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

Withdrawn

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

Withdrawn

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

Not called

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

Not called

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’.

Not called

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

Not called
Andrew George

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

Withdrawn 17

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.’.

Not called 18

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.’.

Clause agreed to.

Not called 31

Ian Murray Huw Irranca-Davies

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’.

Clause agreed to.

Clauses 20 to 22 agreed to.

Withdrawn 60

Jo Swinson

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

Clause, as amended, agreed to.

Clauses 24 and 25 agreed to.

Agreed to 12
Groceries Code Adjudicator Bill [Lords], continued

Jo Swinson

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

Clause, as amended, agreed to.

NEW CLAUSES

Extension of groceries code

Ian Murray
Huw Irranca-Davies

Withdrawn NC2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

Withdrawn 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.

(3) “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.

(4) The Groceries Supply Code of Practice shall thereby be revoked.

(5) 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).

(6) 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.

(7) 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.

(8) 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.

(9) 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.’.

Andrew George
Huw Irranca-Davies
Ian Murray

Title, line 2, after ‘Code’, insert ‘monitoring it’.

Bill, as amended, to be reported.