



# House of Commons

Thursday 11 February 2016

## PUBLIC BILL COMMITTEE

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*New Amendments handed in are marked thus ★*

☆ *Amendments which will comply with the required notice period at their next appearance*

### ENTERPRISE BILL [*LORDS*]

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#### NOTE

**This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [9 February 2016].**

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Bill Esterson  
Kevin Brennan

55

Clause 6, page 6, line 12, leave out “may” and insert “must”

***Member’s explanatory statement***

*This amendment would require the Commissioner to publish a report of the enquiry into, consideration and determination of a complaint made under the SBC complaints scheme.*

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Bill Esterson  
Kevin Brennan

56

Clause 7, page 7, line 24, leave out paragraph (vii)

***Member’s explanatory statement***

*This amendment would remove from regulations the power to dismiss a complaint which the Commissioner considers has previously been considered under the complaints scheme or by another complaints-handling body, ombudsman or regulator.*

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 Enterprise Bill [*Lords*], *continued*

Bill Esterson  
Kevin Brennan

57

Clause 8, page 8, line 32, at end insert—

“(3) The Commissioner must ensure that all information provided by complainants, litigants and other parties against respondents is handled with confidentiality.

(4) The Commissioner must not release the information outlined in subsection (3) without the consent of the complainant, litigant or relevant party.”

***Member’s explanatory statement***

*This amendment would provide protections for those either providing information to the Small Business Commissioner or from complainants or litigants with large businesses.*

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Bill Esterson  
Kevin Brennan  
Hannah Bardell

58

Clause 9, page 8, line 42, at end insert—

“(d) outlines a summary of relevant complaints made by—

(i) small businesses against other businesses and

(ii) small businesses against government departments.

(1A) In subsection (1)(d) “relevant complaint” has the same meaning at subsections 4(3) and (4)”

***Member’s explanatory statement***

*This amendment would require the Small Business Commissioner’s Annual Report to outline complaints made by small businesses against other businesses and against Government departments.*

Bill Esterson  
Kevin Brennan

59

Clause 9, page 9, line 3, leave out “Secretary of State” and insert “Commissioner”

***Member’s explanatory statement***

*This amendment would require the Small Business Commissioner to report directly to Parliament.*

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**Enterprise Bill [Lords], continued**

Bill Esterson  
Kevin Brennan

60

Clause 10, page 9, line 26, at end insert—

“(7) The Commissioner may assist the Government, including its agencies, to develop legislation, procedures and administration that provide alternative ways in which small businesses can comply with the requirements of the legislation, procedures and administration.”

***Member’s explanatory statement***

*This amendment would allow the Small Business Commissioner to assist other parts of Government, including the Secretary of State to develop procedures and processes.*

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Bill Esterson  
Kevin Brennan

61

Clause 14, page 12, line 6, at end insert—

“(1A) In subsection (2), after “means” insert”—

- (a) all regulatory provisions made under section 2(2) of the European Communities Act 1972,
- (b) regulatory provisions made by statutory instrument which are subject to the affirmative resolution procedure in both Houses of Parliament, and”

***Member’s explanatory statement***

*The amendment would require the Government’s business impact target to cover the impact of EU Regulations or regulatory provisions made by statutory instruments which are subject to the affirmative procedure.*

Bill Esterson  
Kevin Brennan

62

Clause 14, page 12, line 18, at end insert—

“(4A) In section 21 of the Small Business, Enterprise and Employment Act 2015 (duty on Secretary of State to publish business impact target etc), at the end of subsection (2) insert “and must consist of—

- (a) a nominal component, reflecting the total number of regulations, and
- (b) a monetary component, reflecting the discounted cash flow.”

***Member’s explanatory statement***

*This amendment would ensure that the report includes an up-to-date tally of regulations, and the cost to business of those regulations.*

Bill Esterson  
Kevin Brennan

63

Clause 14, page 12, line 18, at end insert—

“(4B) In section 21 (3)(b) of the Small Business, Enterprise and Employment Act 2015, after “methodology”, insert “, verified by the independent body appointed under section 25”.

***Member’s explanatory statement***

*This amendment would require the Secretary of State to publish the methodology used for assessing the economic impact of regulatory provisions and would require the methodology to be verified by an independent body.*

Enterprise Bill [*Lords*], *continued*

Bill Esterson  
Kevin Brennan

64

Clause 14, page 12, line 18, at end insert—

“(4C) In section 23 of the Small Business, Enterprise and Employment Act 2015 (duty on Secretary of State to publish reports) after subsection (3)(f) insert—

“(g) a list of all the impact assessments that relate to the regulatory provisions for which a list is required under subsection (3)(f), including the names of the authorising Ministers, the names of the Senior Responsible Owners for quality assurance, and the assessments of the independent body appointed under section 25.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State’s report to include a list of all the impact assessments relating to regulatory provisions which have come into force or ceased to be in force during the reporting period, including the names of the authorising Ministers and Senior Responsible Owners for quality assurance and the assessments of an independent body.*

Mary Creagh

78

Clause 15, page 13, line 8, after “in”, insert “section 21 (duty to have regard to the regulatory principles) and”

***Member’s explanatory statement***

*This amendment would make it clear that the reporting requirements include reporting on the duty under section 21 of the Legislative and Regulatory Reform Act 2006 to have regard to a defined set of regulatory principles.*

Mary Creagh

79

Clause 15, page 13, line 10, after “which”, insert “section 21 and”

***Member’s explanatory statement***

*See explanatory statement to amendment 78.*

Mary Creagh

80

Clause 15, page 13, line 14, after “businesses”, insert “and such other persons as the regulator considers appropriate”

***Member’s explanatory statement***

*In conjunction with amendment 78, this amendment would require each relevant regulator to report not only on the views of businesses (and ‘other regulated persons’), but also on the views of such other persons as the relevant regulator considers appropriate.*

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**Enterprise Bill [Lords], continued**

Bill Esterson  
Kevin Brennan

65

Clause 15, page 13, line 16, at end insert—

- “(iii) of the measures adopted by the relevant regulator to make regulations which have an impact on small businesses more comprehensible, and
- (iv) of the measures taken to promote awareness of regulations which affect small businesses;”

***Member’s explanatory statement***

*This amendment would create a new obligation on Regulators to provide an assessment on how they are simplifying their regulations and ensuring that they report on their efforts to extend awareness of regulations.*

Bill Esterson  
Kevin Brennan

66

Clause 15, page 13, line 16, at end insert—

- “(v) an assessment of how the relevant regulator’s regulatory provisions contribute to and improve productivity;”

***Member’s explanatory statement***

*This amendment would create a new obligation on Regulators to provide an assessment on how their provisions improve productivity.*

Mary Creagh

81

Clause 15, page 13, line 16, at end insert—

- “(iii) of the effect of the duties under sections 21 and 22 on the proper exercise of its relevant functions;”

***Member’s explanatory statement***

*This amendment would require each relevant regulator to report on the effect of the performance of the duties on the proper exercise of the regulatory functions to which they apply.*

Mary Creagh

82

Clause 15, page 13, line 18, after “in”, insert “section 21 and”

***Member’s explanatory statement***

*See explanatory statement to amendment 78.*

Mary Creagh

83

Clause 15, page 13, line 31, at end insert—

- “(d) the persons from whom information should be obtained for the purposes of a performance report.

***Member’s explanatory statement***

*This amendment would make provision for guidance to be issued on who should be asked for information for the purposes of preparing a performance report.*

Enterprise Bill [*Lords*], continued

- Mary Creagh 84
- Clause 15, page 13, line 31, at end insert—  
 “(6A) Before making guidance under subsection (5), the Minister must consult—  
 (a) persons carrying on businesses; and  
 (b) such other persons as the Minister considers appropriate.”  
*Member’s explanatory statement*  
*This amendment would require the relevant Minister of the Crown to consult businesses and such other persons as the Minister considers appropriate before making guidance relating to the performance reports.*
- Mary Creagh 85
- Clause 15, page 13, line 41, after “in”, insert “section 21 and”  
*Member’s explanatory statement*  
*See explanatory statement to amendment 78.*
- Bill Esterson  
 Kevin Brennan 67
- Clause 15, page 14, line 6, at end insert—  
 “(10A) A relevant regulator must give to the Small Business Commissioner any information that the Commissioner may from time to time request which relates to regulatory provisions and their impact on small businesses.”  
*Member’s explanatory statement*  
*This amendment would impose a regulatory duty on regulators to provide information on request to the Commissioner, to aid the communication of key issues around productivity to SMEs and regulators.*
- Mary Creagh 86
- Clause 15, page 14, line 28, at end insert—  
 ““businesses” includes businesses and other regulated persons;”
- Mary Creagh 87
- Clause 15, page 14, line 30, after “by”, insert “section 21 to have regard to the principles in subsection (2) of that section and”  
*Member’s explanatory statement*  
*See explanatory statement to amendment 78.*
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- Mary Creagh 88
- Clause 16, page 15, line 13, after “businesses”, insert “and such other persons as the regulator considers appropriate”  
*Member’s explanatory statement*  
*See explanatory statement to amendment 80.*

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**Enterprise Bill [Lords], continued**

- Mary Creagh 89  
Clause 16, page 15, line 15, at end insert—  
“(iii) of the effect of the duties under section 21 and 22 on the proper exercise of its relevant functions;”  
**Member’s explanatory statement**  
*See explanatory statement under amendment 81.*
- Mary Creagh 90  
Clause 16, page 15, line 30, at end insert—  
“(d) the persons from whom information should be obtained for the purposes of a performance report.”  
**Member’s explanatory statement**  
*See explanatory statement to amendment 83.*
- Mary Creagh 91  
Clause 16, page 15, line 30, at end insert—  
“(5A) Before making Guidance under subsection (4), the Minister must consult—  
(a) persons carrying on businesses; and  
(b) such other persons as the Minister considers appropriate.”  
**Member’s explanatory statement**  
*See explanatory statement to amendment 84.*
- Mary Creagh 92  
Clause 16, page 15, line 42, after “businesses”, insert “and such other persons as the Minister considers appropriate”  
**Member’s explanatory statement**  
*See explanatory statement to amendment 80.*
- Mary Creagh 93  
Clause 16, page 16, line 9, at end insert—  
“(11A) In this section—  
“businesses” includes businesses and other regulated persons.”
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- Anna Soubry 1  
Clause 19, page 17, line 40, leave out “Welsh ministerial” and insert “devolved Welsh”  
**Member’s explanatory statement**  
*This amendment, amendments 3, 4, 6, 7 and 9 and subsections (1) and (2) of the new clause inserted by amendment NC2 replace references in the Regulatory Enforcement and Sanctions Act 2008, and in the amendments made by the Bill to that Act, to a Welsh ministerial matter with references to a devolved Welsh matter. Subsection (4) of the new clause inserted by amendment NC2 defines a “devolved Welsh matter” so that, in addition to Welsh ministerial matters, it also covers matters within the legislative competence of the National Assembly for Wales.*

Enterprise Bill [*Lords*], continued

Anna Soubry

2

Clause 19, page 18, line 35, leave out “in Wales” and insert “in relation to Wales”

***Member’s explanatory statement***

*This amendment, amendments 5 and 8 and subsection (3) of the new clause inserted by amendment NC2 replace references in the Regulatory Enforcement and Sanctions Act 2008, and in the amendments made by the Bill to that Act, to functions exercisable “in Wales” with references to functions exercisable “in relation to Wales”. This is consistent with the wording of section 108 of the Government of Wales Act 2006.*

Anna Soubry

3

Clause 19, page 18, line 36, leave out “Welsh ministerial” and insert “devolved Welsh”

***Member’s explanatory statement***

*See the explanatory statement for amendment 1.*

Anna Soubry

4

Clause 19, page 28, line 20, leave out “Welsh ministerial” and insert “devolved Welsh”

***Member’s explanatory statement***

*See the explanatory statement for amendment 1.*

Anna Soubry

5

Clause 19, page 28, line 33, leave out “in Wales” and insert “in relation to Wales”

***Member’s explanatory statement***

*See the explanatory statement for amendment 2.*

Anna Soubry

6

Clause 19, page 28, line 34, leave out “Welsh ministerial” and insert “devolved Welsh”

***Member’s explanatory statement***

*See the explanatory statement for amendment 1.*

Anna Soubry

7

Clause 19, page 29, line 38, leave out “Welsh ministerial” and insert “devolved Welsh”

***Member’s explanatory statement***

*See the explanatory statement for amendment 1.*

Anna Soubry

8

Clause 19, page 30, line 8, leave out “in Wales” and insert “in relation to Wales”

***Member’s explanatory statement***

*See the explanatory statement for amendment 2.*



Enterprise Bill [*Lords*], *continued*

Anna Soubry

Clause 19, page 30, line 9, leave out “Welsh ministerial” and insert “devolved Welsh”

*Member’s explanatory statement*

*See the explanatory statement for amendment 1.*

9

Bill Esterson  
Kevin Brennan

Clause 20, page 35, line 29, at end insert—

“(2A) An apprenticeship target shall specify what proportion of the number referred to in subsection (2) is to be applied for apprenticeships for people—

- (a) who have been looked after children, and
- (b) people with disabilities.”

70

Bill Esterson  
Kevin Brennan

Clause 20, page 36, line 16, at end insert—

**“A9A The Secretary of State’s duty to promote participation of people with disabilities in apprenticeships**

- (1) The Secretary of State shall encourage employers to take positive action to promote disabled persons to take up approved apprenticeships by using the provisions at sections 158 and 159 of the Equality Act 2010.
- (2) The Secretary of State shall review and revise periodically apprenticeship standards (such as Trailblazer Standards) prepared under Schedule 1 of the Deregulation Act 2015 to remove any unnecessary barriers which have or would impede disabled individuals from reasonably successfully completing their apprenticeships.”

73

Bill Esterson  
Kevin Brennan

Clause 20, page 36, line 25, after “of”, insert “full-time equivalent”

71

Anna Soubry

Clause 20, page 36, line 25, after “employment” insert “in England”

*Member’s explanatory statement*

*This amendment ensures that the information published by a public body for which an apprenticeship target is set includes information about the number of persons who are employed by the body in England at the beginning of the reporting period.*

68

Bill Esterson  
Kevin Brennan

Clause 20, page 36, line 31, after “of”, insert “full-time equivalent”

72

Enterprise Bill [*Lords*], continued

Anna Soubry

69

Clause 20, page 36, line 31, after “employees” insert “employed in England”

*Member’s explanatory statement*

*This amendment ensures that the information published by a public body for which an apprenticeship target is set includes information about the number of persons who are employed by the body in England at the end of the reporting period.*

Bill Esterson  
Kevin Brennan

74

Clause 21, page 38, line 40, at end insert—

“(7A) The Secretary of State will ensure that regular reports on enforcement action or proceedings for offences taken by local weights and measures authorities are delivered to the Board of the Institute for Apprenticeships.”

Bill Esterson  
Kevin Brennan

75

Clause 21, page 39, line 11, at end insert—

“(11) The Secretary of State will ensure there is suitable and regular liaison with the devolved administrations of Scotland, Wales and Northern Ireland on the implications across the UK arising from the definition of statutory apprenticeships in Clause 21 on—

- (a) the development of the Institute for Apprenticeships, and
- (b) other measures on apprenticeships in this Act which have UK wide implications.”

Anna Soubry

10

Clause 26, page 43, line 31, after “English list” insert “or a Welsh list”

*Member’s explanatory statement*

*This amendment and amendments 11 to 15 extend the amendments made by clause 26 to section 55 of the Local Government and Finance Act 1988, which currently apply to England only, so that the Welsh Ministers have the same power by regulations to make provision in relation to proposals to alter local or central non-domestic rating lists for Wales.*

Anna Soubry

11

Clause 26, page 44, line 5, leave out “Consolidated Fund” and insert “appropriate fund”

*Member’s explanatory statement*

*This amendment and amendment 14 ensure that, where regulations under section 55 of the Local Government and Finance Act 1988 provide for valuation officers to impose financial penalties regarding the provision of false information in relation to a proposal to alter a Welsh list, the regulations must require the sums received to be paid into the Welsh Consolidated Fund.*

Enterprise Bill [*Lords*], continued

Anna Soubry

Clause 26, page 44, line 14, after “English list” and insert “or a Welsh list”

**Member’s explanatory statement**

*See the explanatory statement for amendment 10.*

12

Anna Soubry

Clause 26, page 44, line 24, leave out “Consolidated Fund” and insert “appropriate fund”

**Member’s explanatory statement**

*This amendment and amendment 14 enable regulations under section 55 of the Local Government and Finance Act 1988 to make provision about the payment of fees into the Welsh Consolidated Fund where the fees are paid by ratepayers in relation to appeals relating to proposals to alter a Welsh list.*

13

Anna Soubry

Clause 26, page 44, line 27, at end insert—

“( ) After subsection (7A) insert—

“(7B) For the purposes of subsections (4B)(b) and (5A)(d) “the appropriate fund” means—

- (a) where the provision made by virtue of subsection (4A)(c) or (5) is in relation to a proposal to alter an English list, the Consolidated Fund, and
- (b) where the provision made by virtue of subsection (4A)(c) or (5) is in relation to a proposal to alter a Welsh list, the Welsh Consolidated Fund.””

**Member’s explanatory statement**

*See the explanatory statement for amendments 11 and 13.*

14

Anna Soubry

Clause 26, page 44, line 39, at end insert—

““Welsh list” means—

- (a) a local non-domestic rating list that has to be compiled for a billing authority in Wales, or
- (b) the central non-domestic rating list that has to be compiled for Wales.””

**Member’s explanatory statement**

*See the explanatory statement for amendment 10.*

15

Anna Soubry

Clause 26, page 44, line 47, leave out from “unless” to end of line 48 and insert “—

- (a) where those regulations relate to a proposal to alter an English list, a draft of the instrument has been laid before and approved by a resolution of each House of Parliament;
- (b) where those regulations relate to a proposal to alter a Welsh list, a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.”

**Member’s explanatory statement**

*This amendment and amendments 17 and 18 provide for regulations made by the Welsh Ministers*

16

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**Enterprise Bill [Lords], continued**

*under section 55 of the Local Government and Finance Act 1988 as amended by amendments 10 to 15 to be subject to procedure before the National Assembly for Wales equivalent to the procedure before Parliament which is required for corresponding regulations made by the Secretary of State under that section.*

Anna Soubry

17

- Clause 26, page 45, line 2, leave out from “is” to end of line 3 and insert “—
- (a) in the case of regulations relating to England, subject to annulment in pursuance of a resolution of either House of Parliament;
  - (b) in the case of regulations relating to Wales, subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

***Member’s explanatory statement****See the explanatory statement for amendment 16.*

Anna Soubry

18

Clause 26, page 45, line 3, at end insert—

“(3G) In subsection (3E), “English list” and “Welsh list” have the same meaning as in section 55.”

***Member’s explanatory statement****See the explanatory statement for amendment 16.*


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 Anna Soubry

30

Page 48, line 23, leave out Clause 32

***Member’s explanatory statement****This amendment would remove Clause 32.*


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 Anna Soubry

31

Page 49, line 16, leave out Clause 33

***Member’s explanatory statement****This amendment would remove Clause 33.*


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Enterprise Bill [*Lords*], *continued*

Anna Soubry

32

Page 49, line 38, leave out Clause 34  
*Member's explanatory statement*  
 This amendment would remove Clause 34.

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 NEW CLAUSES

Anna Soubry

NC1

To move the following Clause—

**“Power of Welsh Ministers to apply regulators’ principles and code of practice**

In section 24 of the Legislative and Regulatory Reform Act 2006 (application of regulators’ principles and code of practice to functions specified by order)—

- (a) for paragraph (c) of subsection (3) (Wales: limit on power of Minister of the Crown to specify functions) substitute—
  - “(c) a Welsh regulatory function.”;
- (b) in subsection (4) (power of Welsh Ministers to specify functions) for “regulatory functions exercisable only in or as regards Wales” substitute “Welsh regulatory functions”;
- (c) in subsection (10) (definitions) at the appropriate place insert—
  - ““Welsh regulatory function” means a regulatory function, so far as exercisable in relation to Wales, if or to the extent that the function relates to matters—
    - (a) within the legislative competence of the National Assembly for Wales (see section 108 of the Government of Wales Act 2006), or
    - (b) in respect of which functions are exercisable by the Welsh Ministers.”.

***Member's explanatory statement***

*This new Clause gives power to the Welsh Ministers (instead of a Minister of the Crown) to make orders applying the regulators’ principles and code of practice in relation to functions relating to matters within the legislative competence of the National Assembly for Wales, or in respect of which functions are exercisable by the Welsh Ministers.*

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Enterprise Bill [*Lords*], *continued*

Anna Soubry

NC2

To move the following Clause—

**“Devolved Welsh matters**

- (1) The Regulatory Enforcement and Sanctions Act 2008 is amended as follows.
- (2) In each of the following provisions, for “Welsh ministerial” substitute “devolved Welsh”—
  - (a) in section 4 (meaning of “relevant function”), subsections (6) and (8)(b);
  - (b) in section 6 (guidance to local authorities), subsections (1) and (1A);
  - (c) in section 10 (advice to Welsh Ministers), subsection (1)(a);
  - (d) in section 12 (relationship between Secretary of State and other regulators), subsection (3);
  - (e) in section 16 (guidance or directions by Welsh Ministers), subsection (1);
  - (f) in section 36 (power to make orders providing for civil sanctions), subsection (2);
  - (g) in section 59 (consultation and consent for civil sanctions orders: Wales), subsection (2);
  - (h) in section 73 (functions to which duty not to impose or maintain unnecessary regulatory burdens applies), subsections (3)(c), (4)(c) and (5).
- (3) In section 73 (functions to which section 72 applies), in subsections (3)(c) and (4)(c), for “in Wales” substitute “in relation to Wales”.
- (4) In section 74 (general interpretation)—
  - (a) omit the definition of “Welsh ministerial matter”;
  - (b) before the definition of “Minister of the Crown” insert—
 

““devolved Welsh matter” means —

    - (a) a matter within the legislative competence of the National Assembly for Wales (see section 108 of the Government of Wales Act 2006), or
    - (b) a matter in relation to Wales in respect of which functions are exercisable by the Welsh Ministers,

and in this definition “Wales” has the same meaning as in the Government of Wales Act 2006;”.

***Member’s explanatory statement****See the explanatory statements for amendments 1 and 2.*

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**Enterprise Bill [Lords], continued**

Anna Soubry

NC3

To move the following Clause—

**“Apprenticeships: information sharing**

- (1) After Part 1 of the Apprenticeships, Skills, Children and Learning Act 2009 (apprenticeships, study and training) insert—

**“PART 1A****APPRENTICESHIPS: INFORMATION SHARING***England***40A Sharing of information by HMRC and the Secretary of State**

- (1) HMRC may disclose information held by them to the Secretary of State for the purpose of the Secretary of State’s functions in relation to English statutory apprenticeships.
- (2) The Secretary of State may disclose information to HMRC—
- (a) for the purpose of requesting HMRC to disclose information under subsection (1), or
  - (b) for another purpose connected with the Secretary of State’s functions in relation to English statutory apprenticeships.
- (3) In this section “English statutory apprenticeships” means—
- (a) approved English apprenticeships within the meaning given in section A1;
  - (b) apprenticeships undertaken under apprenticeship agreements within the meaning given in section 32 that were entered into in connection with recognised English frameworks;
  - (c) apprenticeships in relation to which alternative English completion arrangements apply under section 1(5);
  - (d) apprenticeships undertaken under arrangements made in relation to England under section 2 of the Employment and Training Act 1973 that are identified by the person making them as arrangements for the provision of apprenticeships.

*Wales, Scotland and Northern Ireland***40B Sharing of information by HMRC and devolved authorities**

- (1) HMRC may disclose information held by them—
- (a) to a Welsh authority for the purpose of the authority’s functions in relation to Welsh apprenticeships;
  - (b) to a Scottish authority for the purpose of the authority’s functions in relation to Scottish apprenticeships;
  - (c) to a Northern Irish authority for the purpose of the authority’s functions in relation to Northern Irish apprenticeships.

**Enterprise Bill [Lords], continued**

- (2) An authority mentioned in paragraph (a), (b) or (c) of subsection (1) may disclose information to HMRC—
- (a) for the purpose of requesting HMRC to disclose information to the authority under subsection (1), or
  - (b) for another purpose connected with the authority's functions mentioned in subsection (1).
- (3) In this section—
- “Northern Irish apprenticeships” means apprenticeships undertaken under arrangements made under section 1 of the Employment and Training Act (Northern Ireland) 1950 that are identified by the person making them as arrangements for the provision of apprenticeships;
- “Northern Irish authority” means—
- (a) a Northern Ireland department, and
  - (b) any body or other person that is prescribed, or of a prescribed description;
- “Scottish apprenticeships” means apprenticeships undertaken under arrangements made—
- (a) in relation to Scotland, under section 2 of the Employment and Training Act 1973, or
  - (b) under section 2(3) of the Enterprise and New Towns (Scotland) Act 1990,
- that are identified by the person making them as arrangements for the provision of apprenticeships;
- “Scottish authority” means—
- (a) the Scottish Ministers, and
  - (b) any body or other person that is prescribed, or of a prescribed description;
- “Welsh apprenticeships” means—
- (a) apprenticeships undertaken under apprenticeship agreements within the meaning given in section 32 that were entered into in connection with recognised Welsh frameworks;
  - (b) apprenticeships in relation to which alternative Welsh completion arrangements apply under section 2(5);
  - (c) apprenticeships undertaken under arrangements made in relation to Wales under—
    - (i) section 2 of the Employment and Training Act 1973, or
    - (ii) section 17B of the Jobseekers Act 1995,that are identified by the person making them as arrangements for the provision of apprenticeships;
- “Welsh authority” means—
- (a) the Welsh Ministers, and
  - (b) any body or other person that is prescribed, or of a prescribed description.
- (4) In subsection (3)—
- (a) the reference to a Northern Ireland department includes a reference to a person providing services to a Northern Ireland department;
  - (b) the reference to the Scottish Ministers includes a reference to a person providing services to the Scottish Ministers;



**Enterprise Bill [Lords], continued**

- (c) the reference to the Welsh Ministers includes a reference to a person providing services to the Welsh Ministers.
- (5) Regulations under this section may amend the definition in subsection (3) of—
  - (a) “Northern Irish apprenticeships”,
  - (b) “Scottish apprenticeships”, or
  - (c) “Welsh apprenticeships”.

*General***40C Wrongful disclosure**

- (1) Information disclosed by HMRC under section 40A(1) or 40B(1) may not be disclosed by the recipient of the information to any other person without the consent of HMRC (except so far as permitted by section 40A(2) or 40B(2)).
- (2) If a person discloses, in contravention of subsection (1), any revenue and customs information relating to a person whose identity—
  - (a) is specified in the disclosure, or
  - (b) can be deduced from it,
 section 19 of the Commissioners for Revenue and Customs Act 2005 (wrongful disclosure) applies in relation to that disclosure as it applies in relation to a disclosure of such information in contravention of section 20(9) of that Act.

**40D Interpretation**

- (1) In this Part—
  - “HMRC” means the Commissioners for Her Majesty’s Revenue and Customs;
  - “revenue and customs information relating to a person” has the same meaning as in section 19 of the Commissioners for Revenue and Customs Act 2005 (see section 19(2) of that Act).
- (2) In this Part—
  - (a) references to HMRC include references to a person providing services to HMRC;
  - (b) references to the Secretary of State include references to a person providing services to the Secretary of State.
- (3) Nothing in this Part affects any power to disclose information that exists apart from this Part.”
- (2) In section 262(6) of that Act (orders and regulations subject to affirmative procedure) after paragraph (aa) insert—
  - “(aaa) regulations under section 40B;”.
- (3) In section 268 of that Act (extent)—
  - (a) in subsection (2) (provisions extending to Scotland) for “Sections 40,” substitute “Section 40, Part 1A, sections”, and
  - (b) in subsection (3) (provisions extending to Northern Ireland) for “Sections”, in the first place, substitute “Part 1A, sections”.

***Member’s explanatory statement***

*This new Clause inserts a new Part into the Apprenticeships, Skills, Children and Learning Act*

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**Enterprise Bill [Lords], continued**

*2009 providing for the sharing of information between HMRC and the Secretary of State, and between HMRC and certain devolved authorities, for purposes connected with apprenticeships.*

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Anna Soubry

NC4

To move the following Clause—

**“Apprenticeship funding**

In section 100(1A) of the Apprenticeships, Skills, Children and Learning Act 2009 (provision of financial resources in connection with approved English apprenticeships)—

- (a) for “approved English apprenticeships”, in both places, substitute “English statutory apprenticeships”, and
- (b) after subsection (4) insert—

“(5) In this section “English statutory apprenticeship” has the same meaning as in section 40A (see subsection (3) of that section).”

***Member’s explanatory statement***

*This new Clause expands the Secretary of State’s funding powers in relation to English apprenticeships.*

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Anna Soubry

NC5

To move the following Clause—

**“Market rent only option: rent assessments etc**

In section 43 of the Small Business, Enterprise and Employment Act 2015 (pubs code: market rent only option), in subsection (6)(b), after “in lieu of rent” insert “(whether or not it results in a proposal that the rent, or amount of money payable, should increase)”.

***Member’s explanatory statement***

*This new Clause is intended to replace Clause 33, inserted by opposition amendment in the Lords. The changes are intended to achieve what the Government understands is the intended effect of the Lords amendment, namely to ensure that the Pubs Code will require pub-owning businesses to offer tied pub tenants a market rent only option in connection with a rent assessment (including a rent assessment required at a scheduled rent review) whether the rent proposed is an increase, a decrease or is unchanged.*

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**Enterprise Bill [Lords], continued**

Anna Soubry

NC6

To move the following Clause—

**“Reports on avoidance**

In Part 4 of the Small Business, Enterprise and Employment Act 2015 (the Pubs Code Adjudicator and the Pubs Code), after section 71 insert—

**“71A Reports on avoidance**

- (1) The Adjudicator must report to the Secretary of State on cases of pub-owning businesses engaging in business practices which are, in the Adjudicator’s opinion, unfair business practices.
- (2) A report under subsection (1) must include recommendations as to—
  - (a) actions to be taken to prevent pub-owning businesses from engaging in the business practices reported on, and
  - (b) how to provide redress for tied pub tenants affected by those practices.
- (3) The Secretary of State must issue a statement within three months of receiving a report under subsection (1) setting out—
  - (a) action which the Secretary of State intends to take to protect tied pub tenants affected by the business practices reported on, or
  - (b) if the Secretary of State does not intend to take such action, the reasoning for that decision.
- (4) In this section “unfair business practice” means a business practice which—
  - (a) is engaged in by a pub-owning business at any time after the passing of this Act in order to avoid, to the detriment of tied pub tenants, the operation of provision made by or under this Part, and
  - (b) is unfair.””

***Member’s explanatory statement***

*This new Clause is intended to replace Clause 34, inserted by opposition amendment in the Lords. The changes are intended to clarify the effect of the Lords amendment. Instead of containing freestanding provision, the new clause inserts provision into Part 4 of the Small Business, Enterprise and Employment Act 2015. There are small changes to the detail of the drafting, principally to clarify that it applies to all regulations made under Part 4 of the 2015 Act and that the Adjudicator can report on business practices engaged in after royal assent of that Act.*

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Enterprise Bill [*Lords*], *continued*

Anna Soubry

NC21

To move the following Clause—

**“Extended Sunday opening hours and Sunday working**

- (1) The Sunday Trading Act 1994 is amended in accordance with subsections (2) to (4).
- (2) In paragraph 2 of Schedule 1 (which restricts the opening hours of large shops on Sundays), after sub-paragraph (3) insert—
  - “(3A) Sub-paragraph (1) does not apply in relation to the opening of a large shop during any other period on a Sunday in accordance with a consent notice published under paragraph 2A (subject to sub-paragraph (4)).”
- (3) After that paragraph insert—

*“Consent notices published by Sunday trading authorities*

- 2A (1) The Sunday trading authority for an area may publish a notice (a “consent notice”) in accordance with this paragraph providing for large shops in the authority’s area to be permitted to do either or both of the following—
  - (a) to open on a Sunday for a continuous period of whatever number of hours is specified in the notice (in addition to the continuous period of six hours mentioned in paragraph 2(3));
  - (b) to open on a Sunday at specified times beginning earlier than, or ending later than, the times mentioned in paragraph 2(3).
- (2) A consent notice published by a Sunday trading authority may apply in relation to the whole or any part of the authority’s area.
- (3) A Sunday trading authority may, by publishing a further notice, vary or revoke a consent notice that applies in relation to its area.
- (4) Before varying or revoking a consent notice under sub-paragraph (3), a Sunday trading authority must give reasonable notice to occupiers of large shops whose opening hours on Sundays would be affected by the variation or revocation.
- (5) Publication of a notice under this paragraph may take whatever form the authority publishing it thinks appropriate for the purpose of bringing the notice to the attention of occupiers of large shops in the area to which the notice relates.
- (6) Subject to sub-paragraph (7), the Sunday trading authority for an area is the local authority for the area.
- (7) In relation to the area of Greater London, the Sunday trading authority is the Mayor of London acting on behalf of the Greater London Authority.”
- (4) Accordingly—
  - (a) in paragraph 2 of Schedule 1 (restrictions on Sunday opening)—
    - (i) in sub-paragraph (1), for “and (3)” substitute “, (3) and (3A)”;
    - (ii) in sub-paragraph (4), for “exemption conferred by sub-paragraph (3) above does” substitute “exemptions conferred by sub-paragraphs (3) and (3A) do”;

**Enterprise Bill [Lords], continued**

- (b) in paragraph 6 of that Schedule (duty to display notice), after “sub-paragraph (3)” insert “or (3A)”;
  - (c) in paragraph 8 of that Schedule (defence to an offence of contravening opening restrictions), after “paragraph 2(3)” insert “or (3A)”;
  - (d) in paragraph 1(a) of Schedule 3 (loading and unloading at large shops on Sunday morning: application), after “paragraph 2(3)” insert “or (3A)”.
- (5) Schedule (*Sunday opening hours: rights of shop workers*), which contains amendments of employment legislation relating to the rights of shop workers to opt out of working on Sunday, has effect.”

**Member’s explanatory statement**

*This new Clause amends the Sunday Trading Act 1994, giving powers to local areas to extend Sunday trading hours for large shops (with a retail floor area greater than 280 square metres). The extended hours can apply to the whole or part of the local area. The new Clause also introduces a new Schedule to the Bill containing amendments to the Employment Rights Act 1996 and the Employment Act 2002 in relation to Sunday working.*

Bill Esterson  
Kevin Brennan

NC7

To move the following Clause—

**“Companies: Payment terms with suppliers**

- (1) On the advice of the Commissioner, the Secretary of State may make regulations—
  - (a) imposing a limit on the number of days after receipt of a supplier’s invoice a company can seek to challenge that invoice,
  - (b) prohibiting the practice of a company seeking to change the payment terms of a supplier company unilaterally, and
  - (c) prohibiting a company from requiring a supplier company to make a payment in order to join that company’s list of suppliers.
- (2) The regulations may make provision for a prescribed breach by a prescribed description of person of a requirement or prohibition imposed by the regulations to be an offence punishable on summary conviction—
  - (a) in England and Wales by a fine, and
  - (b) in Scotland or Northern Ireland, by a fine not exceeding level 5 on the standard scale.
- (3) The regulations may specify the size of company and supplier company to which they will apply.
- (4) Before making regulations under this section the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (5) Regulations under this section are subject to affirmative resolution procedure.
- (6) For the purposes of this section—
  - “company” has the meaning given by section 1(1) of the Companies Act 2006,
  - “prescribed” means prescribed by the regulations.”

**Member’s explanatory statement**

*This new Clause would empower the Secretary of State to make regulations: (a) to impose a limit on the number of days after the receipt of a supplier’s invoice a company may challenge that invoice; (b) to prohibit a company changing the payment terms to a supplier company unilaterally;*

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**Enterprise Bill [Lords], continued**

*and (c) to prohibit a company from requiring a supplier company to make a payment in order to join that company's list of suppliers.*

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Bill Esterson  
Kevin Brennan

NC8

To move the following Clause—

**“Power to facilitate group litigation or representative action**

- (1) The Small Business Commissioner may facilitate group litigation or representative action taken by a number of small business claimants in a case where a number of small businesses have complaints against the same company which share common characteristics.
- (2) The complaints outlined in subsection (1) must—
  - (a) be found to be legitimate and
  - (b) not have been dismissed prior to the Commissioner initiating group litigation or representative action.”

***Member's explanatory statement***

*This new Clause would empower the Small Business Commissioner to facilitate class actions.*

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Bill Esterson  
Kevin Brennan  
Hannah Bardell

NC9

To move the following Clause—

**“Duty to Pay: Private sector**

- (1) Companies in the private sector are required to settle all outstanding payments to their small business suppliers.
- (2) Where companies fail to make payments to their small business suppliers on time it is a requirement that companies provide quarterly reports to the Small Business Commissioner relating to late payment of invoices.
- (3) The report in subsection (2) should have, but is not limited to, the following information relating to late payment of invoices—
  - (a) lists of all payments to suppliers which were made over 28 days after the date indicated by the suppliers agreed payment terms, without a formal query having been registered with the suppliers within a period as may be prescribed;
  - (b) confirmation, for each instance listed under paragraph (a), that interest, equalling the Bank of England base rate plus 8% APR, was paid to compensate the supplier for overdue payment; and
  - (c) assurance, for each instance listed under paragraph (a) where confirmation of compensation under paragraph (b) cannot be provided,

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**Enterprise Bill [Lords], continued**

of a payment plan in place to compensate suppliers on the basis set out in that paragraph.”

**Member’s explanatory statement**

*This new Clause would require companies to settle all outstanding payments to their small business suppliers and where they fail to do so they would be required to provide quarterly reports to the Small Business Commissioner detailing information relating to late payment of invoices and interest payable.*

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Bill Esterson  
Kevin Brennan  
Hannah Bardell

NC10

To move the following Clause—

**“Duty to pay: Public sector agencies**

- (1) Public sector agencies are required to settle all outstanding payments to their small business suppliers.
- (2) Where public sector agencies fail to make payments to their small business suppliers on time it is a requirement that they provide quarterly reports to the Small Business Commissioner relating to late payment of invoices.
- (3) The report in subsection (2) should have, but is not limited to, the following information relating to late payment of invoices—
  - (a) lists of all payments to suppliers which were made over 28 days after the date indicated by the suppliers agreed payment terms, without a formal query having been registered with the suppliers within a period as may be prescribed;
  - (b) confirmation, for each instance listed under paragraph (a), that interest, equalling the Bank of England base rate plus 8% APR, was paid to compensate the supplier for overdue payment; and
  - (c) assurance, for each instance listed under paragraph (a) where confirmation of compensation under paragraph (b) cannot be provided, of a payment plan in place to compensate suppliers on the basis set out in that paragraph.”

**Member’s explanatory statement**

*This new Clause would require public sector agencies to settle all outstanding payments to their small business suppliers and where they fail to do so they would be required to provide quarterly reports to the Small Business Commissioner detailing information relating to late payment of invoices and interest payable.*

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Bill Esterson  
Kevin Brennan

NC11

To move the following Clause—

**“Duty to report outstanding interest payments on unpaid invoices**

- (1) A company with outstanding liabilities at the end of an accounting period must record these in their statutory accounts.

**Enterprise Bill [Lords], continued**

- (2) Where any of the outstanding liabilities include interest on overdue payments, the company is required to disclose these amounts by way of a note to the accounts, which should also record comparable outstanding liabilities, if any, for the preceding six financial years.
- (3) Where companies fail to disclose this information during the course of an investigation their Auditors are required to write formally to the Commissioner, and may comment on the issue in their Audit Report.”

**Member's explanatory statement**

*This new Clause would ensure that all companies report in their annual reports and quarterly statement on the potential claims against them for late payments (including interest and other penalties).*

Bill Esterson  
Kevin Brennan  
Hannah Bardell

NC12

To move the following Clause—

**“Payment practices: protection of retention monies in the construction industry**

- (1) Any clause in a construction contract or related contract enabling a party to withhold retention monies shall be of no effect unless, upon their withholding, the monies are deposited forthwith in a retention deposit scheme authorised by the Secretary of State.
- (2) Where a clause is rendered ineffective under this section any retention monies already withheld and not placed in a retention deposit scheme must be refunded in full to the party providing them.
- (3) For the purpose of section (1) the Secretary of State shall make regulations to govern arrangements for establishing and operating retention deposit schemes.
- (4) Arrangements under section (3) must be arrangements under which a body or person (“the scheme administrator”) undertakes to establish and maintain a retention deposit scheme (“the scheme”).
- (5) The regulations made under section (3) must include requirements relating to—
  - (a) the selection and appointment of the scheme administrator;
  - (b) the funding and management of the scheme; and
  - (c) the release of retention monies from the scheme.
- (6) Where the Secretary of State is satisfied that a proposed scheme complies with the regulations made under section (3) he may give authority for the proposed scheme to operate as a retention deposit scheme.
- (7) The Secretary of State may delegate his power under subsection (6) to the Scottish Government, Welsh Government and Northern Ireland Executive.
- (8) The monies held in the scheme must solely be retention monies and any interest accruing on the monies.
- (9) In this section—

“construction contract” has the same meaning as in the Housing Grants, Construction and Regeneration Act 1996.

“retention monies” refers to monies which are withheld from monies which would otherwise be due under a construction contract, the effect of which is to provide the paying party with security for the current and future



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**Enterprise Bill [Lords], continued**

performance by the party carrying out construction operations of any or all of the latter's obligations under the contract."

**Member's explanatory statement**

*This new Clause would require retention monies provided for within construction industry contracts to be placed in an approved retention deposit scheme.*

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Bill Esterson  
Kevin Brennan

**NC13**

To move the following Clause—

**“Extending duty of care to the financial sector**

“In every contract to supply a service traders who are ring-fenced bodies providing financial services as defined under section 142A (ring-fenced body) of the Financial Services and Markets Act 2000 shall be subject to—

- (a) a fiduciary duty towards its customers in the operation of core services to provide these with reasonable care and skill as well as in the management of any individual contract to provide services; and
- (b) a duty of care towards consumers across the financial services sector.”

**Member's explanatory statement**

*This new Clause would ensure that high street banks have a duty of care to all their customers collectively, when providing functions such as current accounts. This duty of care would extend to all in the financial services sector.*

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Bill Esterson  
Kevin Brennan

**NC14**

To move the following Clause—

**“Guidance for local authorities**

The Commissioner must prepare and publish guidance to local authorities outlining—

- (a) the functions and services she may offer to small businesses, and
- (b) related to the complaints process.”

**Member's explanatory statement**

*This new Clause would require the Small Business Commissioner to provide information about her functions and services to local authorities.*

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**Enterprise Bill [Lords], continued**

Bill Esterson  
Kevin Brennan  
Hannah Bardell

NC15

To move the following Clause—

**“Review of the Groceries Code Adjudicator**

- (1) The Secretary of State shall carry out a review of the Groceries Code Adjudicator.
- (2) The review shall cover—
  - (a) requests from the Groceries Code Adjudicator to extend her remit, and
  - (b) extension of the powers given to the Groceries Code Adjudicator since the introduction of the post.
- (3) The Secretary of State shall place this review before both Houses within 12 months of the appointment of the Small Business Commissioner.”

***Member’s explanatory statement***

*This new Clause would require the Secretary of State to review remit and powers of the Groceries Code Adjudicator.*

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Bill Esterson  
Kevin Brennan

NC16

To move the following Clause—

**“Information on the Enterprise Investment Scheme and Seed Enterprise Investment Scheme**

The Secretary of State must publish information and guidance, for investors, about the Enterprise Investment Scheme and the Seed Enterprise Investment Scheme.”

***Member’s explanatory statement***

*This new Clause would place a requirement on the Secretary of State to publish information and guidance on the availability of Enterprise Investment Scheme and the Seed Enterprise Investment Scheme, which provide tax relief for investors in early stage small businesses.*

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Bill Esterson  
Kevin Brennan

NC17

To move the following Clause—

**“Small businesses and consumer rights legislation**

- (1) Businesses with fewer than ten employees and which are purchasing goods or services for use within their commercial activities will be considered consumers with regards to the protections provided by the Consumer Rights Act 2015.
- (2) Businesses with fewer than ten employees and which are purchasing goods or services for use within their commercial activities will be considered consumers

**Enterprise Bill [Lords], continued**

for the purposes of the Alternative Dispute Resolution for Consumer Disputes Regulations 2015.”

**Member’s explanatory statement**

*This new Clause would ensure that, for the purposes of purchasing goods or services for use within commercial activities, businesses with fewer than 10 employees would be considered as consumers and provided by the protections of the Consumer Rights Act 2015 and the Alternative Dispute Resolution for Consumer Disputes Regulations 2015.*

Bill Esterson  
Kevin Brennan

NC18

To move the following Clause—

**“Regulatory Policy Committee: duty to consider regulatory proposals affecting business**

The Regulatory Policy Committee shall have a duty to—

- (a) scrutinise the evidence base for all regulatory proposals submitted by public sector bodies which affect the business sector,
- (b) validate the costs and savings to public sector bodies for all regulatory proposals which affect the business sector, and
- (c) provide the Government with independent assurance that it has properly considered alternatives to new regulations and that it is minimising the effects of regulations created by public sector bodies on small businesses in particular.”

**Member’s explanatory statement**

*This new Clause would provide for the Regulatory Policy Committee to have a duty to scrutinise the evidence base for all regulatory proposals submitted by public sector bodies which affect the business sector.*

Bill Esterson  
Kevin Brennan

NC19

To move the following Clause—

**“Report on money laundering regulations**

- (1) The Small Business Commissioner shall prepare and publish a report assessing a regulator’s performance and effectiveness at ensuring regulations relating to money laundering are proportionate, user friendly, widely promoted and easily adapted by small businesses.
- (2) The report provided for by subsection (1) must include an assessment of the role of the Financial Conduct Authority and its activities to encourage awareness of the impact of money laundering regulations on small businesses.
- (3) In this section a regulator is a person with regulatory functions to which section 108 of the Deregulation Act 2015 applies.”

**Member’s explanatory statement**

*This new Clause would require the Small Business Commissioner to publish a report assessing a*

**Enterprise Bill [Lords], continued**

*regulator's performance and effectiveness at ensuring money laundering regulations are proportionate, user friendly, widely promoted and easily adapted by small businesses. This report must include assessment of the Financial Conduct Authority's success in its role in encouraging awareness of the impact of money laundering regulations on small businesses.*

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Bill Esterson  
Kevin Brennan

NC20

To move the following Clause—

**“Institute for Apprenticeships**

- (1) The Secretary of State will establish an Institute for Apprenticeships which shall put in place transparent mechanisms for the approval of apprenticeship standards and assessment plans, and maintain clear quality criteria.
  - (2) The Institute will use data on the take-up of apprenticeships by employers and the wage returns to apprentices to review the effectiveness and quality of standards over time.
  - (3) The Institute shall submit their standards and assessment plans for approval to the Secretary of State.
  - (4) The Board of the Institute shall be broadly based, to take into account the experience and contribution of all interested parties, which will include—
    - (a) employers,
    - (b) further education providers and colleges,
    - (c) universities,
    - (d) relevant trade unions, and
    - (e) local authorities.
  - (5) The Board of the Institute shall have due regard to the equality implications of their role and functions, and in particular, that in the frameworks and regulations they approve, the need to encourage and expand opportunities for apprenticeships for BAME, people with disabilities and care leavers shall be prioritised.
  - (6) The Board of the Institute shall prepare a report to Parliament twelve months after the Institute comes fully into operation on the Institute's activities and progress and thereafter annually, which will include—
    - (a) responses to any conclusions and recommendations of the select committee with oversight of the Government Department responsible for apprenticeships,
    - (b) an assessment of the adequacy of its funding and resources from Government,
    - (c) a report on the progress made in accrediting apprenticeship frameworks, and
    - (d) a report on the progress made in increasing the opportunities for disadvantaged groups to access apprenticeships under the frameworks.”
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Enterprise Bill [*Lords*], continued

## NEW SCHEDULE

Anna Soubry

NS1

To move the following Schedule—

## “SCHEDULE

## SUNDAY OPENING HOURS: RIGHTS OF SHOP WORKERS

*Employment Rights Act 1996*

- 1 The Employment Rights Act 1996 is amended as follows.
- 2 In section 41 (opted-out shop workers and betting workers), for subsection (3) substitute—

“(3) In this Act “notice period”, in relation to an opted-out shop worker or an opted-out betting worker, means—

- (a) in the case of an opted-out shop worker who does shop work in or about a large shop, the period of one month beginning with the day on which the opting-out notice concerned was given;
- (b) in any other case, the period of three months beginning with that day.

This subsection is subject to sections 41D(2) and 42(2).”

- 3 After section 41 insert—

**“41A Notice of objection by shop workers to working additional hours on Sunday**

- (1) A shop worker may at any time give to his or her employer a written notice, signed and dated by the shop worker, to the effect that he or she objects to doing shop work for additional hours on Sunday.
- (2) In this Part—
 

“additional hours” means any number of hours of shop work that a shop worker is (or could be) required to work under a contract of employment on Sunday that are (or would be) in excess of the shop worker’s normal Sunday working hours;

“objection notice” means a notice given under subsection (1).
- (3) The “normal Sunday working hours” of a shop worker are to be calculated in accordance with regulations.
- (4) Regulations under this section may provide—
  - (a) for the calculation to be determined (for example) by reference to the average number of hours that the shop worker has worked on Sundays during a period specified or described in the regulations;
  - (b) for a calculation of the kind mentioned in paragraph (a) to be varied in special cases;
  - (c) for the right to give an objection notice not to be exercisable in special cases (and subsection (1) is subject to provision made by virtue of this paragraph).

**Enterprise Bill [Lords], continued**

- (5) Provision under subsection (4)(b) or (c) may, in particular, include provision—
  - (a) about how the calculation of normal Sunday working hours is to be made in the case of a shop worker who has not been employed for a sufficient period of time to enable a calculation to be made as otherwise provided for in the regulations;
  - (b) for the right to give an objection notice not to be exercisable by such a shop worker until he or she has completed a period of employment specified or described in the regulations.
- (6) But regulations under this section may not include provision preventing a shop worker who has been continuously employed under a contract of employment for a period of one year or more from giving to the employer an objection notice.
- (7) Regulations under this section may make different provision for different purposes.

**41B Explanatory statement: persons who become shop workers**

- (1) This section applies where a person becomes a shop worker who, under a contract of employment, is or may be required to do shop work on Sundays.
- (2) The employer must give to the shop worker a written statement informing the shop worker of the following rights—
  - (a) the right to object to working on Sundays by giving the employer an opting-out notice (if section 40 applies to the shop worker);
  - (b) the right to object to doing shop work for additional hours on Sundays by giving the employer an objection notice.
- (3) The statement must be given before the end of the period of two months beginning with the day on which the person becomes a shop worker as mentioned in subsection (1).
- (4) An employer does not fail to comply with subsections (2) and (3) in a case where, before the end of the period referred to in subsection (3), the shop worker has given to the employer an opting-out notice (and that notice has not been withdrawn).
- (5) A statement under this section must comply with such requirements as to form and content as regulations may provide.
- (6) Regulations under this section may make different provision for different purposes.

**41C Explanatory statement: shop workers at commencement date**

- (1) This section applies where—
  - (a) under a contract of employment a shop worker is or may be required to do shop work on Sundays, and
  - (b) the shop worker was employed under that contract on the day before the commencement date.
- (2) The shop worker's employer must give to the shop worker a written statement informing the shop worker of the rights mentioned in section 41B(2).

**Enterprise Bill [Lords], continued**

- (3) The statement must be given before the end of the period of two months beginning with the commencement date.
- (4) An employer does not fail to comply with subsections (2) and (3) in a case where, before the end of the period referred to in subsection (3), the shop worker has given to the employer an opting-out notice (and that notice has not been withdrawn).
- (5) A statement under this section must comply with such requirements as to form and content as regulations may provide.
- (6) Regulations under this section may make different provision for different purposes.
- (7) In this section “commencement date” means the date appointed by regulations under section 38 of the Enterprise Act 2016 for the coming into force of section (*Extended Sunday opening hour and Sunday working*)(5) of, and Schedule (*Sunday opening hours: rights of shop workers*) to, that Act.

**41D Failure to give explanatory statement under section 41B or 41C**

- (1) This section applies if an employer fails to give to a shop worker a written statement in accordance with—
    - (a) section 41B(2) and (3), or
    - (b) section 41C(2) and (3).
  - (2) If the shop worker gives to the employer an opting-out notice, the notice period under section 41(3) that applies in relation to the shop worker is varied as follows—
    - (a) if the notice period under that provision would have been one month, it becomes 7 days instead;
    - (b) if the notice period under that provision would have been three months, it becomes one month instead.
  - (3) If the shop worker gives to the employer an objection notice, the relevant period under section 43ZA(2) that applies in relation to the shop worker is varied as follows—
    - (a) if the relevant period under that provision would have been one month, it becomes 7 days instead;
    - (b) if the relevant period under that provision would have been three months, it becomes one month instead.”
- 4
- (1) Section 42 (explanatory statement) is amended as follows.
  - (2) In the heading, after “statement” insert “: betting workers”.
  - (3) In subsection (1) omit “shop worker or”.
  - (4) In subsection (2)—
    - (a) in paragraph (a) omit “shop worker or”;
    - (b) in paragraph (b)—
      - (i) after “the” omit “shop worker or”;
      - (ii) omit “an opted-out shop worker or”.
  - (5) In subsection (3) omit “shop worker or”.
  - (6) Omit subsection (4).
  - (7) In subsection (6)—
    - (a) for “forms” substitute “form”;
    - (b) for “subsections (4) and (5)” substitute “subsection (5)”.

**Enterprise Bill [Lords], continued**

- 5 In the heading of section 43, after “work” insert “: opting-out notices”.
- 6 After section 43 (in Part 4) insert—

**“43ZA Contractual requirements relating to working additional hours on Sundays: objection notices**

- (1) Where a shop worker gives to his or her employer an objection notice, any agreement entered into between the shop worker and the employer becomes unenforceable to the extent that—
- (a) it requires the shop worker to do shop work for additional hours on Sunday after the end of the relevant period, or
  - (b) it requires the employer to provide the shop worker with shop work for additional hours on Sunday after the end of that period.
- (2) The “relevant period” is—
- (a) in the case of a shop worker who is or may be required to do shop work in or about a large shop, the period of one month beginning with the day on which the objection notice is given;
  - (b) in any other case, the period of three months beginning with that day.
- This subsection is subject to section 41D(3).
- (3) A shop worker who has given an objection notice may revoke the notice by giving a further written notice to the employer.
- (4) Where—
- (a) a shop worker gives to the employer a notice under subsection (3), and
  - (b) after giving the notice the shop worker expressly agrees with the employer to do shop work for additional hours on Sunday (whether on Sundays generally or on a particular Sunday),
- the contract of employment between the shop worker and the employer is to be taken to be varied to the extent necessary to give effect to the terms of the agreement.
- (5) The reference in subsection (1) to any agreement—
- (a) includes the contract of employment under which the shop worker is employed immediately before giving the objection notice;
  - (b) includes an agreement of a kind mentioned in subsection (4), or a contract of employment as taken to be varied under that subsection, only if an objection notice is given in relation to the working of additional hours under that agreement or contract as varied.

**43ZB Interpretation**

- (1) In this Part—
- “additional hours” has the meaning given in section 41A(2);
  - “large shop” means a shop which has a relevant floor area exceeding 280 square metres;
  - “objection notice” has the meaning given in section 41A(2);
  - “regulations” means regulations made by the Secretary of State.



**Enterprise Bill [Lords], continued**

- (2) In the definition of “large shop” in subsection (1)—
  - (a) “shop” means any premises where there is carried on a trade or business consisting wholly or mainly of the sale of goods;
  - (b) “relevant floor area” means the internal floor area of so much of the large shop in question as consists of or is comprised in a building.
- (3) For the purposes of subsection (2), any part of the shop which is not used for the serving of customers in connection with the sale or display of goods is to be disregarded.
- (4) The references in subsections (2) and (3) to the sale of goods does not include—
  - (a) the sale of meals, refreshments or alcohol (within the meaning of the Licensing Act 2003) for consumption on the premises on which they are sold, or
  - (b) the sale of meals or refreshments prepared to order for immediate consumption off those premises.”

7 After section 45 insert—

**“45ZA Sunday working for shop workers: additional hours**

- (1) Subsection (2) applies where a shop worker has given an objection notice to his or her employer and the notice has not been withdrawn.
- (2) The shop worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by the employer done on the ground that the shop worker refused (or proposed to refuse) to do shop work for additional hours on Sunday or on a particular Sunday.
- (3) Subsection (2) does not apply to anything done on the ground that the shop worker refused (or proposed to refuse) to do shop work for additional hours on any Sunday or Sundays falling before the end of the relevant period.
- (4) A shop worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his or her employer on the ground that the shop worker gave (or proposed to give) an objection notice to the employer.
- (5) Subsections (2) and (4) do not apply where the detriment in question amounts to dismissal (within the meaning of Part 10).
- (6) For the purposes of this section, a shop worker who does not do shop work for additional hours on Sunday or on a particular Sunday is not to be regarded as having been subjected to any detriment by—
  - (a) a failure to pay remuneration in respect of doing shop work for additional hours on Sunday which the shop worker has not done, or
  - (b) a failure to provide any other benefit where the failure results from the application (in relation to a Sunday on which the shop worker has not done shop work for additional hours) of a contractual term under which the extent of the benefit varies according to the number of hours worked by, or the remuneration paid to, the shop worker.

**Enterprise Bill [Lords], continued**

- (7) Subsections (8) and (9) apply where—
- (a) an employer offers to pay a sum specified in the offer to a shop worker if he or she agrees to do shop work for additional hours on Sunday or on a particular Sunday, and
  - (b) the shop worker—
    - (i) has given an objection notice to the employer that has not been withdrawn, or
    - (ii) is not obliged under a contract of employment to do shop work for additional hours on Sunday.
- (8) A shop worker to whom the offer is not made is not to be regarded for the purposes of this section as having been subjected to any detriment by any failure—
- (a) to make the offer to the shop worker, or
  - (b) to pay the shop worker the sum specified in the offer.
- (9) A shop worker who does not accept the offer is not to be regarded for the purposes of this section as having been subjected to any detriment by any failure to pay the shop worker the sum specified in the offer.
- (10) In this section—  
 “additional hours” and “objection notice” have the meanings given by section 41A(2);  
 “relevant period” means the period determined by section 43ZA(2) (but subject to section 41D(3)).”

8 After section 101 insert—

**“101ZA Shop workers who refuse to work additional hours on Sunday**

- (1) Subsection (2) applies where a shop worker has given an objection notice that has not been withdrawn and he or she is dismissed.
- (2) The shop worker is to be regarded for the purposes of this Part as unfairly dismissed if the reason (or the principal reason) for the dismissal is that he or she refused, or proposed to refuse, to do shop work for additional hours on Sunday or on a particular Sunday.
- (3) Subsection (2) does not apply where the reason (or principal reason) for the dismissal is that the shop worker refused (or proposed to refuse) to do shop work for additional hours on any Sunday or Sundays falling before the end of the relevant period.
- (4) A shop worker who is dismissed is to be regarded for the purposes of this Part as unfairly dismissed if the reason (or principal reason) for the dismissal is that the worker gave (or proposed to give) an objection notice to the employer.
- (5) In this section—  
 “additional hours” and “objection notice” have the meanings given by section 41A(2);  
 “relevant period” means the period determined by section 43ZA(2) (but subject to section 41D(3)).”

9 In section 236 (orders and regulations), in subsection (3) after “27B,” insert “41A that include provision under subsection (4)(c) of that section,”.

Enterprise Bill [*Lords*], continued*Employment Act 2002*

- 10 In section 38 of the Employment Act 2002 (failure to give statement of employment particulars etc)—
- (a) in subsection (2)(b), after “change” insert “or under section 41B or 41C of that Act (duty to give a written statement in relation to rights not to work on Sunday)”;
  - (b) in subsection (3)(b), after “1996” insert “or under section 41B or 41C of that Act”.

**Member’s explanatory statement**

*This new Schedule contains amendments to employment legislation. The amendments: (a) shorten the notice period for opting out of Sunday work in the case of shop workers at large shops, (b) confer a new right to object to working additional hours on Sunday, (c) require employers to give statements explaining those rights, (d) confer protections against detriment and unfair dismissal for refusing to work additional hours on Sunday, and (e) provide for fines in tribunal proceedings if there is a failure to give explanatory statements.*

Anna Soubry

76

Clause 38, page 54, line 29, at end insert—

- “( ) section (*Extended Sunday opening hours and Sunday working*)(5), and Schedule (*Sunday working hours: rights of shop workers*) (Sunday working hours: rights of shop workers), for the purpose of enabling the exercise of any power to make regulations under any provision of the Employment Rights Act 1996 inserted by that Schedule;”

**Member’s explanatory statement**

*This amendment provides for the power to make regulations under sections 41A to 41C of the Employment Rights Act 1996 to come into force on Royal Assent. These provisions confer powers to make regulations about the meaning of “normal Sunday working hours” and the form and content of explanatory statements.*

Anna Soubry

19

Clause 38, page 54, line 30, at end insert—

- “( ) paragraph 2 of Schedule 2 (things to be included in Secretary of State’s report in respect of the business impact target), and section 14 (which introduces Schedule 2) so far as relating to that paragraph;”

**Member’s explanatory statement**

*This amendment provides for paragraph 2 of Schedule 2 to come into force on Royal Assent.*

Anna Soubry

20

Clause 38, page 54, line 44, at end insert “(so far as not already in force under subsection (1)).”

**Member’s explanatory statement**

*This clarifying amendment acknowledges that although Schedule 2 is generally to come into force 2 months after Royal Assent, one of its provisions (paragraph 2) will come into force on Royal Assent under subsection (1) of the clause (see amendment 19).*

Enterprise Bill [*Lords*], continued

Anna Soubry

21

Clause 38, page 55, line 4, leave out subsection (4) and insert—

“(4) The following provisions of this Act come into force on such day as the Treasury may by regulations appoint—

(a) section 29 (UK Government Investments Limited);

(b) section 35 and Schedule 4 (restriction on public sector exit payments).”

**Member’s explanatory statement**

*This amendment provides for clause 29 to come into force by regulations made by the Treasury (instead of by regulations made by the Secretary of State).*

Anna Soubry

22

Clause 38, page 55, line 6, leave out “The remaining” and insert “Subject to subsections (1) to (4), the”

**Member’s explanatory statement**

*This clarifying amendment acknowledges that provisions that are to come into force by regulations under subsection (5) of clause 38 may already have come into force for particular purposes under preceding provisions of the clause.*

Anna Soubry

23

Clause 39, page 55, line 15, leave out “and 15” and insert “, 15 and 18 to 21”

**Member’s explanatory statement**

*This amendment is made for drafting consistency. It ensures that the extent of paragraphs 18 to 21 of Schedule 1 is governed by clause 39(4), which provides for an amendment to have the same extent as the enactment amended. The enactments amended by those paragraphs extend to England and Wales, Scotland and Northern Ireland, so the clause’s effect is not changed.*

Anna Soubry

24

Clause 39, page 55, line 16, at end insert—

“( ) subsections (5) to (9) of section 14 (application of changes relating to the business impact target in relation to the relevant period in which they come into force);”

**Member’s explanatory statement**

*This amendment clarifies that subsections (5) to (9) of section 14 extend to England and Wales, Scotland and Northern Ireland.*

Anna Soubry

25

Clause 39, page 55, line 16, at end insert—

“( ) section (*Apprenticeships: information sharing*) (*apprenticeships: information sharing*);”

**Member’s explanatory statement**

*This amendment provides for NC3 to have UK wide extent.*

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**Enterprise Bill [Lords], continued**

Anna Soubry

26

Clause 39, page 55, line 17, leave out “Part 5” and insert “sections 22 and 23”

**Member’s explanatory statement**

*This amendment clarifies that the extent of clause 24 (which amends the Limitation Act 1980) is governed by section 39(4) (which means that it extends to England and Wales), unlike the other provisions of Part 5 (sections 22 and 23) which extend to England and Wales, Scotland and Northern Ireland.*

Anna Soubry

27

Clause 39, page 55, line 25, leave out subsection (2)

**Member’s explanatory statement**

*This amendment is made for drafting consistency. It removes subsection (2) of clause 39, which is not needed because the same effect is achieved by the general provision in subsection (4) of the clause.*

Anna Soubry

28

Clause 39, page 55, line 29, at beginning insert “Subject to subsection (1),”

**Member’s explanatory statement**

*This clarifying amendment acknowledges that the extent of certain amendments of enactments made by the Bill is provided for by subsection (1).*

Anna Soubry

29

Clause 40, page 55, line 33, leave out subsection (2)

**Member’s explanatory statement**

*This amendment removes the privilege amendment inserted by the Lords.*

Anna Soubry

77

Title, line 1, at end insert “provision about Sunday opening hours and Sunday working;”

**Member’s explanatory statement**

*This amendment amends the long title of the Bill so as to include a reference to the provisions about Sunday opening hours and rights to opt out of Sunday working, as provided for by NC21 and NS2.*

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**Enterprise Bill [Lords], continued**

ORDER OF THE HOUSE [2 FEBRUARY 2016]

That the following provisions shall apply to the Enterprise 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 25 February 2016.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

*Proceedings on Consideration and up to and including Third Reading*

4. Proceedings on Consideration and any proceedings in Legislative Grand Committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which 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 up to and including 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.
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ORDER OF THE COMMITTEE [9 FEBRUARY 2016]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 9 February) meet—
    - (a) at 2.00 pm on Tuesday 9 February;
    - (b) at 11.30 am and 2.00 pm on Thursday 11 February;
    - (c) at 9.25 am and 2.00 pm on Tuesday 23 February;
    - (d) at 11.30 am and 2.00 pm on Thursday 25 February;
  - (2) the proceedings shall be taken in the following order: Clause 1; Schedule 1; Clauses 2 to 14; Schedule 2; Clauses 15 to 19; Schedule 3; Clauses 20 to 35; Schedule 4; new Clauses; new Schedules; Clauses 36 to 40; and remaining proceedings on the Bill; and
  - (3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 25 February.
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