



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 4 February 2016

New Amendments handed in are marked thus ★

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

Amendments tabled since the last publication: 68-69

PUBLIC BILL COMMITTEE

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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 to be proposed by Anna Soubry.

Anna Soubry

That the Bill be considered in the following order, namely, 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.

Anna Soubry

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Enterprise Bill [*Lords*], *continued*

Bill Esterson
Kevin Brennan

33

- ☆ Clause 1, page 1, line 5, at end insert—
- “(1A) Her Majesty may by Letters Patent from time to time appoint a person to be the Commissioner.
- (1B) A person appointed to be the Commissioner shall hold office until the end of the period for which he is appointed.
- (1C) A person appointed to be the Commissioner may be—
- (a) relieved of office by Her Majesty at his own request, or
 - (b) removed from office by Her Majesty on the ground of gross misconduct.
- (1D) Her Majesty may declare the office of Commissioner to have been vacated if satisfied that the person appointed to be the Commissioner is incapable for medical reasons—
- (a) of performing the duties of his office; and
 - (b) of requesting to be relieved of it.
- (1E) A person appointed to be the Commissioner is not eligible for re-appointment.”

Member’s explanatory statement

This amendment would provide a level of independence for the Small Business Commissioner, adapted from the arrangements for the appointment of the Information Commissioner and the Parliamentary Commissioner for Administration who are appointed by the Crown following advice from both Houses of Parliament.

Bill Esterson
Kevin Brennan

37

- ☆ Clause 1, page 1, line 9, leave out paragraph (b) and insert—
- “(b) to consider complaints from small businesses relating to matters in connection with the supply of goods and services to—
- (i) larger businesses and
 - (ii) public authorities
- and to make recommendations.”

Member’s explanatory statement

This amendment would widen the consideration of complaints function to cover complaints from small businesses relating to matters in connection with the supply of goods and services to larger businesses and to public authorities (as defined in clause 13).

Bill Esterson
Kevin Brennan
Hannah Bardell

38

- ☆ Clause 1, page 1, line 11, at end insert—
- “(c) to consider complaints from small businesses relating to their access to finance, and, where the Commissioner considers it appropriate, to make recommendations to the Secretary of State about measures that should be taken to improve small businesses’ access to finance.”

Member’s explanatory statement

This amendment would extend the remit of the Commissioner to receive complaints about the access of small businesses to finance, and would enable the Commissioner to make recommendations to the Secretary of State about measures to improve small businesses’ access to finance.

 Enterprise Bill [*Lords*], continued

Bill Esterson
Kevin Brennan

39

- ☆ Clause 1, page 1, line 11, at end insert—
 “(2A) The complaints at subsection 2(b) include complaints from
 (a) small businesses relating to cash retentions and
 (b) construction firms regarding cash retention by companies.”

Member’s explanatory statement

This amendment would make it clear that the Small Business Commissioner’s remit included complaints from small businesses about cash retentions and from construction firms about cash retention by other companies.

Bill Esterson
Kevin Brennan

34

- ☆ Schedule 1, page 56, line 7, leave out paragraph 2

Member’s explanatory statement

This amendment in conjunction with amendment 33 would establish the Small Business Commissioner as an appointment by the Crown.

Bill Esterson
Kevin Brennan

35

- ☆ Schedule 1, page 56, line 19, leave out sub-paragraph (d)

Member’s explanatory statement

This amendment in conjunction with amendment 33 would establish the Small Business Commissioner as an appointment by the Crown.

Bill Esterson
Kevin Brennan

36

- ☆ Schedule 1, page 56, line 21, leave out sub-paragraph (e)

Member’s explanatory statement

This amendment would remove the Secretary of State’s powers to dismiss the Small Business Commissioner.

Bill Esterson
Kevin Brennan

40

- ☆ Clause 3, page 3, line 10, at end insert—

“(d) tax rates, allowances and thresholds of relevance to small business owners.”

Member’s explanatory statement

This amendment would extend the general information and advice that may be published by the Commissioner to include tax rates, allowances and thresholds of relevance to small businesses.

Enterprise Bill [Lords], continued

Bill Esterson
Kevin Brennan

41

- ☆ Clause 3, page 3, line 10, at end insert—

“(e) guidance on payday loan rates and their appropriateness.”

Member’s explanatory statement

This amendment would extend the general information and advice that may be published by the Commissioner to include information about payday loans.

Bill Esterson
Kevin Brennan
Hannah Bardell

42

- ☆ Clause 3, page 3, line 29, at end insert—

“(5A) The Commissioner may assist small businesses by taking an active and direct role in resolving, mediating or facilitating the resolution of disputes.”

Member’s explanatory statement

This amendment would give the Small Business Commissioner the power to take an active role in resolving, mediating or facilitating the resolution of disputes.

Bill Esterson
Kevin Brennan

43

- ☆ Clause 3, page 3, line 29, at end insert—

“(5B) The Commissioner must publish, or give to small businesses, general advice or information about the relationship between the Small Business Commissioner’s complaints scheme and any other legal remedy available to a complainant.”

Member’s explanatory statement

This amendment would require the Small Business Commissioner to give general advice or information to small businesses about the relationship between the Small Business Commissioner complaints scheme and any other legal remedies available.

Bill Esterson
Kevin Brennan

44

- ☆ Clause 3, page 3, line 43, at end insert—

“(9A) Where a recommendation is made under subsection (8), the Commissioner may take the relevant action in response to the recommendations where she sees fit.”

Member’s explanatory statement

This amendment would give the Small Business Commissioner the power to act directly on recommendations he has made.

Bill Esterson
Kevin Brennan

45

- ☆ Clause 3, page 4, line 9, leave out paragraph (c)

Member’s explanatory statement

This amendment would include public authorities in the definition of “larger business”, and therefore extend the Small Business Commissioner’s remit to include consideration of complaints by small businesses relating to public authorities.

Enterprise Bill [Lords], continued

Bill Esterson
Kevin Brennan
Hannah Bardell

47

- ☆ Clause 4, page 4, line 25, at end insert—

“or is made by a small business (“the complainant”) which has an agreement to supply, or has supplied or may supply, goods or services to another small or medium sized business (“the respondent”), which has the same meaning given by section 7(1) in the Small Business, Enterprise and Employment Act 2015.”

Member’s explanatory statement

This amendment would extend the Small Business Commissioner’s remit to complaints made by an SME against another, to which it is providing goods or services.

Bill Esterson
Kevin Brennan

48

- ☆ Clause 4, page 4, line 26, after “(4)” insert “or relates to allegations of unfair treatment or unfair contracts”

Member’s explanatory statement

This amendment would empower the Small Business Commissioner to investigate allegations of unfair treatment or unfair contracts.

Bill Esterson
Kevin Brennan

46

- ☆ Clause 4, page 4, line 27, at end insert—

“(3A) A relevant complaint may be made anonymously.”

Member’s explanatory statement

This amendment would enable the Commissioner to act on anonymous complaints from small businesses against a larger business.

Bill Esterson
Kevin Brennan

49

- ☆ Clause 4, page 4, line 27, at end insert—

“(3A) A “relevant complaint” at subsection (3) may be made anonymously by a small business (“the complainant”) which has an agreement to supply, or has supplied or may supply, goods or services to a larger business”

Member’s explanatory statement

This amendment would allow the Small Business Commissioner to be able to act on anonymous complaints.

Enterprise Bill [*Lords*], *continued*

Bill Esterson
Kevin Brennan

50

☆ Clause 5, page 5, line 35, at end insert—

“(3A) Where the respondent fails to provide information voluntarily the Commissioner may investigate the failure and can enforce compliance with information requests on contract terms.”

Member’s explanatory statement

This amendment would allow the Small Business Commissioner to investigate and require compliance with information requests on contract terms.

Bill Esterson
Kevin Brennan
Hannah Bardell

51

☆ Clause 5, page 5, line 37, at end insert—

“(4A) In enquiring into, considering and determining a complaint, the Commissioner must take all reasonable steps not to identify the complainant, unless the complainant consents.”

Member’s explanatory statement

This amendment would provide anonymity to complainants who raise a complaint with the Commissioner.

Bill Esterson
Kevin Brennan

52

☆ Clause 5, page 5, line 37, at end insert—

“(4A) In support of the consideration and determination of a complaint made under the Small Business Commissioner complaints scheme, the following bodies may be required to provide information or answer questions during the course of the Commissioner’s investigations—

- (a) Government departments,
- (b) local authorities,
- (c) public sector bodies, and
- (d) companies.”

Member’s explanatory statement

This amendment would require Government, local authorities and public sector bodies and companies to provide information or to answer questions when a complaint is made.

Bill Esterson
Kevin Brennan

53

☆ Clause 5, page 5, line 44, at end insert—

“(6A) A recommendation made under subsection (6) may be that the complainant and respondent enter mediation to resolve their dispute.

(6B) Where a party declines mediation the relevant party shall provide an outline to the Commissioner on costs relating to litigation.”

Member’s explanatory statement

This amendment would allow the Small Business Commissioner to recommend that the parties attend mediation and to make a commentary on costs in litigation where a party declines mediation.

Enterprise Bill [Lords], continued

Bill Esterson
Kevin Brennan

54

- ☆ Clause 5, page 6, line 10, at end insert—

“(12) On application by the Commissioner a court may declare an unfair contract term void.”

Member’s explanatory statement

This amendment would empower the courts on application from the Small Business Commissioner to declare void a contract term that is unfair.

Bill Esterson
Kevin Brennan

55

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

Member’s explanatory statement

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

Bill Esterson
Kevin Brennan

56

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

Member’s explanatory statement

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

Bill Esterson
Kevin Brennan

57

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

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

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

Member’s explanatory statement

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

Enterprise Bill [*Lords*], *continued*

Bill Esterson
Kevin Brennan
Hannah Bardell

58

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

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

- (i) small businesses against other businesses and
- (ii) small businesses against government departments.

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

Member’s explanatory statement

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

Bill Esterson
Kevin Brennan

59

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

Member’s explanatory statement

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

Bill Esterson
Kevin Brennan

60

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

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

Member’s explanatory statement

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

Bill Esterson
Kevin Brennan

61

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

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

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

Member’s explanatory statement

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

Enterprise Bill [*Lords*], continued

Bill Esterson
Kevin Brennan

62

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

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

(a) a nominal component, reflecting the total number of regulations, and

(b) a monetary component, reflecting the discounted cash flow.””

Member’s explanatory statement

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

Bill Esterson
Kevin Brennan

63

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

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

Member’s explanatory statement

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

Bill Esterson
Kevin Brennan

64

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

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

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

Member’s explanatory statement

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

Enterprise Bill [*Lords*], *continued*

Bill Esterson
Kevin Brennan

65

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

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

Member’s explanatory statement

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

Bill Esterson
Kevin Brennan

66

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

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

Member’s explanatory statement

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

Bill Esterson
Kevin Brennan

67

☆ Clause 15, page 14, line 6, at end insert—

- “(1A) A relevant regulator must give to the Small Business Commissioner any information that the Commissioner may from time to time request which relates to regulatory provisions and their impact on small businesses.”

Member’s explanatory statement

This amendment would impose a regulatory duty on regulators to provide information on request to the Commissioner, to aid the communication of key issues around productivity to SMEs and regulators.

Anna Soubry

1

Clause 19, page 17, line 40, leave out “Welsh ministerial” and insert “devolved Welsh”

Member’s explanatory statement

This amendment, amendments 3, 4, 6, 7 and 9 and subsections (1) and (2) of the new clause inserted by amendment NC2 replace references in the Regulatory Enforcement and Sanctions Act 2008, and in the amendments made by the Bill to that Act, to a Welsh ministerial matter with references to a devolved Welsh matter. Subsection (4) of the new clause inserted by amendment NC2 defines a “devolved Welsh matter” so that, in addition to Welsh ministerial matters, it also covers matters within the legislative competence of the National Assembly for Wales.

Enterprise Bill [Lords], continued

Anna Soubry

- 2**
- Clause 19, page 18, line 35, leave out “in Wales” and insert “in relation to Wales”
Member’s explanatory statement
This amendment, amendments 5 and 8 and subsection (3) of the new clause inserted by amendment NC2 replace references in the Regulatory Enforcement and Sanctions Act 2008, and in the amendments made by the Bill to that Act, to functions exercisable “in Wales” with references to functions exercisable “in relation to Wales”. This is consistent with the wording of section 108 of the Government of Wales Act 2006.

Anna Soubry

- 3**
- Clause 19, page 18, line 36, leave out “Welsh ministerial” and insert “devolved Welsh”
Member’s explanatory statement
See the explanatory statement for amendment 1.

Anna Soubry

- 4**
- Clause 19, page 28, line 20, leave out “Welsh ministerial” and insert “devolved Welsh”
Member’s explanatory statement
See the explanatory statement for amendment 1.

Anna Soubry

- 5**
- Clause 19, page 28, line 33, leave out “in Wales” and insert “in relation to Wales”
Member’s explanatory statement
See the explanatory statement for amendment 2.

Anna Soubry

- 6**
- Clause 19, page 28, line 34, leave out “Welsh ministerial” and insert “devolved Welsh”
Member’s explanatory statement
See the explanatory statement for amendment 1.

Anna Soubry

- 7**
- Clause 19, page 29, line 38, leave out “Welsh ministerial” and insert “devolved Welsh”
Member’s explanatory statement
See the explanatory statement for amendment 1.

Anna Soubry

- 8**
- Clause 19, page 30, line 8, leave out “in Wales” and insert “in relation to Wales”
Member’s explanatory statement
See the explanatory statement for amendment 2.

 Enterprise Bill [*Lords*], continued

Anna Soubry

9

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

Member’s explanatory statement

See the explanatory statement for amendment 1.

Anna Soubry

68

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

Member’s explanatory statement

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

Anna Soubry

69

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

Member’s explanatory statement

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

Anna Soubry

10

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

Member’s explanatory statement

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

Anna Soubry

11

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

Member’s explanatory statement

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

Anna Soubry

12

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

Member’s explanatory statement

See the explanatory statement for amendment 10.

Enterprise Bill [*Lords*], continued

Anna Soubry

13

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

Member’s explanatory statement

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

Anna Soubry

14

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

“() After subsection (7A) insert—

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

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

Member’s explanatory statement

See the explanatory statement for amendments 11 and 13.

Anna Soubry

15

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

““Welsh list” means—

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

Member’s explanatory statement

See the explanatory statement for amendment 10.

Anna Soubry

16

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

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

Member’s explanatory statement

This amendment and amendments 17 and 18 provide for regulations made by the Welsh Ministers under section 55 of the Local Government and Finance Act 1988 as amended by amendments 10 to 15 to be subject to procedure before the National Assembly for Wales equivalent to the procedure before Parliament which is required for corresponding regulations made by the Secretary of State under that section.

Enterprise Bill [*Lords*], *continued*

Anna Soubry

17

Clause 26, page 45, line 2, leave out from “is” to end of line 3 and insert “—

- (a) in the case of regulations relating to England, subject to annulment in pursuance of a resolution of either House of Parliament;
- (b) in the case of regulations relating to Wales, subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

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

Anna Soubry

18

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

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

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

Anna Soubry

30

☆ Clause 32, page 48, line 23, leave out Clause 32

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

Anna Soubry

31

☆ Page 49, line 16, leave out Clause 33

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

Anna Soubry

32

☆ Page 49, line 38, leave out Clause 34

Member’s explanatory statement*This amendment would remove Clause 34.*

Enterprise Bill [Lords], continued*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.

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);

Enterprise Bill [Lords], continued

- (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.

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;

Enterprise Bill [Lords], continued

- (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
 - (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;

Enterprise Bill [Lords], continued

“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.
- (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.

Enterprise Bill [Lords], continued**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 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.

Enterprise Bill [Lords], continued

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.

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.

Enterprise Bill [Lords], continued

- (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.

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

NC13

☆ To move the following Clause—

“Extending duty of care to the financial sector

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

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

Member's explanatory statement

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

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.

Enterprise Bill [Lords], continued

Bill Esterson
Kevin Brennan
Hannah Bardell

NC15

☆ To move the following Clause—

“Review of the Groceries Code Adjudicator

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

Member’s explanatory statement

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

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

Enterprise Bill [Lords], continued

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

Member’s explanatory statement

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

Bill Esterson
Kevin Brennan

NC18

☆ To move the following Clause—

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

The Regulatory Policy Committee shall have a duty to—

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

Member’s explanatory statement

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

Bill Esterson
Kevin Brennan

NC19

☆ To move the following Clause—

“Report on money laundering regulations

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

Member’s explanatory statement

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

Enterprise Bill [Lords], continued

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

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.

Enterprise Bill [Lords], continued

Anna Soubry

23

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

Member’s explanatory statement

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

Anna Soubry

24

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

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

Member’s explanatory statement

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

Anna Soubry

25

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

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

Member’s explanatory statement

This amendment provides for NC3 to have UK wide extent.

Anna Soubry

26

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

Member’s explanatory statement

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

Anna Soubry

27

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

Member’s explanatory statement

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

Anna Soubry

28

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

Member’s explanatory statement

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

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.*

ORDER OF THE HOUSE [2 FEBRUARY 2016]

That the following provisions shall apply to the Enterprise Bill [*Lords*]:*Committal*

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 25 February 2016.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in Legislative Grand Committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.
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