Clause 1 agreed to.

Mr Adrian Bailey
Mr Robin Walker
Ian Murray

Schedule 1, page 12, line 8, at end insert ‘following a pre-appointment hearing by the Business, Innovation and Skills Committee of the House of Commons.’.

Ian Murray
Huw Irranca-Davies

Withdrawn 1

Schedule 1, page 12, line 8, at end insert—
‘(4) The Adjudicator’s appointment will also be subject to approval by—
(a) the Business, Innovation and Skills Select Committee; and
(b) the Environment, Food and Rural Affairs Select Committee; or
(c) their respective successor committees from time to time.’.

Ian Murray
Huw Irranca-Davies

Not called 62

Schedule 1, page 13, line 1, leave out from ‘with’ to end of line 2 and insert ‘for the appointment of staff’.

Ian Murray
Huw Irranca-Davies

Withdrawn 32

Schedule 1, page 13, line 16, leave out ‘Secretary of State’ and insert ‘Adjudicator’.

Not called 33
Schedule 1, page 13, line 17, leave out ‘if asked to do so by the Adjudicator’.

Schedule agreed to.

Clause 2, page 1, line 11, at end add—

‘(3) Where the adjudicator is appointing an arbitrator the following must be taken into account—

(a) the location of the arbitration considering the convenience of the supplier;

(b) the qualifications of the arbitrator;

(c) the experience of the arbitrator; and

(d) the awareness which the arbitrator has of

(i) the laws applying in—

(a) England and Wales;

(b) Scotland; and

(c) Northern Ireland; and

(ii) the market and economic conditions applying in—

(a) England and Wales;

(b) Scotland; and

(c) Northern Ireland.’.

Clause agreed to.

Clause 3 agreed to.

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.’.

Clause 4, page 2, line 7, after ‘Code’, insert ‘since the Code since came into force.’.
Groceries Code Adjudicator Bill [Lords], continued

Ian Murray
Huw Irranca-Davies

Clause 4, page 2, line 10, at end insert—

‘(2A) The powers to require provision of information as set out in Schedule 2 shall be exercisable from the day on which this Act is passed.’.

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.’.

Clause agreed to.

Schedule 2 agreed to.

Ian Murray
Huw Irranca-Davies

Clause 5, page 2, line 21, at end insert—

‘(d) any finding that an investigation should be referred to the Office of Fair Trading on the basis that a large retailer is believed to have engaged in anti-competitive practices.’.

Clause agreed to.

Andrew George

Clause 6, page 2, line 26, leave out from ‘that’ 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—’.

Clause agreed to.

Andrew George

Clause 7, page 2, line 33, leave out subsection (1) and insert—

‘(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
Groceries Code Adjudicator Bill [Lords], continued

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.’.

Andrew George

Clause 7, page 2, line 36, at end insert—

‘(2A) If the Adjudicator determines that a recommendation has not been, or is not being, followed, the Adjudicator may issue a requirement notice to the large retailer in which the Adjudicator may set out one or more recommendations with which the large retailer must comply. Such requirement notice may in the Adjudicator’s discretion contain a time period for compliance and an indication of which other form of enforcement the Adjudicator envisages might be imposed in the event of continued non-compliance.’.

Clause agreed to.

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Ian Murray
Huw Irranca-Davies

Withdrawn 43

Clause 8, page 3, line 9, at end insert—

‘(d) where it is to be published.’.

Clause agreed to.

[Adjourned until Thursday at 11.30 am]