
Committee Stage: Tuesday 26 October 2021

Subsidy Control Bill (Amendment Paper)

This document lists all amendments tabled to the Subsidy Control Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

New Amendments: 6 to 22

Resolution of the Programming Sub-Committee

The Programming Sub-Committee appointed by the Speaker in respect of the Bill agreed the following Resolution at its meeting on Monday 25 October (Standing Order 83C):

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 26 October) meet—
 - (a) at 2.00 pm on Tuesday 26 October;
 - (b) at 11.30 am and 2.00 pm on Thursday 28 October;
 - (c) at 9.25 am and 2.00 pm on Tuesday 2 November;
 - (d) at 11.30 am and 2.00 pm on Thursday 4 November;
 - (e) at 9.25 am and 2.00 pm on Tuesday 16 November;
 - (f) at 11.30 am and 2.00 pm on Thursday 18 November;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Tuesday 26 October	Until no later than 10.30 am	Industrial Communities Alliance; Convention of Scottish Local Authorities
Tuesday 26 October	Until no later than 11.25 am	Institute for Government; Professor Stephanie Rickard, London School of Economics
Tuesday 26 October	Until no later than 2.30 pm	Institute of Directors
Tuesday 26 October	Until no later than 3.00 pm	Monckton Chambers
Tuesday 26 October	Until no later than 3.40 pm	DWF Group; UK Steel

Date	Time	Witness
Tuesday 26 October	Until no later than 4.00 pm	Daniel Greenberg, House of Commons Counsel for Domestic Legislation
Tuesday 26 October	Until no later than 4.30 pm	Competition and Markets Authority
Tuesday 26 October	Until no later than 5.00 pm	Ivan McKee, Scottish Government Minister for Business, Trade, Tourism and Enterprise

(3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 9; Schedules 1 and 2; Clauses 10 to 78; Schedule 3; Clauses 79 to 92; new Clauses; new Schedules; remaining proceedings on the Bill;

(4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 18 November.

Paul Scully has given notice of his intention to make a motion in the terms of the Resolution of the Programming Sub-Committee (Standing Order No. 83C)

Paul Scully

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

Paul Scully

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

Seema Malhotra

6

★ Schedule 1, page 51, line 8, after “concerns” insert “and areas of deprivation”

Member’s explanatory statement

This amendment includes areas of deprivation as an example of the equity rationales that subsidies should address.

Seema Malhotra

7

- ★ Schedule 1, page 52, line 6, at end insert—

“(c) the United Kingdom reaching its net-zero commitments.”

Member’s explanatory statement

This amendment adds the impact on the UK’s net-zero commitments as a particular consideration for public authorities before deciding whether to give a subsidy.

Seema Malhotra

8

- ★ Schedule 2, page 52, line 16, at end insert—

“(c) delivering the UK’s net-zero commitments.”

Member’s explanatory statement

This amendment would ensure that subsidies related to energy and the environment incentivise the beneficiary to help deliver the UK’s net-zero targets.

Seema Malhotra

9

- ★ Clause 10, page 6, line 30, leave out paragraph (a) and insert—

“(a) is made by—

- (i) a Minister of the Crown,
- (ii) the Welsh Ministers,
- (iii) the Scottish Ministers, or
- (iv) a Northern Ireland department; and”

Member’s explanatory statement

This amendment would extend the power to make streamlined subsidy schemes to the Devolved Administrations.

Kirsty Blackman

16

- ★ Clause 10, page 6, line 30, after “Crown” insert “, or other primary public authority, as defined in subsection (3),”

Member’s explanatory statement

The purpose of this amendment is to allow the Scottish Ministers, Welsh Ministers and relevant Northern Ireland department, as well as other public authorities, to make streamlined subsidy schemes.

Seema Malhotra

10

★ Clause 10, page 6, line 32, at end insert—

“(4A) A streamlined subsidy scheme may be made, in particular, for the purposes of providing support to areas of deprivation.”

Member’s explanatory statement

This amendment would clarify that streamlined subsidy schemes may be made for the purposes of supporting areas of deprivation.

Seema Malhotra

12

★ Clause 11, page 7, line 8, at end insert—

“(4) Before making regulations under this section, the Secretary of State must seek the consent of the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland.

(5) If consent to the making of the regulations is not given by any of those authorities within the period of one month beginning with the day on which it is sought from that authority, the Secretary of State may make the regulations without that consent.

(6) If regulations are made in reliance on subsection (5), the Secretary of State must make a statement to the House of Commons explaining why the Secretary of State decided to make the regulations without the consent of the authority or authorities concerned.”

Member’s explanatory statement

This amendment would require the Secretary of State to seek the consent of the Devolved Administrations before making regulations under this section. Where such consent is not given within one month, the Secretary of State may make the regulations without that consent, but must make a statement to the House of Commons explaining their decision.

Seema Malhotra

11

★ Clause 11, page 7, line 40, at end insert—

“(1A) Regulations under this section must be made by no later than three months after this Act receives Royal Assent”.

Member’s explanatory statement

This amendment would require the Secretary of State to make regulations giving the meaning of

“subsidy, or subsidy scheme, of interest” and “subsidy, or subsidy scheme, of particular interest” no later than three months following Royal Assent.

Kirsty Blackman

17

- ★ Clause 13, page 7, line 30, leave out “in relation to energy and environment”

Member’s explanatory statement

This amendment would require public authorities to consider energy and environment principles when giving any subsidies, not just those related to energy and environment.

Seema Malhotra

13

- ★ Clause 18, page 10, line 13, at end insert—

“(3A) This section shall not come into force until the Secretary of State has laid before Parliament a report complying with subsection (3B).

(3B) The report must explain how the prohibition established in this section is consistent with—

- (a) reducing deprivation across the United Kingdom; and
- (b) the Government’s policy on the establishment of freeports in the United Kingdom”.

Member’s explanatory statement

This amendment would mean that the prohibition in clause 18 does not come into force until the Secretary of State has laid before Parliament a report explaining how that prohibition is consistent with reducing deprivation across the UK and the Government’s freeports policy.

Seema Malhotra

14

- ★ Clause 19, page 10, line 29, after “exceptional circumstances” insert “including the protection of critical national infrastructure and industries of strategic national importance,”

Member's explanatory statement

This amendment clarifies that protecting critical national infrastructure and industries of strategic national importance may constitute exceptional circumstances.

Seema Malhotra

15

- ★ Clause 20, page 11, line 15, after "exceptional circumstances" insert "including the protection of national security and industries of strategic national importance".

Member's explanatory statement

This amendment clarifies that protecting critical national infrastructure and industries of strategic national importance may constitute exceptional circumstances.

Kirsty Blackman

18

- ★ Clause 33, page 17, line 26, leave out "six months" and insert "one month"

Member's explanatory statement

This amendment would reduce the length of time public authorities have to enter a subsidy in the database from six months to one month.

Kirsty Blackman

19

- ★ Clause 34, page 18, line 12, leave out "may, in particular," and insert "must"

Member's explanatory statement

This amendment seeks to ensure the Secretary of State will include all these measures in the regulations.

Kirsty Blackman

20

- ★ Clause 34, page 18, line 27, at end insert—
 "(j) any other matter which the Secretary of State deems necessary"

Member's explanatory statement

This amendment is linked to amendment 19.

Kirsty Blackman

21

★ Clause 34, page 18, line 27, at end insert—

“(j) the purpose of the subsidy”.

Member's explanatory statement

This amendment would allow the Secretary of State to include a requirement in regulations that a public authority's entry in the database details the purpose of the subsidy.

Kirsty Blackman

22

★ Clause 34, page 18, line 35, leave out subsection (4) and insert—

“(4) Regulations to be made under this section for the first time are subject to the affirmative procedure.

(5) Any subsequent regulations made under this section are subject to the negative procedure.”

Member's explanatory statement

This amendment would have the regulations be considered under the affirmative procedure, in the first instance, and the negative procedure for any future tweaks.

Paul Scully

1

Clause 48, page 26, line 42, at end insert—

“(1A)In subsection (1), the reference to the subsidy control requirements, so far as it relates to subsection (1)(a), does not include the requirements as to transparency in Chapter 3 of Part 2, except in relation to—

- (a) subsidies given that are subject to the provisions of Part IV or Annex 2 of the Agreement on Agriculture;
- (b) subsidies given in relation to trade in fish and fish products;
- (c) subsidies given in relation to the audiovisual sector.”

Member's explanatory statement

This amendment provides that the transparency requirements in Chapter 3 of Part 2 apply to subsidies under legacy schemes, subject to exemptions relating to agriculture, fish and the audiovisual sector.

Paul Scully

2

Clause 48, page 27, line 9, at end insert—

“(4) In this section “the Agreement on Agriculture” means the Agreement on Agriculture, contained in Annex 1A to the Marrakesh Agreement Establishing the World Trade Organization, done at Marrakesh on 15 April 1994 (read with any adjustments necessary for context).”

Member’s explanatory statement

This amendment is consequential on Amendment 1 and provides a definition of the Agreement on Agriculture.

Paul Scully

3

Clause 54, page 30, line 8, leave out “on or”

Member’s explanatory statement

This amendment ensures that a public authority may give a subsidy after the reporting period expires, but not on the final day of that period.

Paul Scully

4

Clause 62, page 35, line 40, leave out paragraph (b)

Member’s explanatory statement

This amendment modifies the content of the CMA’s post-award report to ensure consistency with the content of the pre-award report required under clause 59.

Paul Scully

5

Clause 64, page 36, line 22, leave out paragraph (k)

Member’s explanatory statement

This amendment omits the exemption for subsidies, or subsidy schemes, relating to nuclear energy from the referral requirements of Chapter 1 of Part 4.

Order of the House

[22 September 2021]

That the following provisions shall apply to the Subsidy Control Bill:

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 18 November 2021.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and Third Reading

4. Proceedings on Consideration 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 on Consideration 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 Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
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