



Subject:	Update on Brexit Legislation
Date:	10 September 2020
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Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues
	The purpose of this report is to update Members on the progress to date of legislation required to deliver Brexit, including the outstanding bills and their respective position in their passage through Parliament.
2.0	Recommendations
	Members are asked to note this report.
3.0	Main report
3.1	To date, Parliament has enacted seven Acts associated with the process of exiting the EU: <ul style="list-style-type: none">European Union (Withdrawal Agreement) Act 2020

- European Union (Withdrawal) Act 2018
- Sanctions and Anti-Money Laundering Act 2018
- Haulage Permits and Trailer Registration Act 2018
- Nuclear Safeguards Act 2018
- Taxation (Cross-border Trade) Act 2018
- Healthcare (European Economic Area and Switzerland Arrangements) Act 2019.

Apart from the Withdrawal Agreement Act, the Queen's Speech listed another six Brexit bills: on agriculture, fisheries, immigration, trade, financial services and private international law. There is the 130 clause (and 20 schedule) environment bill developed in Defra under Michael Gove which is Brexit related.

3.2 A brief summary of all of the outstanding bills and their respective position in their passage through Parliament is contained in the table below.

Title of Bill / Act	Purpose	Latest event
Agriculture Bill Link to Bill	<p>The UK left the EU's Common Agricultural Policy (CAP) on exiting the EU on 30 January 2020.</p> <p>The <i>Direct Payments to Farmers (Legislative Continuity) Act 2020</i> continues direct payments to farmers across the UK. Payments are based on the amount of land they farm. These payments are like those paid under the CAP for 2020.</p> <p>The Agriculture Bill contains arrangements for future agricultural support.</p> <p>There will be a new approach to farm support in England from 2021. It will include payment to farmers for 'public goods' such as environmental or animal welfare improvements. Ministers will also be required to consider the need to encourage food production and ensure food security.</p> <p>Concern has been expressed that the <i>Agriculture Bill</i> contains no commitment that food and animal welfare standards will not be reduced in future trade deals. The Bill does contain provisions to secure compliance with the WTO Agreement on Agriculture.</p>	Report Stage - House of Lords (date to be announced)
Fisheries Bill Link to Bill	From 1 January 2021 the UK will cease to be part of the EU Common Fisheries Policy (CFP). It will become an independent coastal state and	2 nd Reading at House of Commons on 1 Sep 20

	<p>fully responsible for managing fisheries in the UK's Exclusive Economic Zone.</p> <p>The <i>Fisheries Bill</i> gives the Secretary of State the ability to set and distribute fishing opportunities in UK waters. It also revokes the automatic right of access to UK waters of EU vessels.</p> <p>The UK and EU aim to reach an agreement on fisheries before 1 July 2020. So far negotiations have not reconciled their positions.</p>	
<p>Trade Bill</p> <p>Link to Bill</p>	<p>This Bill aims to provide continuity for UK trade relations at the end of the transition period.</p> <p>It would allow the UK to use secondary legislation to “roll over” trade relations with countries the EU already has a trade agreement with.</p> <p>The Bill would also establish a UK Trade Remedies Authority. This would take over the EU's current function to act against unfair competition from ‘dumped’ goods, imported at artificially low prices. It would also enable Her Majesty's Revenue and Customs to seek and share trade-related information.</p>	<p>2nd Reading at House of Lords on 8 Sep 20</p>
<p>Immigration Bill Social Security Co-ordination (EU Withdrawal) Bill</p> <p>Link to Bill</p>	<p>To replace the previous Immigration Bill which fell on prorogation of Parliament in October 2019, to end to free movement in UK law, to confirm the UK's commitments under the EU Settlement Scheme and to enable the delivery of a new Australian-style points-based immigration system from 2021</p> <p>This Bill would repeal the free movement rights of EU, EEA and Swiss citizens in the UK. It would protect Irish citizens' existing immigration rights.</p> <p>The legislation would also allow retained EU law on social security co-ordination to be modified by regulations. The Government says this will be necessary, “whether the UK has a future agreement with the EU at the end of the transition period or not.”</p>	<p>Committee Stage at House of Lords on 7 Sep 20</p>
<p>Private International Law (Implementation of Agreements) Bill</p> <p>Link to Bill</p>	<p>To establish a UK framework for implementing international agreements that ensure the continuity of clear and effective legal rules agreed between different countries concerning international legal disputes and access justice, including 1996 Hague Convention, 2005 Hague Convention and 2007 Hague Convention</p>	<p>2nd Reading House of Commons on 2 Sep 2020</p>

	<p>Financial Services Bill</p> <p>Link to Bill</p>	<p>To replace the Financial Services (Implementation of Legislation) Bill, which fell on prorogation of Parliament in October 2019. Its purpose is to ensure that the UK maintains remains open to international financial services markets after Brexit, to simplify the process governing sale of overseas investment funds in the UK, to implement the Basel standards strengthening the regulation of global banks in line with G20 commitments, building on existing Brexit legislation for financial services.</p> <p>Most financial services regulation is currently done at the EU level. The <i>Financial Services Bill</i> enables the Treasury to make corresponding or similar provisions in UK law to upcoming EU financial services legislation.</p> <p>If the transition period ends with no deal, without this Bill, there will be no mechanism in UK law through which financial services regulation can be updated.</p> <p>Financial services legislation was announced in the December 2019 Queen’s Speech but has not yet been introduced.</p>	<p>To be decided</p>
	<p><i>Animal Welfare (Sentencing and Recognition of Sentience) Bill</i></p> <p>Link to Bill</p>	<p>EU Law recognises animals as sentient beings. Before the 2019 General Election, the <i>Animal Welfare (Sentencing) Bill 2017-19</i>, aimed at increasing sentences for animal cruelty did not complete its parliamentary stages.</p> <p>The Queen’s Speech in December 2019 announced the intention to introduce these measures in animal welfare legislation.</p>	
	<p>Environment Bill</p> <p>Link to Bill</p>	<p>To put the targets in the government’s 25-year plan into law, and sets up a new Office for Environmental Protection with oversight and enforcement powers, designed to fill what environmental groups call the “governance gap”.</p> <p>This is a key part of the post-Brexit supervision machinery – and may be important in reassuring the EU of the UK’s commitments to maintain standards.</p> <p>Part 1 of the Bill, on environmental governance and principles, stems from a draft <i>Environment (Principles and Governance) Bill</i>. This was published in December 2018.</p> <p>The draft Bill was based on an amendment added into the <i>EU (Withdrawal) Act 2018</i>. The amendment addressed concerns about a perceived loss of established environmental</p>	

	principles and EU governance mechanisms following Brexit.	
	<p>The devolution structures for Scotland, Wales and Northern Ireland all intersect and interact with EU law and EU competence. This adds an additional layer of complexity to the domestic implementation of Brexit. Though UK international relations are a reserved matter, with the government negotiating on behalf of the whole of the UK, effective engagement with the devolved administrations is key to the success of the domestic legislative project.</p>	
3.3	<p><u>Pipeline of Brexit Statutory Instruments (SIs) (secondary legislation)</u></p> <p>One common theme of all of this legislation is the broad powers that the government plans to take in order to carry out policy changes. These are framework bills, which leave a lot of the detail out – to be filled in by secondary legislation.</p> <p>The government’s aim is to introduce legislation necessary to ensure an orderly transition in UK law, to reflect the adoption of retained EU law, and to correct laws where necessary to secure their continued operation as part of the domestic regime after Implementation completion day. Hundreds of Brexit SIs have been introduced under the enabling powers in the Withdrawal Act and other Brexit-related legislation. However, the project is far from complete.</p> <p>The government has confirmed plans to lay approximately 250-300 more Brexit SIs between September and December 2020. Approximately half of the remaining Brexit SIs will be subject to the affirmative procedure, with volumes 'likely to be concentrated' in September and October 2020. The rest will be laid under the negative procedure (with proposed negative Brexit SIs subject to the sifting process).</p> <p>Government departments are being asked to prioritise only 'critical legislation' between September and December 2020, though estimates for non-Brexit related legislation cannot be provided with certainty due to coronavirus.</p>	
3.4	<p><u>Financial & Resource Implications</u></p> <p>There are no financial or resource implications relating to this report.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>There are no implications relating to this report.</p>	
4.0	<p>Appendices</p>	
	<p>None</p>	