



House of Commons

Thursday 30 October 2014

PUBLIC BILL COMMITTEE PROCEEDINGS

SMALL BUSINESS, ENTERPRISE AND EMPLOYMENT BILL

[ELEVENTH AND TWELFTH Sittings]

Sheryll Murray
Andrew Griffiths
Anne Marie Morris
Richard Fuller
Sir Hugh Robertson
Stephen Gilbert

Oliver Colvile

Withdrawn 151

Clause 36, page 31, line 2, leave out “large”

Sheryll Murray
Andrew Griffiths
Anne Marie Morris
Richard Fuller
Sir Hugh Robertson
Stephen Gilbert

Oliver Colvile

Not called 152

Clause 36, page 31, line 2, leave out “also”

Toby Perkins
Mr Iain Wright
Ian Murray

Negatived on division 162

Clause 36, page 31, line 4, at end insert—

- (b) the Secretary of State shall ensure that provisions of the Pubs Code which carry costs which smaller businesses would find difficult to absorb, as prescribed, do not fall upon those pub-owning companies who own less than 500 premises,
- (c) such provisions to be prescribed may include—
 - (i) the duty to employ a Code Compliance Officer, and to file annual Code Compliance Reports,
 - (ii) the duty to employ a business development manager and provide training thereto,

Small Business, Enterprise and Employment Bill, continued

(iii) the duty to provide parallel free of tie rent assessments”

Andrew Griffiths

Not called 59

Clause 36, page 31, line 11, leave out subsection (5)(b)(ii)

Andrew Griffiths

Not called 60

Clause 36, page 31, line 18, leave out “their tied pub tenants” and insert “such assessments”

Toby Perkins

Mr Iain Wright

Ian Murray

Negatived on division 193

Clause 36, page 31, line 19, at end insert—

“(g) require large pub-owning companies as defined in section 60 of this Act to provide a list to their tenants of any products and services they provide to tied tenants which such a company considers to have a monetary value; and a statement of what that amount is and how it was calculated; and the Secretary of State or any tied tenant may refer that amount to the adjudicator for an assessment of the accuracy of any estimate or the reasonableness of any assumption in relation to each amount.”

Sheryll Murray

Andrew Griffiths

Anne Marie Morris

Richard Fuller

Sir Hugh Robertson

Stephen Gilbert

Oliver Colvile

Not called 70

Clause 36, page 31, line 20, leave out “large”

Clause agreed to.

Andrew Griffiths

Oliver Colvile

Not called 68

Clause 37, page 31, line 45, at end insert—

“(5A) Changes to the Pubs Code pursuant to section 37 shall be made by order. Such an order is subject to affirmative resolution procedure.”

Clause agreed to.

Small Business, Enterprise and Employment Bill, continued

Toby Perkins
Mr Iain Wright
Ian Murray

Negatived on division 194

Clause 38, page 32, line 12, at end insert—

“(d) which purport to give only the pub-owning company the right to break a tie agreement.”.

Andrew Griffiths

Not called 61

Clause 38, page 32, line 15, leave out from “(1)” to end of line 17 and insert “only apply to new agreements or at agreed break points such as rent reviews within current agreements”

Clause agreed to.

Clauses 39 to 41 agreed to.

Andrew Griffiths

Not called 62

Clause 42, page 34, line 43, after “vexatious”, insert “or unsubstantiated”

Clause agreed to.

Clauses 43 to 48 agreed to.

Andrew Griffiths

Not called 63

Clause 49, page 36, line 41, at end insert “or

(c) the basis and reasoning behind the decision to impose a penalty.”

Clause agreed to.

Toby Perkins
Mr Iain Wright
Ian Murray

Negatived on division 195

Clause 50, page 37, line 19, leave out “or wholly without merit”.

Andrew Griffiths

Not called 64

Clause 50, page 37, line 20, after “merit”, insert “or unsubstantiated”

Clause agreed to.

Small Business, Enterprise and Employment Bill, continued*Clauses 51 to 58 agreed to.*

Toby Perkins
 Mr Iain Wright
 Ian Murray

Negatived on division 157
 Clause 59, page 40, line 30, leave out “D” and insert “E”

Toby Perkins
 Mr Iain Wright
 Ian Murray

Not called 158
 Clause 59, page 40, line 40, at end insert—

- (6) Condition E is that the premises is owned by a “pub owning business” or a “large pub owning business” as defined in section 60 (1) (2) and (3).
- (7) A premises which may meet conditions A-E, but is a premises that was not intended to be subject to the pubs code as defined in section 36(1) and (2) is excluded”

Clause agreed to.

Sheryll Murray
 Andrew Griffiths
 Anne Marie Morris
 Richard Fuller
 Sir Hugh Robertson
 Stephen Gilbert

Oliver Colvile

Not selected 153
 Clause 60, page 41, line 4, leave out “and large “pub-owning business””

Sheryll Murray
 Andrew Griffiths
 Anne Marie Morris
 Richard Fuller
 Sir Hugh Robertson
 Stephen Gilbert

Oliver Colvile

Not called 154
 Clause 60, page 41, leave out lines 5 and 6.

Small Business, Enterprise and Employment Bill, continued

Sheryll Murray
Andrew Griffiths
Anne Marie Morris
Richard Fuller
Sir Hugh Robertson
Stephen Gilbert

Oliver Colvile

Agreed to on division 71

Clause 60, page 41, line 6, leave out “one” and insert “500”

Sheryll Murray
Andrew Griffiths
Anne Marie Morris
Richard Fuller
Sir Hugh Robertson
Stephen Gilbert

Oliver Colvile

Not called 155

Clause 60, page 41, line 8, leave out “pub-owning”

Sheryll Murray
Andrew Griffiths
Anne Marie Morris
Richard Fuller
Sir Hugh Robertson
Stephen Gilbert

Oliver Colvile

Agreed to 72

Clause 60, page 41, line 8, leave out “large”

Toby Perkins
Mr Iain Wright
Ian Murray

Negatived on division 159

Clause 60, page 41, line 10, leave out “tied”

Sheryll Murray
Andrew Griffiths
Anne Marie Morris
Richard Fuller
Sir Hugh Robertson
Stephen Gilbert

Oliver Colvile

Not called 156

Clause 60, page 41, line 12, leave out “pub-owning”

Small Business, Enterprise and Employment Bill, continued

Sheryll Murray
 Andrew Griffiths
 Anne Marie Morris
 Richard Fuller
 Sir Hugh Robertson
 Stephen Gilbert

Oliver Colvile

Agreed to 73

Clause 60, page 41, line 12, leave out “large”

Toby Perkins
 Mr Iain Wright
 Ian Murray

Not called 160

Clause 60, page 41, line 15, leave out “tied”

Toby Perkins
 Mr Iain Wright
 Ian Murray

Not called 161

Clause 60, page 41, line 16, leave out subsection (4)

Clause, as amended, agreed to.

Andrew Griffiths

Not called 192

Clause 61, page 41, line 31, leave out paragraph (b) and insert—

“(b) who is party to negotiations which have reached the stage of a provisional trading agreement for the prospective tenancy of a premises which are, or expected to be, a tied pub ahead of any final terms of the agreement being agreed.”.

Andrew Griffiths

Not called 66

Clause 61, page 41, line 42, leave out “and includes a tenancy at will” and insert “but excluding tenancies at will and agreements of less than 12 months”

Clause agreed to.

Andrew Griffiths

Not called 67

Clause 62, page 42, line 15, leave out from “tie” to end of line 16

Clause agreed to.

Small Business, Enterprise and Employment Bill, continued

Clause 63 agreed to.

Ian Murray
Mr Iain Wright
Toby Perkins

Withdrawn 207

Clause 64, page 43, line 16, at end add—

- “(7) The Secretary of State shall make arrangements for a review of the impact and appropriateness of the reduction of the age threshold for childcare provision in a school setting in terms of—
- (a) contribution to child development,
 - (b) suitability of facilities and accommodation, and
 - (c) maintenance of child protection standards.
- (8) The Secretary of State shall lay a report of the findings of the review mentioned in subsection (7) before each House of Parliament within 18 months of section 64 coming into force.”

Clause agreed to.

Clause 65 agreed to.

Ian Murray
Mr Iain Wright
Toby Perkins

Not called 208

Clause 66, page 44, line 19, at end add—

- “(2) The Education and Inspections Act 2006 is amended as follows—
- (e) In section 118, subsection (1) at end add “, and
 - (f) the quality and appropriateness of the facilities and premises used by registered providers of early years childcare.”

Clause agreed to.

Schedule 2 agreed to.

Clauses 67 to 70 agreed to.

Mr Iain Wright
Ian Murray
Toby Perkins

Withdrawn 198

Schedule 3, page 141, line 35, after “issuers”, insert “and the Secretary of State shall only specify descriptions of companies which he considers are already subject to disclosure and transparency requirements which would otherwise meet the objectives of

Small Business, Enterprise and Employment Bill, continued

this Part”

Mr Iain Wright
 Ian Murray
 Toby Perkins

Not called 199

Schedule 3, page 141, line 40, leave out “negative resolution procedure” and insert “affirmative resolution procedure”

Matthew Hancock
 Jo Swinson

Agreed to 79

Schedule 3, page 142, line 9, leave out “jointly with others” and insert “as one of a number of joint holders of the share or right in question”

Matthew Hancock
 Jo Swinson

Agreed to 80

Schedule 3, page 142, line 38, at end insert—

“(9A) A relevant legal entity is either “registerable” or “non-registerable” in relation to a company—

(a) it is “non-registerable” if subsection (8)(a) applies in respect of it by virtue only of it having significant control over some other legal entity that is also a relevant legal entity in relation to the company;

(b) otherwise, it is “registerable”,

and references to a “registerable relevant legal entity” in relation to a company are to a relevant legal entity which is registerable in relation to that company.”

Mr Iain Wright
 Ian Murray
 Toby Perkins

Not called 200

Schedule 3, page 143, line 2, after “subsection”, insert “which would otherwise meet the objectives of this Part”

Mr Iain Wright
 Ian Murray
 Toby Perkins

Not called 201

Schedule 3, page 143, line 16, after “procedure”, insert “except for regulations made under paragraph (d) of subsection (9) which are subject to the affirmative resolution procedure”

Matthew Hancock
 Jo Swinson

Agreed to 81

Schedule 3, page 143, line 22, after second “a” insert “registerable”

Matthew Hancock
 Jo Swinson

Agreed to 82

Schedule 3, page 143, line 27, after second “a” insert “registerable”

Small Business, Enterprise and Employment Bill, *continued*

Matthew Hancock
Jo Swinson

Schedule 3, page 143, line 37, after "a" insert "registerable"

Agreed to 83

Matthew Hancock
Jo Swinson

Schedule 3, page 144, line 1, leave out from "who" to "or" in line 2 and insert "falls within subsection (5A)"

Agreed to 84

Matthew Hancock
Jo Swinson

Schedule 3, page 144, line 3, at end insert—

Agreed to 85

"(5A) The persons who fall within this subsection are—

- (a) any registerable person in relation to the company;
- (b) any relevant legal entity in relation to the company;
- (c) any entity which would be a relevant legal entity in relation to the company but for the fact that section 790C(8)(b) does not apply in respect of it."

Matthew Hancock
Jo Swinson

Schedule 3, page 144, leave out lines 6 and 7 and insert—

Agreed to 86

"(i) any person who falls within subsection (5A), or"

Matthew Hancock
Jo Swinson

Schedule 3, page 144, line 13, leave out from "must" to end of line 16 and insert "state that the addressee is to comply with the notice by no later than the end of the period of one month beginning with the date of the notice."

Agreed to 87

Matthew Hancock
Jo Swinson

Schedule 3, page 144, line 24, after "or" insert "registerable"

Agreed to 88

Matthew Hancock
Jo Swinson

Schedule 3, page 144, line 27, after "or" insert "registerable"

Agreed to 89

Matthew Hancock
Jo Swinson

Schedule 3, page 144, line 31, at end insert—

Agreed to 90

- "() A person to whom a notice under subsection (5) is given is not required by that notice to disclose any information in respect of which a claim to legal professional privilege (in Scotland, to confidentiality of communications) could be maintained in legal proceedings."

Small Business, Enterprise and Employment Bill, *continued*

Matthew Hancock
Jo Swinson

Schedule 3, page 144, line 37, after second “a” insert “registerable” *Agreed to 91*

Matthew Hancock
Jo Swinson

Schedule 3, page 144, line 42, after “or” insert “registerable” *Agreed to 92*

Matthew Hancock
Jo Swinson

Schedule 3, page 145, line 6, after first “a” insert “registerable” *Agreed to 93*

Matthew Hancock
Jo Swinson

Schedule 3, page 145, line 7, after “a” insert “registerable” *Agreed to 94*

Matthew Hancock
Jo Swinson

Schedule 3, page 145, leave out lines 22 to 24 *Agreed to 95*

Matthew Hancock
Jo Swinson

Schedule 3, page 145, line 25, leave out “(8) and” and insert “(7) to” *Agreed to 96*

Matthew Hancock
Jo Swinson

Schedule 3, page 146, line 7, after second “a” insert “registerable” *Agreed to 97*

Matthew Hancock
Jo Swinson

Schedule 3, page 146, line 16, leave out “28 days” and insert “one month” *Agreed to 98*

Matthew Hancock
Jo Swinson

Schedule 3, page 146, line 19, after “or” insert “registerable” *Agreed to 99*

Matthew Hancock
Jo Swinson

Schedule 3, page 146, line 24, leave out “14 days” and insert “one month” *Agreed to 100*

Small Business, Enterprise and Employment Bill, *continued*

Matthew Hancock
Jo Swinson

Schedule 3, page 146, line 30, after first “a” insert “registerable” *Agreed to 101*

Matthew Hancock
Jo Swinson

Schedule 3, page 146, line 37, leave out “28 days” and insert “one month” *Agreed to 102*

Matthew Hancock
Jo Swinson

Schedule 3, page 147, line 1, leave out “42 days” and insert “2 months” *Agreed to 103*

Matthew Hancock
Jo Swinson

Schedule 3, page 147, line 3, leave out “14 days” and insert “one month” *Agreed to 104*

Mr Iain Wright
Ian Murray
Toby Perkins

Schedule 3, page 147, line 14, at end insert—
‘(1A) The Secretary of State must not grant such an exception to a legal entity except in exceptional circumstances.’

Not called 202

Matthew Hancock
Jo Swinson

Schedule 3, page 147, line 27, after second “a” insert “registerable” *Agreed to 105*

Mr Iain Wright
Ian Murray
Toby Perkins

Schedule 3, page 147, line 32, at end insert—
“(4) For the purposes of subsection (3) “special reasons” includes reasons related to the national security of the United Kingdom or reasons related to the personal safety of an individual.
(5) Where the Secretary of State grants an exemption under this section the fact of the exemption must be included in the information contained in the PSC register of the relevant company or the central register.
(6) The decision of the Secretary of State to grant an exemption is subject to judicial review.”

Not called 203

Matthew Hancock
Jo Swinson

Schedule 3, page 148, line 16, after “a” insert “registerable” *Agreed to 106*

Small Business, Enterprise and Employment Bill, continued

Matthew Hancock
Jo Swinson

Schedule 3, page 148, line 24, after “a” insert “registerable”

Agreed to 107

Matthew Hancock
Jo Swinson

Schedule 3, page 149, line 10, after “a” insert “registerable”

Agreed to 108

Matthew Hancock
Jo Swinson

Schedule 3, page 149, line 14, after “or” insert “registerable”

Agreed to 109

Matthew Hancock
Jo Swinson

Schedule 3, page 149, line 34, after second “a” insert “registerable”

Agreed to 110

Matthew Hancock
Jo Swinson

Schedule 3, page 149, line 38, after “a” insert “registerable”

Agreed to 111

Matthew Hancock
Jo Swinson

Schedule 3, page 150, line 5, after second “a” insert “registerable”

Agreed to 112

Matthew Hancock
Jo Swinson

Schedule 3, page 150, line 13, at end insert—

Agreed to 113

- “() A company to which this Part applies is not by virtue of anything done for the purposes of this section affected with notice of, or put upon inquiry as to, the rights of any person in relation to any shares or rights in or with respect to the company.”

Mr Iain Wright
Ian Murray
Toby Perkins

Schedule 3, page 151, line 1, leave out sub-paragraph (d)

Not called 204

Mr Iain Wright
Ian Murray
Toby Perkins

Schedule 3, page 151, line 33, at end insert—

Not called 205

- “(6) A direction given by the court under subsection (4) shall be reviewed by the court on an annual basis.”

Small Business, Enterprise and Employment Bill, *continued*

Matthew Hancock
Jo Swinson

Schedule 3, page 152, line 30, leave out “there were no” and insert “whether there are” *Agreed to 114*

Matthew Hancock
Jo Swinson

Schedule 3, page 152, line 43, after “a” insert “registerable” *Agreed to 115*

Matthew Hancock
Jo Swinson

Schedule 3, page 152, line 46, after “a” insert “registerable” *Agreed to 116*

Matthew Hancock
Jo Swinson

Schedule 3, page 153, line 5, after first “or” insert “registerable” *Agreed to 117*

Matthew Hancock
Jo Swinson

Schedule 3, page 153, line 8, after “or” insert “registerable” *Agreed to 118*

Matthew Hancock
Jo Swinson

Schedule 3, page 153, line 26, after second “a” insert “registerable” *Agreed to 119*

Matthew Hancock
Jo Swinson

Schedule 3, page 154, line 18, after second “a” insert “registerable” *Agreed to 120*

Matthew Hancock
Jo Swinson

Schedule 3, page 155, line 15, after “or” insert “registerable” *Agreed to 121*

Matthew Hancock
Jo Swinson

Schedule 3, page 157, line 8, after “a” insert “registerable” *Agreed to 122*

Matthew Hancock
Jo Swinson

Schedule 3, page 157, line 12, after second “a” insert “registerable” *Agreed to 123*

Small Business, Enterprise and Employment Bill, continued

Matthew Hancock
Jo Swinson

Schedule 3, page 157, line 14, after second “a” insert “registerable” *Agreed to 124*

Matthew Hancock
Jo Swinson

Schedule 3, page 157, line 27, after second “a” insert “registerable” *Agreed to 125*

Matthew Hancock
Jo Swinson

Schedule 3, page 157, line 36, after second “a” insert “registerable” *Agreed to 126*

Mr Iain Wright
Ian Murray
Toby Perkins

Schedule 3, page 159, line 32, at end insert—
 (c) provide for the application to be determined by the court;
 (d) provide for the register to show that, pursuant to an application under this section, restrictions on use and disclosure of information are in place.”

Not called 206

Matthew Hancock
Jo Swinson

Schedule 3, page 164, line 25, at end insert— *Agreed to 127*

“Limited partnerships

- 22A (1) An individual does not meet the specified condition in paragraph 2, 3 or 4 in relation to a company by virtue only of being a limited partner.
- (2) An individual does not meet the specified condition in paragraph 2, 3 or 4 in relation to a company by virtue only of, directly or indirectly—
- (a) holding shares,
 - (b) holding a right, or
 - (c) controlling the exercise of a right,
- in or in relation to a limited partner which (in its capacity as such) would meet the condition if it were an individual.
- (3) Sub-paragraphs (1) and (2) do not apply for the purposes of determining whether the requirement set out in paragraph (a) of the specified condition in paragraph 6 is met.
- (4) In this paragraph “limited partner” means a limited partner in a limited partnership registered under the Limited Partnerships Act 1907 (other than one who takes part in the management of the partnership business). ”

Matthew Hancock
Jo Swinson

Schedule 3, page 165, line 15, leave out “14 days” and insert “one month” *Agreed to 128*

Small Business, Enterprise and Employment Bill, *continued*

Matthew Hancock
Jo Swinson

Schedule 3, page 171, line 17, after “a” insert “registerable”

Agreed to 129

Matthew Hancock
Jo Swinson

Schedule 3, page 171, line 26, after second “a” insert “registerable”

Agreed to 130

Matthew Hancock
Jo Swinson

Schedule 3, page 171, line 31, leave out “relevant” and insert “registerable relevant”

Agreed to 131

Matthew Hancock
Jo Swinson

Schedule 3, page 171, line 33, at end insert—

“5A In section 120 (information as to state of register and index), in subsection (1), for “there were no” substitute “whether there are.””

Agreed to 132

Matthew Hancock
Jo Swinson

Schedule 3, page 172, line 4, at end insert—

“7A (1) Section 1126 (consents required for certain prosecutions) is amended as follows.

(2) In subsection (1), at the end insert—

“section 1112 of this Act (general false statement offence);
paragraph 5 or 6 of Schedule 1B to this Act (breach of certain restrictions imposed under that Schedule)”.

(3) In subsection (2)(a)—

(a) omit the “or” at the end of sub-paragraph (ii), and
(b) after sub-paragraph (iii) insert “or
(iv) section 1112 of this Act.”.

(4) In subsection (2)(b), after “section 798 of” insert “, or paragraph 5 or 6 of Schedule 1B to,”.

(5) In subsection (3)(a)—

(a) omit the “or” at the end of sub-paragraph (ii), and
(b) after sub-paragraph (iii) insert “or
(iv) section 1112 of this Act.”.

(6) In subsection (3)(b), after “section 798 of” insert “, or paragraph 5 or 6 of Schedule 1B to,”.”

Agreed to 133

Matthew Hancock
Jo Swinson

Schedule 3, page 172, line 16, at end insert—

Agreed to 134

Small Business, Enterprise and Employment Bill, *continued*

“‘‘registerable relevant legal entity (in Part 21A) section 790C(9A)”’

Schedule, as amended, agreed to.

Clauses 71 to 73 agreed to.

Matthew Hancock
Jo Swinson

Schedule 4, page 178, line 36, leave out “1144” and insert “1143” *Agreed to 135*

Matthew Hancock
Jo Swinson

Schedule 4, page 178, line 38, at end insert— *Agreed to 136*

“Company filings: language requirements

14A Sections 1103, 1104 and 1107 of the Companies Act 2006 (language requirements) apply to all documents required to be delivered to the registrar under this Part of this Schedule.”

Matthew Hancock
Jo Swinson

Schedule 4, page 179, line 21, at end insert— *Agreed to 137*
“() section 1129 (legal professional privilege);
() section 1132 (production and inspection of documents).”

Matthew Hancock
Jo Swinson

Schedule 4, page 179, line 26, at end insert— *Agreed to 138*
“‘‘Companies Acts’’ has the same meaning as in the Companies Act 2006 (see section 2 of that Act);”

Matthew Hancock
Jo Swinson

Schedule 4, page 179, line 33, leave out “Act 2006” and insert “Acts” *Agreed to 139*

Matthew Hancock
Jo Swinson

Schedule 4, page 179, line 34, leave out “that Act” and insert “those Acts” *Agreed to 140*

Small Business, Enterprise and Employment Bill, *continued*

Matthew Hancock
Jo Swinson

Agreed to 141

Schedule 4, page 179, line 34, at end insert—

“Transitory provision

- 19A (1) Until section 82 (option to keep information on central register) comes into force, this Schedule has effect as if, in each of paragraphs 1(3) and 6(5), paragraph (b) (and the “or” preceding it) were omitted.
- (2) Until section 85 (contents of statements of capital) comes into force, paragraph 7(3) of this Schedule has effect as if—
 - (a) paragraph (c) were omitted, and
 - (b) after paragraph (d) there were inserted “, and
 - (e) the amount paid up and the amount (if any) unpaid on each share (whether on account of the nominal value of the share or by way of premium).””

Matthew Hancock
Jo Swinson

Agreed to 142

Schedule 4, page 180, line 14, after “Schedule)” insert—

- “(g) the cancellation of a share warrant issued by the company and of the shares specified in it pursuant to section 1028A(2) or 1032A(2) (cancellation of share warrants on restoration of a company).”

Matthew Hancock
Jo Swinson

Agreed to 143

Schedule 4, page 181, line 40, at end insert—

- “(2) Until section 85 (contents of statements of capital) comes into force, the section 1028A inserted by sub-paragraph (1) has effect as if in subsection (6)—
 - (a) paragraph (c) were omitted, and
 - (b) after paragraph (d) there were inserted “, and
 - (e) the amount paid up and the amount (if any) unpaid on each share (whether on account of the nominal value of the share or by way of premium).””
- (3) Until section 82 (option to keep information on central register) comes into force, the section 1028A inserted by sub-paragraph (1) has effect as if, in subsection (7), paragraph (b) (and the “or” preceding it) were omitted.”

Matthew Hancock
Jo Swinson

Agreed to 144

Schedule 4, page 183, line 15, at end insert—

- “(2) Until section 85 (contents of statements of capital) comes into force, the section 1032A inserted by sub-paragraph (1) has effect as if in subsection (7)—
 - (a) paragraph (c) were omitted, and
 - (b) after paragraph (d) there were inserted “, and
 - (e) the amount paid up and the amount (if any) unpaid on each share (whether on account of the nominal value of the share or by way of premium).””

Small Business, Enterprise and Employment Bill, continued

- (3) Until section 82 (option to keep information on central register) comes into force, the section 1032A inserted by sub-paragraph (1) has effect as if, in subsection (8), paragraph (b) (and the “or” preceding it) were omitted.”

Schedule, as amended, agreed to.

Clauses 74 and 75 agreed to.

Matthew Hancock
Jo Swinson

Agreed to 145

Clause 76, page 49, line 21, at end insert—

- “() Provision made by virtue of subsection (2) may in particular include provision that an appointment may be made only with the approval of a regulatory body specified in the regulations.”

Clause, as amended, agreed to.

Clause 78 agreed to.

Matthew Hancock
Jo Swinson

Agreed to 146

Clause 79, page 51, line 10, at end insert—

- “() In section 251 of the Insolvency Act 1986 (expressions used generally), in the definition of “shadow director”, for the words from “(but” to the end substitute “, but so that a person is not deemed a shadow director by reason only that the directors act—
- (a) on advice given by that person in a professional capacity;
 - (b) in accordance with instructions, a direction, guidance or advice given by that person in the exercise of a function conferred by or under an enactment (within the meaning given by section 1293 of the Companies Act 2006);
 - (c) in accordance with guidance or advice given by that person in that person’s capacity as a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975)”.
- () In section 22(5) of the Company Directors Disqualification Act 1986 (definition of “shadow director”) for the words from “(but” to the end substitute “, but so that a person is not deemed a shadow director by reason only that the directors act—
- (a) on advice given by that person in a professional capacity;
 - (b) in accordance with instructions, a direction, guidance or advice given by that person in the exercise of a function conferred by or under an enactment;
 - (c) in accordance with guidance or advice given by that person in that person’s capacity as a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975)”.”

Small Business, Enterprise and Employment Bill, continued

Matthew Hancock
Jo Swinson

Clause 79, page 51, line 14, leave out “or a direction” and insert “, a direction, guidance or advice” *Agreed to 147*

Matthew Hancock
Jo Swinson

Clause 79, page 51, line 17, leave out “issued” and insert “given” *Agreed to 148*

Matthew Hancock
Jo Swinson

Clause 79, page 51, line 19, at end insert—
“() In section 1293 of the Companies Act 2006 (meaning of “enactment”) after paragraph (a) insert—
“(aa) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales.”.”

Clause, as amended, agreed to.

Matthew Hancock
Jo Swinson

Clause 80, page 52, leave out line 13 and insert—
“(5) For the purposes of this Part, each of the following is a review period—”

Matthew Hancock
Jo Swinson

Clause 80, page 52, leave out lines 16 to 18 and insert—
“(b) each period of 12 months beginning with the day after the end of the previous review period.
(5A) But where a company delivers a confirmation statement with a confirmation date which is earlier than the last day of the review period concerned, the next review period is the period of 12 months beginning with the day after the confirmation date.”

Mr Iain Wright
Ian Murray
Toby Perkins

Clause 80, page 57, line 38, leave out subsection (2) and insert—
“(2) A person guilty of an offence under subsection (1) is liable—
(a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both); and
(b) on summary conviction—
(i) in England and Wales, to imprisonment for a term not exceeding 12 months or a fine (or both);

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- (ii) in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both);
- (iii) in Northern Ireland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum (or both)."

Clause, as amended, agreed to.

Matthew Hancock
Jo Swinson

Agreed to 27

Clause 81, page 59, line 10, after "(5)" insert "and (5A)"

Clause, as amended, agreed to.

Clause 82 agreed to.

Schedule 5 agreed to.

Clauses 83 to 85 agreed to.

Schedule 6 agreed to.

Clauses 86 to 91 agreed to.

[Adjourned until Tuesday 4 November at 8.55 am