GROCERIES CODE ADJUDICATOR BILL [LORDS]
[THIRD AND FOURTH SITTINGS]

Ian Murray
Huw Irranca-Davies

Withdrawn 44

Clause 9, page 3, line 17, leave out from ‘penalties’ to end of subsection (1).

Jo Swinson

Agreed to 2

Clause 9, page 3, line 17, leave out subsection (1).

Jo Swinson

Agreed to 3

Clause 9, page 3, line 20, leave out from ‘to’ to end of line 21 and insert ‘enforce through imposing financial penalties, that means imposing a penalty on the large retailer of an amount not exceeding the amount of the permitted maximum (see subsection (7)).’.

Jo Swinson

Agreed to 4

Clause 9, page 3, line 25, leave out ‘and’.

Ian Murray
Huw Irranca-Davies

Not called 45

Clause 9, page 3, line 26, leave out from subsection (c) and insert—
‘(c) that it shall be paid within 28 days.’.

Jo Swinson

Agreed to 5

Clause 9, page 3, line 26, at end insert ‘; and
( ) how it must be paid.’.

Jo Swinson

Agreed to 6

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
Groceries Code Adjudicator Bill [Lords], continued

(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 Amendments 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

Line 6, leave out ‘or’ and insert ‘and’.

Andrew George

Line 8, leave out ‘must’ and insert ‘may’.

Andrew George

Line 18, at end add ‘unless the breach started before, and continues after, that date.’.

Clause, as amended, agreed to.

Ian Murray
Huw Irranca-Davies

Schedule 3, page 15, line 39, leave out ‘if’ and insert—

‘(1) If the Secretary of State thinks that the Adjudicator’s other powers are inadequate; and

(2) has given due regard to the relevant Ministers in the Devolved Administrations.’.
Groceries Code Adjudicator Bill [Lords], continued

Ian Murray
Huw Irranca-Davies

Schedule 3, page 16, line 14, at end insert—
‘(h) consult with the relevant Minister in the Devolved Administrations.’.

Jo Swinson
Ian Murray
Huw Irranca-Davies

Page 15, line 36, leave out Schedule 3.

Schedule disagreed to.

Ian Murray
Huw Irranca-Davies

Clause 10, page 4, line 10, at end insert—
“(6) Costs do not form part of financial penalties as described in section 9.’.

Clause agreed to.

Ian Murray
Huw Irranca-Davies

Clause 11, page 4, line 14, after ‘to’, insert ‘the public,.’.

Clause agreed to.

Jo Swinson

Clause 12, page 4, line 20, leave out ‘and’.

Agreed to

Jo Swinson

Clause 12, page 4, line 22, at end insert ‘; and
(d) the criteria that the Adjudicator intends to adopt in deciding the amount of any financial penalty under section 9.’.

Ian Murray
Huw Irranca-Davies

Clause 12, page 4, line 22, at end insert—
Groceries Code Adjudicator Bill [Lords], continued

‘(d) the criteria that the Adjudicator intends to adopt in deciding whether to impose financial penalties under section 9 together with maximum penalty that may be imposed and how the maximum penalty is to be calculated.’.

Andrew George
Huw Irranca-Davies
Ian Murray

Clause 12, page 4, line 25, at end insert ‘including monitoring compliance with the Groceries Code.’. Withdrawn 39

Jo Swinson

Clause 12, page 4, line 31, leave out subsection (4). Agreed to 9

Ian Murray
Huw Irranca-Davies

Clause 12, page 4, line 31, leave out from beginning to ‘penalties’ in line 32. Not called 48

Ian Murray
Huw Irranca-Davies

Clause 12, page 4, line 37, at end insert ‘including appropriate Ministers from the Devolved Administrations.’. Withdrawn 49

Jo Swinson

Clause 12, page 4, line 39, leave out ‘and (c)’ and insert ‘, (c) and (d)’. Agreed to 10

Ian Murray
Huw Irranca-Davies

Clause 12, page 4, line 39, leave out ‘6’ and insert ‘3’. Withdrawn 50

Clause, as amended, agreed to.

Andrew George

Clause 13, page 5, line 3, after ‘Code’, insert ‘or the Groceries Supply Order.’. Not called 40

Andrew George

Clause 13, page 5, line 3, at end add— Withdrawn 16

‘(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.’.
Groceries Code Adjudicator Bill [Lords], continued

Ian Murray
Huw Irranca-Davies

Clause 13, page 5, line 3, at end add—
‘(2) The Office of Fair Trading shall be required to respond to the Adjudicator and Secretary of State on the recommendations as set out in subsection (1) explaining whether they will be acted upon or not.’.

Clause agreed to.

Andrew George
Huw Irranca-Davies
Ian Murray

Clause 14, page 5, line 12, at end insert—
‘(d) the Adjudicator’s assessment of large retailers’ compliance with the Groceries Code.’.

Clause agreed to.

Ian Murray
Huw Irranca-Davies

Clause 14, page 5, line 12, at end insert—
‘(d) the resources available to the Adjudicator.
(e) recommendations made to the Office of Fair Trading as set out in section 13.’.

Clause agreed to.

Ian Murray
Huw Irranca-Davies

Clause 14, page 5, line 14, at end insert—
‘(3A) The Adjudicator must consider in advance of each annual report whether to recommend changes to the Groceries Code to the Office of Fair Trading.’.

Clause agreed to.

Ian Murray
Huw Irranca-Davies

Clause 14, page 5, line 19, at end insert—
‘(c) the Business, Innovation and Skills Select Committee;
(d) the Environment, Food and Rural Affairs Select Committee;
(e) their respective successor committees from time to time; and
(f) the Devolved Administrations’.

Clause agreed to.
Withdrawn 24

Clause 15, page 5, line 27, after ‘must’, insert ‘appoint an independent Review Panel to’.

Not called 25

Clause 15, page 5, line 28, at end add—
( ) The Independent Review Panel shall be chaired by a judge of the High Court or the Court of Session and comprise—
(a) a representative of the retail sector;
(b) a representative of the supply sector; and
(c) a consumer representative.’.

Not called 57

Clause 15, page 5, line 37, after ‘under’, insert ‘section 9 or’.

Not called 58

Clause 15, page 5, line 38, leave out ‘that’ and insert ‘the relevant’.

Agreed to 11

Clause 15, page 5, line 38, at end insert—
( ) A review may consider whether it would be desirable to amend or replace the order for the time being in force under section 9(7).

Not called 54

Clause 15, page 6, line 14, at end insert—
(h) the relevant Ministers of the Devolved Administrations.’.

Withdrawn 55

Clause 15, page 6, line 18, leave out subsection (10).

Clause, as amended, agreed to.

Clause 16 and 17 agreed to.

[Adjourned until Tuesday 18 December at 8.55 am]