in the [Confidence and Supply Agreement with the DUP](#)

Instead, Clause 11 of the bill **undermines the BGFA by interfering with the devolved functions of the Northern Irish Assembly.** The BGFA, underpinned by EU membership, is explicitly founded upon a set of fundamental principles such as dual citizenships rights, equivalence of rights between Ireland and Northern Ireland and equality rights. An urgent question the government needs to answer is how the same standards and rights will be maintained across the isle of Ireland, in line with its duties and obligations in the BGFA.

To ensure a high standards UK post-Brexit and a respect for the devolution settlements, the Alliance recommends that the UK government **clarifies the legal status of the BGFA in the bill and implement safeguards to ensure non-regression of rights and equivalent standards of protections with the Republic of Ireland.**

About the Alliance

The Repeal Bill Alliance is a loose alliance of over 70 campaign and advocacy organisations with an interest in the Withdrawal Bill. The Alliance is Brexit neutral, and takes no position on the outcome of the referendum. Collectively, we want the best possible outcome from Brexit and ensure the Withdrawal Bill maintains a high standards UK and secures open and accountable lawmaking through the Withdrawal Bill.

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