NEW CLAUSES

Exception for suppliers with high turnover

Philip Davies
Mr David Nuttall

To move the following Clause:—

‘Suppliers are not allowed to refer cases to the Adjudicator and cannot have cases referred on their behalf if their turnover exceeds £500 million per annum.’.

Supplier turnover

Philip Davies
Mr David Nuttall

To move the following Clause:—

‘Suppliers are not allowed to refer cases to the Adjudicator and cannot have cases referred on their behalf if their turnover exceeds £1bn per annum.’.
Consideration of Bill: 26 February 2013

Groceries Code Adjudicator Bill [Lords], continued

Sunsetting

Philip Davies
Mr David Nuttall

To move the following Clause:—

‘This Bill will expire in seven years from the date it receives Royal Assent.’.

Supplier headquarters

Mr Christopher Chope
Mr David Nuttall

To move the following Clause:—

‘Suppliers are not allowed to refer cases to the Adjudicator and cannot have cases referred on their behalf if they have their principal headquarters outside the European Union.’.

Supply source

Mr Christopher Chope
Mr David Nuttall

To move the following Clause:—

‘The provisions of this Act shall not apply to any supplies which are produced, manufactured or processed, in whole or in part, outside the European Union.’.

Philip Davies
Mr David Nuttall

Page 2, line 13 [Clause 4], at end add—

‘(4) The Adjudicator must ensure that investigations are conducted in a timely manner.’.
Philip Davies
Mr David Nuttall

Page 3, line 15 [Clause 8], at end add—
‘(4) The large retailer may appeal against the requirement to publish information—
(a) to the High Court, in England and Wales or Northern Ireland; or
(b) to the Court of Session, in Scotland.’.

Philip Davies
Mr David Nuttall

Page 3, line 35 [Clause 9], after ‘maximum’, insert ‘not exceeding £250,000’.

Philip Davies
Mr David Nuttall

Page 3, line 37 [Clause 9], leave out subsection (7).

Philip Davies
Mr David Nuttall

Page 3, line 41 [Clause 9], leave out subsection (8).

Philip Davies
Mr David Nuttall

Page 4, line 1 [Clause 9], leave out paragraph (a).

Philip Davies
Mr David Nuttall

Page 4, line 10 [Clause 10], leave out ‘may’ and insert ‘must’.

Philip Davies
Mr David Nuttall

Page 4, line 12 [Clause 10], after ‘Code’, insert ‘and it must be a minimum of 20
per cent of the full cost’.

Philip Davies
Mr David Nuttall

Page 4, line 13 [Clause 10], leave out ‘may’ and insert ‘must’.

Philip Davies
Mr David Nuttall

Page 4, line 16 [Clause 10], after ‘merit’, insert ‘and it must be a minimum of 20
per cent of the full cost’.
Consideration of Bill: 26 February 2013

Groceries Code Adjudicator Bill [Lords], continued

Ian Murray
Huw Irranca-Davies

Page 4, line 32 [Clause 12], at end insert—
‘(a) the nature and type of arbitrations to be conducted under section 3 including:
   (i) the law applicable to an arbitration; and
   (ii) where the arbitration should be conducted.’.

Miss Anne McIntosh
Barry Gardiner
Mrs Mary Glindon
Sheryll Murray
Neil Parish
Ms Margaret Ritchie

Total signatories: 7

Page 4, line 40 [Clause 12], at end insert—
‘( ) The guidance must make clear that the Adjudicator may decide to carry out an investigation based on—
   (a) information in the public domain;
   (b) information provided by a supplier;
   (c) information provided by a person who obtained the information at a time when the person was a worker employed by the supplier in question or a company in the same group;
   (d) information provided by a large retailer;
   (e) information provided by a person who obtained the information at a time when the person was a worker employed by the retailer in question or a company in the same group;
   (f) information provided by a relevant trade body;
   (g) his own initiative.’.

John McDonnell
Ian Murray
Huw Irranca-Davies

Page 5, line 18 [Clause 13], at end insert—
‘(2) The Office of Fair Trading shall be required to publish a response to the Adjudicator on the recommendations set out in subsection (1) explaining whether they will be acted upon or not.’.

Ian Murray
Huw Irranca-Davies

Page 5, line 18 [Clause 13], at end add—
‘(3) In assessing changes that could be made to the Code, the Adjudicator shall give due consideration to—
Consideration of Bill: 26 February 2013

Groceries Code Adjudicator Bill [Lords], continued

(a) the territorial extent of the Code, especially in relation to activities of large retailers outwith the UK, including work done by subsidiaries of large retailers;
(b) whether intermediaries in the supply chain should be covered; and
(c) whether commercial pressures or criminal activity pose risks to consumer interests by potentially compromising standards of food safety, hygiene and food authenticity.’.

Ian Murray
Huw Irranca-Davies

Page 5, line 18 [Clause 13], at end add—
‘(3) In assessing changes that could be made to the Code, the Adjudicator shall give due consideration to—
(a) the territorial extent of the Code, especially in relation to activities of large retailers outwith the UK, including work done by subsidiaries of large retailers;
(b) whether intermediaries in the supply chain should be covered.’.

Philip Davies
Mr David Nuttall

Page 5, line 27 [Clause 14], at end add—
‘(d) all costs incurred by the Adjudicator.’.

John McDonnell
Ian Murray
Huw Irranca-Davies

Page 5, line 29 [Clause 14], after ‘followed’, insert ‘and whether any further enforcement measures are to be taken in order to secure compliance with the code’.

John McDonnell
Ian Murray
Huw Irranca-Davies

Page 5, line 31 [Clause 14], at end insert—
‘(4A) The report must include details of any incidents that have come to the Adjudicator’s attention during the reporting period in which breaches of the Groceries Code or commercial pressure on retailers have led or may have led to actual or potential cases of compromised—
(a) food safety;
(b) food hygiene; and
(c) food authenticity.’.

Ian Murray
Huw Irranca-Davies

Page 5, line 34 [Clause 14], at end add—
‘(c) the Food Standards Agency.’.
Consideration of Bill: 26 February 2013

Groceries Code Adjudicator Bill [Lords], continued

Secretary Vince Cable

Page 6, line 13 [Clause 15], leave out subsection (5) and insert—

‘(5) The review must also consider whether it would be desirable—

(a) for an order to be made under subsection (10A) (if no order under that subsection is in force), or

(b) for any order under that subsection to be revoked.’.

Secretary Vince Cable

Page 6 [Clause 15], leave out lines 34 to 36 and insert—

‘(10A) The Secretary of State may by order provide that this Act has effect as if the section set out in subsection (11) below were inserted after section 4.

(10B) An order under subsection (10A)—

(a) may be made only if, as a result of the findings of a review, the Secretary of State thinks that making the order would enable the Adjudicator to be more effective;

(b) may be revoked only if, as a result of the findings of a review, the Secretary of State thinks that revoking the order would not impair the Adjudicator’s effectiveness.

(11) This is the section referred to in subsection (10A)—’.

As Amendments to Secretary Vince Cables’ proposed Amendment (No. 8):—

Mr Christopher Chope
Mr David Nuttall

(a) Line 6, after ‘more’, insert ‘efficient and’.

Mr Christopher Chope
Mr David Nuttall

(b) Line 9, after ‘Adjudicator’s’, insert ‘efficiency and’.

John McDonnell
Miss Anne McIntosh
Barry Gardiner
Mrs Mary Glindon
Sheryll Murray
Neil Parish

Total signatories: 10

Page 6, line 34 [Clause 15], leave out subsection (11).
Miss Anne McIntosh
Barry Gardiner
Mrs Mary Glindon
Sheryll Murray
Neil Parish
Ms Margaret Ritchie

Total signatories: 7

Page 6, line 41 [Clause 15], at end insert—
‘( ) information provided by a relevant trade body;’.

Miss Anne McIntosh
Barry Gardiner
Mrs Mary Glindon
Sheryll Murray
Neil Parish
Ms Margaret Ritchie

Total signatories: 7

Page 7, line 40 [Clause 16], at end add—
‘( ) If an order is made under this section the Secretary of State shall—
(a) publish the review of the Adjudicator’s performance;
(b) publish an explanation of the reasons for making the order;
(c) publish an explanation of the mechanisms under which the interests of suppliers will be protected once the Adjudicator is abolished;’.

Philip Davies
Mr David Nuttall

Page 8, line 33 [Clause 19], at end add—
‘(3A) For the purpose of the first levy and any subsequent annual increase in the levy of greater then 10 per cent on the previous year, the Adjudicator must undertake a consultation process with the large retailers and consider any submissions received as the Adjudicator considers appropriate.’.

Philip Davies
Mr David Nuttall

Page 9, line 17 [Clause 20], leave out ‘grants or’.
Consideration of Bill: 26 February 2013

Groceries Code Adjudicator Bill [Lords], continued

Philip Davies
Mr David Nuttall

Page 9, line 18 [Clause 20], leave out ‘grants or’.

Secretary Vince Cable

Page 10, line 35 [Clause 23], after ‘section’, insert ‘15(10A) or’.

Mr Christopher Chope
Mr David Nuttall

Page 11 [Clause 25], leave out lines 7 to 12 and insert ‘This Act shall come into force two months after Royal Assent.’.

Philip Davies
Mr David Nuttall

Page 12, line 16 [Schedule 1], leave out ‘or two’.

Philip Davies
Mr David Nuttall

Page 12, line 17 [Schedule 1], leave out sub-paragraph (c).

Philip Davies
Mr David Nuttall

Page 12, line 21 [Schedule 1], at end add ‘, or has lost confidence in their ability to do so.’.

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.
Groceries Code Adjudicator Bill [Lords], continued

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 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. 3)

Secretary Vince Cable

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

1. Paragraphs 4 and 5 shall be omitted.
2. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion three hours after the commencement of proceedings on the Motion for this Order.
3. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion four hours after the commencement of proceedings on the Motion for this Order.