NOTICES OF AMENDMENTS
given on
Wednesday 5 December 2012

For other Amendment(s) see the following page(s):
Groceries Code Adjudicator Committee 1 and 3-4

PUBLIC BILL COMMITTEE

GROCERIES CODE ADJUDICATOR BILL [LORDS]

Andrew George

Clause 4, page 2, line 12, at end add—
‘(4) The Adjudicator will have authority to review compliance and to undertake one or more investigations if the Adjudicator suspects that there has been any breach of the Groceries Code since that Code came into force on 4 February 2010.’.

Andrew George

Clause 13, page 5, line 3, at end add—
‘(2) In considering such changes, the Adjudicator shall review the territorial extent of the Groceries Code, especially in relation to the activities of large retailers outside the United Kingdom, such activities to include supplier trading practices and activities undertaken by the subsidiaries of large retailers.’.

Andrew George

Clause 18, page 7, line 43, leave out paragraphs (b) and (c).

Andrew George

Clause 18, page 8, line 2, at end insert—
‘(3A) Notwithstanding subsection (3), the Adjudicator shall, before permitting any disclosure of the identity of any complainant or provider of information to the Adjudicator, take all practical steps to protect the identity of that person by redacting, anonymising and where appropriate otherwise limiting the disclosure of identifying information to any third party and further by obtaining binding undertakings of non-disclosure from any person to whom identifying information is disclosed.’.
Jo Swinson

Clause 9, page 3, line 34, at end insert—

‘(7) The Secretary of State must make an order—
(a) specifying the amount of the permitted maximum, or
(b) specifying how that amount is to be determined.

(8) The Adjudicator must, within 6 months beginning with the day on which section 1 comes into force, make a recommendation as to the amount that should be specified in the first order under subsection (7) or the method for determining the amount.

(9) Before making a recommendation the Adjudicator must consult any person he or she thinks appropriate.

(10) The Secretary of State—
(a) must have regard to the Adjudicator’s recommendation when making the first order under subsection (7);
(b) may amend or replace an order under subsection (7) only if the Secretary of State has considered whether to do so as part of a review under section 15.

(11) The Adjudicator may not impose a financial penalty in respect of a breach of the Groceries Code that occurs before the first order under subsection (7) comes into force.’.

As an Amendment to Jo Swinson’s proposed Amendment (No. 6):—

Andrew George

Line 3, at end insert—

‘(7A) The Secretary of State must make the order referred to in subsection (7) within 3 months of the Adjudicator making the recommendation referred to in subsection (8).’.

Andrew George

Clause 4, page 2, line 5, leave out subsection (1) and insert—

‘(1) The Adjudicator may carry out an investigation where there are reasonable grounds to suspect that a large retailer has—
(a) broken the Groceries Code; or
(b) failed to follow a recommendation made under section 7; or
(c) failed to incorporate the Groceries Code into a supply agreement, as required under Article 5 of the Groceries Supply Order.’.

Andrew George

Clause 6, page 2, line 26, leave out from ‘a large retailer’ to end of line 28 and insert ‘any of the grounds for launching an investigation under section 4(1) has in fact occurred, the Adjudicator may take one or more of the following enforcement measures—

...’.

Andrew George

Clause 7, page 2, line 33, leave out subsection (1) and insert—
Groceries Code Adjudicator Bill [Lords], continued

‘(1) If the Adjudicator chooses to enforce through making recommendations, that means—

(a) in the case that a retailer has been found to have broken the Groceries Code, or has failed to follow a previous recommendation made under this section, recommending what the large retailer should do in order to comply with the Groceries Code; and

(b) in the case that a retailer has been found to have failed to incorporate the Groceries Code into a Supply Agreement, as required under Article 5 of the Groceries Supply Order, recommending what the large retailer should do in order to comply with Article 5 of the Groceries Supply Order.’.