House of Commons
Tuesday 18 December 2012
PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★
☆ Amendments which will comply with the required notice period at their next appearance

GROCERIES CODE ADJUDICATOR BILL [LORDS]

NOTE

The Amendments have been arranged in accordance with the Order of the Committee [11 December 2012].

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Ian Murray
Huw Irranca-Davies

Clause 18, page 7, line 30, after ‘Adjudicator’, insert ‘or the Deputy Adjudicator or any person acting on the Adjudicator’s behalf’.

Ian Murray
Huw Irranca-Davies

Clause 18, page 7, line 30, leave out ‘may’ and insert ‘must’.

Ian Murray
Huw Irranca-Davies

Clause 18, page 7, line 36, after ‘Adjudicator’, insert ‘or the Deputy Adjudicator or any person acting on the Adjudicator’s behalf’.

Ian Murray
Huw Irranca-Davies

Clause 18, page 7, line 36, leave out ‘may’ and insert ‘must’.

Ian Murray
Huw Irranca-Davies

Clause 18, page 7, line 37, leave out from ‘Adjudicator’ to end and insert ‘should’
reasonably believe could cause the identity of the complainant to be revealed’.

Ian Murray
Huw Irranca-Davies

Clause 18, page 7, line 42, after ‘Adjudicator’, insert ‘or the Deputy Adjudicator or any person acting on the Adjudicator’s behalf’.

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.’.

Ian Murray
Huw Irranca-Davies

Clause 18, page 8, line 9, at end add—

‘( ) Any person who, in contravention of this section knowingly discloses any information obtained when employed by, or acting on behalf of, the Adjudicator is guilty of an offence and liable on summary conviction to a fine.’.

Jo Swinson

Clause 19, page 8, line 23, at end insert—

‘(5A) Notwithstanding section 25, the Adjudicator must publish the criteria as set out in subsection (5) within three months of this Act coming into force’.

Ian Murray
Huw Irranca-Davies

Clause 23, page 10, line 21, leave out ‘9(1) or’.

Jo Swinson
Clause 26, page 11, line 3, leave out subsection (2).

NEW CLAUSES

Extension of groceries code

Ian Murray
Huw Irranca-Davies

NC2

To move the following Clause:

‘(1) In advance of each annual report prepared under section 14, the Adjudicator shall consider any information received in the preceding year concerning supply relations between suppliers and third parties (intermediaries) who on onward suppliers to large retailers;

(2) If under subsection (1), the Adjudicator has information of incidents that, were they to have occurred between a supplier and a large retailer, would have constituted a breach of the Groceries Code, the Adjudicator shall consider and make recommendations on whether the pattern of such incidents merits an extension of the Groceries Code to such intermediaries and therefore a redefinition of “direct supplier” in the Groceries Code;

(3) In advance of every third annual report prepared under section 14, the Adjudicator shall consider any information received in the preceding three-year period concerning supply relations between suppliers and third party onward suppliers not covered by subsection (2);

(4) If under subsection (3) the Adjudicator has information of incidents that, were they to have occurred between a supplier and a large retailer, would have constituted a breach of the Groceries Code, the Adjudicator shall consider and make recommendations on whether the pattern of such incidents merits an extension of the Groceries Code to such intermediaries.’.

Sunsetting provisions and replacement of current code on statutory footing

Ian Murray
Huw Irranca-Davies

NC3

To move the following Clause:

‘(1) Within three years of this Act coming into force, the Competition Commission shall conduct a review of the effectiveness of the Act’s provisions with regard to levels of compliance with the Groceries Code.

(2) If the review finds that the levels of compliance are unsatisfactory, the Secretary of State shall prepare and lay before Parliament regulations containing analogous provisions to those in the Groceries Code, thereby giving statutory effect to the Code.'
“Levels of compliance” as referred to in section (1) shall be deemed unsatisfactory if (without limitation) they have not improved since the bringing into force of the Act.

The Groceries Supply Code of Practice shall thereby be revoked.

Where the Secretary of State proposes to issue or revise a code of practice under subsection (2), he shall prepare a draft of the code (or revised code).

The Secretary of State shall consult the following about the draft—

(a) The Competition Commission;
(b) The Office of Fair Trading;
(c) The retailers mentioned in Article 4(1)(a) and (b) of the Groceries Supply Order;
(d) one or more persons appearing to the Secretary of State to represent the interests of suppliers;
(e) one or more persons appearing to the Secretary of State to represent the interests of consumers; and
(f) any other person the Secretary of State thinks appropriate.

If the Secretary of State determines to proceed with the draft (either in its original form or with modifications) he shall lay the draft before Parliament in the form of regulations.

Such regulations shall be made by Statutory Instrument and may only be made if a draft of them has been laid before and approved by resolution of both Houses of Parliament.

A code (or revised code) issued under subsection (6) shall come into force on such date as the Secretary of State may by order made by statutory instrument appoint.”.

ORDER OF THE HOUSE [19 NOVEMBER 2012]
That the following provisions shall apply to the Groceries Code Adjudicator Bill [Lords]:

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 Thursday 6 December 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
Groceries Code Adjudicator Bill [Lords], continued

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 any message from the Lords) may be programmed.

GROCERIES CODE ADJUDICATOR BILL [LORDS] (PROGRAMME) (NO. 2)

That the Order of 19 November 2012 (Groceries Code Adjudicator Bill [Lords]
(Programme)) be varied as follows:

In paragraph 2 (conclusion of proceedings in Public Bill Committee), for “Thursday 6
December”, substitute “Tuesday 18 December”.

ORDER OF THE COMMITTEE [11 DECEMBER 2012]

That—

(1) the Committee shall (in addition to its first meeting at 8.55 am on Tuesday 11
December) meet—
   (a) at 2.00 pm on Tuesday 11 December;
   (b) at 11.30 am and 2.00 pm on Thursday 13 December;
   (c) at 8.55 am and 2.00 pm on Tuesday 18 December;

(2) the proceedings shall be taken in the following order: Clause 1; Schedule 1;Clauses 2 to 4; Schedule 2; Clauses 5 to 9; Schedule 3; Clauses 10 to 26; new
   Clauses; new Schedules; remaining proceedings on the Bill;

(3) the proceedings shall (so far as not previously concluded) be brought to a
   conclusion at 6.00 pm on Tuesday 18 December.