



SUPPLEMENT TO THE VOTES AND PROCEEDINGS

Wednesday 9 March 2016

REPORT STAGE PROCEEDINGS

ENTERPRISE BILL [*LORDS*], AS AMENDED

[SECOND SITTING]

*NEW CLAUSES AND NEW SCHEDULES RELATING TO SUNDAY TRADING AND WORKING;
AMENDMENTS TO PART 7*

Mr David Burrowes
Maria Caulfield
Caroline Ansell
William Wragg
Byron Davies
Martin Vickers

Derek Thomas
Sir Gerald Howarth
Adam Holloway
Mr David Jones
Jeremy Lefroy
Jonathan Reynolds
Mr Gavin Shuker
Derek Twigg
Jim Shannon
Albert Owen
Joan Ryan
Ian C. Lucas
Christian Matheson
Alex Cunningham
Mark Pritchard
Mr Jeffrey Donaldson
Andrew Rosindell
Mary Creagh
Mike Kane
Mr Gregory Campbell
John Pugh
Valerie Vaz

Mr Stewart Jackson
Karl McCartney
Mr Gary Streeter
Nadine Dorries
Fiona Bruce
Rob Ffello
John Mann
Kate Hoey
Rosie Cooper
Stephen Timms
Mr Ronnie Campbell
Mr Kevan Jones
Mr Andrew Smith
Yasmin Qureshi
Liz Saville Roberts
Ian Paisley
Frank Field
Heidi Allen
Meg Hillier
Mark Durkan
Mr Nigel Dodds

Mr Andrew Turner
Bob Blackman
Mrs Anne-Marie Trevelyan
Sir Roger Gale
Mr Christopher Chope
Barbara Keeley
Mr David Hanson
Stephen Doughty
Helen Goodman
Mary Glendon
Catherine McKinnell
Helen Jones
Mr Clive Betts
Diana Johnson
David Simpson
Mr David Lammy
Simon Danczuk
Mr Jim Cunningham
Gavin Robinson
Ms Margaret Ritchie
Caroline Flint

Agreed to on division 1

Clause 33, page 50, line 33, leave out subsections (1) to (4).

Enterprise Bill [*Lords*], continued

Mrs Caroline Spelman
 Robert Neill
 Derek Thomas
 Jeremy Lefroy
 Sammy Wilson

Not called 19

Clause 33, page 51, leave out lines 3 to 13 and insert—

“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 tourist zones (as defined in sub-paragraph (2)) in the authority’s area to be permitted to do either or both of the following—

(a) to open on Sundays falling between 21 March and 1 October and on the three Sundays before Christmas Day 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 Sundays falling between 21 March and 1 October and on the three Sundays before Christmas Day 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 only apply in relation to those parts of the authority’s area that is a “tourist zone” which is defined as—

(a) a retail area where tourists from outside the United Kingdom are responsible for a significant proportion of the retail sales, or

(b) a leisure and retail area, such as a coastal resort, which a significant number of tourists from outside the local authority area visit

and in deciding what is significant in either case the local authority shall have regard to guidance issued by the Secretary of State.”

Secretary Sajid Javid

Not moved 2

Clause 33, page 51, line 13, at end insert “(for example, a particular zone, district or street within the area)”

Secretary Sajid Javid

Agreed to 13

Schedule 5, page 91, line 25, at end insert—

“7A In section 48 (complaints to employment tribunals), after subsection (1) insert—

““1YA(1YA) A shop worker may present a complaint to an employment tribunal that he or she has been subjected to a detriment in contravention of section 45ZA.””

Enterprise Bill [*Lords*], continued

Secretary Sajid Javid

Agreed to 14

Schedule 5, page 91, line 46, at end insert—

“8A In section 108 (qualifying period of employment), in subsection (3) after paragraph (d) insert—

““4a(da) subsection (2) of section 101ZA applies (read with subsection (3) of that section) or subsection (4) of that section applies.””

**NEW CLAUSES AND NEW SCHEDULES RELATING TO THE PUBS CODE ADJUDICATOR
AND THE PUBS CODE; AMENDMENTS TO CLAUSES 39 AND 40; REMAINING
PROCEEDINGS ON CONSIDERATION**Greg Mulholland
Caroline Lucas
Rosie Cooper*Not called* NC10

To move the following Clause—

“Amendment to the Pubs Code: MRO tenancy

Pubs Code Regulations made under Part 4 of the Small Business, Enterprise and Employment Act 2015 must substitute for draft Regulation 21(2) as set out in the draft Regulations published by the Government on 4 December 2015 the following—

““2(1YA) The proposed MRO tenancy is for a period which is at least the remaining term.””

Ms Angela Eagle
Kevin Brennan
Bill Esterson
Chi Onwurah
Gordon Marsden
Greg Mulholland*Not called* 20

Clause 39, page 55, line 24, after “insert”, insert “which takes place after 1 June 2016 or, according to the notice of assessment, is due to take place after that date, irrespective of the date on which the notice of assessment was issued or received”

Enterprise Bill [*Lords*], *continued*

Ms Angela Eagle
 Bill Esterson
 Kevin Brennan
 Chi Onwurah
 Gordon Marsden

Not called NC1

To move the following Clause—

“Alternative dispute resolution and the production of documents to assist the process

- (1) Where the Commissioner finds during his investigation into a complaint that alternative dispute resolution is an appropriate remedy he may, by notice in writing, require the concerned parties—
 - (a) to attend alternative dispute resolution,
 - (b) to produce any document described in the notice that is in the custody or under the control of the party and that, in the opinion of the Commissioner, would assist the resolution of the complaint or dispute.
- (2) After receipt of a notice under subsection (1) a party must not—
 - (a) without reasonable excuse, refuse or fail to do anything required by the Commissioner under subsection (1), or
 - (b) alter, suppress or destroy any document that the Commissioner has required them by such a notice to produce.
- (3) A government department or local authority is not required to provide information under this section consisting of—
 - (a) tax records,
 - (b) personal information, or
 - (c) where it is in the overriding public interest not to disclose such information.”

Ms Angela Eagle
 Kevin Brennan
 Bill Esterson
 Chi Onwurah
 Gordon Marsden

Not called NC2

To move the following Clause—

“Business Rates: plant and machinery

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.”

Enterprise Bill [*Lords*], continued

Ms Angela Eagle
Kevin Brennan
Bill Esterson
Chi Onwurah
Gordon Marsden

Not called NC3

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 31 and 32.”

Ms Angela Eagle
Kevin Brennan
Bill Esterson
Chi Onwurah
Gordon Marsden

Not called NC5

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 per cent. 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 basic broadband, superfast broadband and mobile coverage technology on enterprise and growth in the rural economy.
 - (3) The report provided for in subsection (2) should be laid before both Houses of Parliament.”
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Enterprise Bill [Lords], continued

Ms Angela Eagle
Kevin Brennan
Bill Esterson
Chi Onwurah
Gordon Marsden

Not called NC6

To move the following Clause—

“The Board of the Institute for Apprenticeships

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.”

Hannah Bardell
Alan Brown

Not called NC7

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.

Enterprise Bill [Lords], continued

- (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 performance by the party carrying out construction operations of any or all of the latter’s obligations under the contract.”

Mr Iain Wright
Michelle Thomson
Jonathan Reynolds
Peter Kyle

Not called **NC9**

To move the following Clause—

“Business impact target: application to changes in taxation

- (1) The Small Business, Enterprise and Employment Act 2015 is amended as follows.
- (2) Omit section 22(4)(a).
- (3) Omit section 28(3)(a).”

Ms Angela Eagle
Bill Esterson
Kevin Brennan
Chi Onwurah
Gordon Marsden

Not called **10**

Clause **3**, page **4**, line **16**, leave out paragraph (c)

Enterprise Bill [Lords], continued

Ms Angela Eagle
 Bill Esterson
 Kevin Brennan
 Chi Onwurah
 Gordon Marsden

Not called 12

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

“(2) The Small Business Commissioner may require, in writing, the complainant, respondent or any third party to provide such information relating to the complaint as the Commissioner reasonably requires to investigate the complaint.

(2A) A government department or local authority is not required to provide information under this section insofar as they would include the disclosure of—

- (i) tax records,
- (ii) personal information, or
- (iii) where it is in the overriding public interest not to disclose such information requested under subsection (2).”

Ms Angela Eagle
 Bill Esterson
 Kevin Brennan
 Chi Onwurah
 Gordon Marsden

Not called 11

Clause 5, page 5, line 38, leave out subsection (2)

Caroline Lucas

Not called 21

Page 12, line 20, leave out Clause 14

Caroline Lucas

Not called 22

Clause 16, page 15, line 22, after “businesses” insert “and such other persons as the regulator considers appropriate”

Caroline Lucas

Not called 23

Clause 16, page 15, line 24, at end insert—

“(iii) of the effect mentioned in subsection (2) on the proper exercise of its relevant functions;”

Enterprise Bill [*Lords*], *continued*

Mark Field

Not called 24

☆ Clause 25, page 39, line 34, at end insert—

- “(2A) No offence is committed under subsection (1) where a person, solely at his or her own expense, offers a scheme, described as an “apprenticeship scheme”, which—
- (a) invites individuals with an interest in gaining an apprenticeship under a contract of employment to which subsection (2) applies to register with the scheme, and
 - (b) makes the interest of the individuals who have registered known to persons who may wish to offer such employment.”

Legislative Consent Motion England and Wales agreed to.

Legislative Consent Motion England agreed to.

Bill read a third time and passed with amendments.
