



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Wednesday 2 March 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: 13-14

CONSIDERATION OF BILL (REPORT STAGE)

ENTERPRISE BILL [*LORDS*], AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

NEW CLAUSE

Bill Esterson
Kevin Brennan

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.

Enterprise Bill [Lords], continued

- (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.”

Member’s explanatory statement

This New Clause would empower the Commissioner to compel the parties to a dispute to (a) attend mediation, if the Commissioner determines that alternative dispute resolution is an appropriate remedy to a complaint by a small business, and (b) produce documentation to assist the resolution of a complaint or dispute.

Bill Esterson
Kevin Brennan

10

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

Member’s explanatory statement

This amendment would remove the exclusion of complaints against public authorities from the Small Business Commissioner’s remit.

Bill Esterson
Kevin Brennan

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).”

Member’s explanatory statement

This amendment would empower the Commissioner to compel a complainant, larger business or a concerned third party to provide information to the Commissioner during the course of an investigation into a complaint.

Enterprise Bill [*Lords*], *continued*

Bill Esterson
Kevin Brennan

11

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

Member's explanatory statement

This amendment would remove the voluntary nature of providing information to the Commissioner when they request such information from a concerned party during the course of an investigation into a complaint.

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 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

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

1

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

Secretary Sajid Javid

2

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

Member's explanatory statement

This clarifying amendment provides examples of how a consent notice might relate to part only of an authority's area.

Secretary Sajid Javid

3

- ☆ Clause 41, page 58, line 7, at end insert—

“() by the Welsh Ministers, in relation to relevant Welsh exit payments;”

Member's explanatory statement

This amendment confers power on the Welsh Ministers (instead of the Treasury) to make regulations under new section 153A of the Small Business, Enterprise and Employment Act 2015

Enterprise Bill [*Lords*], continued

restricting the total amount of exit payments made to the holder of an office in Wales mentioned in amendment 5.

Secretary Sajid Javid

4

☆ Clause 41, page 58, line 27, at end insert—

“() if made by the Welsh Ministers, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, the National Assembly for Wales.”

Member’s explanatory statement

This amendment provides for the procedure in the National Assembly for Wales in relation to regulations under new section 153A made by the Welsh Ministers (see explanatory statement for amendment 3).

Secretary Sajid Javid

5

☆ Clause 41, page 58, line 32, at end insert—

“() In this section “relevant Welsh exit payments” means exit payments made to holders of the following offices—

- (a) member of the National Assembly for Wales;
- (b) the First Minister for Wales;
- (c) Welsh Minister appointed under section 48 of the Government of Wales Act 2006;
- (d) Counsel General to the Welsh Government;
- (e) Deputy Welsh Minister;
- (f) member of a county council or a county borough council in Wales;
- (g) member of a National Park Authority in Wales;
- (h) member of a Fire and Rescue Authority in Wales.”

Member’s explanatory statement

This amendment specifies the offices in Wales in relation to which the Welsh Ministers can make regulations under new section 153A (see explanatory statement for amendment 3).

Secretary Sajid Javid

6

☆ Clause 41, page 58, line 37, at end insert—

“(2A) The Welsh Ministers may relax any restriction imposed by regulations made by the Welsh Ministers under section 153A.”

Member’s explanatory statement

This amendment ensures that the Welsh Ministers have power to relax restrictions imposed by them under new section 153A (see explanatory statement for amendment 3).

Secretary Sajid Javid

7

☆ Clause 41, page 59, line 1, at beginning insert “except in relation to exit payments made by a relevant Welsh authority,”

Member’s explanatory statement

This amendment ensures that the Treasury are not able to impose limitations on the power of the Welsh Ministers to relax certain restrictions imposed by Treasury regulations (see explanatory statement for amendment 8).

Enterprise Bill [*Lords*], *continued*

Secretary Sajid Javid

8

☆ Clause 41, page 59, leave out lines 18 to 24 and insert—

- “(6) Regulations under section 153A made by the Welsh Ministers may—
- (a) make provision for the power under subsection (2A) to be exercisable on behalf of the Welsh Ministers by a person specified in the regulations;
 - (b) where provision is made by virtue of paragraph (a), make provision for a requirement to be relaxed only—
 - (i) with the consent of the Welsh Ministers, or
 - (ii) following compliance with any directions given by the Welsh Ministers;
 - (c) make provision as to the publication of information about any relaxation of a requirement granted.
- (6A) Regulations made by the Treasury under section 153A(1)—
- (a) must, if they make provision in relation to exit payments made by a relevant Welsh authority, provide for the power conferred on a Minister of the Crown by subsection (1) to be exercised instead by the Welsh Ministers in relation to those exit payments;
 - (b) may provide for the power conferred on a Minister of the Crown by subsection (1) to be exercised instead by the Welsh Ministers in relation to exit payments made by any other authority who is not a relevant Welsh authority but who wholly or mainly exercises functions in relation to Wales (but this does not limit the provision that may be made under subsection (4)(a)).”

Member’s explanatory statement

This amendment allows the Welsh Ministers to provide for another person to relax on their behalf restrictions imposed by them under new section 153A (see explanatory statement for amendment 6). It also requires the Treasury to provide for the Welsh Ministers to be able to relax certain restrictions imposed by Treasury regulations, and gives the Treasury power so to provide in relation to other such restrictions.

Secretary Sajid Javid

9

☆ Clause 41, page 59, line 26, at end insert—

““relevant Welsh authority” means an authority who wholly or mainly exercises functions which could be conferred by provision falling within the legislative competence of the National Assembly for Wales (as defined in section 108 of the Government of Wales Act 2006).”

Member’s explanatory statement

This amendment defines “relevant Welsh authority” for the purposes of the provisions inserted by amendments 7 and 8.



Enterprise Bill [*Lords*], *continued*

Secretary Sajid Javid

13

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

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

“(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.””

Member’s explanatory statement

This amendment is consequential on new section 45ZA of the Employment Rights Act 1996 (inserted by paragraph 7 of Schedule 5 to the Bill) and ensures that a shop worker can present a complaint to an employment tribunal in connection with a detriment suffered in contravention of that section.

Secretary Sajid Javid

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—

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

Member’s explanatory statement

This amendment is consequential on new section 101ZA of the Employment Rights Act 1996 (inserted by paragraph 8 of Schedule 5 to the Bill) and ensures that the two year qualifying period of employment for unfair dismissal cases will not apply in relation to cases involving a refusal to work additional hours on Sunday or the giving of an objection notice to working such hours.

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.

Enterprise Bill [*Lords*], *continued*

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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