



## **SEANAD ÉIREANN**

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**AN BILLE UM THARRAINGT SIAR NA RÍOCHTA  
AONTAITHE AS AN AONTAS EORPACH (FORÁLACHA  
IARMHARTACHA), 2019  
WITHDRAWAL OF THE UNITED KINGDOM FROM THE  
EUROPEAN UNION (CONSEQUENTIAL PROVISIONS) BILL  
2019**

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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## AN BILLE UM THARRAINGT SIAR NA RÍOCHTA AONTAITHE AS AN AONTAS EORPACH (FORÁLACHA IARMHARTACHA), 2019 —AN COISTE

### WITHDRAWAL OF THE UNITED KINGDOM FROM THE EUROPEAN UNION (CONSEQUENTIAL PROVISIONS) BILL 2019 —COMMITTEE STAGE

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#### *Leasuithe Amendments*

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*\*Government amendments are denoted by an asterisk*

#### SECTION 2

1. In page 8, lines 25 to 28, to delete all words from and including “such” in line 25 down to and including line 28 and substitute “29 March 2019.”.

*—Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan,  
Pádraig Mac Lochlainn, Máire Devine.*

2. In page 9, between lines 14 and 15, to insert the following:

“(j) *Section 99#* shall come into operation on such day or days as the Minister for Agriculture, Food, and the Marine may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.”.

*—Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan,  
Pádraig Mac Lochlainn, Máire Devine.*

[#This is a reference to a section proposed to be inserted by amendment no. 30.]

#### SECTION 4

3. In page 9, line 33, after “**services**” to insert “ **and medical and health qualifications**”.

*—Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan,  
Pádraig Mac Lochlainn, Máire Devine.*

4. In page 10, between lines 3 and 4, to insert the following:

“(2) The Minister may, with the consent of the Minister for Finance and the Minister for Public Expenditure and Reform, make such order or orders as he or she considers necessary to continue health service arrangements agreed between Ireland and the north of Ireland under currently existing Service Level Agreements, Memorandums of Understanding, and partnerships.

(3) The Minister may, with the consent of the Minister for Finance and the Minister for Public Expenditure and Reform, make such order or orders as he or she considers necessary to ensure that all Irish Citizens

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have access to a European Health Insurance Card and the benefits which that entails.

- (4) The Minister may, with the consent of the Minister for Education and Skills, make such order or orders as he or she considers necessary to ensure the recognition of professional qualifications in respect of medical professionals and healthcare workers from the United Kingdom where education and training standards are equivalent.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

5. In page 10, line 4, to delete “(2) An order” and substitute “(5) An order”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

6. In page 10, line 4, to delete “subsection (1)” and substitute “subsections (1), (2), (3) or (4)”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

7. In page 10, line 9, to delete “(3) When” and substitute “(6) When”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

8. In page 10, line 9, to delete “subsection (1)” and substitute “subsections (1), (2), (3) or (4)”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

9. In page 10, line 22, to delete “public.” and substitute the following:

“public;

“(e) the desirability, in the event that existing arrangements in relation to access to any category or categories of medically necessary health services in the United Kingdom cannot be preserved, that such services should be carried out, in so far as is practicable, within the State and in accordance with the National Treatment Purchase Fund Board (Establishment) Order, 2004.”.

—*Senator Rónán Mullen.*

10. In page 10, line 23, to delete “(4) In this section” and substitute “(7) In this section”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

11. In page 12, between lines 22 and 23, to insert the following:

**“Review of the effectiveness of health services**

**75C.** The Minister shall publish a review into the effectiveness of the health services covered under section 75A and 75B of this Act one year after the

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United Kingdom has left the European Union.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

12. In page 12, between lines 22 and 23, to insert the following:

**“Report on health service arrangements**

**75C.** The Minister for Health shall report to the Oireachtas within one month of the passing of this Act on health service arrangements agreed between Ireland and the north of Ireland under currently existing Service Level Agreements, Memorandums of Understanding, and partnerships; provisions made to ensure that all Irish citizens have access to a European Health Insurance Card and the benefits which that entails; provisions made to ensure the recognition of professional qualifications in respect of medical professionals and healthcare workers from the United Kingdom where education and training standards are equivalent.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

13. In page 12, line 24, to delete “**75C.** An authorised officer” and substitute “**75D.** An authorised officer”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

14. In page 12, line 36, to delete “**75D.** Every order” and substitute “**75E.** Every order”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

SECTION 9

15. In page 17, after line 37, to insert the following:

**“Review of Brexit Business Supports**

9. (1) The Minister for Business, Enterprise and Innovation may undertake a review of the current Brexit business supports, including but not limited to:
- (a) the Brexit Loan Scheme;
  - (b) the Enterprise Ireland Market Discovery Fund;
  - (c) the Enterprise Ireland Be Prepared Grant;
  - (d) the Enterprise Ireland Brexit Act On Initiative;
  - (e) the Enterprise Ireland Agile Innovation Fund; and
  - (f) the InterTradeIreland Brexit Start to Plan Voucher schemes.
- (2) This review will include, but not be limited to; examining why there has been such a low uptake of these Brexit business supports to date, identify barriers for businesses accessing these supports and offer solutions on how to make it easier for businesses to

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benefit from these supports.

- (3) The Minister will send the findings of this review to the Oireachtas Joint Committee on Business, Enterprise and Innovation within two months of the enactment of this Act.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

SECTION 10

16. In page 19, between lines 4 and 5, to insert the following:

**“Amendment of Schedule 1A to Electricity Regulation Act 1999**

10. Schedule 1A to the Electricity Regulation Act 1999 is amended by the insertion of the following new paragraph after paragraph 17:

“18. The SEM Committee will be cognisant of ensuring regulatory alignment to protect the single electricity market and will report to the Minister on actions taken with relevant bodies in other jurisdictions and aim to maintain the single electricity market.”.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

SECTION 18

17. In page 25, between lines 2 and 3, to insert the following:

“(5) That the Minister may establish a specific section within the student support scheme of SUSI to address all potential post Brexit queries from students.”.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

SECTION 93

18. In page 69, line 10, to delete “14. Extradition” and substitute “14. (1) Extradition”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

19. In page 69, in line 15, to delete “offence.”.” and substitute the following:

“offence.

(2) The provisions of this Act shall provide for extradition, where a country is in adherence to democratic principles, human rights and fundamental freedoms, as defined in particular in the UN Universal Declaration of Human Rights, and in the instance of European countries, the European Convention on Human Rights and Fundamental Freedoms and its Protocols.

(3) Where a European country, notifies the Secretary General of the Council of Europe, under article 58 of the European Convention on

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Human Rights and Fundamental Freedoms, of its intention to depart from, or denounce, that convention, the Minister shall immediately initiate a review of this legislation, which shall be concluded within 4 months.”.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

SECTION 95

20. In page 71, between lines 14 and 15, to insert the following:

**“Amendment of Irish Nationality and Citizenship Act 1956 - Equal Citizenship of Citizens**

95. Section 6(2) of the Irish Nationality and Citizenship Act 1956 (as amended) is amended by the insertion of the following new paragraph after paragraph (b):

“(c) Notwithstanding any other enactment, any person who is entitled to Irish citizenship under this subsection shall be considered to enjoy full citizenship rights, equivalent to all other Irish citizens under this section, regardless of whether they were born in the Jurisdiction, or not, and shall be treated accordingly by all Governmental bodies, Local Authorities, the Oireachtas, and the Courts.”.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

21. In page 71, between lines 14 and 15, to insert the following:

**“Amendment of Irish Nationality and Citizenship Act 1956 - Relatives of Citizens in the North of Ireland**

95. The Irish Nationality and Citizenship Act 1956 (as amended) is amended by the insertion of the following new section after section 6A:

“**6B.** A relative or spouse of an Irish citizen, where that citizen is resident in the North of Ireland, and is a resident by virtue of section 6(2), shall be treated as though that citizen was resident in this State, for the purposes of the International Protection Act 2015 and for the purposes of this Act.”.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

22. In page 73, between lines 14 and 15, to insert the following:

**“Review of Citizens Rights in the North of Ireland**

95. (1) The Minister for Justice shall, initiate, immediately after the passing of this Act, a review of legislation, policy, and all other matters, that impact on the rights of Irish citizens under section 6(2) of the Irish Nationality and Citizenship Act 1956 (as amended) in the North of Ireland in such a way as they will be disadvantaged in any

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manner by the withdrawal of the United Kingdom from the European Union, or have rights of a lesser standard than other Irish citizens on the island of Ireland.

- (2) The Minister shall, conclude this review within six months, and shall, on conclusion of this review, lay this review before the Houses of the Oireachtas, and this review shall make recommendations as to the legislative changes that are required to ensure full and equal citizenship for Irish citizens in the North of Ireland.
- (3) The Minister shall further request the co-operation of the UK authorities with a view to an analogous review regarding British Legislation.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

23. In page 71, line 21, to delete “3A. A person” and substitute “3A. (1) A person”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

24. In page 71, line 28, after “punishment” to insert the following:

“, flagrant denial of a fair trial, serious forms of sexual and gender-based violence and/or female genital mutilation”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

25. In page 71, between lines 28 and 29, to insert the following:

“(2) The Minister shall give heightened consideration to children in the context of non-refoulement, whereby actions of the State must be taken in accordance with the best interests of the child, a child should not be returned if such return would result in the violation of their fundamental human rights.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

NEW SECTION

26. In page 73, after line 35, to insert the following:

**“Amendment of section 52 of Environmental Protection Agency Act 1992**

99. Section 52(2) of the Environmental Protection Agency Act 1992 is amended by the insertion of the following new paragraph after paragraph (e):

“(f) establish and maintain contacts with relevant bodies in other jurisdictions to ensure that environmental protection measures are held to the highest standard on the Island of Ireland and may forward recommendations to a relevant Minister in this regard.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*



[NEW SECTION]

27. In page 73, after line 35, to insert the following:

**“Amendment of section 12 of Communications Act 2002**

99. Section 12 of the Communications Act 2002 is amended by the insertion of the following subsection after subsection (7):

“(7A) The Commission for Communications Regulations will monitor the application by providers of roaming charges on mobile communications networks on the Island of Ireland and report to the Minister on actions that may be taken to protect customers.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

28. In page 73, after line 35, to insert the following:

**“Report on EU economic and social supports for the State**

99. The Minister for Finance shall report to the Oireachtas within one month of the passing of this Act on his discussions with the European Union regarding economic and social supports for the State following Brexit, including but not limited to flexibilities in State Aid rules and the fiscal rules and the possible use of structural funds or other sources of funding to mitigate against the impact of Brexit.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

29. In page 73, after line 35, to insert the following:

**“Ministerial orders in relation to motor vehicle insurance and licenses**

99. The Minister may, with the consent of the Minister for Finance and the Minister for Public Expenditure and Reform, make such order or orders as he or she considers necessary to continue in being or carry out any reciprocal or other arrangements in relation to motor vehicle insurance and licences to drive a mechanically propelled vehicle of a specified category which were in operation between the State and the United Kingdom immediately before the withdrawal of the United Kingdom from membership of the European Union.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

30. In page 73, after line 35, to insert the following:

**“Arrangements in relation to agriculture**

99. The Minister for Agriculture, Food and the Marine may, with the consent of the Minister for Finance and the Minister for Public Expenditure and Reform, make such order or orders as he or she considers necessary to continue in being or carry out any reciprocal or other arrangements in relation to agriculture which were in operation between the State

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and Northern Ireland immediately before the withdrawal of the United Kingdom from membership of the European Union.”

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

31. In page 73, after line 35, to insert the following:

**“Progression of the Constitutional imperative of planning for Irish unity**

99. (1) An Taoiseach shall immediately put in place arrangements for the establishment of an All-Ireland Forum to begin preparations for Irish unity, in line with the provisions for the holding of a referendum on Irish unity contained within the Good Friday Agreement.
- (2) The terms of reference for the All-Ireland Forum shall be brought before the Houses of the Oireachtas no later than three months following the date on which this section comes into operation.
- (3) The All-Ireland Forum shall report to the Government within six months of its establishment and its report and recommendations shall form the basis of a White Paper on Irish Unity to be prepared by the Government and placed before the Oireachtas within 3 months of receiving the report of the All-Ireland Forum.
- (4) The chairperson of the All-Ireland Forum shall be appointed by the Government.
- (5) An Taoiseach may introduce regulations under this section which may contain such incidental, supplementary and consequential provisions as appear to be necessary or expedient for the purposes of this section.
- (6) “Good Friday Agreement” means the “British-Irish Agreement” between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland done at Belfast on 10 April 1998 and the “Multi-Party Agreement” reached in the Multi-Party negotiations at Belfast on 10 April 1998, and set out in Annex 1 to the British-Irish Agreement.
- (7) Notwithstanding the generality of *section 2(1)(a)*, this section shall commence on the date of the passing of this Act.”

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

32. In page 73, after line 35, to insert the following:

**“Democratic representation of Irish citizens within European Parliament**

99. The Minister for Housing, Planning and Local Government shall undertake a review of the steps required to ensure adequate representation in the European Parliament for citizens residing in the north of Ireland through the provision of a dedicated constituency. The Minister shall send the findings of this review to the Oireachtas within two months

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of the enactment of this Act.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

33. In page 73, after line 35, to insert the following:

**“Report on Irish unity**

99. An Taoiseach shall report to the Oireachtas, within one month of the passing of this Act, on the provisions made for preparation for the potential of Irish unity. An Taoiseach shall specifically report on his plans regarding the establishment of a forum on Irish unity, and the production of a White Paper on Irish unity.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

34. In page 73, after line 35, to insert the following:

“PART 16

BREXIT STABILIZATION FUND

**Brexit Stabilisation Fund**

99. The Minister for Finance may establish a Brexit Stabilisation Fund.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

35. In page 73, after line 35, to insert the following:

“PART 16

BREXIT STABILIZATION FUND

**Report on Brexit Stabilisation Fund**

99. The Minister for Finance shall report to the Oireachtas within one month of the passing of this Act on the establishment of a Brexit Stabilisation Fund intended to provide economic and social supports to communities, workers and sectors most at risk as a result of Brexit.”.

—*Senators Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile, Paul Gavan, Pádraig Mac Lochlainn, Máire Devine.*

[NEW SECTION]

36. In page 73, after line 35, to insert the following:

**“Review of operation of Act**

99. (1) (a) The Minister for Foreign Affairs and Trade shall, not later than 12 months after the commencement of any part of this Act, carry out a review of the operation of this Act.
- (b) The Minister for Health shall, not later than 12 months after the coming into operation of any section of *Part 2*, carry out a review of the operation of that Part.
- (c) The Minister for Business, Enterprise and Innovation shall not later than 12 months after the coming into operation of any section of *Part 3*, carry out a review of the operation of that Part.
- (d) The Minister for Communications, Climate Action and Environment shall, not later than 12 months after the coming into operation of any section of *Part 4*, carry out a review of the operation of that Part.
- (e) The Minister for Education and Skills shall, not later than 12 months after the coming into operation of any section of *Part 5*, carry out a review of the operation of that Part.
- (f) The Minister for Finance shall, not later than 12 months after the coming into operation of any section of *Parts 6, 7 or 8*, carry out a review of the operation of that Part.
- (g) The Minister for Transport, Tourism and Sport shall, not later than 12 months after the coming into operation of any section of *Parts 9 or 10*, carry out a review of the operation of that Part.
- (h) The Minister for Employment Affairs and Social Protection shall, not later than 12 months after the coming into operation of any section of *Parts 11 or 12*, carry out a review of the operation of that Part.
- (i) The Minister for Justice and Equality shall, not later than 12 months after the coming into operation of any section of *Parts 13 or 14*, carry out a review of the operation of that Part.
- (2) The Minister for Foreign Affairs and Trade shall, not later than 6 months after the commencement of the review carried out in accordance with *subsection (1)(a)*, make a report to each House of the Oireachtas of the findings made on the review and of the conclusions drawn from the findings.
- (3) The Ministers referred to in *paragraphs (b) to (i) of subsection (1)* shall, not later than 6 months after the commencement of the review, make a report to each House of the Oireachtas of the findings made on the review and of the conclusions drawn from the findings.”.

—*Senators Colette Kelleher, Alice-Mary Higgins, Lynn Ruane, John G. Dolan, Frances Black, Grace O'Sullivan.*