

WRITTEN SUBMISSION TO THE HOUSE IN RESPECT OF AMENDMENTS

NUCLEAR SAFEGUARDS BILL – Analysis on the application of Standing Order No. 83O of the Standing Orders of the House of Commons relating to the Public Business to Public Business in respect of Lords Amendments.

Commons Consideration of Lords Amendments

The following is the Department for Business, Energy and Industrial Strategy’s assessment of the amendments to the Nuclear Safeguards Bill made in the House of Lords.

Territorial extent and application in the United Kingdom

Summary

1. The amendments made in the House of Lords do not change the territorial extent of the Bill. Furthermore, Lords Amendments 3 and 5, which insert new clauses into the Bill, do not relate exclusively to England or to England and Wales.
2. Government amendments 1-2, 4, 6 and 7 extend and apply to England and Wales, Scotland and Northern Ireland (and have the same extent as the provisions they are amending).¹
3. The above assessment is presented in tabular form below. Reference to clause numbers correspond to the Bill (as introduced in the House of Lords) published on 24 January 2018. “NC” refers to new clauses.

Lords Amendment	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Likely to engage the Legislative Consent Motion process?
1-2 Nuclear Safeguards	Yes*	Yes*	Yes*	Yes*	N/A	N/A	N/A	No
3 Agreements required before withdrawal	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
4 Power to amend								

¹ References in this statement to a provision being within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly are to the provision being within the legislative competence of the relevant devolved legislature for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

legislation relating to nuclear safeguards	Yes*	Yes*	Yes*	Yes*	N/A	N/A	N/A	No
5 Report on nuclear safeguards	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
6 Commencement	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
7 Schedule 1	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No

* See clause 3(Extent), subsections (2) and (3) of the Bill.

Territorial application

4. The amendments made during its stages in the House of Lords apply as follows:
 - Lords Amendments 3 and 5, which insert new clauses into the Bill, **apply and extend to England and Wales, Scotland and Northern Ireland.**
 - Government amendments 1-2, 4, 6 and 7 **collectively make changes which apply to the relevant UK wide provisions and do not change their territorial extent.**
5. There are no changes to the territorial application as a result of the above amendments.

Minor or consequential effects²

6. Other than Clause 5 which sets out the territorial extent of the Bill, there are no references to, or possible effects on, territories other than the United Kingdom.
7. The above amendments extend and apply to England and Wales, Scotland and Northern Ireland

² References in this statement to an effect of a provision being minor or consequential are to its being minor and consequential for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.