



# House of Commons

Tuesday 26 June 2012

## PUBLIC BILL COMMITTEE

*New Amendments handed in are marked thus ★*

☆ *Amendments which will comply with the required notice period at their next appearance*

### ENTERPRISE AND REGULATORY REFORM BILL

#### NOTE

The Amendments have been arranged in accordance with the Order of the Committee [19 June 2012]

Mr Iain Wright  
Ian Murray  
Chi Onwurah

Clause 1, page 1, line 6, leave out from ‘(b)’ to end of line and insert ‘the acceleration and active promotion of initiatives with the purpose of facilitating significant improvements in energy savings and energy efficiency.’. 5

Mr Iain Wright  
Ian Murray  
Chi Onwurah

Clause 1, page 1, line 11, at end add— 3  
 ‘(3) In undertaking investments in accordance with the green purposes outlined in subsection (1), the UK Green Investment Bank must take particular account of—  
 (a) the ability of small and medium-sized enterprises of the United Kingdom to be awarded contracts,  
 (b) how the investment would improve the effectiveness of the UK supply chain in the relevant industry in which the investment was being made,  
 (c) helping UK businesses—  
     (i) reduce their greenhouse gas emissions, and  
     (ii) increase their energy efficiency, and  
 (d) investment in new and emerging technologies.’.

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**Enterprise and Regulatory Reform Bill, *continued***

Mr Iain Wright  
 Ian Murray  
 Chi Onwurah

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Clause 1, page 1, line 11, at end add—

- ‘(4) Nothing in subsection (1)(b) shall allow the UK Green Investment Bank to consider investments in high carbon infrastructure projects, or in projects likely to result in a significant increase in greenhouse gas emissions.’.

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Mr Iain Wright  
 Ian Murray  
 Chi Onwurah

6

Clause 4, page 3, line 19, at end add—

- ‘(7) The Secretary of State shall provide the European Commission with notification in accordance with state aid procedures that it is the intention of the Secretary of State to allow the UK Green Investment Bank to borrow from the capital markets.
- (8) The duty in subsection (7) must be fulfilled no later than 30 June 2013.
- (9) It is the duty of HM Treasury to permit the UK Green Investment Bank to begin borrowing from the capital markets no later than 31 December 2013, or one month following state aid approval having been received, whichever is the earliest.’.

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Mr Iain Wright  
 Ian Murray  
 Chi Onwurah

7

Clause 5, page 3, line 24, at end add—

- ‘(2) The UK Green Investment Bank must ensure that—
- (a) all studies or assessments conducted in the preparation of a business plan, and their accompanying terms of reference,
  - (b) all written correspondence exchanged between the Government Shareholder and the Board, and
  - (c) all key operational documents, including internal working documents of the Bank relating to investment decisions,
- are made available on a website maintained in accordance with the requirements of this section, subject to the exemptions specified in subsection (3).
- (3) Information contained in documents required to be disclosed by subsection (2) may be withheld or redacted by the Bank where in the reasonable opinion of a qualified person—
- (a) its disclosure would prejudice the commercial interests of any person (including the Bank),
  - (b) its disclosure would, or would be likely to, inhibit—
    - (i) the free and frank provision of advice to or within the Bank,

**Enterprise and Regulatory Reform Bill, *continued***

- (ii) the free and frank exchange of views within the Bank for the purposes of deliberation,
- (c) its disclosure would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of the Bank's business,
- (d) a claim to legal professional privilege or, in Scotland, to confidentiality of communications could be maintained in relation to it in legal proceedings, or
- (e) its disclosure—
  - (i) is prohibited by or under any enactment, or
  - (ii) would constitute or be punishable as a contempt of court,
 and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- (4) The documents specified in subsection (2) must be made available on the Bank's website or a website that is maintained by or on behalf of the Bank.
- (5) Access to the documents specified in subsection (2) on the website must not be—
  - (a) conditional on the payment of a fee, or
  - (b) otherwise restricted, except so far as necessary to comply with any enactment or regulatory requirement (in the United Kingdom or elsewhere).<sup>?</sup>

Mr Iain Wright  
 Ian Murray  
 Chi Onwurah

8

- Clause 6, page 3, line 32, leave out from '(2)' to end of line 33, and insert—  
 'The Secretary of State must within 12 months of the coming into force of this Act, and afterwards annually, prepare and lay before both Houses of Parliament a report on the activities and investments of the UK Green Investment Bank.
- (2A) The report under subsection (2) must, in particular, include or contain information about—
- (a) the investments undertaken by the UK Green Investment Bank during this period,
  - (b) how the UK Green Investment Bank is achieving its green purposes as set out in section 1,
  - (c) a value-for-money and efficiency statement,
  - (d) the identification and management of risk in respect of UK Green Investment Bank objects and investments,
  - (e) how the UK Green Investment Bank is not duplicating investments made in the markets, and
  - (f) how the UK Green Investment Bank has applied the Main Principles as set out in the UK Corporate Governance Code.<sup>?</sup>

Mr Iain Wright  
 Ian Murray  
 Chi Onwurah

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- Clause 6, page 4, line 4, at end add—
- '(5) The Secretary of State will be required to receive an independent expert review of the performance of the UK Green Investment Bank.

**Enterprise and Regulatory Reform Bill, *continued***

- (6) The Secretary of State will be required to receive such a review no less than every five years.
- (7) An interim review must be held no less frequently than every two and a half years.
- (8) The independent expert review must, in particular, include information relating to—
- (a) an assessment of the UK Green Investment Bank’s environmental performance in fulfilling the green purposes as set out in section 1,
  - (b) an analysis of the main trends and factors likely to affect the future development, performance and investments of the UK Green Investment Bank,
  - (c) Macroeconomic analysis, including assessments of demand in the UK economy and international factors likely to affect green investment and skills within the relevant industries,
  - (d) assessment of the competitiveness of the UK Green Investment Bank in securing competitive advantage for the UK in green and low carbon economies relative to other countries, and
  - (e) recommendations to improve the UK Green Investment Bank’s impact in fulfilling its green purposes in section 1.
- (9) Prior to the commencement of a review under subsection (5), the Secretary of State must request the views of—
- (a) the Secretary of State for Energy and Climate Change,
  - (b) the Secretary of State for Environment, Food and Rural Affairs,
  - (c) the Committee on Climate Change,
  - (d) Ministers from the devolved administrations,
  - (e) investors and interested parties, and
  - (f) members of the public.
- and provide a copy of the results of the consultations to the person or persons undertaking the independent review.
- (10) The Secretary of State, in the capacity of shareholder, must provide such information as he considers reasonable to enable the person or body undertaking the review to fulfil the requirements of subsection (8).
- (11) A review under subsection (5) must be published and laid before both Houses of Parliament.’.

Mr Iain Wright  
 Ian Murray  
 Chi Onwurah

9

Clause 7, page 4, line 15, at end insert—

- ‘(1A) A “prospective claimant” may seek support from ACAS for any necessary assistance to comply with the requirements in subsection (1).’.

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**Enterprise and Regulatory Reform Bill, *continued***

Mr Iain Wright  
Ian Murray  
Chi Onwurah

**10**

Clause 7, page 4, leave out lines 26 and 27 and insert ‘the conciliation officer may extend the prescribed period if the conciliation officer deems it necessary to reach a settlement between the persons who would be parties to the proceedings, with the consent of both parties.’.

Mr Iain Wright  
Ian Murray  
Chi Onwurah

**11**

Clause 7, page 5, leave out lines 31 and 32.

Mr Iain Wright  
Ian Murray  
Chi Onwurah

**12**

Clause 7, page 6, line 17, at end add—

‘(3) The Secretary of State must within 12 months of the coming into force of this Act, and afterwards annually, prepare and lay before both Houses of Parliament a report on the workings and implementation of this Section.’.

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Mr Iain Wright  
Ian Murray  
Chi Onwurah

**13**

Clause 10, page 7, line 14, at end insert—

‘(6E) The Secretary of State and the Lord Chancellor acting jointly, shall consult on—

- (a) the level of professional attainment required by legal officers to carry out provisions in subsection (6D).
- (b) the appropriate remit of proceedings that an appointed legal officer could determine, and
- (c) the appropriate mechanism for appeal,

with regards to the provisions of subsection (6D).

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Mr Iain Wright  
Ian Murray  
Chi Onwurah

**14**

Clause 11, page 7, line 23, at end insert ‘with the consent of both parties.’.

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**Enterprise and Regulatory Reform Bill, *continued***

Mr Iain Wright  
 Ian Murray  
 Chi Onwurah

15

Clause 11, page 7, leave out lines 32 to 39.

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Mr Iain Wright  
 Ian Murray  
 Chi Onwurah

18

Clause 13, page 11, line 13, at end insert—

‘(11) Any money paid by an employer purporting to meet a liability to pay a penalty under this section shall be treated instead as payment of any financial award on a claim against that employer to the extent that any such award has not been paid.’

Fiona O’Donnell

19

Clause 13, page 11, line 13, at end insert—

‘(11) All monies in respect of financial penalties collected under this section shall be hypothecated directly to ACAS.’

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Norman Lamb

2

Clause 17, page 12, line 21, at end insert—

‘( ) Section [*Confidentiality of negotiations before termination of employment*] does not apply to any offer made or discussions held before the commencement of that section.’

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Caroline Lucas

1

Clause 62, page 49, line 5, at end add—

‘(5) Section [*Permission to borrow from the capital markets*] comes into force on the day on which this Act is passed.’

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**Enterprise and Regulatory Reform Bill, *continued****NEW CLAUSES**Confidentiality of negotiations before termination of employment*

Norman Lamb

NC2

To move the following Clause:—

‘After section 111 of the Employment Rights Act 1996 insert—

**“111A Confidentiality of negotiations before termination of employment**

- (1) In determining any matter arising on a complaint under section 111, an employment tribunal may not take account of any offer made or discussions held, before the termination of the employment in question, with a view to it being terminated on terms agreed between the employer and the employee.  
This is subject to the following provisions of this section.
  - (2) Subsection (1) does not apply where, according to the complainant’s case, the circumstances are such that a provision (whenever made) contained in, or made under, this or any other Act requires the complainant to be regarded for the purposes of this Part as unfairly dismissed.
  - (3) In relation to anything said or done which in the tribunal’s opinion was improper, or was connected with improper behaviour, subsection (1) applies only to the extent that the tribunal considers just.
  - (4) The reference in subsection (1) to a matter arising on a complaint under section 111 includes any question as to costs, except in relation to an offer made on the basis that the right to refer to it on any such question is reserved.
  - (5) Subsection (1) does not prevent the tribunal from taking account of a determination made in any other proceedings between the employer and the employee in which account was taken of an offer or discussions of the kind mentioned in that subsection.”’.
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*Permission to borrow from the capital markets*

Caroline Lucas

NC1

To move the following Clause:—

- (1) The Green Investment Bank may borrow funds on the capital markets.
  - (2) There shall be a duty on HM Treasury to provide such assistance and take such steps as required to allow the Green Investment Bank to carry out functions under subsection (1).’.
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**Enterprise and Regulatory Reform Bill, continued***General disclosure requirements*

Mr Iain Wright  
 Ian Murray  
 Chi Onwurah

NC4

To move the following Clause:—

‘The Freedom of Information Act 2000 (c.36) is amended as follows—  
 In Part VI of Schedule 1, after the words “The Great Britain China Centre”,  
 insert—  
 “The UK Green Investment Bank”.’.

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**ORDER OF THE HOUSE [11 JUNE 2012]**

That the following provisions shall apply to the Enterprise and Regulatory Reform Bill—

*Committal*

1. The Bill shall be committed to a Public Bill Committee.

*Proceedings in Public Bill Committee*

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 17 July 2012.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

*Consideration and Third Reading*

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

*Other proceedings*

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.

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**ORDER OF THE COMMITTEE [19 JUNE 2012]**

That—

- (1) the Committee shall (in addition to its first meeting at 10.30 am on Tuesday 19 June) meet—
  - (a) at 4.00 pm on Tuesday 19 June;
  - (b) at 9.00 am on Thursday 21 June;
  - (c) at 10.30 am and 4.00 pm on Tuesday 26 June;
  - (d) at 9.00 am and 1.00 pm on Thursday 28 June;
  - (e) at 10.30 am and 4.00 pm on Tuesday 3 July;



**Enterprise and Regulatory Reform Bill, *continued***

- (f) at 9.00 am and 1.00 pm on Thursday 5 July;
  - (g) at 10.30 am and 4.00 pm on Tuesday 10 July;
  - (h) at 9.00 am and 1.00 pm on Thursday 12 July;
  - (i) at 10.30 am and 4.00 pm on Tuesday 17 July;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

**TABLE**

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 19 June	Until no later than 11.15 am	Confederation of British Industry; EEF; Institute of Directors
Tuesday 19 June	Until no later than 11.45 am	British Chambers of Commerce; Federation of Small Businesses
Tuesday 19 June	Until no later than 1.00 pm	Trades Union Congress; Unite; GMB
Tuesday 19 June	Until no later than 4.45 pm	Association of British Insurers; Hermes Equity Ownership Services Ltd.; National Association of Pension Funds
Tuesday 19 June	Until no later than 5.45 pm	Chartered Institute of Personnel and Development; Free Representation Unit; Public Concern at Work; Advisory, Conciliation and Arbitration Service
Tuesday 19 June	Until no later than 6.15 pm	Equality and Human Rights Commission
Thursday 21 June	Until no later than 9.30 am	Citizens Advice; Professor Sir John Vickers (Warden, All Souls College, Oxford)
Thursday 21 June	Until no later than 10.25 am	Law Society; Law Society of Scotland; Allen & Overy LLP; Simpson Millar LLP
Thursday 21 June	Until no later than 11.25 am	Malcolm Nicholson (Reporting Panel Member, Competition Commission); City of London Law Society; Professor Catherine Waddams (Professor of Regulation, University of East Anglia)
Thursday 21 June	Until no later than 12 noon	RenewableUK; E3G; Friends of the Earth
Thursday 21 June	Until no later than 1.15 pm	Local Government Association; Trading Standards Institute; West Yorkshire Joint Services; British Retail Consortium
Thursday 21 June	Until no later than 2.15 pm	Sir David Walker (author of 'Walker Review of Corporate Governance of UK Banking Industry'); High Pay Centre; Adrian Beecroft (author of Beecroft report on employment law)

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 7; Schedule 1; Clause 8; Schedule 2; Clauses 9

**Enterprise and Regulatory Reform Bill, *continued***

to 13; Schedule 3; Clauses 14 to 18; Schedule 4; Clause 19; Schedules 5 and 6; Clause 20; Clause 24; Schedule 8; Clauses 21 and 22; Schedule 7; Clause 23; Clauses 25 and 26; Schedule 9; Clause 30; Schedule 12; Clause 28; Schedule 11; Clause 27; Schedule 10; Clause 29; Clauses 31 to 33; Schedule 13; Clauses 34 to 43; Schedule 14; Clauses 44 to 47; Schedule 15; Clauses 48 to 50; Schedule 16; Clauses 51 to 54; Schedule 17; Clauses 55 to 63; new Clauses, new Schedules; remaining proceedings on the Bill;

- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 8.00 pm on Tuesday 17 July.
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**NOTICES WITHDRAWN**

*The following Notices were withdrawn on 21 June 2012:*

Amendments 16 and 17  
NC3

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