



House of Commons

Wednesday 17 October 2012

CONSIDERATION OF BILL

ENTERPRISE AND REGULATORY REFORM BILL, AS AMENDED

NOTE

The Amendments have been arranged in accordance with the Order of the House [16 October 2012].

NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, PART 2

Tribunal procedure: miscellaneous

Secretary Vince Cable

NC8

To move the following Clause:—

- (1) The Employment Tribunals Act 1996 is amended as follows.
- (2) In section 9 (pre-hearing reviews and preliminary matters), in subsection (2) (deposit orders), in paragraph (a)—
 - (a) omit “, if he wishes to continue to participate in those proceedings,”;
 - (b) after “an amount not exceeding £1,000” insert “as a condition of—
 - (i) continuing to participate in those proceedings, or
 - (ii) pursuing any specified allegations or arguments”.
- (3) In section 13A (payments in respect of preparation time)—
 - (a) in subsection (3), after “shall also” insert “, subject to subsection (4),”;
 - (b) after subsection (3) insert—

“(4) Subsection (3) does not require the regulations to include provision to prevent an employment tribunal from making—

 - (a) an order of the kind mentioned in subsection (1), and
 - (b) an award of the kind mentioned in section 13(1)(a) that is limited to witnesses’ expenses.”
- (4) In section 42 (interpretation), in subsection (1), after the definition of “employment tribunal procedure regulations” insert—

Enterprise and Regulatory Reform Bill, *continued*

““representative” shall be construed in accordance with section 6(1) (in Part 1) or section 29(1) (in Part 2),”.’.

Removal of requirement for protected disclosures to be made in good faith

Katy Clark
Mr Richard Shepherd

NC1

To move the following Clause:—

‘The Employment Rights Act 1996 is amended as follows:

- (1) Omit “in good faith”—
 - (a) in section 43C (Disclosures qualifying for protection), in subsection (1),
 - (b) in section 43E (Disclosure to Minister of the Crown), in paragraph (b), and
 - (c) in section 43F (Disclosure to prescribed person), in subsection (1)(a).
 - (2) Omit “makes the disclosure in good faith,
 - (b) he”—
 - (a) in section 43G (Disclosure in other cases), in subsection (1), and
 - (b) in section 43H (Disclosure of exceptionally serious failure), in subsection (1).’.
-

Duty on employers to prevent detriment caused by others to workers who have made protected disclosures

Katy Clark
Mr Richard Shepherd

NC2

To move the following Clause:—

- ‘(1) The Secretary of State shall make regulations requiring an employer, where a worker has made a protected disclosure under section 43A of the Employment Rights Act 1996, to take reasonable steps to ensure that the worker is not subjected to any detriment by any act, or any deliberate failure to act, by a person other than his employer done on the ground that worker has made the disclosure.
 - (2) Regulations under this section—
 - (a) are to be made by statutory instrument, and
 - (b) are not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.’.
-

Enterprise and Regulatory Reform Bill, *continued*

Mr Chuka Umunna
 Mr Iain Wright
 Iain Murray
 Chi Onwurah

80

Page 4, line 13 [*Clause 7*], at end insert—

- ‘(1) Prior to the commencement of this section, the Secretary of State shall carry out an impact assessment into the effect of the introduction of proposed fees for the employment tribunal system and the impact this will have on the effectiveness of ACAS conciliation proceedings.’.

Secretary Vince Cable

6

Page 4, line 18 [*Clause 7*], leave out ‘send’ and insert ‘provide’.

Secretary Vince Cable

7

Page 5, line 33 [*Clause 7*], leave out ‘sending’ and insert ‘providing’.

John McDonnell
 Caroline Lucas
 Jeremy Corbyn
 Stewart Hosie
 Jonathan Edwards
 Katy Clark

Total signatories: 7

51

Page 5, line 43 [*Clause 7*], at end insert—

- ‘(e) preventing an employer or ex-employer of a prospective Claimant from applying for costs against the prospective Claimant under the Employment Tribunal Rules or other measures to provide an incentive to employers or ex-employers to take part in the conciliation process.’.

John McDonnell
 Caroline Lucas
 Jeremy Corbyn
 Stewart Hosie
 Jonathan Edwards
 Katy Clark

Total signatories: 7

52

Page 7, line 27 [*Clause 11*], after (2) insert ‘With the consent of the parties but not otherwise.’.

Enterprise and Regulatory Reform Bill, *continued*

John McDonnell
 Caroline Lucas
 Jeremy Corbyn
 Stewart Hosie
 Jonathan Edwards
 Katy Clark

Total signatories: 7

Page **7** [*Clause 11*], leave out lines 29 to 38.

53

John McDonnell
 Caroline Lucas
 Jeremy Corbyn
 Stewart Hosie
 Jonathan Edwards
 Katy Clark

Total signatories: 7

Page **8** [*Clause 11*], leave out lines 1 to 10.

54

Chuka Umunna
 Iain Wright
 Iain Murray
 Chi Onwurah

Page **8**, line **19**, leave out Clause 12.

81

Secretary Vince Cable

Page **8** [*Clause 12*], leave out lines 22 to 27 and insert—

‘(1) Evidence of pre-termination negotiations is inadmissible in any proceedings on a complaint under section 111.

This is subject to subsections (2) to (4).

(1A) In subsection (1) “pre-termination negotiations” means 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.’.

8

Secretary Vince Cable

Page **8**, line **36**, [*Clause 12*], leave out from beginning to second ‘to’ in line 37 and insert ‘Subsection (1) does not affect the admissibility, on any question as to costs or expenses, of evidence relating’.

9

Secretary Vince Cable

Page **8** [*Clause 12*], leave out lines 40 to 43.

10

Enterprise and Regulatory Reform Bill, *continued*

Mr Chuka Umunna Mr Iain Wright Iain Murray Chi Onwurah	82
Page 9, line 1, leave out Clause 13.	
Secretary Vince Cable	11
Page 9 [Clause 13], leave out lines 8 to 10 and insert— ‘(b) the lower of— (i) a specified amount, and (ii) a specified number multiplied by a week’s pay of the individual concerned.’.	
Secretary Vince Cable	12
Page 9, line 11 [Clause 13], after ‘(2)(a)’ insert ‘or (b)(i)’.	
Secretary Vince Cable	13
Page 9, line 13 [Clause 13], after ‘(2)(a)’ insert ‘or (b)(i)’.	
John McDonnell	70
Page 9 [Clause 13], leave out line 15.	
Secretary Vince Cable	14
Page 9, line 16 [Clause 13], after ‘(2)(b)’ insert ‘(ii)’.	
John McDonnell	71
Page 9, line 33 [Clause 13], leave out ‘in whatever way the Secretary of State thinks fit’ and insert ‘by the Secretary of State following consultation with the TUC and CBI’.	
Secretary Vince Cable	15
Page 9, line 38 [Clause 13], after ‘13(2)(b)’ insert ‘(ii)’.	
—————	
Richard Fuller	58
Page 10, line 1, leave out Clause 14.	
Richard Fuller	59
Page 10, line 11 [Clause 14], at end insert—	

Enterprise and Regulatory Reform Bill, *continued*

- (c) and where the employer employs in excess of 10 employees at the time of the claim first being submitted to ACAS as per section 18A of this Act.’.

Mr Chuka Umunna
Mr Iain Wright
Ian Murray
Chi Onwurah

92

Page 10, line 14 [*Clause 14*], at end insert—

- (1A) The Secretary of State shall by regulations provide for an employer to pay a penalty to the Secretary of State for each period of time (as specified in those regulations) that passes during which an award of compensation under Part X of the Employment Rights Act 1996 has not yet been paid by the employer.’.

John McDonnell

72

Page 10, line 17 [*Clause 14*], leave out from ‘£5,000’ until end of line 4 on page 11.

Mr Chuka Umunna
Mr Iain Wright
Ian Murray
Chi Onwurah

83

Page 10 [*Clause 14*], leave out lines 20 to 25.

John McDonnell

73

Page 11, line 47 [*Clause 14*], after ‘Fund’, insert ‘to be spent with the objective of promoting awareness of employment rights and promoting training for employment.’.

Mr Chuka Umunna
Mr Iain Wright
Ian Murray
Chi Onwurah

94

Page 12, line 4 [*Clause 15*], leave out from ‘(protection),’ to end of line 5, and insert ‘after subsection (2), insert—

- “(2A) The disclosure of information relating to a private contractual matter to which the person making the disclosure is party is not a qualifying disclosure unless the worker making the disclosure reasonably believes it to be made in the public interest.”.’.

Secretary Vince Cable

16

Page 12, line 23 [*Clause 17*], leave out paragraph (c).

Enterprise and Regulatory Reform Bill, *continued*

Secretary Vince Cable

17

Page 12, line 35 [*Clause 17*], at end insert—

‘(2A) In section 49 of the National Minimum Wage Act 1998 (restrictions on contracting out)—

- (a) in subsections (3) and (4), for “compromise” (in each place where it occurs) substitute “settlement”;
- (b) after subsection (8) insert—

“(8A) In the application of this section in relation to Northern Ireland, subsections (3) and (4) above shall have effect as if for “settlement agreements” (in each place) there were substituted “compromise agreements.””.

John McDonnell
 Caroline Lucas
 Jeremy Corbyn
 Stewart Hosie
 Jonathan Edwards
 Katy Clark

57

Page 65, line 22 [*Schedule 2*], leave out ‘one month’ and insert ‘six months’.

NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, PART 1

Interpretation of the green purposes: duty to assess impact on the Climate Change Act 2008

Mr Chuka Umunna
 Caroline Flint
 Caroline Lucas
 Mr Iain Wright
 Ian Murray
 Chi Onwurah

Total signatories: 8

NC22

To move the following Clause:—

- ‘(1) In interpreting the purposes in section 1(1)(a) to (e), it is the duty of the UK Green Investment Bank to assess whether the implementation of its investment strategy, or similar document outlining or amending the proposed investment portfolio of the UK Green Investment Bank will, as a whole, increase the likelihood of achieving carbon budgets and greenhouse reduction targets as set out under the Climate Change Act 2008.
- (2) In subsection (1), whether or not an investment strategy will increase the likelihood of achieving carbon budgets and greenhouse gas reduction targets shall be assessed compared to a scenario where identified investments or investment categories did not proceed.

Enterprise and Regulatory Reform Bill, *continued*

- (3) In undertaking the assessment required under subsection (1), it is the duty of the UK Green Investment Bank to have regard to the advice and reports of the Committee on Climate Change required under sections 34, 36 and 38 of the Climate Change Act 2008.
- (4) The Board must make a decision to adopt or amend its investment strategy or similar document described in subsection (1), unless it is satisfied, as a result of the assessment in subsection (1), that the proposed investment portfolio will, as a whole, increase the likelihood of achieving carbon budgets and greenhouse gas reduction targets under the Climate Change Act 2008.’.
-

The UK Green Investment Bank: prohibition on investment in nuclear power or the nuclear industry

Caroline Lucas

NC25

To move the following Clause:—

‘The UK Green Investment Bank may not engage in activities that involve facilitating or encouraging investment in nuclear power or the nuclear industry.’.

Mr Chuka Umunna
 Caroline Flint
 Mr Iain Wright
 Ian Murray
 Chi Onwurah

77

Page **1**, line **11** [*Clause 1*], at end add—

- ‘(3) In undertaking investments in accordance with the green purposes outlined in subsection (1), the UK Green Investment Bank will identify opportunities in which small and medium-sized enterprises can be awarded contracts.’.
-

Secretary Vince Cable

1

Page **2**, line **8** [*Clause 2*], leave out ‘in the United Kingdom’ and insert ‘(whether in the United Kingdom or elsewhere)’.

Secretary Vince Cable

2

Page **2**, line **18** [*Clause 2*], leave out from ‘section’ to end of line 19 and insert ‘—

- (a) is to be made by statutory instrument, and
 (b) is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.’.

Enterprise and Regulatory Reform Bill, *continued*

Secretary Vince Cable

3

Page 2, line 37 [*Clause 3*], leave out ‘in the United Kingdom’ and insert ‘(whether in the United Kingdom or elsewhere)’.

Mr Chuka Umunna
 Caroline Flint
 Mr Iain Wright
 Iain Murray
 Chi Onwurah

76

Page 3, line 24 [*Clause 4*], at end add—

- ‘(7) Subject to the approval by the European Commission of the State aid notification concerning the establishment of the UK Green Investment Bank, the Secretary of State shall provide the European Commission with State aid notification concerning the intention to allow the Bank to borrow, including borrowing from the capital markets.
- (8) The duty in subsection (7) must be fulfilled no later than 31 December 2013.
- (9) It is the duty of HM Treasury and the Secretary of State to either—
 - (a) permit the UK Green Investment Bank to begin borrowing from the capital markets by April 2015, or
 - (b) to present to Parliament a report within one month of the passage of this Act giving a clear, certain, alternative date for the UK Green Investment Bank to begin borrowing, based on Office for Budget Responsibility forecasts for the public finances and advice from the Green Investment Bank on its need for borrowing powers,
 both subject to the European Commission approving the State aid notification concerning borrowing.’.

Caroline Lucas
 Mr Tim Yeo
 Jonathan Edwards

89

Page 3, line 24 [*Clause 4*], at end add—

- ‘() Subject to approval by the European Commission of the State aid notification concerning the establishment of the UK Green Investment Bank, it is the duty of the Secretary of State to provide the European Commission with State aid notification concerning the intention to allow the Bank to borrow, including borrowing from the capital markets.
- () The duty in the above subsection must be fulfilled no later than 31 December 2013.
- () In the event the European Commission approves the State aid notification concerning borrowing, it is the duty of the Treasury and of the Secretary of State to permit the Green Investment Bank to begin borrowing from the capital markets no later than 30 June 2015, or, if State aid approval has not been received by that date, no later than one month from the date of approval.’.

Secretary Vince Cable

4

Page 3, line 27 [*Clause 5*], leave out from ‘treated’ to ‘as’ in line 28.

Enterprise and Regulatory Reform Bill, *continued*

Secretary Vince Cable

5

Page 3, line 29 [*Clause 5*], leave out ‘that Act’ and insert ‘the Companies Act 2006 for the purposes of the application to it of—

- (a) Chapters 4 and 4A of Part 10 of that Act, and
- (b) Parts 15 and 16 of that Act (in respect of a financial year).’.

Mr Chuka Umunna
 Caroline Flint
 Mr Iain Wright
 Iain Murray
 Chi Onwurah

78

Page 4, line 9 [*Clause 6*], at end add—

- (5) The Secretary of State will be required to receive independent expert review of the performance of the UK Green Investment Bank.
- (6) The Secretary of State will be required to receive such a review no less than every five years.
- (7) An interim review no less frequently than every two and half years.
- (8) The independent expert review in subsection (5) must, in particular, include or contain 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 in relation to 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 fulfill the requirements of this subsection.

Enterprise and Regulatory Reform Bill, *continued*

- (11) A review made in relation to subsection (5) must be published and laid before both Houses of Parliament.’

AMENDMENTS TO CLAUSES 61 TO 64

Mr Chuka Umunna
Mr Iain Wright
Ian Murray
Chi Onwurah

- Page **51**, line **23** [*Clause 61*], at end insert—
‘(1A) A representative of the company’s employees must be consulted in the preparation of any such revision.’

Mr Chuka Umunna
Mr Iain Wright
Ian Murray
Chi Onwurah

- Page **52**, line **5** [*Clause 61*], leave out ‘ordinary’ and insert ‘special’.

Secretary Vince Cable

- Page **52**, line **8** [*Clause 61*], leave out from ‘begins’ to ‘or’ in line 9 and insert ‘on or after the day on which section 61 of the Enterprise and Regulatory Reform Act 2012 comes into force’.

Mr Chuka Umunna
Mr Iain Wright
Ian Murray
Chi Onwura

- Page **52**, line **11** [*Clause 61*], leave out subsection (b) and insert—
‘(b) and annually thereafter.’

Mr Chuka Umunna
Mr Iain Wright
Ian Murray
Chi Onwurah

- Page **52**, line **17** [*Clause 61*], leave out ‘ordinary’ and insert ‘special’.
-

Enterprise and Regulatory Reform Bill, *continued*

Secretary Vince Cable 26
 Page 53, line 19 [*Clause 62*], at end insert—
 ‘“quoted company” has the same meaning as in Part 15 of this Act;’.

Secretary Vince Cable 27
 Page 53, line 22 [*Clause 62*], leave out from ‘person’ to ‘other’ in line 23 and insert
 ‘—
 (a) holding, agreeing to hold or having held office as director of a company,
 or
 (b) holding, agreeing to hold or having held, during a period when the person
 is or was such a director—
 (i) any other office or employment in connection with the
 management of the affairs of the company, or
 (ii) any office (as director or otherwise) or employment in
 connection with the management of the affairs of any subsidiary
 undertaking of the company,’.

Secretary Vince Cable 28
 Page 54, line 27 [*Clause 62*], after ‘be’ insert ‘or has been’.

Secretary Vince Cable 29
 Page 58, line 4 [*Clause 63*], at end insert—
 ‘(12) In that Schedule, in the first column, after “quoted company”, insert—
 “—in Chapter 4A of Part 10 section 226A(1)”.’.

Secretary Vince Cable 30
 Page 58, line 13 [*Clause 64*], leave out from ‘begin’ to ‘, and’ in line 14 and insert
 ‘on or after the day on which that section of this Act comes into force’.

AMENDMENTS TO PART 6 (OTHER THAN AMENDMENTS TO CLAUSES 61 TO 64)

Secretary Vince Cable 23
 Page 47, line 17 [*Clause 57*], at end insert—
 ‘() But regulations under this section may make only such provision as may
 be made under subsection (2) of section 2 of the European Communities

Enterprise and Regulatory Reform Bill, *continued*

Act 1972 or such provision as could be made under that subsection if paragraph 1(1)(d) of Schedule 2 to that Act did not apply.’.

Secretary Vince Cable

24

Page 47, line 33 [*Clause 57*], at end insert—

- ‘() But regulations under this section may make only such provision as may be made under subsection (2) of section 2 of the European Communities Act 1972 or such provision as could be made under that subsection if paragraph 1(1)(d) of Schedule 2 to that Act did not apply.’.

Mr Chuka Umunna
Mr Iain Wright
Ian Murray
Chi Onwurah

75

Page 49, line 19 [*Clause 59*], at end insert—

- ‘(7) The Secretary of State must have regard to any feasibility study commissioned on the licensing of orphan works in advance of the regulations being laid before Parliament.’.

Secretary Vince Cable

31

Page 59, line 34 [*Clause 68*], leave out ‘17(1)(c)’ and insert ‘17(2A)’.

Secretary Vince Cable

32

Page 60, line 14 [*Clause 68*], after ‘50,’ insert ‘[*Osborne estate*]’.

Secretary Vince Cable

33

Page 60, line 14 [*Clause 68*], after ‘54’ insert ‘and [*Estate agency work*]’.

Secretary Vince Cable

34

Page 60, line 15 [*Clause 68*], at end insert—

- ‘() section [*Civil liability for breach of health and safety duties*] extends only to England and Wales and Scotland except that it also extends to Northern Ireland so far as Parts 1 and 4 of the Health and Safety at Work etc. Act 1974 extend there.’.

Enterprise and Regulatory Reform Bill, *continued*

- Secretary Vince Cable 35
Page 60, line 16 [*Clause 68*], leave out ‘section’ and insert ‘sections’.
- Secretary Vince Cable 36
Page 60, line 16 [*Clause 68*], after ‘52’ insert ‘, [*Equality Act 2010: third party harassment of employees and applicants*] and [*Equality Act 2010: obtaining information for proceedings*]’.
- Secretary Vince Cable 37
Page 60, line 16 [*Clause 68*], leave out ‘extends’ and insert ‘and paragraphs 1, 52 to 54, 56 and 61 of Schedule [*Adjudicators: minor and consequential amendments*] extend’.
- Secretary Vince Cable 38
Page 60, line 17 [*Clause 68*], leave out ‘section’ and insert ‘sections’.
- Secretary Vince Cable 39
Page 60, line 17 [*Clause 68*], before ‘51’ insert ‘[*Listed buildings in England: agreements and orders granting listed building consent*]’.
- Secretary Vince Cable 40
Page 60, line 17 [*Clause 68*], before ‘51’ insert ‘[*Listed buildings in England: certificates of lawfulness*]’.
- Secretary Vince Cable 41
Page 60, line 17 [*Clause 68*], after ‘51’ insert ‘ and [*Adjudicators*]’.
- Secretary Vince Cable 42
Page 60, line 17 [*Clause 68*], leave out first ‘Schedule’ and insert ‘Schedules’.
- Secretary Vince Cable 43
Page 60, line 17 [*Clause 68*], before ‘16’ insert ‘and [*Local listed building consent orders: procedure*]’.
- Secretary Vince Cable 44
Page 60, line 17 [*Clause 68*], after ‘17’ insert ‘, Schedule [*Adjudicators: bankruptcy applications by debtors and bankruptcy orders*] and paragraphs 2 to 51, 55, 57 to 60 and 62 of Schedule [*Adjudicators: minor and consequential amendments*]’.
- Secretary Vince Cable 45
Page 60, line 22 [*Clause 68*], at end insert ‘except that section [*Power to provide for equal pay audits*] extends only to England and Wales and Scotland’.

Enterprise and Regulatory Reform Bill, *continued*

Secretary Vince Cable 46
 Page 60, line 26 [*Clause 69*], at end insert—
 ‘() section [*Osborne estate*];’.

Secretary Vince Cable 47
 Page 60, line 26 [*Clause 69*], at end insert—
 ‘() section [*Power to provide for equal pay audits*];’.

Mr Nicholas Brown
 Ian Mearns
 Mrs Sharon Hodgson
 Fabian Hamilton
 Catherine McKinnell
 Paul Blomfield

Total signatories: 7 69
 Page 60, line 30 [*Clause 69*], at end insert—
 ‘(d) Sections [*Local authorities: powers relating to deemed consent*] and [*Restriction of advertisements relating to property letting*].’.

REMAINING NEW CLAUSES AND REMAINING NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, PART 5 (OTHER THAN AMENDMENTS TO SCHEDULE 16)

European regulation on business

Richard Fuller NC19
 To move the following Clause:—

‘The Secretary of State for Business, Innovation and Skills shall produce a report each year following commencement of this Act to demonstrate how the Government has applied the “one in, one out” regulatory principle to European regulations on business in that year.’.

Secretary Vince Cable 21
 Page 42, line 38 [*Clause 50*], leave out ‘, other than the Scottish Ministers,’.

Secretary Vince Cable 22
 Page 42, line 39 [*Clause 50*], at end insert ‘except to the extent that—
 (a) the power or duty is exercisable by the Scottish Ministers, or
 (b) the power or duty is exercisable by any other person within devolved competence (within the meaning of the Scotland Act 1998).’.

 Enterprise and Regulatory Reform Bill, *continued*

Richard Fuller					
Page 43,	line 1	[Clause 50],	leave out ‘may’ and insert ‘must’.		63
Richard Fuller					
Page 43,	line 4	[Clause 50],	after ‘specified period’, insert ‘, or’.		64
Richard Fuller					
Page 43,	line 6	[Clause 50],	after ‘specified period’, insert ‘, or’.		65
Richard Fuller					
Page 43,	line 10	[Clause 50],	leave out line 10 and insert ‘If the provision is made by virtue of subsection (2)(a), it includes’.		66
Richard Fuller					
Page 43,	line 19	[Clause 50],	leave out ‘may’ and insert ‘must if necessary’.		67
John McDonnell Mr Chuka Umunna Yvette Cooper Mr Iain Wright Ian Murray Chi Onwurah					
			<i>Total signatories: 12</i>		
Page 43,	line 27,		leave out Clause 52.		56

 NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, PARTS 3
AND 4

Public interest interventions in mergers

Mr Chuka Umunna
Mr Iain Wright
Ian Murray
Chi Onwurah

NC23

To move the following Clause:—

‘(1) Section 58 of the Enterprise Act 2002 is amended as follows.

Enterprise and Regulatory Reform Bill, *continued*

(2) After subsection (2) insert—

“(3) The effects of the proposed merger on the long-term competitiveness of the UK economy”.

Richard Fuller

Page 13, line 24 [*Clause 19*], after ‘United Kingdom’, insert ‘and to promote choice in the local retail sector’.

60

Richard Fuller

Page 13, line 24 [*Clause 19*], after ‘United Kingdom’, insert ‘and to promote growth of locally-owned businesses’.

61

Richard Fuller

Page 13, line 24 [*Clause 19*], after ‘United Kingdom’, insert ‘and to promote the establishment of new businesses’.

62

John McDonnell
 Caroline Lucas
 Jeremy Corbyn
 Stewart Hosie
 Jonathan Edwards
 Katy Clark

Total signatories: 7

Page 14, line 27 [*Clause 21*], leave out ‘or similar to’.

55

Secretary Vince Cable

Page 37, line 20 [*Clause 40*], at end insert—
 ‘(6) After section 188A (as inserted by subsection (5) above) insert—

“188B Defences to commission of cartel offence

(1) In a case where the arrangements would (operating as the parties intend) affect the supply in the United Kingdom of a product or service, it is a defence for an individual charged with an offence under section 188(1) to show that, at the time of the making of the agreement, he or she did not intend that the nature of the arrangements would be concealed from customers at all times before they enter into agreements for the supply to them of the product or service.

Enterprise and Regulatory Reform Bill, *continued*

- (2) It is a defence for an individual charged with an offence under section 188(1) to show that, at the time of the making of the agreement, he or she did not intend that the nature of the arrangements would be concealed from the CMA.
- (3) It is a defence for an individual charged with an offence under section 188(1) to show that, before the making of the agreement, he or she took reasonable steps to ensure that the nature of the arrangements would be disclosed to professional legal advisers for the purposes of obtaining advice about them before their making or (as the case may be) their implementation.”.

Secretary Vince Cable

19

Page 37, line 20 [*Clause 40*], at end insert—

‘() After section 190 of the 2002 Act insert—

“190A Cartel offence: prosecution guidance

- (1) The CMA must prepare and publish guidance on the principles to be applied in determining, in any case, whether proceedings for an offence under section 188(1) should be instituted.
- (2) The CMA may at any time issue revised or new guidance.
- (3) Guidance published by the CMA under this section is to be published in such manner as it considers appropriate.
- (4) In preparing guidance under this section the CMA must consult—
 - (a) the Director of the Serious Fraud Office;
 - (b) the Lord Advocate; and
 - (c) such other persons as it considers appropriate.”.

Secretary Vince Cable

20

Page 37, line 21 [*Clause 40*], leave out ‘this section’ and insert ‘subsections (1) to (6)’.

REMAINING NEW CLAUSES*Duty of company directors to protect consumer pre-payments*

Katy Clark
 Mr George Galloway
 Mrs Linda Riordan
 Mr Mike Weir
 Caroline Lucas
 Jeremy Corbyn

NC3

To move the following Clause:—

‘(1) A director of a company must ensure—

Enterprise and Regulatory Reform Bill, *continued*

- (a) that provision is made for consumers to be reimbursed where they have made payments, in full or in part, in respect of goods or services that the company is unable to deliver, and
 - (b) that a statement of the nature of this provision is made available to consumers and prospective consumers.
- (2) A person who fails to carry out his duty under subsection (1) is guilty of an offence under section 993 of the Companies Act 2006.’

Town and country planning: Amendment of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Mr Nicholas Brown

NC4

To move the following Clause:—

- ‘(1) Class 3 of Schedule 3 to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, (Classes of advertisements for which deemed consent is granted) is amended as follows.
- (2) In item 3A, after “sale”, leave out “or letting”.
- (3) In item 3A(2), after both uses of “sold”, leave out “or let”.
- (4) In item 3A(2), after “sale”, leave out “or letting”.
- (5) In item 3A(8), after “sale”, leave out “or letting”.’.

Town and country planning: responsibilities of housing authorities

Mr Nicholas Brown

NC5

To move the following Clause:—

- ‘(1) Local authorities in England which enjoy day-to-day responsibility for housing policy within their local authority area may make by-laws regulating for all or part of the authority the display of external advertisements concerning property lettings.
- (2) If a housing authority has not specifically provided for the display of external notices advertising a property to let then such a notice is not permitted.’.

Town and country planning: offences

Mr Nicholas Brown

NC6

To move the following Clause:—

Enterprise and Regulatory Reform Bill, *continued*

- (1) It shall be an offence to display an external notice prohibited by subsection (2) of section (Town and country planning: responsibilities of housing authorities).
 - (2) A person guilty of an offence under subsection (1) is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
 - (3) A person guilty of a second or subsequent offence under subsection (1) is liable, on summary conviction, to a fine not exceeding level 5 on the standard for each separate such offence.’
-

Town and country planning: commencement and extent

Mr Nicholas Brown

NC7

To move the following Clause:—

- (1) Sections (Town and country planning: Amendment of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Town and country planning: responsibilities of housing authorities, and Town and country planning: offences) come into force two months after the day on which this Act is passed.
 - (2) Sections (Town and country planning: Amendment of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, Town and country planning: responsibilities of housing authorities, and Town and country planning: offences) extend to England only.’
-

Investment in local businesses

Richard Fuller

NC18

To move the following Clause:—

‘The Secretary of State for Business, Innovation and Skills shall conduct a review of how his Department can encourage local investment in local businesses, and lay a copy of the report before the House of Commons before 1 December 2012.’

Enterprise and Regulatory Reform Bill, *continued*

Local authorities: powers relating to deemed consent

Mr Nicholas Brown
 Ian Mearns
 Mrs Sharon Hodgson
 Fabian Hamilton
 Catherine McKinnell
 Paul Blomfield

Total signatories: 7

NC20

To move the following Clause:—

- ‘(1) Part 2 Regulation 7 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 is amended as follows.
- (2) In item (1) delete “Secretary of State” and insert “local authority”.
- (3) In item (1) delete “upon a proposal made to her by the local planning authority”.
- (4) In item (1) delete “she” and insert “the local authority”.
- (5) In item (2) delete “ Secretary of State” and insert “local authority”.
- (6) In item (2b) delete “her” and insert “the local authority’s”.
- (7) In item (3) delete “Secretary of State” and insert “local authority”.
- (8) In item (4) delete “Secretary of State” and insert “local authority”.
- (9) In item (5) delete “ Secretary of State” and insert “local authority”.
- (10) In item (5b) delete “the local planning authority and to any other” and insert “any”.
- (11) In item (5) delete part (c).
- (12) In item (5b) delete “her” and insert “the local authority”.
- (13) In item (5c(i)) delete “she” and insert “the local authority”.
- (14) In item (5c(i)) delete “her” and insert “the local authority’s”.
- (15) In item (6) delete from “Where” to end and insert “Where the local authority makes a direction it shall send a copy of its reasons to every person who has made a paragraph (3) representation.”.
- (16) In item (7) delete “unless the Secretary of State otherwise directs”.

Restriction of advertisement relating to property lettings

Mr Nicholas Brown
 Ian Mearns
 Mrs Sharon Hodgson
 Fabian Hamilton
 Catherine McKinnell
 Paul Blomfield

Total signatories: 7

NC21

To move the following Clause:—

- ‘(1) Local authorities in England which enjoy day-to-day responsibility for housing policy within their local authority area may make by-laws restricting for all or

Enterprise and Regulatory Reform Bill, *continued*

part of the authority the display of external advertisements concerning property lettings.

- (2) It shall be an offence to display an external advertisement concerning property letting in areas or cases where the Local Planning Authority has, under subsection (1), passed a by-law prohibiting external advertisements concerning property letting.
- (3) A person found guilty of an offence under subsection (2) is liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.
- (4) A person found guilty of a second or subsequent offence under subsection (2) is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale for each such offence.’.

Review of legislation relating to health and safety at work and application of sunset and review provisions to this legislation

Katy Clark
John McDonnell
Mrs Linda Riordan
Caroline Lucas
Mr George Galloway
Grahame M. Morris

NC26

To move the following Clause:—

- ‘(1) The Secretary of State must—
 - (a) carry out a review of the effectiveness of all existing legislation relating to health and safety at work, and
 - (b) prepare and publish a report setting out the conclusions of the review.
- (2) The review and report must quantify, in particular—
 - (a) the effectiveness of the legislation in terms of reducing deaths, injuries and sickness in the workplace,
 - (b) the human cost, and full societal costs of work-related injuries, deaths and ill-health in terms of pain and suffering, injuries, sickness and years of life lost, and
 - (c) the full societal costs of the impact of the legislation including those costs resulting from welfare and healthcare spending, and resulting from the number of days lost in the workplace due to ill-health.
- (3) Subordinate legislation under section 14A of the Interpretation Act 1978 in respect of any provision relating to health and safety at work may not be made until after the report has been published.’.

Information about payments to recruitment and remuneration consultants in respect of

Enterprise and Regulatory Reform Bill, *continued*

directors' remuneration

Mr Chuka Umunna
Mr Iain Wright
Ian Murray
Chi Onwurah

NC27

To move the following Clause:—

‘After section 413 of the Companies Act 2006 (Information about directors’ benefits: advances, credit and guarantees) insert—

“413A Information about payments to recruitment and remuneration consultants

The Secretary of State may make provision by regulations requiring information to be given in notes to a company’s annual accounts about payments made in the relevant accounting period in respect of recruitment and remuneration advice relating to directors, including information specifying any fees that have been paid in proportion to the remuneration agreed for a director.”’.

REMAINING NEW SCHEDULES; REMAINING PROCEEDINGS ON CONSIDERATION

Katy Clark

90

Title, line 7, after ‘about’, insert ‘duties of and’.

Mr Nicholas Brown

91

Title, line 7, after ‘directors;’, insert ‘to make provision about advertisements concerning property lettings;’.

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

Enterprise and Regulatory Reform Bill, *continued*

- 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.

ORDER OF THE HOUSE [16 OCTOBER 2012]

That the Order of 11 June 2012 (Enterprise and Regulatory Reform Bill (Programme)) be varied as follows:

1. Paragraphs 4 and 5 of the Order shall be omitted.
2. Proceedings on Consideration and Third Reading shall be completed in two days.
3. Proceedings on Consideration shall be taken in the order shown in the first column of the following Table.
4. The proceedings shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
New Clauses relating to civil liability for the breach of health and safety duties; new Clauses and new Schedules relating to the determination of bankruptcy applications by adjudicators.	4.15 pm on the first day
New Clauses relating to the Equality Act 2010.	6.00 pm on the first day
New Clauses relating to the regulation of estate agents; new Clauses and new Schedules relating to listed buildings and amendments to Schedule 16; new Clauses relating to the Osborne estate.	7.00 pm on the first day
New Clauses and new Schedules relating to, and amendments to, Part 2; new Clauses and new Schedules relating to, and amendments to, Part 1.	4.00 pm on the second day

Enterprise and Regulatory Reform Bill, *continued*

Proceedings

Time for conclusion of proceedings

Amendments to Clauses 61 to 64; amendments to Part 6 (other than amendments to Clauses 61 to 64); remaining new Clauses and remaining new Schedules relating to, and amendments to, Part 5 (other than amendments to Schedule 16); new Clauses and new Schedules relating to, and amendments to, Parts 3 and 4; remaining new Clauses; remaining new Schedules; remaining proceedings on Consideration.

6.00 pm on the second day

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at 7.00 pm on the second day.

