



House of Commons

Thursday 25 February 2016

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

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

ENTERPRISE BILL [*LORDS*]

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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].

Bill Esterson
Kevin Brennan

103

Clause 35, page 50, line 38, at end insert—

- “() Regulations shall make provision to require prescribed public sector authorities to consider, prior to making a public sector exit payment—
- (a) whether the payment being paid is appropriate; and
 - (b) whether the payment would provide value for money.”

Member’s explanatory statement

This amendment would ensure that when considering staff for exits value for money is considered.

Bill Esterson
Kevin Brennan

121

Clause 35, page 50, line 40, leave out subsection (g)

Member’s explanatory statement

This amendment would remove payment in lieu of notice from the public sector redundancy exit payment cap.

Enterprise Bill [*Lords*], *continued*

Bill Esterson
Kevin Brennan

105

Clause 35, page 51, line 7, at end insert ”, including payments relating to employees earning less than £27,000 per year”

Member’s explanatory statement

This amendment would provide that regulations may exempt from the public sector exit payment cap those earning less than £27,000.

Bill Esterson
Kevin Brennan

106

Clause 35, page 51, line 7, at end insert ”, including cases relating to employees who have been in long-term service”

Member’s explanatory statement

This amendment would provide that regulations may exempt from the public sector exit payment cap employees who have provided ‘long service’.

Bill Esterson
Kevin Brennan

107

Clause 35, page 51, line 7, at end insert ”, including any period of institutional reorganisation being implemented within two years of the passing of this Act”

Member’s explanatory statement

This amendment would provide that regulations may make exemptions from public sector exit payment cap for any period of institutional reorganisation being implemented within two years of this Act.

Bill Esterson
Kevin Brennan

108

Clause 35, page 51, line 7, at end insert ”, including where the full council of a local authority decides to grant a waiver of the cap”

Member’s explanatory statement

This amendment would provide that regulations may make exemptions where the full council of the local authority decide to grant a waiver of the cap.

Bill Esterson
Kevin Brennan

122

Clause 35, page 51, leave out lines 18 and 19 and insert—

“(9) The amount for the time being specified in subsection (1) shall be increased by order made by the Secretary of State every year by a revaluation percentage.

(9A) The revaluation percentage to be specified in section (9) is the percentage increase in the general level of earnings in Great Britain in that year.”

Member’s explanatory statement

This amendment would ensure that the level of the cap is maintained in real terms.

Enterprise Bill [*Lords*], *continued*

Bill Esterson
Kevin Brennan

123

Clause 35, page 51, leave out lines 20 to 24 and insert—

“(10) Nothing in this section applies in relation to payments made by the bodies listed in NS3.”

Member’s explanatory statement

This amendment would exclude employees of companies listed at NS3 operated by the private sector from the scope of the proposed cap.

Bill Esterson
Kevin Brennan

124

Clause 35, page 52, line 35, at end insert—

“(2A) All prescribed public sector authorities may relax the restrictions imposed by regulations made under section 153A, if certain conditions are met.

(2B) The Secretary of State shall by regulations made by statutory instrument specify the conditions to be met under subsection (2A).”

Member’s explanatory statement

This amendment would extend the waiver in respect of the cap to all public sector authorities.

Bill Esterson
Kevin Brennan

125

Clause 35, page 53, line 24, at end insert—

“153D Reporting and referral mechanisms to be included in regulations under section 153A

- (1) The Secretary of State shall by regulation make provision in relation to restrictions imposed by section 153A where the exit payment relates to a potential claim under Part IVA of the Employment Rights Act 1996 (protected disclosures).
- (2) Regulations under subsection (1) shall—
 - (a) provide for the creation of a regulatory referral system, to apply where an exit payment relates to a potential claim under Part IVA of the Employment Rights Act 1996, in circumstances where—
 - (i) the Minister of the Crown as described in section 153C considers it appropriate; and
 - (ii) there has been suspected or likely wrongdoing, malpractice, health and safety risk, breach of law or regulation; and
 - (b) provide that any individual who is subject to an exit payment as described in subsection (1) shall have access to legal advice on section 43J of the Employment Rights Act 1996 (contractual duties of confidentiality).
- (3) The Secretary of State or the Treasury shall periodically produce guidance on exit payments made in accordance with section 153D(1) for relevant public sector employees as described in section 153A(2).”

Member’s explanatory statement

This amendment would provide further protections for employees who have made protected disclosures when being considered for exits.

Enterprise Bill [Lords], continued

Bill Esterson
Kevin Brennan

126

Schedule 4, page 68, line 6, after “reduction),” insert “in (7) replace “is entitled to, and must take immediate payment of” with “may elect to receive immediate payment of” and”

Member’s explanatory statement

The amendment would give an individual the choice to take a pension immediately or delay taking it under the Local Government Pensions Scheme on being made redundant or because of business efficiency if under the exit payment cap such a payment would need to be actuarially reduced.

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.

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.*

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.
- (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

Enterprise Bill [Lords], continued

- (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;
 - (c) the reference to the Welsh Ministers includes a reference to a person providing services to the Welsh Ministers.

Enterprise Bill [Lords], continued

- (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

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.

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.

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.

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.

Enterprise Bill [*Lords*], continued

Anna Soubry

NC22

To move the following Clause—

“The Institute for Apprenticeships

Schedule (*The Institute for Apprenticeships*) establishes the Institute for Apprenticeships and makes provision about its functions.”

Member’s explanatory statement

This new Clause introduces NS2..

Anna Soubry

NC23

To move the following Clause—

“The Institute for Apprenticeships: transitional provision

- (1) Subsection (2) applies to—
 - (a) any standard approved and published by the Secretary of State under section A2 of the 2009 Act before the appointed day;
 - (b) any plan which—
 - (i) relates to the assessment of a person’s attainment of outcomes set out in a standard mentioned in paragraph (a), and
 - (ii) was approved and published by the Secretary of State for the purposes of that assessment before the appointed day.
- (2) Such a standard or plan is to be treated on and after the appointed day as having been approved by the Institute for Apprenticeships under section A2A of the 2009 Act and published by it under section A2 of that Act (as amended by Schedule (*The Institute for Apprenticeships*)).
- (3) A standard or plan within subsection (1) is to be treated for the purposes of section A2I of the 2009 Act (as inserted by Schedule (*The Institute for Apprenticeships*)) as having been approved by the Institute for Apprenticeship at the beginning of the appointed day.
- (4) This section does not limit the provision that may be made under clause 37.
- (5) In this section—

“the appointed day” means the day on which section A2A of the Apprenticeship, Skills, Children and Learning Act 2009 (inserted by Schedule (*The Institute for Apprenticeships*)) comes into force;

“the 2009 Act” means the Apprenticeships, Skills, Children and Learning Act 2009.”

Member’s explanatory statement

This new Clause makes transitional provision relating to the establishment of the Institute for Apprenticeships.

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;

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.

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.

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,

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.

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.

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

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.

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.

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.

Enterprise Bill [Lords], continued

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.

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 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,

Enterprise Bill [Lords], continued

- (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 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.

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.

Enterprise Bill [*Lords*], continued

- (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.”

Bill Esterson
Kevin Brennan

NC24

To move the following Clause—

“Provision of broadband: public communications to small businesses

- (1) The Secretary of State shall by regulations regulate the content of broadband providers’ public communications relating to the broadband speeds offered to small businesses.
 - (2) The regulations under subsection (1) shall require that in their communications with small businesses, broadband providers shall communicate the minimum speeds offered as part of their service as well as the range of speeds offered.
 - (3) The regulations under subsection (1) shall require broadband providers to offer a break clause in contracts should speeds not meet reasonable expectations.
 - (4) The Secretary of State shall direct Ofcom to define reasonable expectations for the purpose of subsection (3).”
-

Enterprise Bill [Lords], continuedBill Esterson
Kevin Brennan

NC25

To move the following Clause—

“Broadband: rollout

- (1) The Secretary of State may by regulations set targets for electronic communications bodies to roll out, to businesses and commercial organisations, more than 95% coverage of—
 - (a) basic broadband,
 - (b) superfast broadband, and
 - (c) mobile phone coverageby the end of 2016.
 - (2) The Secretary of State must prepare and publish an annual report assessing the progress that has been made on the targets provided for by subsection (1), and the impact of—
 - (a) basic broadband,
 - (b) superfast broadband and
 - (c) mobile coverage technologyon enterprise and growth in the rural economy.
 - (3) The report provided for in subsection (2) should be laid before both Houses of Parliament.”
-

Bill Esterson
Kevin Brennan

NC26

To move the following Clause—

“Broadband: rollout to business parks

The Secretary of State shall direct Broadband Delivery UK to include business parks and industrial estates, including those in non-residential areas, in their plans for roll out of universal superfast broadband.”

Bill Esterson
Kevin Brennan

NC27

To move the following Clause—

“Protecting small businesses online

- (1) The Secretary of State, after consulting the relevant bodies, shall publish advice and guidance to businesses in relation to keeping their business safe and protecting it against online threats.

Enterprise Bill [Lords], continued

- (2) The guidance published by the Secretary of State under subsection (1) shall include but not be limited to advice on protecting computer-based equipment and information from unintended or unauthorised access, change, theft or destruction.
 - (3) In accordance with the guidance published by the Secretary of State under subsection (1), the Secretary of State shall publish further actions that he will take to reduce the level of cybercrime experienced by small businesses and report progress on an annual basis.
 - (4) The City of London Police is a relevant body for the purposes of subsection (1).
-

Bill Esterson
Kevin Brennan

NC28

To move the following Clause—

“Protecting small business online: Right of redress

- (1) The Secretary of State shall by regulations set out a right of redress for small businesses affected by cyber-attacks, including data breaches, on communications providers.
 - (2) The regulations in subsection (1) shall include a provision allowing small businesses affected by cyber-attacks on their communications providers to end their contracts early.”
-

Bill Esterson
Kevin Brennan

NC29

To move the following Clause—

“Alternative dispute resolution: appeals in relation to non-domestic rating list

The Secretary of State may by regulation make provision for a scheme of alternative dispute resolution for the purposes of any appeal against an assessment in the non-domestic rating list.”

Bill Esterson
Kevin Brennan

NC30

To move the following Clause—

“Environmental considerations

The Secretary of State shall make provision for a scheme of exclusion from any assessment in the 2017 non-domestic rating list or thereafter of an item of plant or machinery required wholly or mainly by virtue of environmental or health and

Enterprise Bill [Lords], continued

safety legislation and which does not of itself increase the market value or profitability of the hereditament.”

Bill Esterson
Kevin Brennan

NC31

To move the following Clause—

“Business rate: Exemptions

Agricultural land and buildings used for cultural events and festivals are exempt from business rates and the provisions outlined in sections 25 and 26.”

Bill Esterson
Kevin Brennan

NC32

To move the following Clause—

“Insolvency: pre-packs

- (1) Where a company enters pre-pack proceedings the following conditions must be met in order to protect the company’s creditors—
 - (a) the owners of the company must approach the company’s investors for approval prior to entering any pre-pack proceedings;
 - (b) any personnel advising on pre-pack proceedings shall not become the administrator in subsequent pre-pack sales;
 - (c) any administrator undertaking a proposed pre-pack sale to connected parties must justify that the prospective sale price represents the best value for creditors; and
 - (d) the administrator must make provision for at least three days’ notice to be given to creditors of the terms of any such proposed sale if there has been no open marketing of the assets.
- (2) A pre-pack is a planned insolvency procedure in which the sale of all or part of a company’s business or assets is negotiated with a purchaser prior to the appointment of an insolvency practitioner as administrator.”

Member’s explanatory statement

The new Clause would provide increased protection for creditors when a business enters pre-pack proceedings to be able to demonstrate, for example, that a proposed pre-pack sale to connected parties must represents the best value for creditors.

Enterprise Bill [*Lords*], *continued*

Bill Esterson
Kevin Brennan

NC33

To move the following Clause—

“Insolvency: protection of small business contractors

Where a company enters insolvency proceedings and the company’s workforce includes contracted small businesses, the company’s directors shall not refer employees that are small businesses to the Government’s statutory redundancy scheme unless—

- (a) the company has notified the Secretary of State of plans to make redundancies, and
- (b) the directors and investors of the company have prioritised outstanding payments to those small businesses.”

Member’s explanatory statement

The new Clause would not allow a company entering insolvency proceedings to refer those in its workforce who are contracted small businesses to the Government’s statutory redundancy scheme unless it has notified the Secretary of State about the planned redundancies and it has prioritised outstanding payments to these businesses.

Bill Esterson
Kevin Brennan

NC34

To move the following Clause—

“Businesses: debtor in possession

- (1) Where a business enters insolvency proceedings the business shall have the right to remain in possession of property upon which a creditor has a lien or similar security interest and become a new entity called a debtor in possession (DIP).
- (2) A DIP shall—
 - (a) have the fiduciary and statutory responsibility to preserve and maintain the estate and to operate its business as efficiently as possible in order to maximise ultimate payments on pre-petition debts while keeping post-petition debt current; and
 - (b) continue to run the business and have the powers and obligations of a trustee to operate in the best interest of any creditors.
- (3) The management team of the DIP may remain in place, under observation of an Insolvency Practitioner, for a period of up to 90 days, during which—
 - (a) landlords may not pursue unreasonable terms; and
 - (b) suppliers may not enforce termination clauses and must maintain supplies; and
 - (c) the debtor must allow an Insolvency Practitioner to inspect the debtor’s business premises, books, and records at reasonable times, and after reasonable prior written notice, unless the debtor waives notice.
- (4) The period of time in subsection (3) may be extended to a maximum period of 180 days if the Insolvency Practitioner assesses that—
 - (a) the management team develops a plan to restructure the company’s debt;
 - (b) the management team reevaluates the economics of its operating plan and financial condition;

Enterprise Bill [Lords], continued

- (c) the DIP is properly managing its assets;
- (d) the DIP continues its business operations; or
- (e) maintain accurate financial records and file the appropriate tax returns.”

Member’s explanatory statement

This new Clause would introduce American “Chapter 11 provisions” when a business begins insolvency proceedings. A debtor in possession would be a person or corporation who has filed a bankruptcy petition but remains in possession of property upon which a creditor has a lien or similar security interest.

Bill Esterson
Kevin Brennan

NC35

To move the following Clause—

“Takeovers and mergers

- (1) Where proceedings for a merger, takeover or significant transaction begin, there shall be a duty on all publicly listed companies to provide a comprehensive statement on how the best interests of the offeree company will be maintained—
 - (a) in relation to the merger, takeover or significant transaction;
 - (b) in relation to any purchase or sale of a public company or transfer of any element of ownership to a public entity.
- (2) The statement provided for by subsection (1) should include but is not limited to details of all advisers involved in the transaction and the contractual basis of their inclusion including information on terms, incentives, expenses terms and levels of payments.”

Member’s explanatory statement

The new Clause would ensure that where proceedings for a merger, takeover or significant transaction begin there will be a duty on all publicly listed companies to provide a comprehensive statement in relation to the merger, takeover or significant transaction and how the best interests of the offeree company will be maintained.

Enterprise Bill [*Lords*], *continued*

NEW SCHEDULES

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.

5 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—

10 (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.

15 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

20 (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—

25 “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.

30 (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;

35 (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

- 40 (5) Provision under subsection (4)(b) or (c) may, in particular, include provision—
- 45 (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.
- 50 (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.
- 55 (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.
- 60 (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);
- 65 (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).
- 70 (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).
- 75 (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—
- 80 (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.
- 85 (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

- 90 (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.
- 95 (6) Regulations under this section may make different provision for different purposes.
- 100 (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

- 105 (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—
- 110 (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.
- 115 (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.”
- 120 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)—
- 125 (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”.
- 130 (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”.

135 6 After section 43 (in Part 4) insert—

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

140 (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

145 (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—

150 (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.

155 (4) Where—

(a) a shop worker gives to the employer a notice under subsection (3), and

160 (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—

165 (a) includes the contract of employment under which the shop worker is employed immediately before giving the objection notice;

170 (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—

175 “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

- 180 (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.
- 185
- (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—
- 190 (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.”
- 195

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.
- 200 (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.
- 205
- (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.
- 210
- (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—
- 215 (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.
- 220
- 225

Enterprise Bill [Lords], continued

- 230 (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.
- 235 (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.
- 240 (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—
- 245 “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**
- 250 (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.
- 255 (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.
- 260 (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—
- 265 “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
- 270 “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)—
- 275 (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.

As Amendments to Anna Soubry’s proposed New Schedule (NS1) —

Anna Soubry

Line 128, in paragraph 4(4), after paragraph (b) insert—

“(c) in the words after paragraph (b), omit “shop worker or””

(a)

Member’s explanatory statement

This is a technical amendment of NS1 which removes a further reference to a shop worker from section 42 of the Employment Rights Act 1996 (as that section is to apply only to betting workers as a consequence of other amendments made by this New Schedule).

Anna Soubry

Line 192, in paragraph 6, in new section 43ZB(4)(a), after “2003” insert “or, in relation to Scotland, the Licensing (Scotland) Act 2005 (asp 16)”

(b)

Member’s explanatory statement

This is a technical amendment that provides for a definition of “alcohol” in relation to Scotland by reference to the relevant legislation of the Scottish Parliament.

Enterprise Bill [*Lords*], *continued*

Anna Soubry

NS2

To move the following Schedule—

“THE INSTITUTE FOR APPRENTICESHIPS

- 1 The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.
- 2 In Part 1 (apprenticeships, study and training) before Chapter A1 insert—

5

“CHAPTER ZA1

THE INSTITUTE FOR APPRENTICESHIPS

*Establishment***ZA1 The Institute for Apprenticeships**

- 10 (1) A body corporate known as the Institute for Apprenticeships is established.
- (2) In this Act that body is referred to as “the IfA”.
- (3) Schedule A1 makes further provision about the IfA.

*General duties and functions***ZA2 General duties**

- 15 (1) So far as relevant, and subject to any notice given by the Secretary of State under subsection (2), in performing its functions the IfA must have regard to—
- 20 (a) the reasonable requirements of industry, commerce, finance, the professions and other employers regarding education and training within the IfA’s remit;
- (b) the reasonable requirements of persons who may wish to undertake education and training within the IfA’s remit;
- 25 (c) the need to ensure that education and training within the IfA’s remit is of an appropriate quality;
- (d) the need to ensure that education and training within the IfA’s remit represents good value in relation to financial resources provided out of public funds;
- (e) any information provided to it by any person designated by the Secretary of State for the purposes of this paragraph.
- 30 (2) The Secretary of State may give a notice in writing to the IfA setting out other matters to which the IfA must have regard when performing its functions.
- 35 (3) The Secretary of State may not give a notice under subsection (2) more than once in any financial year (within the meaning given by section ZA6(6)), except as provided by subsection (4).
- (4) Where in a financial year—
- (a) a notice is given under subsection (2), and
- (b) after the giving of the notice a new Parliament meets for the first time,

Enterprise Bill [Lords], continued

- 40 the Secretary of State may give one further notice under subsection (2)
in that year.
- (5) The IfA must perform its functions efficiently and effectively.
- (6) For the purposes of this section, education or training is within the
45 IfA's remit if the education or training is or may be provided in the
course of an approved English apprenticeship.
- (7) Subsection (1) and any notice under subsection (2) do not apply in
relation to functions that are—
- (a) delegated by directions under section ZA4, or
- (b) conferred by regulations under section ZA5,
50 unless the regulations or directions provide for them to apply in
relation to the functions.
- (8) Where directions or regulations so provide, the directions or
regulations—
- (a) may provide for any education or training to which the
55 functions relate to be treated as within the IfA's remit for the
purposes of this section;
- (b) may provide for subsection (1) and any notice under
subsection (2) to apply in relation to the functions with such
modifications as the Secretary of State thinks fit.
- (9) The Secretary of State must—
- (a) publish in such manner as the Secretary of State thinks fit any
notice under subsection (2), and
- (b) lay a copy of it before Parliament.

ZA3 Provision of advice and assistance to the Secretary of State etc

- 65 (1) The IfA may, if requested to do so by the Secretary of State, provide
the Secretary of State with advice and assistance in connection with
the Secretary of State's functions relating to apprenticeships in
relation to England.
- (2) The Secretary of State's functions mentioned in subsection (1) include
70 those under section 100(1A) or otherwise relating to the funding of
apprenticeships in relation to England.

ZA4 Delegation of functions to the IfA by Secretary of State

- (1) The Secretary of State may by direction delegate to the IfA any of the
75 Secretary of State's functions relating to apprenticeships in relation to
England.
- (2) The functions may be delegated—
- (a) to any extent that the Secretary of State specifies in the
direction, and
- (b) subject to any conditions that the Secretary of State specifies
80 in the direction.
- (3) The Secretary of State's functions mentioned in subsection (1) include
those under section 100(1A) or otherwise relating to the funding of
apprenticeships in relation to England.

*Enterprise Bill [Lords], continued***ZA5 Conferral of further functions on the IfA by regulations**

- 85 (1) The Secretary of State may by regulations confer on the IfA such functions relating to apprenticeships in relation to England as the Secretary of State considers appropriate.
- (2) A function conferred by regulations under subsection (1) may involve the exercise of a discretion.

90 **ZA6 Annual and other reports**

- (1) As soon as reasonably practicable after the end of each financial year, the IfA must prepare an annual report.
- (2) An annual report is a report which includes—
- 95 (a) a description of what the IfA has done during the year, including a description of what the IfA has done as a result of any notice given by the Secretary of State under section ZA2(2),
- (b) the statement of accounts prepared for that year under paragraph 11 of Schedule A1, and
- 100 (c) such other provision as the Secretary of State may direct.
- (3) The IfA must send the report to the Secretary of State as soon as reasonably practicable after it has been prepared.
- (4) The Secretary of State must lay a copy of the report before Parliament.
- 105 (5) The Secretary of State may direct the IfA to prepare, and send to the Secretary of State, as soon as reasonably practicable a report on any matter relating to its functions.
- (6) In this section “financial year” means—
- (a) the period beginning with the day on which this section comes into force and ending with the following 31 March, and
- 110 (b) each successive period of 12 months.

*Compliance***ZA7 Secretary of State directions where the IfA fails to discharge duties etc**

- If the Secretary of State is satisfied that the IfA—
- 115 (a) has failed to discharge a duty imposed on it by or under this Act, or
- (b) has acted or is proposing to act in an unreasonable way in exercising any function,
- the Secretary of State may give the IfA such directions as the Secretary of State considers appropriate.

120

*Directions***ZA8 General provision about directions under Chapters ZA1 and A1**

- (1) This section applies to a direction given to the IfA by the Secretary of State under this Chapter or Chapter A1.
- (2) The IfA must comply with the direction.
- 125 (3) The direction must be in writing.”

Enterprise Bill [Lords], continued

3 Before section A1 insert—

“Introductory”

4 In section A1 (meaning of “approved English apprenticeship”), in subsection
130 (3)(a) for “the Secretary of State has published an approved apprenticeship
standard under section A2” substitute “an approved apprenticeship standard
has been published under section A2”.

5 For section A2 (approved apprenticeship standards) substitute—

*“Publication of standards and assessment plans***A2 Apprenticeship standards and assessment plans**

- 135 (1) The IfA must publish—
- (a) standards for such sectors of work as the IfA considers appropriate for the purposes of this Chapter, and
 - (b) assessment plans in respect of published standards.
- 140 (2) Each standard must—
- (a) describe the sector of work to which it relates, and
 - (b) if there is more than one standard for the sector, describe the kind of work within the sector to which it relates.
- 145 (3) Each standard must set out the outcomes that persons seeking to complete an approved English apprenticeship are expected to attain in order to achieve the standard.
- (4) An assessment plan in respect of a standard is a plan in accordance with which a person’s attainment of the outcomes set out in the standard is to be assessed.
- 150 (5) Each assessment plan must—
- (a) specify the standard to which it relates, and
 - (b) set out the proposed arrangements for evaluating the quality of any assessment provided for by the plan.
- (6) The following provisions supplement the provision made by this section—
- 155 section A2A makes provision about the preparation of apprenticeship standards and assessment plans;
- sections A2B to A2D make provision related to ensuring the quality of apprenticeship assessments;
- 160 sections A2E and A2F make provision about the review, revision and withdrawal of apprenticeship standards and assessment plans;
- section A2G makes provision for independent examinations of apprenticeship standards and assessment plans;
- section A2H makes provision about the maintenance of a published list of apprenticeship standards and assessment plans;
- 165 section A2I provides for the automatic transfer to the IfA of copyright in apprenticeship standards and assessment plans.

A2A Preparation of apprenticeship standards and assessment plans

- (1) Each standard or assessment plan published under section A2 must have been prepared by a group of persons and approved by the IfA.

Enterprise Bill [Lords], continued

- 170 (2) The group of persons that prepared a standard or assessment plan published under section A2 must have been approved by the IfA for the purposes of this section.
- (3) The IfA may provide advice or assistance to a group of persons in connection with the preparation of a standard or assessment plan.
- 175 (4) The IfA must publish—
- (a) information about matters that it takes into account when deciding whether or not to approve standards or plans for the purposes of subsection (1);
- 180 (b) information about matters that it takes into account when deciding whether or not to approve groups of persons for the purposes of subsection (2).
- (5) When making a decision of the kind mentioned in subsection (4)(a) or (b) in a particular case, the IfA may also take into account such other matters as it considers appropriate in the case in question.
- 185 (6) Information published under subsection (4) may be revised or replaced, and the IfA must publish under that subsection any revised or replacement information.

*Quality assurance***A2B Evaluation of quality of apprenticeship assessments**

- 190 (1) The IfA must secure that evaluations are carried out of the quality of apprenticeship assessments provided by persons in relation to assessment plans published under section A2.
- (2) “Apprenticeship assessment” means the assessment of a person’s attainment of the outcomes set out in the standard to which the assessment plan relates.
- 195 (3) For the purposes of subsection (1) the IfA may approve or make arrangements for other persons to carry out evaluations.

A2C Unsatisfactory apprenticeship assessments

- 200 (1) If the IfA considers that the quality of any apprenticeship assessment provided by a person is or may become unsatisfactory, it may carry out a review of the assessment, or make arrangements with another person for the carrying out of such a review.
- (2) The IfA may, in consequence of a review, make arrangements for the purpose of improving the quality of the assessment to which the review relates.
- 205 (3) If the IfA—
- (a) considers that the quality of any apprenticeship assessment provided by a person is or may become unsatisfactory, or
- 210 (b) that a person who provides an apprenticeship assessment has failed to co-operate with a review carried out under this section or with arrangements made under subsection (2),
- it may report the matter to the Secretary of State or such other person as the IfA considers appropriate.

Enterprise Bill [Lords], continued

215 (4) A report under subsection (3) may contain recommendations as to the action to be taken by the person to whom the report is made.

(5) The IfA may publish a report under subsection (3).

A2D Committee to advise on quality evaluations etc

220 (1) The IfA may establish a committee with—
 (a) the function of giving the IfA advice on the performance of its functions under sections A2B and A2C, and
 (b) such other functions as may be conferred on the committee by the IfA.

225 (2) A majority of the members of the committee—
 (a) must be persons who appear to the IfA to have experience of the assessment of education or training, and
 (b) must not be members of the IfA.

(3) Subject to that, Schedule A1 applies to a committee established under this section as it applies to committees established under paragraph 7 of that Schedule.

230 *Review, revision and withdrawal*

A2E Regular reviews of published standards and assessment plans

235 (1) The IfA must maintain arrangements for the review at regular intervals of each standard or assessment plan published under this Chapter, with a view to determining whether the standard or plan ought to be revised or withdrawn.

(2) In respect of each standard or assessment plan published under this Chapter, the IfA must publish information about the intervals at which those reviews are to be conducted.

A2F Revision or withdrawal of published standards and assessment plans

240 (1) The IfA may—
 (a) publish a revised version of a standard or assessment plan published under this Chapter, or
 (b) withdraw a standard or assessment plan published under this Chapter (with or without publishing another in its place).

245 (2) Section A2A applies in relation to a revised version of a standard or plan published under this section as it applies in relation to a standard or plan published under section A2.

*Other provisions about English approved apprenticeships***A2G Examinations by independent third parties**

250 (1) Before the IfA approves a standard or assessment plan for the purposes of section A2A(1) it must make arrangements for the carrying out of an examination of the standard or plan by an independent third party.

255 (2) The duty imposed by subsection (1) does not apply in relation to a revised version of a standard or assessment plan, but the IfA may, for the purposes of a review under section A2E or at any other time, make

Enterprise Bill [Lords], continued

arrangements for the carrying out of an examination of a standard or assessment plan by an independent third party.

- 260 (3) Where an examination of a standard or assessment plan is carried out under this section, the IfA must take account of the finding of the examination in exercising its functions in relation to the standard or plan under this Chapter.
- (4) Nothing in subsection (1) prevents the IfA deciding to reject a standard or assessment plan without first making arrangements for the carrying out of an examination by an independent third party.

265 **A2H List of published standards and assessment plans**

- (1) The IfA must maintain a list of the standards and assessment plans published by it under this Chapter.
- (2) In respect of each standard and plan listed (including any revised version), the list must include details of when it comes into force.
- 270 (3) Where a revised version is listed, the list must include a general description of the cases to which the revised version applies.
- (4) Where a standard or plan has been withdrawn, the list must include details of when the withdrawal comes into force and a general description of the cases to which it applies.
- 275 (5) The IfA must secure that the list is available free of charge at all reasonable times.

A2I Transfer of copyright in standards and assessment plans

- (1) This section applies where—
- 280 (a) a standard or assessment plan is approved by the IfA under section A2A, and
- (b) a person (other than the IfA) is entitled, immediately before the time the approval is given, to any right or interest in any copyright in the standard or plan.
- 285 (2) The right or interest is, by virtue of this section, transferred from that person to the IfA at the time the approval is given.
- (3) The IfA must ensure that a standard or assessment plan in relation to which a right or interest has transferred by virtue of subsection (2) is made available to the public, subject to any conditions that the IfA considers appropriate.”

- 290 6 (1) Section A3 (power to issue apprenticeship certificate) is amended as follows.
- (2) In subsection (1) for “to” substitute “in respect of”.
- (3) In subsection (2), for paragraph (b) substitute—
- 295 “(b) the supply by the Secretary of State of apprenticeship certificates issued under that subsection, and copies of those certificates, to—
- (i) persons in respect of whom they were issued;
- (ii) persons for whom those persons work or have worked under approved English apprenticeship agreements to which the certificates relate.”

Enterprise Bill [Lords], continued

- 300 7 In section 122 (sharing of information for education and training purposes)—
- (a) in subsection (3) (persons who may provide and receive information),
 after paragraph (f) insert—
 “(g) the IfA.”;
- 305 (b) in subsection (5) (functions for the purposes of which information may
 be provided)—
 (i) omit the “or” at the end of paragraph (b), and
 (ii) after paragraph (b) insert—
“(ba) any function of the IfA, or”.
- 310 8 In section 262(6) (orders and regulations subject to affirmative procedure)
 before paragraph (ab) insert—
 “(aab) regulations under section ZA5;”
- 315 9 Before Schedule 1 insert—

“SCHEDULE A1

THE INSTITUTE FOR APPRENTICESHIPS

315 *Status*

- 1 1 The IfA is to perform its functions on behalf of the Crown.

Membership

- 2 (1) The IfA is to consist of—
- 320 (a) a member appointed by the Secretary of State to chair the
 IfA (“the chair”);
 (b) the chief executive appointed in accordance with paragraph
 5;
 (c) at least 4 and no more than 10 other members appointed by
 the Secretary of State.
- 325 (2) The chair and members appointed under sub-paragraph (1)(c) are
 referred to in this Schedule as the “non-executive members”.

Tenure of non-executive members

- 3 (1) The non-executive members hold and vacate office in accordance
 with the terms of their appointment.
- 330 (2) Those terms are to be determined by the Secretary of State, subject
 to the following provisions of this Schedule.
- (3) A non-executive member must not be appointed for a term of more
 than five years.
- 335 (4) A non-executive member may resign from office at any time by
 giving written notice to the Secretary of State.
- (5) The Secretary of State may remove a non-executive member from
 office on either of the following grounds—
 (a) inability or unfitness to carry out the duties of office;
340 (b) absence from the IfA’s meetings for a continuous period of
 more than 6 months without the IfA’s permission.

Enterprise Bill [Lords], continued

- (6) The previous appointment of a person as a non-executive member does not affect the person's eligibility for re-appointment.

Remuneration of non-executive members

- 345 4 (1) The IfA must, if the Secretary of State requires it to do so, pay remuneration, allowances and expenses to its non-executive members.
- 350 (2) The IfA must, if the Secretary of State requires it to do so, pay, or make provision for the payment of, a pension, allowances or gratuities to or in respect of a person who is or has been a non-executive member.
- 355 (3) If a person ceases to be a non-executive member of the IfA and the Secretary of State decides that the person should be compensated because of special circumstances, the IfA must pay compensation to the person.
- 360 (4) The amount of a payment under sub-paragraph (1), (2) or (3) is to be determined by the Secretary of State.
- 365 (5) Service as a non-executive member is one of the kinds of service to which a scheme under section 1 of the Superannuation Act 1972 (superannuation schemes as respects civil servants etc) can apply (see Schedule 1 to that Act).
- 365 (6) The IfA must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to the provision of pensions, allowances or gratuities under section 1 of the Superannuation Act 1972 payable to or in respect of non-executive members in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Chief executive and other staff

- 370 5 (1) The first chief executive is to be appointed by the Secretary of State on conditions of service determined by the Secretary of State, after consulting the chair.
- 375 (2) Subsequent chief executives are to be appointed by the IfA after consulting the Secretary of State.
- (3) The chief executive must not be appointed for a term of more than five years.
- (4) The previous appointment of a person as chief executive does not affect the person's eligibility for re-appointment.
- (5) The chief executive holds that office as a member of staff of the IfA.
- (6) The IfA may appoint other members of staff.
- 380 (7) Service as a member of staff of the IfA is employment in the civil service of the State.

Enterprise Bill [Lords], continued

- (8) The following are to be determined by the IfA with the approval of the Secretary of State—
- 385 (a) the number of members of staff of the IfA (in addition to the chief executive);
- (b) the conditions of service of staff of the IfA.
- (9) Sub-paragraph (8)(b) is subject to sub-paragraph (1).

Arrangements with Secretary of State

- 390 6 The Secretary of State and the IfA may enter into arrangements with each other for the provision to the IfA by the Secretary of State, on such terms as may be agreed, of staff, accommodation or services.

Committees

- 395 7 (1) The IfA may establish committees, and any committee established by the IfA may establish sub-committees.
- (2) The IfA may—
- (a) dissolve a sub-committee established under sub-paragraph (1), or
- 400 (b) alter the purposes for which such a sub-committee is established.
- (3) In this Schedule a committee or sub-committee established under sub-paragraph (1) is referred to as an “IfA committee”.
- (4) An IfA committee must include at least two persons who are members of the IfA or its staff.
- 405 (5) The IfA may, with the approval of the Secretary of State, arrange for the payment of remuneration, allowances and expenses to any person who—
- (a) is a member of an IfA committee, but
- (b) is not a member of the IfA or its staff.
- 410 (6) The IfA must, if directed to do so by the Secretary of State, review—
- (a) the structure of IfA committees, and
- (b) the scope of the activities of each IfA committee.

Procedure

- 415 8 (1) The IfA may regulate—
- (a) its own proceedings (including quorum), and
- (b) the procedure (including quorum) of IfA committees.
- (2) The validity of proceedings of the IfA, or of an IfA committee, is not affected by—
- 420 (a) a vacancy;
- (b) a defective appointment.

Enterprise Bill [Lords], continued*Exercise of functions*

- 425 9 (1) Subject to sub-paragraphs (2) and (3), the IfA may authorise any of the following to exercise functions on its behalf—
- (a) a member of the IfA;
 - (b) a member of the IfA's staff;
 - (c) an IfA committee;
 - (d) any other person.
- 430 (2) The IfA may not authorise any of the functions under sections A2, A2A and A2E to A2I to be exercised on its behalf—
- (a) under sub-paragraph (1)(c), by a committee a majority of the members of which are not members of the IfA's staff, or
 - (b) under sub-paragraph (1)(d).
- 435 (3) The IfA may authorise the exercise on its behalf of functions that have been—
- (a) delegated to the IfA by directions under section ZA4, or
 - (b) conferred on the IfA by regulations under section ZA5, only if and to the extent that the directions or regulations so provide.

Supplementary powers

- 440 10 (1) The IfA may—
- (a) provide information or advice to any person in connection with any of the IfA's functions;
 - (b) co-operate or work jointly with any person where it is appropriate to do so for the efficient and effective performance of any of the IfA's functions;
 - (c) carry out research for the purposes of, or in connection with, the IfA's functions;
 - (d) do anything else that the IfA considers necessary or appropriate for the purposes of, or in connection with, its functions.
- 445
- 450
- (2) The power in sub-paragraph (1)(d) is subject to any restrictions imposed by or under any provision of any Act.
- (3) The IfA may not borrow money.
- 455 (4) The IfA may not, without the consent of the Secretary of State—
- (a) lend money,
 - (b) form, participate in forming or invest in a company, or
 - (c) form, participate in forming or otherwise become a member of a charitable incorporated organisation (within the meaning of section 69A of the Charities Act 1993).
- 460 (5) In sub-paragraph (4) the reference to investing in a company includes a reference to becoming a member of the company and to investing in it by the acquisition of any assets, securities or rights or otherwise.

Enterprise Bill [Lords], continued*Accounts and reports*

- 465 11 (1) The IfA must—
- (a) keep proper accounts and proper records in relation to its accounts, and
- (b) prepare in respect of each financial year a statement of accounts.
- 470 (2) Each statement of accounts must comply with any directions given by the Secretary of State as to—
- (a) the information to be contained in it,
- (b) the manner in which such information is to be presented, or
- 475 (2) (c) the methods and principles according to which the statement is to be prepared.
- (3) The IfA must send a copy of each statement of accounts to—
- (a) the Secretary of State, and
- (b) the Comptroller and Auditor General,
- 480 before the end of the month of August following the financial year to which the statement relates.
- (4) The Comptroller and Auditor General must—
- (a) examine, certify and report on each statement of accounts, and
- (b) send a copy of each report and certified statement to the
- 485 Secretary of State.
- (5) The Secretary of State must lay before Parliament—
- (a) a copy of each statement sent to the Secretary of State under sub-paragraph (3), and
- (b) a copy of each report and certified statement sent to the
- 490 Secretary of State under sub-paragraph (4).
- (6) “Financial year” has the meaning given by section ZA6(6) (annual and other reports).

Application of seal and proof of documents

- 495 12 (1) The application of the IfA’s seal must be authenticated by the signature of—
- (a) the chief executive, or
- (b) a member of the IfA who has been authorised by the IfA for that purpose (whether generally or specifically).
- (2) A document purporting to be duly executed under the IfA’s seal, or
- 500 signed on its behalf—
- (a) is to be received in evidence, and
- (b) is to be treated as executed or signed in that way, unless the contrary is proved.

Funding

- 505 13 (1) The Secretary of State may make grants to the IfA, or provide the IfA with any other kind of financial assistance, subject to any conditions that the Secretary of State considers appropriate.

Enterprise Bill [Lords], continued

- (2) The conditions may, in particular—
- 510 (a) enable the Secretary of State to require full or partial repayment of sums paid by the Secretary of State if any of the conditions are not complied with;
- (b) require the payment of interest in respect of any period during which a sum due to the Secretary of State in accordance with any of the conditions remains unpaid.”
- 515 10 In Schedule 1 to the Superannuation Act 1972, in the list of “Offices”, at the appropriate place insert—
“Non-executive member of the Institute for Apprenticeships.”
- 11 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities) at the appropriate place insert—
- 520 “The Institute for Apprenticeships.”

Member’s explanatory statement

This new Schedule establishes the Institute for Apprenticeships and makes provision about its functions.

As Amendments to Anna Soubry’s proposed New Schedule (NS2) —

Bill Esterson
Kevin Brennan

- (a)**
- Line 100, at end insert “including—
- (i) responses to any conclusions and recommendations of the select committee of the House of Commons with oversight of the Government Department responsible for apprenticeships;
- (ii) a report on the progress made in increasing the opportunities for disadvantaged groups to access apprenticeships under the frameworks.”

Member’s explanatory statement

This Amendment would ensure progress made in increasing the opportunities for disadvantaged groups to access apprenticeships under the frameworks was reported and monitored.

Bill Esterson
Kevin Brennan

- (b)**
- Line 103, at end insert “as well as to the Business, Innovation and Skills and Education Select Committees of the House of Commons and any relevant sub-committee.”

Member’s explanatory statement

This Amendment would confirm reports produced by the Institute for Apprenticeships are read and reviewed by the relevant committees listed and enable them to raise any issues arising directly with Ministers as from the relevant Select Committees.

Bill Esterson
Kevin Brennan

- (c)**
- Line 324, at end insert—
- “(1A) 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,

Enterprise Bill [Lords], continued

- (c) universities,
- (d) relevant trade unions and
- (e) local authorities.

(1B) 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.”

Member’s explanatory statement

Subsection (1A) is intended to ensure that there is a broad membership of the Board of the Institute, which encompasses and utilises the experience and expertise of all groups involved with, and crucial to, the successful promotion and delivery of apprenticeships. Subsection (1B) would lay a responsibility on the Board to encourage and expand opportunities for apprenticeships for BAME, people with disabilities and care leavers.

Bill Esterson
Kevin Brennan

NS3

To move the following Schedule—

“BODIES EXCLUDED FROM THE RESTRICTIONS ON PUBLIC SECTOR EXIT PAYMENTS

Payments made by the following bodies are excluded from the restrictions on public sector exit payments—

- (a) Sellafield Ltd
- (b) Westinghouse Springfields Fuels Ltd
- (c) Magnox Ltd
- (d) National Nuclear Laboratory
- (e) International Nuclear Services
- (f) Atomic Weapons Establishment Ltd
- (g) Low Level Waste Repository Ltd
- (h) Dounreay Site Restoration Ltd
- (i) RSRL Winfrith and
- (j) RSRL Harwell ”

Member’s explanatory statement

See amendment 123.

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

Enterprise Bill [Lords], continued

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).

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.

Enterprise Bill [*Lords*], continued

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.

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

94

Clause 39, page 55, line 28, at end insert—

“() Section (*The Institute for Apprenticeships: transitional provision*) extends to England and Wales.”

Member’s explanatory statement

This amendment provides for NC23 containing transitional provision relating to the Institute for Apprenticeships to extend to England and Wales.

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).

Enterprise Bill [Lords], continued

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.*

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.
-

Enterprise Bill [*Lords*], continued

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.
-

NOTICES WITHDRAWN*The following Notices were withdrawn on 24 February 2016:*NC13
