



Debate on the Queen's Speech: Days 1 and 2 Exiting the European Union, Trade, Foreign Affairs and Defence 15 and 16 October 2019

Summary

This Lords Library Briefing is one of four prepared ahead of the five days of debate in the House of Lords on the Queen's Speech, scheduled to take place between 15 and 22 October 2019. This briefing looks at the UK exiting the European Union, trade, foreign affairs and defence.

The briefing identifies key bills that may be announced in the Queen's Speech. This is based on existing government commitments foreshadowing such legislation and press reports. Additional bills may be announced not covered in this briefing. Details vary but at the time of writing possible government bills include:

- A withdrawal agreement bill, to implement domestically, ahead of subsequent treaty ratification, any Brexit deal struck with the EU.
- A bill to provide a compensation scheme for armed forces personnel injured, or the families of those killed, on combat operations.
- A bill to provide legal protections for armed forces personnel and veterans serving in operations outside the UK.

Several Brexit bills were lost at the close of the previous parliamentary session on 8 October 2019, having not been carried over. These included bills concerning trade, immigration, fisheries and agriculture. It is unclear whether these bills will be reintroduced and in what format. The Government has said it is "satisfied that all the bills that are needed prior to leaving the European Union on 31 October are in place".

To provide additional background and a flavour of the Government's priorities, the briefing also explores some recent developments in each policy area, highlighting relevant government announcements where policy positions are known. On trade matters, the Government has made announcements on tariff regimes and freeports. It has also announced secondary legislation has been drafted that would impose a sanctions regime for human rights abuses under the Sanctions and Anti-Money Laundering Act 2018. Commitments on shipbuilding have also been made.

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Brexit

In his first Commons statement as Prime Minister, Boris Johnson said his preference was for the UK to leave the EU with a deal.¹ He described the deal negotiated by Theresa May as “unacceptable to this Parliament and to the country”. He argued “it must be clearly understood that the way to the deal goes by way of the abolition of the backstop”.²

Mr Johnson is due to meet the leaders of the other 27 EU member states at a European Council meeting in Brussels on 17 and 18 October 2019. He said in mid-September he “passionately believe[d]” it was possible for him to finalise a withdrawal deal with the EU at the summit.³ On 2 October 2019, the Government published proposals for a new protocol on Ireland/Northern Ireland.⁴ The Government hopes to gain agreement for this to replace the backstop arrangements in the existing draft withdrawal agreement. The new proposal also called for changes to the political declaration accompanying the withdrawal agreement, to reflect the Johnson Government’s vision for the future relationship between the UK and the EU. Discussions on these proposals are ongoing between the UK and EU in the run-up to the European Council meeting, although EU interlocutors have expressed significant concerns about them.

If a new deal is agreed, the Government has said legislation to implement it would be its number one legislative priority.⁵ However, Mr Johnson has also expressed his determination that the UK will leave on 31 October 2019 whether or not he reaches a deal with the EU.⁶

There is a potential conflict between Mr Johnson’s determination to leave the EU on 31 October 2019 “come what may”⁷ and the European Union (Withdrawal) (No. 2) Act 2019. Known as the Benn Act after the backbench MP who introduced it in the Commons, this legislation received royal assent in September without support from the Government. It requires the Prime Minister to request an extension to article 50 by 19 October 2019 if the Commons has not approved either a deal or leaving with no deal.

¹ [HC Hansard, 25 July 2019, col 1458.](#)

² See: House of Commons Library, [‘The Backstop Explained’](#) (12 December 2018) for an explanation of the backstop.

³ Boris Johnson, [‘I Passionately Believe that I Can Strike a Brexit Deal Within Weeks’](#), *Telegraph* (£), 15 September 2019.

⁴ Prime Minister’s Office, [‘UK Proposals for a New Protocol on Ireland/Northern Ireland’](#), 2 October 2019.

⁵ Prime Minister’s Office, [‘Queen’s Speech: Invest in NHS, Attack Violent Crime, Cut the Cost of Living’](#), 28 August 2019.

⁶ For example, Boris Johnson, [‘I Passionately Believe that I Can Strike a Brexit Deal Within Weeks’](#), *Telegraph* (£), 15 September 2019; and [HC Hansard, 3 October 2019, col 1391.](#)

⁷ Conservative Party, [‘Prime Minister: Let’s Get Brexit Done and Take This Country Forward’](#), 2 October 2019.

Mr Johnson has said that even if the Commons does not approve either of these outcomes by the 19 October deadline, he will not seek an extension.⁸ At the same time, government ministers have maintained that they will obey the law, including in papers submitted in legal proceedings in the Scottish Court of Session.⁹

The default legal position remains that the UK will leave on 31 October 2019 with no deal unless:

- the UK and the EU ratify a withdrawal agreement; or
- the UK and the EU-27 unanimously agree to extend the article 50 negotiating period;¹⁰ or
- the UK revokes its article 50 notification of its intent to leave.

Withdrawal Agreement Bill

Why is a Bill Needed?

The UK is a dualist state. This means that international treaties do not automatically become part of domestic law. UK courts have no power to enforce treaty rights and obligations unless legislation is passed to implement the relevant treaty provisions into domestic law. Foreign and Commonwealth Office (FCO) guidance on treaties says that if domestic legislation is needed to enable the UK to give effect to its obligations under a treaty, the legislation should be in place before the treaty comes into force, so that the two can come into operation at the same time.¹¹ The FCO therefore usually insists that any necessary UK legislation is in place before a treaty is ratified or acceded to.

In the case of a withdrawal agreement with the EU, the Government is under a statutory obligation to pass the domestic implementing legislation before the UK can ratify the agreement. This is one of several requirements set out in section 13 of the European Union (Withdrawal) Act 2018 (EUWA 18) about what must happen before ratification can take place. The other requirements include approval of the deal in a 'meaningful vote' in the House of Commons, and a take-note debate in the House of Lords.¹²

⁸ [HC Hansard, 25 September 2019, col 821](#).

⁹ For example, [HC Hansard, 25 September 2019, col 799](#) (Boris Johnson); [HC Hansard, 3 October 2019, col 1357](#), (Geoffrey Cox, Attorney General); and [\[2019\] CSOH 77](#), para 37.

¹⁰ The Benn Act obliges the Prime Minister to request an extension in certain circumstances, but it cannot oblige the EU to agree to one.

¹¹ Foreign and Commonwealth Office, [Treaties and Memoranda of Understanding: Guidance on Practice and Procedures](#), March 2014, p 6.

¹² For a more detailed explanation of the requirements of section 13 of the European Union (Withdrawal) Act 2018, see: House of Lords Library, [Brexit: Further Recent Developments](#), 21 March 2019.

The Constitutional Reform and Governance Act 2010 (CRAG) contains requirements about Parliament's role in scrutinising treaties before they can be ratified.¹³ Usually, the Government must lay a copy of a new treaty before Parliament and a period of 21 sitting days must elapse without either House resolving against ratifying the treaty. This can be repeated indefinitely in theory if the Commons keeps resolving against the treaty. Under exceptional circumstances, the Government can ratify a treaty without waiting for 21 sitting days, but not if either House has already resolved against ratifying the treaty.

If Mr Johnson agrees a deal with the EU at the European Council on 17–18 October 2019, there would not be time to allow a 21-sitting day period to elapse and also ratify a withdrawal agreement by 31 October 2019. Another possible avenue would be to use a withdrawal agreement bill to modify or set aside the CRAG requirements so a withdrawal agreement could be ratified more quickly. Theresa May suggested in February 2019 that she would consider using this route.¹⁴

What Would a Bill Cover?

The exact provisions of a withdrawal agreement bill would depend on the terms of any deal the Government agreed with the EU.

Theresa May never published the bill intended to implement her deal, but it was reported to be 100 pages long.¹⁵ Some of this may have been clauses to implement concessions agreed by Mrs May as she sought to build parliamentary support. For example, she said her bill would include clauses giving Parliament the choice to keep pace with any future changes in EU law on workers' rights and health and safety standards.¹⁶ These commitments were not part of the withdrawal agreement itself. Clauses such as these may not be retained by Mr Johnson. He has emphasised his vision is for the UK to "take back control" of its regulations.¹⁷ Nevertheless, if he introduces a withdrawal agreement bill retaining parts of Mrs May's original bill, it is also likely to be a lengthy piece of legislation.

Boris Johnson has proposed making changes to the backstop arrangements included in the draft withdrawal agreement negotiated by Theresa May and the EU. He also wants to change the political declaration that accompanies

¹³ For a more detailed explanation of the requirements of the Constitutional Reform and Governance Act 2010, see: House of Lords Library, [Brexit: Further Recent Developments](#), 21 March 2019.

¹⁴ [HC Hansard, 12 February 2019, cols 744–5.](#)

¹⁵ Heather Stewart, Rowena Mason and Peter Walker, '[Brexit: May's Final Effort to Win Backing Falls Flat as MPs Reject 'New' Deal](#)', *Guardian*, 22 May 2019.

¹⁶ House of Lords Library, [Brexit: Recent Developments](#), 7 March 2019, pp 22–5.

¹⁷ [HC Hansard, 3 October 2019, col 1384.](#)

the withdrawal agreement. However, in the proposals published on 2 October 2019, Mr Johnson does not say he is seeking changes to other parts of the withdrawal agreement negotiated by Theresa May. If the other elements of Mrs May's deal remained, then the withdrawal agreement bill could be expected to implement provisions on areas such as citizens' rights, the transition period and the financial settlement (sometimes referred to as the 'divorce bill') from the previous withdrawal agreement. A House of Commons Library briefing, [The UK's EU Withdrawal Agreement](#) (8 July 2019), contains a detailed analysis of these.

A withdrawal agreement bill could also be expected to include provisions to implement any new protocol on Ireland/Northern Ireland agreed between Boris Johnson and the EU. The Government set out its proposals on 2 October 2019 in a letter from Boris Johnson to Jean-Claude Juncker, President of the European Commission, a seven-page explanatory note and draft legal text for a new protocol on Ireland/Northern Ireland to replace the one currently attached to the draft withdrawal agreement.¹⁸ The legal text has been shared with the European Commission but has not been published more widely. The Government said it would only publish it "when doing so will assist the negotiations".¹⁹

Under Theresa May's deal, the 'backstop' was intended as a temporary arrangement that would come into operation if an agreement on the UK-EU future relationship was not in place by the end of the transition period. Under the backstop, the UK would form a customs union with the EU. The UK would commit to 'non-regression' from EU law in areas such as environmental protection, labour and social standards, state aid and competition to provide for a level playing field between the UK and the EU. In Northern Ireland (but not the rest of the UK), specific EU legislation would continue to apply in areas such as VAT and excise, product standards for goods, agriculture, the environment, the electricity market and the EU customs code.

Being in a single customs territory with the EU would have limited the UK's ability to reach its own trade deals with third countries, particularly on goods. Critics of the backstop disliked the implications for the UK's ability to have an independent trade policy. They also feared that the UK could be 'trapped' in the backstop indefinitely. For further details about the terms of the backstop, see the House of Commons Library briefing [The UK's EU Withdrawal Agreement](#) (8 July 2019).

¹⁸ Prime Minister's Office, ['UK Proposals for a New Protocol on Ireland/Northern Ireland'](#), 2 October 2019.

¹⁹ [HC Hansard, 7 October 2019, col 1502.](#)

Under Boris Johnson's new proposals:

- **Northern Ireland would remain aligned with EU single market rules for goods and agri-food products.** This would create an “all-island regulatory zone on the island of Ireland”. The Government proposed this would “remove the need for regulatory checks and related infrastructure at the border between Northern Ireland and Ireland, while enabling the UK and EU to maintain their own distinct customs regimes”.²⁰ Checks would take place on goods moving from Great Britain to Northern Ireland.²¹ The arrangements for ensuring a system of checks and notifications could operate effectively would be worked out during the transition period.
- **The zone of regulatory compliance would be subject to the consent of Northern Ireland.** The Government said it was a “democratic problem” that significant sectors of the Northern Ireland economy would be governed by EU laws over which Northern Ireland had no say.²² The Government therefore proposed that before the end of the transition period, and every four years afterwards, the UK would give the Northern Ireland Assembly and Northern Ireland Executive the opportunity to consent to the all-island regulatory zone, within the framework set by the Belfast (Good Friday) Agreement. If consent was withheld, the arrangements would not enter into force, or would lapse after one year. Arrangements would then “default to existing rules”.
- **The whole of the UK would form a single customs territory, and would not be in a customs union with the EU.** The Government acknowledged that this would mean “the border between Ireland and Northern Ireland will be a customs border”.²³ However, it said the proposal would ensure “no customs controls necessary to ensure compliance with the UK and EU customs regimes will take place at or near the border”. Instead, the UK proposed that all customs processes should take place “on a decentralised basis”, with “paperwork conducted electronically as goods move between the two countries” and “the very small number of physical checks needed conducted at traders’ premises or other points on the supply chain”.²⁴ The Government called for a firm commitment by both parties “never to conduct checks at the border in future”.

²⁰ HM Government, [Explanatory Note: UK Proposals for an Amended Protocol on Ireland/Northern Ireland](#), 2 October 2019, pp 2–3.

²¹ *ibid*, pp 3–4.

²² *ibid*, p 5.

²³ *ibid*, p 5.

²⁴ Prime Minister's Office, [‘Letter from the Prime Minister to Jean-Claude Juncker, President of the European Commission’](#), 2 October 2019, p 3.

- **The “extensive” level playing field arrangements in the withdrawal agreement would “no longer be necessary”** if the UK and EU were separate customs territories with customs controls applied between them.²⁵ The Government argued that measures regarding “fair and open competition” should be discussed as part of the future relationship negotiations.
- **Changes would be made to the political declaration setting out the framework for the future relationship.** In his letter to President Juncker, Mr Johnson said he wanted the UK’s future relationship with the EU to be based on “a free trade agreement in which the UK takes control of its own regulatory affairs and trade policy”.²⁶ He contrasted this with the future relationship envisaged by Theresa May, “in which the UK would be closely integrated with EU customs arrangements and would align with EU law in many areas”. He called for the political declaration to be amended to reflect his Government’s goal of a comprehensive free trade agreement.

The main opposition parties at Westminster have been critical of the proposals. Jeremy Corbyn, Leader of the Labour Party, said they “would lead to an even worse deal” than the one agreed by Theresa May.²⁷ He described it as “a rehashed version of previously rejected proposals that would put the Good Friday agreement at risk and trigger a race to the bottom on rights and protections”. Ian Blackford, SNP Leader at Westminster, said the proposals were “unacceptable”, “unworkable” and “undeliverable”.²⁸ He questioned why it was acceptable for Northern Ireland, but not Scotland, to stay in the EU’s single market.²⁹ He argued that Scotland was being taken out of the single market and the EU customs union without its consent.³⁰ Tom Brake, the Liberal Democrats’ shadow Brexit secretary, argued that the proposal showed Boris Johnson had “no viable alternative to the backstop”.³¹ Mr Brake said it was “ludicrous” to suggest “the answer to ensuring no Irish border is to create two”.

²⁵ HM Government, [Explanatory Note: UK Proposals for an Amended Protocol on Ireland/Northern Ireland](#), 2 October 2019, p 3.

²⁶ Prime Minister’s Office, [‘Letter from the Prime Minister to Jean-Claude Juncker, President of the European Commission’](#), 2 October 2019.

²⁷ [HC Hansard, 3 October 2019, col 1385](#).

²⁸ *ibid*, col 1387.

²⁹ Under the Government’s proposals, Northern Ireland would remain aligned with EU single market rules on goods and agrifood products. It would not be a full member of the EU single market, which covers the free movement of people, capital and services as well as the free movement of goods.

³⁰ [HC Hansard, 3 October 2019, col 1388](#).

³¹ Liberal Democrats, [‘Lib Dems: Johnson’s Plans to Create Two Borders ‘Ludicrous’](#), 2 October 2019.

The Democratic Unionist Party (DUP) welcomed the proposals, however.³² It highlighted that the proposals would ensure Northern Ireland left the EU single market and customs union with the rest of the UK. It also welcomed the requirement for “democratic consent to the specific alignment proposals”.

On the EU side, President Juncker described the proposed regulatory alignment on goods as a “positive” advance. However, he said there were “some problematic points that required further work, notably with regard to governance of the backstop”.³³ He restated the EU’s position that any alternative to the backstop must be “legally operational” and must meet all the objectives of the backstop, namely, “preventing a hard border, preserving North-South cooperation and the all-island economy, and protecting the EU’s single market and Ireland’s place in it”.

Donald Tusk, President of the European Council, said that he was “open but unconvinced” by the proposal.³⁴ The European Parliament’s Brexit Steering Group said the proposal “did not represent a basis for an agreement to which the European Parliament could give consent”.³⁵ The European Parliament must vote in favour of a withdrawal agreement before the EU can ratify it. The Brexit Steering Group expressed concerns about:

- where and how customs and regulatory checks would be carried out;
- the impact of checks and controls on frictionless trade and on the peace process;
- checks and controls being insufficient to protect the EU’s single market;
- the fact that some elements of the proposal would be left to be worked out during the transition period; and
- replacing the “safety net” of the backstop with a consent mechanism that would give the Northern Ireland Assembly a unilateral decision, and make the arrangement “contingent, uncertain [and] provisional”.

According to press reports, leaked European Commission papers expressed several similar concerns.³⁶

³² Democratic Unionist Party, [‘Statement from Democratic Unionist Party’](#), 2 October 2019.

³³ European Commission, [‘Statement by the European Commission following President Jean-Claude Juncker’s Phone Call with Prime Minister Boris Johnson’](#), 2 October 2019.

³⁴ Donald Tusk, [Personal Twitter Account](#), 3 October 2019.

³⁵ European Parliament, [‘Brexit: Recent UK Proposals Do Not Offer the Safeguards the EU and Ireland Need’](#), 3 October 2019.

³⁶ Daniel Boffey, [‘Revealed: the EU’s Point-by-Point Rejection of Boris Johnson’s Brexit Plan’](#), *Guardian*, 8 October 2019.

The Irish Taoiseach, Leo Varadkar, said the proposals “fall short in a number of aspects”.³⁷ Mr Varadkar maintained there was a “contradiction” between the proposal and Boris Johnson’s insistence that customs checks would require no physical infrastructure anywhere on the island of Ireland. Mr Varadkar also emphasised that any consent mechanism for Northern Ireland should not give “any one party, of any denomination, a veto”.

The Belfast (Good Friday) Agreement and the Northern Ireland Act 1998 specify that if 30 Members of the Northern Ireland Assembly raise a ‘petition of concern’, the assembly must take a decision on a cross-community basis, rather than by simple majority. It has been argued that this would effectively create a unionist veto over the proposal that Northern Ireland align with EU regulations.³⁸

Since the Government presented its proposals, discussions have continued between the UK, the European Commission and the leaders of other EU member states, with the UK providing clarifications on aspects of the plans. President Macron of France reportedly told Boris Johnson on 6 October 2019 that the EU would evaluate by the end of the following week whether it thought an agreement could be reached.³⁹

Amending a Bill

Parliament could seek to amend any withdrawal agreement bill. However, amending the bill does not amend the withdrawal agreement itself. The House of Commons Library explains this relationship between domestic and international law:

Parliament can amend any government bill relating to a treaty, and as long as it does not hinder the Government from fulfilling its obligations under the treaty this will not block ratification. For example, Parliament might insist that the Government report to Parliament on the implementation of the treaty, even if there is no such requirement in the treaty itself. This of course does not amend the treaty itself.⁴⁰

³⁷ Charlie Cooper, ‘[Leo Varadkar: UK Brexit Proposals Fall Short](#)’, Politico (£), 3 October 2019.

³⁸ For example, Rory O’Connell, ‘[The Johnson Letter and Cross-Community Agreement in Northern Ireland](#)’, UK Constitutional Law Association Blog, 4 October 2019; and Lisa O’Carroll, ‘[What Are the Concerns Over Stormont’s Role in Proposed Brexit Deal?](#)’, *Guardian*, 3 October 2019.

³⁹ Laura Hughes and David Keohane, ‘[Boris Johnson Urges Brussels to Compromise on Brexit](#)’, *Financial Times* (£), 6 October 2019.

⁴⁰ House of Commons Library, [Parliament’s Role in Ratifying Treaties](#), 17 February 2017, p 9.

Time for Parliamentary Scrutiny

The significance and likely complexity of legislation to implement a withdrawal agreement has led to questions about the time that would be available for parliamentary scrutiny. Under the terms of the Benn Act, if the Commons has approved a deal by 19 October 2019, the Prime Minister does not have to request to extend the UK's membership of the EU beyond 31 October 2019. Mr Johnson would then have twelve calendar days, including weekends, in which to pass a withdrawal agreement bill and ratify the withdrawal agreement in order to be able to leave with a deal on 31 October 2019.

The Institute for Government (IfG) has calculated that past bills to implement major EU treaties have taken between ten and 40 days to get through Parliament.⁴¹ The IfG argues that the “constrained” timetable available to pass a bill before 31 October 2019 “will hugely limit Parliament’s ability to properly scrutinise the legislation”.⁴²

The Government has said that if a new deal is forthcoming at the European Council, it would move “at pace” to introduce the bill and secure its passage before 31 October 2019.⁴³ Mr Johnson said if there was a deal, he wanted the House of Commons to “debate, scrutinise and endorse it in time for our departure on 31 October”.⁴⁴

No-Deal Planning

Speaking in the House of Commons on 25 July 2019, Boris Johnson said that the Government would “turbo-charge” its no-deal preparations in the time remaining before exit day, to “mitigate the challenges” and “grasp [...] the opportunities”.⁴⁵ In his speech to the Conservative Party conference Mr Johnson said that whilst no deal was not the outcome he wanted “it is an outcome for which we are ready”.⁴⁶ This section discusses the recent *No-Deal Readiness Report* by the Government and spending announcements made at the Conservative Party conference by Sajid Javid.

⁴¹ Institute for Government, [‘The Withdrawal Agreement Bill’](#), 15 May 2019.

⁴² Institute for Government, [‘Even a Commons Majority for an EU Withdrawal Agreement Doesn’t Rule Out a No-Deal Brexit’](#), 26 September 2019.

⁴³ Prime Minister’s Office, [‘Queen’s Speech: Invest in NHS. Attack Violent Crime. Cut the Cost of Living’](#), 28 August 2019.

⁴⁴ [HC Hansard, 3 September 2019, col 27.](#)

⁴⁵ [HC Hansard, 25 July 2019, col 1458.](#)

⁴⁶ Boris Johnson, [‘Prime Minister: Let’s Get Brexit Done and Take this Country Forward’](#), 2 October 2019.

No-Deal Readiness Report

On 8 October 2019, the Government published a 155-page document outlining the UK's readiness for no deal.⁴⁷ Michael Gove announced the report in a statement to MPs in the House of Commons.⁴⁸ The report restated that whilst the Government's preference was for a deal, it was prepared to leave the EU without one.⁴⁹ It outlined government activities in areas such as borders; citizens' rights; energy and the environment; services; industry; Northern Ireland; devolved administrations, and on the subject of Operation Yellowhammer and security. It also discussed actions that businesses and individuals would need to take. However, the document was not exhaustive and stated that "circumstances can change", referring business and citizens to the government website for the most up-to-date guidance.⁵⁰

The report outlines areas in which the Government has made legislative preparations for no deal, for example in the area of road haulage and data protection.⁵¹ However, the report also makes reference to some areas where the Government would legislate. This includes:

- Laying secondary legislation in 2020 "on the operational detail of the carbon emissions tax (CET)".⁵² The CET was established under the Finance Act 2019 and would "support the Government's legally binding carbon reduction commitments".
- Legislating to "ensure the newly introduced manufacturing waiver for supplementary protection certificates (SPC) continues to function as normal".⁵³
- The preparation of legislation in the area of the single energy market (SEM). The Government explained that "the UK will no longer have access to European platforms that provide for efficient trade and cross-border cooperation".⁵⁴ It had therefore worked with technical input from the Northern Ireland Department for the Economy, Utility Regulator and System Operator (SONI) to prepare legislation in "an effort to ensure that technical, operational and legal arrangements are in place for

⁴⁷ HM Government, [No-Deal Readiness Report](#), 8 October 2019, CP 179.

⁴⁸ [HC Hansard, 8 October 2019, cols 1639–81](#).

⁴⁹ HM Government, [No-Deal Readiness Report](#), 8 October 2019, CP 179, p 7.

⁵⁰ *ibid*, p 10.

⁵¹ *ibid*, pp 22 and 52.

⁵² *ibid*, p 63.

⁵³ *ibid*, p 93. Further information on the nature and function of the Supplementary Protection Certificate manufacturing waiver is available from the Intellectual Property Office's website: Intellectual Property Office, '[Supplementary Protection Certificates](#)', 27 June 2019.

⁵⁴ HM Government, [No-Deal Readiness Report](#), 8 October 2019, CP 179, p 141.

the single energy market to continue”.⁵⁵ The report stated that the Government remained ready to work with the Irish Government to this end.

- The taking of unilateral measures to mitigate impacts on the Northern Ireland border. The report stated that the Government would “make necessary changes in legislation ahead of 31 October 2019 in order to apply the approach of ‘no new checks with limited exceptions’”.⁵⁶ The report stated that the UK was looking to work cooperatively with the EU and the Irish Government to help mitigate “the most immediate impacts of leaving without a deal, and to discuss a long term sustainable approach to the land border”.⁵⁷

Speaking to the House of Commons, Michael Gove described the report as a comprehensive summary of the UK's preparedness for leaving the EU without a deal, although he reiterated that it was the Government's “strong desire” to leave with a deal.⁵⁸ He said that the actions in the report reflected the Government's top priority of “ensuring that we maintain the smooth and efficient flow of goods and people from the UK to the EU, and vice versa”.⁵⁹ Mr Gove cautioned, however, that “even with every government project complete and necessary IT systems in place”, flow at the border would be affected if companies did not prepare and ensure they had the right paperwork. He quoted Morrisons and the Co-op as stating that they were prepared for no deal.⁶⁰ However, Mr Gove said that risks remained and that some challenges could not be entirely mitigated. Despite this, he argued that the UK economy was “in a much better position to meet those risks and challenges”.⁶¹

Responding for Labour, Keir Starmer, Shadow Secretary of State for Exiting the European Union, questioned how prepared UK businesses were. He quoted the British Retail Consortium as saying that “it is impossible to completely mitigate the significant disruption which would be caused by no deal”.⁶² Mr Starmer stated that what Michael Gove had said and what business has said were “two different things”.⁶³ He argued that “no deal would be a disaster for the economy and for businesses”.⁶⁴

⁵⁵ HM Government, [No-Deal Readiness Report](#), 8 October 2019, CP 179, p 142.

⁵⁶ *ibid.*

⁵⁷ *ibid.*

⁵⁸ [HC Hansard, 8 October 2019, col 1659.](#)

⁵⁹ *ibid.*

⁶⁰ *ibid.*, 1660.

⁶¹ *ibid.*

⁶² *ibid.*, col 1663.

⁶³ *ibid.*

⁶⁴ *ibid.*

The Government's legislative agenda for Northern Ireland more generally is discussed in the Lords Library Briefing for Day 4 of the debate on the Queen's Speech. The implementation of the Northern Ireland specific provisions of a withdrawal agreement bill is discussed above on pages 4–8.

The *No-Deal Readiness Report* also provides further information on the Government's Operation Yellowhammer no-deal planning.

Operation Yellowhammer

On 18 August 2019, the *Sunday Times* published a leaked copy of the Government's 'Operation Yellowhammer' no-deal planning.⁶⁵ It had previously been reported in September 2018 that the Cabinet Office Civil Contingencies Secretariat's plan for a no-deal Brexit was codenamed Operation Yellowhammer.⁶⁶ A document photographed by the press as a government official left HM Treasury stated that Operation Yellowhammer's purpose was to plan "for mitigating the immediate impacts of a no-deal Brexit".

The document leaked in August 2019 set out what it described as a "base scenario". It included key planning assumptions in the event of no deal for areas including border checks, fuel and social care. The Government stated that the report examined worst-case scenarios and was not up to date.⁶⁷

On 9 September 2019, the House of Commons passed a 'humble address' motion to the Queen "that Ministers be [...] directed to lay before this House [...] all the documents prepared within Her Majesty's Government since 23 July 2019 relating to Operation Yellowhammer and submitted to the cabinet or a cabinet committee".⁶⁸ The motion was moved by Dominic Grieve (Independent MP for Beaconsfield) and agreed by 311 votes to 302.⁶⁹

In response to the motion, the Government published a document entitled *Operation Yellowhammer: HMG Reasonable Worst Case Planning Assumptions as of 2 August 2019*.⁷⁰ Alongside this the Government also published letters that the Chancellor of the Duchy of Lancaster, Michael Gove, had written to Dominic Grieve and Hilary Benn, chair of the House of Commons Exiting

⁶⁵ *Sunday Times* (£), '[No-deal Brexit Preparations: The Leaked Operation Yellowhammer Document](#)', 18 August 2019.

⁶⁶ Greg Heffer, '[Operation Yellowhammer: 'No-deal' Brexit Plans Leaked](#)', Sky News, 6 September 2018

⁶⁷ BBC News, '[Brexit: No-Deal Dossier Shows Worst-Case Scenario—Gove](#)', 18 August 2019.

⁶⁸ [HC Hansard, 9 September 2019, col 522](#). The motion also included a request for the publication of documentation related to the prorogation of parliament.

⁶⁹ *ibid*, cols 556–9.

⁷⁰ Cabinet Office, [Operation Yellowhammer: HMG Reasonable Worst Case Planning Assumptions as of 2 August 2019](#), 11 September 2019.

the European Union Committee.⁷¹ In his letter to Mr Benn, Mr Gove stated that the document described what the Government believed could occur in a “reasonable worst case scenario, thus providing a deliberately stretching context for government planning to ensure that we are prepared for exit”.⁷²

Spending Announcements: Conservative Party Conference 2019

During his speech to the 2019 Conservative Party conference, Sajid Javid, the Chancellor of the Exchequer, announced that, in the event of no deal, he had agreed to “guarantee all £4.3 billion of EU-directed funding” that “organisations and devolved administrations” would have been expecting.⁷³ He also referenced a 31 July 2019 Treasury announcement of £2.1 billion for no-deal preparations. This was broken down as follows:

- New immediate cash boost of £1.1 billion to prepare critical areas for EU exit on 31 October.
- A further £1 billion available to enhance operational preparedness this year if needed.⁷⁴

The press release stated that “In total the Treasury has now made available £6.3 billion to prepare for EU exit, including £4.2 billion funding this financial year alone”.⁷⁵

Brexit Bills Lost at Prorogation

When Parliament was prorogued on 8 October 2019, the following Brexit bills were lost as they had not completed their parliamentary stages and were not the subject of carry-over motions:

- **Trade Bill:** introduced in the House of Commons and passed its third reading in the House of Lords on 20 March 2019 but was awaiting ping-pong at the time of prorogation. The bill would have made some of the legislative changes needed to enable the UK to implement an independent trade policy once it has left the EU. This included the establishment of a new body, the Trade Remedies Authority, to defend UK businesses against unfair trade practices.

⁷¹ Cabinet Office, ‘[Government Response to Humble Address Motion](#)’, 11 September 2019.

⁷² Michael Gove, ‘[Letter to the Chair of the Exiting the European Union Committee: Operation Yellowhammer: Planning Assumptions](#)’, 11 September 2019.

⁷³ Sajid Javid, ‘[The Chancellor’s Speech to Conference 2019](#)’, 30 September 2019.

⁷⁴ HM Treasury and Sajid Javid, ‘[Chancellor Announces Billions to Turbo-Charge No Deal Preparations](#)’, 31 July 2019.

⁷⁵ *ibid.*

- **Immigration and Social Security Coordination (EU Withdrawal) Bill:** introduced in the House of Commons and completed its committee stage in the House of Commons on 5 March 2019. Amongst its provisions, the bill would have included changes to retained EU law in order to bring free movement to an end when the UK withdraws from the EU.
- **Fisheries Bill:** introduced in the House of Commons and completed its committee stage in the House of Commons on 17 December 2018. Amongst its provisions, the bill would enable the UK to operate as an independent coastal state under the United Nations Convention on the Law of the Sea 1982 after it has withdrawn from the EU. It also included provisions to create common approaches to fisheries management between the UK Government and the devolved administrations.
- **Agriculture Bill:** introduced in the House of Commons and completed its committee stage in the House of Commons on 20 November 2018. The bill's provisions included the establishment of a new legal framework for the UK to leave the common agricultural policy.
- **Financial Services (Implementation of Legislation) Bill:** introduced in the House of Lords and completed its committee stage in the House of Commons on 26 February 2019. Amongst its provisions, the bill would have provided the Government with the power to implement or modify so-called 'in flight' files of financial services legislation for two years after the UK's withdrawal from the EU. In flight files are pieces of EU legislation that have been adopted by the EU but do not yet apply or those currently being negotiated and which could be adopted within two years of the UK's exit. The explanatory notes to the bill explain that these powers would allow the UK to update its financial regulations in order to mitigate against disruption in a no-deal scenario for up to two years after exit.⁷⁶

The European Union (Withdrawal) Act 2018 (EUWA 2018) provided that much of the EU law that applies to the UK as a member state would be integrated into the UK's statute book as a new category of 'retained EU law' on exit day. This was to ensure there was legal continuity and that there would be no gaps in the UK's statute book after the UK left the EU. The EUWA 2018 provided powers to correct deficiencies in this retained EU law, using secondary legislation, to ensure that it could continue to function correctly. An example of this would be to change references to the EU institutions that may no longer be relevant in the context of the UK's new relationship with the EU. These powers were limited and not intended to be used for making substantive changes to policy.

⁷⁶ [Explanatory Notes to the Financial Services \(Implementation of Legislation\) Bill \[HL\] 2017–19](#), para 5.

Many of the powers in the Brexit bills listed above were designed to allow the UK to amend retained EU law more extensively in these areas to achieve new policy objectives. The Government's plans for trade are discussed below. Its plans for fisheries and agriculture are discussed in the Lords Library Briefing for Day 3 of the debate on the Queen's Speech. Its plans for immigrations are discussed in the Lords Library Briefing for Day 4 of the debate on the Queen's Speech.

The Leader of the House of Commons, Jacob Rees-Mogg, has stated that the Government is "satisfied that all the bills that are needed prior to leaving the European Union on 31 October are in place", except for a withdrawal agreement bill that would be required to implement an agreement (the need for a withdrawal agreement bill is discussed earlier in this briefing).⁷⁷ He said it was therefore not essential for those bills that would be lost at prorogation to make further progress.⁷⁸

⁷⁷ [HC Hansard, 26 September 2019, col 926.](#)

⁷⁸ *ibid.*

International Trade

Trade Bill

The 2017 Conservative Party general election manifesto stated that the UK would be a “global champion of free trade” and that Brexit would enable the UK to “strike our own trade agreements with countries outside the EU”.⁷⁹ The document added that a trade bill would be introduced to facilitate a Conservative Government’s ambitions in this area. Following the general election, the Government reiterated in the 2017 Queen’s Speech that it would bring forward a trade bill, together with a customs bill, to enable the UK to “implement an independent trade policy” after Brexit.⁸⁰ In October 2017, the Government published a trade white paper which expanded on this undertaking. The document stated that the Government would introduce trade and customs bills as part of efforts to prepare for “all possible outcomes of negotiations” and to ensure the UK had the “necessary legal powers and structures to enable us to operate a fully functioning trade policy after our withdrawal from the EU”.⁸¹

In November 2017, in line with commitments made at the outset of the 2017–19 session and in the trade white paper, the Government introduced both a trade bill and a customs bill in the House of Commons.⁸² The Government stated that the bills would “together ensure that the necessary tools are in place to deliver an independent trading framework for the UK outside the EU”.⁸³ The customs bill, formally styled the Taxation (Cross-border Trade) Bill, made provision for the UK’s future customs, VAT and excise regimes and received royal assent in September 2018. Meanwhile, the Government’s Trade Bill passed both Houses during the 2017–19 session but fell at prorogation awaiting ping pong.

The Trade Bill, as introduced in the House of Lords, would have made some of the legislative changes required to enable the UK to implement an independent trade policy after Brexit. These included:

- creating powers for the UK to transition (or roll over) trade agreements that currently exist between the EU and other countries which the UK is party to through EU membership;

⁷⁹ Conservative Party, [Conservative Party Manifesto 2017](#), 18 May 2017, pp 15 and 38.

⁸⁰ [HL Hansard, 21 June 2017, col 5](#).

⁸¹ Department for International Trade, [Preparing for Our Future UK Trade Policy](#), October 2017, Cm 9470, p 11.

⁸² UK Parliament website, ‘[Bill Stages—Trade Bill 2017–19](#)’; and ‘[Bill Stages—Taxation \(Cross-border Trade\) Act 2018](#)’, accessed 8 October 2019.

⁸³ HM Treasury, [Taxation \(Cross-border Trade\) Bill: Explanatory Notes](#), 17 July 2018, p 7.

- allowing the UK to implement the Agreement on Government Procurement (GPA) independently rather than as an EU member;
- establishing a new independent UK body, the Trade Remedies Authority, to defend UK businesses against unfair trade practices; and
- ensuring the UK Government had the legal ability to gather and share trade information.⁸⁴

On 6 March 2019, the bill was amended on division in the House of Lords to include a new clause that would have compelled the Government to make it an objective to “take all necessary steps to implement an international trade agreement which enables the United Kingdom to participate after exit day in a customs union with the European Union”.⁸⁵ The Government had opposed the amendment. The bill received its third reading in the House of Lords on 20 March 2019.⁸⁶ However, the Government did not then schedule time in the House of Commons for consideration of Lords amendments.

Speaking in the House of Commons on 26 September 2019, the Leader of the House, Jacob Rees-Mogg, indicated that the bill would not progress to ping-pong in its current form. He said: “The Trade Bill contains a bit on a customs union, which would be an absolute disaster. It will not come back in that form”.⁸⁷

In evidence to the House of Commons International Trade Committee given in July 2019, Dr Liam Fox, then Secretary of State for International Trade, contended that the Trade Bill was not “absolutely necessary”. He stated:

[...] the Trade Bill had three functions. The first was to maintain our ability to trade with countries that had agreements with the European Union. We have the legal powers to do that, whether we have the Trade Bill or not. The second aim was to get trade remedies in place so British businesses would not be disadvantaged in the event of no deal. We have those in place—in fact, they are up and running. The third was to achieve membership of the Government procurement agreement, which we also have. It would be much better to put it on a long-term statutory basis and to have the Trade Bill go through, but I’m afraid you are quite wrong: we are able to carry out the three main functions of the Trade Bill by other means, without that legislation passing. Would I like to see it and those three sections on the statute

⁸⁴ House of Lords Library, [Trade Bill](#), 30 August 2018.

⁸⁵ [HL Hansard, 6 March 2019, cols 681–91.](#)

⁸⁶ [HL Hansard, 20 March 2019, cols 1438–64.](#)

⁸⁷ [HC Hansard, 26 September 2019, col 932.](#)

book to provide long-term continuity? Yes, I would. Is it absolutely necessary? No, it's not.⁸⁸

Continuity Agreements and New Trade Deals

The Government has been seeking continuity agreements to roll over the EU's trade agreements and other preferential trade arrangements with third countries for after the UK's withdrawal from the EU.⁸⁹

Speaking in the House of Commons on 7 October 2019, Conor Burns, Minister of State at the Department for International Trade, asserted that the UK had “transitioned over 72 percent of UK trade in continuity agreements”, with “many more [agreements] on the cusp of being agreed”.⁹⁰ The Government has published a list of trade agreements and mutual recognition agreements that are in place ahead of a potential no-deal Brexit.⁹¹ EU trade agreements with trading partners such as Canada, Japan and Turkey have not yet been rolled over. In some cases, the continuity agreements in place do not fully replicate the current EU agreements.⁹²

In September 2019, the Secretary of State for International Trade, Elizabeth Truss, indicated that the Government's priorities for new trade deals after the UK has left the EU would be with countries such as Japan and South Korea, as well as “friends in the Commonwealth, including Canada, Australia and New Zealand”. However, Ms Truss stated that the “largest opportunity of all lies with our closest ally and biggest trading partner—the United States of America”.⁹³

No-Deal Tariff Regime

In the event of a no-deal Brexit, the UK would set its own tariffs. On 8 October 2019, Ms Truss published a written statement updating the temporary tariff regime previously announced in March 2019.⁹⁴ The temporary tariff “would apply equally to all countries where the UK does

⁸⁸ House of Commons International Trade Committee, [Oral Evidence: Work of the Department for International Trade, HC 436](#), 3 July 2019, Q879.

⁸⁹ For background information on this activity, see: House of Commons Library, [UK Replacement of the EU's External Agreements After Brexit](#), 19 September 2019.

⁹⁰ [HC Hansard, 7 October 2019, cols 1521–3](#).

⁹¹ Department for International Trade, [‘UK Trade Agreements with Non-EU Countries in a No-deal Brexit’](#), 4 October 2019. See also: Tom Edgington, [‘Brexit: What Trade Deals Has the UK Done So Far?’](#), BBC News, 4 October 2019.

⁹² House of Commons Library, [No Deal Brexit: Trade](#), 12 September 2019, p 29.

⁹³ Department for International Trade, [‘International Trade Dinner Speech’](#), 5 September 2019. For background information on future free trade agreements, see: House of Commons Library, [Future Free Trade Agreements: US, CPTPP, Australia and New Zealand](#), 20 February 2019.

⁹⁴ House of Commons, [‘Written Statement: Trade Update’](#), 8 October 2019, HCWS1850.

not have a trade agreement or other preferential agreement in place”, including the EU, for a period of twelve months if the UK were to leave the EU without a deal on 31 October 2019. The Government has stated that “88 percent of total imports to the UK by value would be eligible for tariff-free access” under the temporary tariff regime and that it would “mean lower prices in shops for consumers and the opportunity to source the best goods from around the world”.⁹⁵ The day before, Conor Burns, Minister of State at the Department for International Trade, said no tariffs would be imposed on goods coming from the Republic of Ireland into Northern Ireland in the event of a no-deal Brexit.⁹⁶ It has been reported that this would open up an “obvious entry point to the UK market for any trader wishing to avoid the duties”.⁹⁷

Speaking in the House of Commons on 8 October 2019, the Chancellor of the Duchy of Lancaster, Michael Gove, stated that the updated tariff regime “maintains a mixture of tariffs and quotas on 12 percent of goods, such as beef, lamb, pork, poultry and some dairy products, to support farms and producers that have historically been protected through high EU tariffs in the past”.⁹⁸ He stated that “three specific changes” had been made to the regime since March. These were in relation to the tariffs that would apply to heavy goods vehicles, bioethanol and additional clothing products not covered in the original regime.

Freeports

In his first statement in the House of Commons as Prime Minister, Boris Johnson stated that the UK would “have the freeports to revitalise our coastal communities”.⁹⁹ Freeports are ports in which “normal” tax and customs rules do not apply, and may be airports as well as maritime ports.¹⁰⁰ The Government has the power to designate freeports by statutory instrument under the Customs and Excise Management Act 1979.¹⁰¹ The UK does not currently have any designated freeports, but in August 2019 the Government announced that a Freeports Advisory Panel would be established to “advise the Government on the establishment of up to 10 freeports”.¹⁰²

⁹⁵ HM Treasury and Department for International Trade, ‘[Temporary Tariff Regime Updated](#)’, 8 October 2019. For background information, see: House of Commons Library, ‘[Brexit: Trade Tariffs if there is No Deal](#)’, 30 September 2019.

⁹⁶ [HC Hansard, 7 October 2019, col 1520](#).

⁹⁷ George Parker and Daniel Thomas, ‘[UK Plans Low-tariff Regime in a No-deal Brexit](#)’, *Financial Times* (£), 8 October 2019.

⁹⁸ [HC Hansard, 8 October 2019, col 1659](#).

⁹⁹ [HC Hansard, 25 July 2019, col 1457](#).

¹⁰⁰ Joe Owen, ‘[Freeports and Free Zones](#)’, Institute for Government, 5 August 2019.

¹⁰¹ House of Commons Library, ‘[The Establishment of Free Ports in the UK](#)’, 9 October 2018.

¹⁰² HM Treasury and Department for International Trade, ‘[Trade Secretary Announces Freeports Advisory Panel Will Ensure UK is Ready to Trade Post-Brexit](#)’, 2 August 2019.

International Development

The 2017 Conservative Party manifesto committed a Conservative government to “maintain the commitment to spend 0.7 percent of our Gross National Income [GNI] on assistance to developing nations and international emergencies”.¹⁰³ The 2019 spending round confirmed that the Government would continue to meet the statutory commitment to spend 0.7 percent of GNI on Official Development Assistance (ODA) in each calendar year.¹⁰⁴

Since July 2019, the Government has made several announcements about the areas UK ODA would be spent. These include:

- a commitment to double support on international climate finance to assist developing countries in dealing with climate change, bringing this to £11.6 billion over the next five years;
- a £600 million reproductive health supplies programme to help an estimated 20 million women and girls access family planning and prevent an estimated five million unintended pregnancies each year up to 2025, with the aim of ending the preventable deaths of mothers, new-born babies and children in the developing world by 2030;
- a new £220 million fund to target five neglected tropical diseases in 25 of the world's poorest countries;
- a new £220 million fund to save endangered animals such as the black rhino, African elephant, snow leopard and Sumatran tiger;
- a new £175 million package of funding to assist with preparations for disasters such as typhoons and hurricanes; and
- a package of financial support to help protect and restore the world's forests.¹⁰⁵

See also: House of Commons International Trade Committee, [Oral Evidence: Freeports, HC 2629](#), 4 September 2019.

¹⁰³ Conservative Party, [Conservative Party Manifesto 2017](#), 18 May 2017, p 39.

¹⁰⁴ HM Treasury, [Spending Round 2019](#), September 2019, CP 170, p 14.

¹⁰⁵ HM Government, [‘UK Aid to Double Efforts to Tackle Climate Change’](#), 23 September 2019; [‘Alok Sharma Speech to UN General Assembly on Universal Health Coverage’](#), 23 September 2019; [‘New UK Aid Support to Protect 200 Million People from Debilitating Diseases’](#), 17 September 2019; [‘PM Launches New Action Plan to Save the Natural World’](#), 23 September 2019; [‘UK Aid to Help Protect One Billion People from Impact of Extreme Weather’](#), 22 September 2019; and [‘Prime Minister Announces Ambitious Package of Support to Protect and Restore the World's Forests’](#), 23 September 2019. See also: Conservative Party, [‘Alok Sharma: “We Will End Preventable Deaths of Mothers, New-born Babies and Children in the Developing World by 2030”](#)’, 2 October 2019; and House of Commons, [‘Written Statement: Aid Update’](#), 2 October 2019, HCWS1844.

Foreign and Commonwealth Affairs

'Magnitsky Law'

In August 2019, the Foreign Secretary, Dominic Raab, stated that after Brexit the UK would implement so-called 'Magnitsky' provisions in the Sanctions and Anti-Money Laundering Act 2018.¹⁰⁶ He reiterated this commitment during the Conservative Party conference in September 2019. Mr Raab stated that implementing the Magnitsky provisions of legislation already in place would "put visa bans and asset freezes on those individuals deemed responsible for serious human rights abuses like torture".¹⁰⁷

The Magnitsky provisions are named after Russian lawyer Sergei Magnitsky. In 2008, Mr Magnitsky was arrested after claiming that certain Russian officials had been involved in fraud. He died in prison in November 2009, after reportedly being mistreated.¹⁰⁸ The first 'Magnitsky law' was passed in the United States in 2012. It listed Russian officials who were alleged to be responsible for human rights abuses and sanctioned them through measures like asset freezing and travel bans. The Act was later expanded to cover those responsible for breaches of human rights across the world.¹⁰⁹

In the UK, so-called Magnitsky amendments have been made to legislation since 2017.

An amendment to the Proceeds of Crime Act 2002 was made through the Criminal Finances Act 2017 to "expand the definition of 'unlawful conduct' to include gross human rights abuses".¹¹⁰ In 2018, the Sanctions and Anti-Money Laundering Bill (later the Sanctions and Anti-Money Laundering Act 2018) was amended to include "gross human rights violations as a reason for imposing sanctions on a person or entity".¹¹¹

On 3 October 2019, the Government confirmed that a statutory instrument to impose a sanctions regime for human rights abuses under the Sanctions and Anti-Money Laundering Act 2018 had been drafted.¹¹²

¹⁰⁶ Foreign and Commonwealth Office, '[A Truly Global Future Awaits Us After Brexit: Article by Dominic Raab](#)', 11 August 2019. See also: Conservative Party, '[Why We're Implementing Magnitsky's Law](#)', accessed 8 October 2019.

¹⁰⁷ BBC Parliament, '[Conservative Party Conference: Dominic Raab](#)', accessed 3 October 2019 (video).

¹⁰⁸ Philip Aldrick, '[Crusading Russian Lawyer Sergei Magnitsky "Beaten To Death"](#)', *Telegraph* (£), 7 July 2011.

¹⁰⁹ Alex Horton, '[The Magnitsky Law, Explained](#)', *Washington Post* (£), 14 July 2017.

¹¹⁰ House of Commons Library, '[Magnitsky Legislation](#)', 16 July 2018.

¹¹¹ *ibid.*

¹¹² [HC Hansard, 3 October 2019, cols 395–6WH.](#)

Hong Kong

In March 2019, protests began in Hong Kong in response to a proposed law that would have allowed extradition between Hong Kong and China. The proposal was withdrawn in early September, but protests have continued.¹¹³

Responding to an urgent question on 26 September 2019 on the protests in Hong Kong, the Foreign Secretary, Dominic Raab, stated: "I remain seriously concerned by the situation in Hong Kong". He went on to give further detail about the UK's response:

In recent weeks, I have spoken to both the Hong Kong Chief Executive, Carrie Lam, and to the Chinese Foreign Minister, State Counsellor Wang Yi, and I have made it clear that the UK continues to support one country, two systems. I have also made clear, however, our concern about human rights and, in particular, the mistreatment of those exercising their right to lawful and peaceful protest. The concerns of those peaceful protesters should be addressed by political dialogue, not crushed by force.¹¹⁴

On 1 October 2019, it was reported the protests had further escalated.¹¹⁵ In a statement, the Foreign Secretary said that "we need to see restraint and de-escalation from both protestors and the Hong Kong authorities".¹¹⁶

Iran

On 14 September 2019, 18 drones and seven cruise missiles hit an oil field and processing facility in the Gulf region. Speaking about the incident in a statement to the House of Commons on 25 September 2019, the Foreign Secretary stated: "As the UK Government, we took our time to assess the facts carefully and independently. We are now confident that Iran was responsible".¹¹⁷

The Foreign Secretary went on to state that the Government "remains committed to the 2015 Joint Comprehensive Plan of Action (JCPOA)", otherwise known as the 'Iran nuclear deal'.

¹¹³ House of Commons Library, [Hong Kong in 2019](#), 17 September 2019, p 11. Background information on the Joint Declaration between the UK and China can be found in the following briefing: House of Commons Library, [Hong Kong: The Joint Declaration](#), 5 July 2019.

¹¹⁴ [HC Hansard, 26 September 2019, col 864](#).

¹¹⁵ BBC News, ['Hong Kong Protest: City Reels From "One Of Its Most Violent Days"'](#), 2 October 2019.

¹¹⁶ Foreign and Commonwealth Office, ['Hong Kong Protests, 1 October 2019: Foreign Secretary's Statement'](#), 1 October 2019.

¹¹⁷ [HC Hansard, 25 September 2019, col 756](#).

He concluded:

Iran faces a choice: it can double down on its approach, in which case the international opposition to its behaviour will only intensify; or it can take immediate steps to de-escalate tensions and rebuild international confidence by respecting international law and reducing the range of threats it presents to its neighbours. That is the only path to stability and prosperity for Iran and the wider region.¹¹⁸

The JCPOA is an agreement signed in 2015 between the UK, France, the United States, China, Germany, Russia and Iran. Under the plan, Iran agreed to limit its nuclear programme and the United Nations Security Council agreed to lift certain sanctions.¹¹⁹ In 2018, the US withdrew from the JCPOA and re-instated all sanctions that were removed by the 2015 agreement.¹²⁰

Iran has asked the UK, France and Germany for help against US sanctions and has indicated it could accelerate uranium enrichment activity if no assistance is given.¹²¹

¹¹⁸ [HC Hansard, 25 September 2019, col 756.](#)

¹¹⁹ United Nations Security Council, '[Resolution 2231 \(2015\) on Iran Nuclear Issue](#)', accessed 4 October 2019.

¹²⁰ BBC News, '[US Unleashes Sanctions on Iran, Hitting Oil, Banking and Shipping](#)', 5 November 2018.

¹²¹ Michael Safi, '[Iran Puts Pressure on Europe to Save Nuclear Deal Within 60-Day Deadline](#)', *Guardian*, 7 September 2019. Further information on the Iran nuclear deal and recent tensions in the Gulf can be found in the following briefing: House of Commons Library, '[The Iran Nuclear Deal and Rising Tensions in the Gulf](#)', 1 October 2019.

Defence

Armed Forces Compensation Bill

In May 2019, the then Secretary of State for Defence, Penny Mordaunt, announced that the Government would bring forward legislation “as soon as parliamentary time allows” to introduce a new compensation scheme for those injured, or the families of those killed, on combat operations.¹²²

Ms Mordaunt stated that such a “no-fault scheme” would stop those affected from having to pursue “lengthy and stressful claims in the court”.¹²³

Legal Protections Bill

On 22 July 2019, Ms Mordaunt launched a consultation on legal protections for armed forces personnel and veterans for alleged offences committed in the course of duty outside the UK.¹²⁴ The consultation document set out the Government’s proposals in this area. These included:

- a proposal to legislate for a presumption against prosecution of current or former armed forces personnel for alleged offences committed in the course of duty outside the UK more than ten years ago; and
- a proposal to ensure that the law reflects the “unique pressures” faced by armed forces personnel while deployed on operations outside the UK, through the creation of a new partial defence to murder.¹²⁵

Ms Mordaunt stated that the Government’s aim was to bring “forward legislation as soon as possible” in this area.¹²⁶ The consultation is due to close on 13 October 2019. The proposals do not extend to the actions of armed forces personnel or veterans deployed within the United Kingdom. A consultation on legacy issues in Northern Ireland closed on 5 October 2018 but has not yet received a government response.¹²⁷

On 29 July 2019, the Government announced the creation of a new Office

¹²² House of Commons, ‘[Written Statement: Legal Protections and Support for Armed Forces Personnel and Veterans](#)’, 21 May 2019, HCWS1575.

¹²³ *ibid.*

¹²⁴ Ministry of Defence, ‘[Legal Protections for Armed Forces Personnel and Veterans Serving in Operations Outside the United Kingdom](#)’, 22 July 2019.

¹²⁵ House of Commons, ‘[Written Statement: Support for Armed Forces Personnel and Veterans](#)’, 22 July 2019, HCWS1784.

¹²⁶ *ibid.*

¹²⁷ Northern Ireland Office, ‘[Addressing the Legacy of Northern Ireland’s Past](#)’, 11 May 2018. For background information on this issue, see: House of Commons Library, [Investigation of Former Armed Forces Personnel Who Served in Northern Ireland](#), 8 October 2019.

for Veterans' Affairs.¹²⁸ The office is intended to “work with departments to coordinate and drive government policy on veterans' welfare, spanning mental and physical health, education and employment”.¹²⁹ Responsibility for the office will be shared between Oliver Dowden, Paymaster General and Minister for the Cabinet Office, who attends Cabinet and holds responsibility for overseeing government work on veterans issues, and the Minister for Defence People and Veterans, Johnny Mercer.¹³⁰ On 2 September 2019, the Government announced £5 million of funding for the new office.¹³¹

In a speech at the Defence and Security Equipment International (DSEI) on 12 September 2019, Mr Mercer gave more detail on the priorities for the Office for Veterans' Affairs. He stated that “the process of ending repeated and vexatious litigation against our service men and women will end under this Prime Minister” and that the office would bring about an “end to a postcode lottery by legislating the Armed Forces Covenant into law”.¹³²

Defence Budget

In the 2017 Conservative Party manifesto, the party committed to “meet the NATO commitment to spend at least 2% of GDP on defence”.¹³³ The document also committed a Conservative government to “increase the defence budget by at least 0.5% above inflation in every year of the new parliament”.

In July 2019, the House of Commons Defence Committee published a report entitled *Shifting the Goalposts? Defence Expenditure and the 2% Pledge*. It argued that the promise of additional defence spending “could be undermined” by changes in the accounting criteria used.¹³⁴ Summing up the report's conclusions, the chair of the committee, Dr Julian Lewis (Conservative), said:

While the UK continues to meet its NATO commitment to spend 2% of GDP on defence, this is only because in recent years it has included several items of expenditure which it had not counted previously, such as pensions and contributions to UN Peacekeeping Missions.

¹²⁸ Cabinet Office, [‘PM Creates New Office for Veterans' Affairs to Provide Lifelong Support to Military Personnel’](#), 29 July 2019.

¹²⁹ *ibid.*

¹³⁰ Cabinet Office, [‘PM Creates New Office for Veterans' Affairs to Provide Lifelong Support to Military Personnel’](#), 29 July 2019.

¹³¹ Cabinet Office, [‘Government Kickstarts Office for Veterans' Affairs with £5m Funding’](#), 2 September 2019.

¹³² Ministry of Defence, [‘Minister for Defence People and Veterans' Keynote Speech at DSEI 2019’](#), 12 September 2019.

¹³³ Conservative Party, [Conservative Party Manifesto 2017](#), May 2017, p 41.

¹³⁴ House of Commons Defence Committee, [Shifting the Goalposts? Defence Expenditure and the 2% Pledge](#), 16 July 2019, HC 494 of session 2017–19, p 3.

On a like-for-like basis, in 2017/18 Ministry of Defence spending was equivalent to just 1.8% of GDP, compared with around 6% in the 1960s, 4.5% in the 1980s and 3% even in the mid-1990s—several years after the end of the Cold War.¹³⁵

The spending round, announced on 4 September 2019, contained a real-terms increase of 2.6% for the defence budget between 2019/20 and 2020/21. This exceeded the 0.5 percent commitment contained in the 2017 manifesto and amounted to “£2.2 billion of additional funding” for the Ministry of Defence.¹³⁶ The Government announced that this additional funding would be used to: modernise the armed forces; contribute to pensions; fund priority capability programmes; and finalise construction of the British Normandy Memorial.

Shipbuilding

The National Shipbuilding Strategy, published in September 2017, set out the Government's plans for the future of shipbuilding. As part of the strategy, the Government committed to growing “the destroyer and frigate force by the 2030s”.¹³⁷

On 12 September 2019, the Government stated it would “buy at least five” of a new type of frigate for the Royal Navy. The Government expects the first of these to be ready by 2023.¹³⁸ At the same time, it was announced that the Secretary of State for Defence, Ben Wallace, would take on the additional role of ‘Shipbuilding Tsar’. The Government also “pledged to maintain a surface fleet of at least 19 frigates and destroyers and to grow this fleet in the 2030s”.¹³⁹

¹³⁵ House of Commons Defence Committee, ‘[Defence Spending Continues to Decline](#)’, 16 July 2019.

¹³⁶ HM Treasury, [Spending Round 2019](#), September 2019, CP 170.

¹³⁷ Ministry of Defence, [National Shipbuilding Strategy: the Future of Naval Shipbuilding in the UK](#), 6 September 2017, p 6.

¹³⁸ Prime Minister's Office, ‘[Prime Minister Pledges to Bring Shipbuilding Back to the UK](#)’, 12 September 2019.

¹³⁹ *ibid.*