
Committee Stage: Thursday 18 November 2021

Subsidy Control Bill

(Committee Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at committee stage. A glossary with key terms can be found at the end of this document.

First to Twelfth Sittings

FIRST AND SECOND SITTINGS

Agreed to

Paul Scully

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
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

Date	Time	Witness
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

Agreed to

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

Agreed to

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

The following Witnesses gave oral evidence:

Professor Steve Fothergill, National Director, Industrial Communities Alliance, and Professor in the Centre for Regional Economic and Social Research, Sheffield Hallam University

Dr Serafin Pazos-Vidal, Head of Brussels Office, Convention of Scottish Local Authorities

Thomas Pope, Deputy Chief Economist, Institute for Government

Professor Stephanie Rickard, Professor of Political Science, London School of Economics

Dr Roger Barker, Director of Policy and Corporate Governance, Institute of Directors

George Peretz QC, Monckton Chambers

Jonathan Branton, Partner, Head of Public Sector, Head of EU Competition, Leeds, DWF Group

Alexander Rose, Director, Newcastle, DWF Group

Richard Warren, Head of Policy and External Affairs, UK Steel

Daniel Greenberg CB, Parliamentary Counsel for Domestic Legislation, House of Commons

Rachel Merelie, Senior Director for the Office of the Internal Market, Competition and Markets Authority

Ivan McKee MSP, Scottish Government Minister for Business, Trade, Tourism and Enterprise, Scottish Government

THIRD AND FOURTH SITTINGS

Clauses 1 to 9 agreed to.

Seema Malhotra
Bill Esterson

Withdrawn after debate **6**

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

Seema Malhotra
Bill Esterson
Kirsty Blackman
Stephen Flynn

Negatived on division **7**

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

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

Schedule agreed to.

Seema Malhotra **Negated on division** 8
 Bill Esterson
 Kirsty Blackman
 Stephen Flynn

Schedule 2, page 52, line 15, at end insert—
 “(c) delivering the UK’s net-zero commitments.”

Schedule agreed to.

Seema Malhotra **Negated on division** 9
 Bill Esterson

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”

Kirsty Blackman **Not called** 16
 Stephen Flynn

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

Seema Malhotra **Withdrawn after debate** 10
 Bill Esterson

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.”

Clause agreed to.

Seema Malhotra **Withdrawn after debate** 11
Bill Esterson

Clause 11, page 6, 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”.

Seema Malhotra **Negatived on division** 12
Bill Esterson

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.”

Clause agreed to.

Clause 12 agreed to.

Kirsty Blackman **Withdrawn after debate** 17
Stephen Flynn

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

Clause agreed to.

Clauses 14 to 17 agreed to.

Seema Malhotra **Negatived on division** 13
Bill Esterson

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”.

Clause agreed to.

Seema Malhotra
Bill Esterson

Withdrawn after debate 14

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

Clause agreed to.

Seema Malhotra
Bill Esterson

Not called 15

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

Clause agreed to.

Clauses 21 to 31 agreed to.

FIFTH AND SIXTH SITTINGS

Seema Malhotra
Bill Esterson

Negated on division 34

Clause 32, page 17, line 10, at end insert—

- “(c) the subsidy database is subject to routine audit to verify the accuracy and completeness of entries.”

Clause agreed to.

Seema Malhotra Bill Esterson	Withdrawn after debate	35
Clause 33, page 17, line 18, leave out subsection (2)		
Kirsty Blackman Stephen Flynn	Not called	32
Clause 33, page 17, line 21, leave out "£500,000" and insert "£100,000"		
Kirsty Blackman Stephen Flynn	Withdrawn after debate	26
Clause 33, page 17, line 24, leave out "one year" and insert "three months"		
Seema Malhotra Bill Esterson	Not called	37
Clause 33, page 17, line 24, leave out from "measure," to "or" in line 25 and insert "as soon as practicable, or within one month, beginning with the date of the tax declaration, whichever is sooner"		
Kirsty Blackman Stephen Flynn	Not called	18
Clause 33, page 17, line 26, leave out "six months" and insert "one month"		
Seema Malhotra Bill Esterson	Not called	38
Clause 33, page 17, line 26, leave out from "form," to "scheme." and insert "as soon as practicable, or within one month, whichever is sooner."		
Kirsty Blackman Stephen Flynn	Not called	27
Clause 33, page 17, line 27, at end insert—		
<p style="padding-left: 40px;">“(3A) Before this section comes into force, the Secretary of State must make regulations defining the term “tax declaration” in subsection (3)(b).”</p>		

<p>Seema Malhotra Bill Esterson</p>	<p>Not called</p>	<p>39</p>
<p>Clause 33, page 17, line 27, at end insert—</p> <p style="padding-left: 40px;">“(3A) A public authority must ensure that all entries made under this section are accurate and complete”</p>		
<p>Seema Malhotra Bill Esterson</p>	<p>Withdrawn after debate</p>	<p>36</p>
<p>Clause 33, page 18, line 7, leave out “negative” and insert “affirmative”</p> <p><i>Clause agreed to.</i></p>		
<hr style="width: 20%; margin: 20px auto;"/>		
<p>Seema Malhotra Bill Esterson</p>	<p>Negated on division</p>	<p>40</p>
<p>Clause 34, page 18, line 9, leave out “may” and insert “must”</p>		
<p>Kirsty Blackman Stephen Flynn</p>	<p>Negated on division</p>	<p>19</p>
<p>Clause 34, page 18, line 12, leave out “may, in particular,” and insert “must”</p>		
<p>Seema Malhotra Bill Esterson</p>	<p>Not called</p>	<p>41</p>
<p>Clause 34, page 18, line 12, leave out from “The” to “particular,” and insert “Regulations made under subsection (1) must”</p>		
<p>Kirsty Blackman Stephen Flynn</p>	<p>Not called</p>	<p>20</p>
<p>Clause 34, page 18, line 27, at end insert—</p> <p style="padding-left: 40px;">“(j) any other matter which the Secretary of State deems necessary”</p>		
<p>Kirsty Blackman Stephen Flynn</p>	<p>Not called</p>	<p>21</p>
<p>Clause 34, page 18, line 27, at end insert—</p> <p style="padding-left: 40px;">“(j) the purpose of the subsidy”.</p>		

Seema Malhotra **Negated on division** 43
Bill Esterson

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

“(j) the date the subsidy or scheme was entered onto the database.”

Seema Malhotra **Not called** 42
Bill Esterson

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

“(3A) The Secretary of State may by regulations make provision about further information that must be included in a public authority’s entry in the subsidy database in relation to a subsidy or subsidy scheme.”

Seema Malhotra **Not called** 44
Bill Esterson

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

- “(d) the date the public authority confirms the decision to give each subsidy under the scheme;
(e) the duration of each subsidy under the scheme;
(f) any time limits or other conditions attached to the use of each subsidy under the scheme;
(g) the amount of each subsidy or the amount budgeted for each subsidy under the scheme;
(h) the date each subsidy under the scheme was published.”

Kirsty Blackman **Withdrawn after debate** 22
Stephen Flynn

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.”

Clause agreed to.

Clause 35 agreed to.

Kirsty Blackman **Negatived on division** 33
Stephen Flynn

Clause 36, page 19, line 17, after “requirements” insert “with the exception of duties under section 33,”

Clause agreed to on division.

Clauses 37 to 40 agreed to.

Clause 41 agreed to on division.

Seema Malhotra **Negatived on division** 45
Bill Esterson

Clause 42, page 23, line 43, at end insert—

“(1A) Before making regulations under subsection (1), the Secretary of State must seek the consent of the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland.

(1B) If consent to the making of the regulations under subsection 11(A) is not given by any of those authorities listed in subsection (1A) 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.

(1C) If regulations are made in reliance on subsection 1(6B5), 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”

Clause agreed to.

Seema Malhotra **Withdrawn after debate** 46
Bill Esterson

Clause 43, page 25, line 16, at end insert—

“(3A) The Scottish Ministers, the Welsh Ministers, and a Northern Ireland department may request the Secretary of State to declare a natural disaster or another exceptional circumstance in Scotland, Wales, and Northern Ireland.

(3B) If the Secretary of State refuses a request made under section (3A), he must make a statement in the House of Commons outlining the reasons for his refusal.”

Clause agreed to.

Clauses 44 to 47 agreed to.

Paul Scully **Agreed to** **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.”

Seema Malhotra **Negated on division** **47**
Bill Esterson

Clause 48, page 27, line 6, at end insert—

“(2A) On the date on which the Act is passed, the Secretary of State must make a statement to the House of Commons regarding the applicability of Article 10 of the Northern Ireland Protocol to subsidies given and schemes made by public authorities in each part of the United Kingdom.”

Paul Scully **Agreed to** **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).”

Clause, as amended, agreed to on division.

Clauses 49 to 51 agreed to.

SEVENTH AND EIGHTH SITTINGS

Kirsty Blackman **Withdrawn after debate** **28**
 Stephen Flynn

Clause 52, page 28, line 10, at end insert—

- “(c) where the granting authority for a subsidy scheme is the Government department responsible for the operation of the subsidy control regime, or
- (d) where the granting authority for a subsidy is the Government department responsible for the operation of the subsidy control regime and the subsidy value is over £2 million.”

Clause agreed to.

Clause 53 agreed to.

Paul Scully **Agreed to** **3**
 Clause 54, page 30, line 8, leave out “on or”

Seema Malhotra **Withdrawn after debate** **48**
 Bill Esterson
 Clause 54, page 30, line 10, leave out “Secretary of State” and insert “CMA”

Seema Malhotra **Withdrawn after debate** **50**
 Bill Esterson
 Clause 54, page 30, line 18, at end insert—
 “(5A) The Secretary of State must by regulations define “serious deficiencies” for the purposes of this section.”

Seema Malhotra **Not called** **51**
 Bill Esterson
 Clause 54, page 30, line 26, after “subsection” insert “(5A),”
Clause, as amended, agreed to.

Seema Malhotra **Negatived on division** 52
Bill Esterson

Clause 55, page 30, line 29, after "Secretary of State" insert ", the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland"

Clause agreed to.

Clauses 56 to 58 agreed to.

Seema Malhotra **Negatived on division** 53
Bill Esterson

Clause 59, page 33, line 13, leave out paragraph (a)

Seema Malhotra **Not called** 54
Bill Esterson

Clause 59, page 33, line 17, leave out subsection (6)

Clause agreed to.

Seema Malhotra **Negatived on division** 55
Bill Esterson

Clause 60, page 33, line 20, after "Secretary of State" insert ", the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland"

Seema Malhotra **Withdrawn after debate** 56
Bill Esterson

Clause 60, page 33, line 27, at end insert—

"(c) that there is a risk of negative effects on competition or investment between the United Kingdom and a territory or country outside the United Kingdom."

Seema Malhotra
Bill Esterson

Not called 57

Clause 60, page 34, line 1, leave out paragraphs (a) and (b) and insert "the day on which the subsidy is given or the scheme is made."

Clause agreed to.

Seema Malhotra
Bill Esterson

Withdrawn after debate 58

Clause 61, page 34, line 23, after "section 60" insert ", or makes a decision to investigate under section [*Post-award investigations*],"

Clause agreed to.

Paul Scully

Agreed to 4

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

Clause, as amended, agreed to.

Clause 63 agreed to on division.

Seema Malhotra
Bill Esterson

Negatived on division 59

Clause 64, page 36, line 11, leave out paragraphs (a) and (b)

Paul Scully

Agreed to 5

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

Seema Malhotra **Not called** 60
Bill Esterson

Clause 64, page 36, line 29, leave out subsections (3), (4), (5) and (6)

Clause, as amended, agreed to.

NINTH AND TENTH SITTINGS

Kirsty Blackman **Negatived on division** 29
Stephen Flynn

Clause 65, page 37, line 12, leave out "fifth" and insert "second"

Seema Malhotra **Not called** 61
Bill Esterson

Clause 65, page 37, line 12, leave out "fifth" and insert "third"

Kirsty Blackman **Not called** 30
Stephen Flynn

Clause 65, page 37, line 14, leave out "five years" and insert "one year"

Seema Malhotra **Not called** 62
Bill Esterson

Clause 65, page 37, line 14, leave out "five" and insert "three"

Seema Malhotra **Negatived on division** 63
Bill Esterson

Clause 65, page 37, line 16, at end insert—

"(4A) In preparing any report under this section, the CMA must consult—

- (a) the Secretary of State;
- (b) the Scottish Ministers;
- (c) the Welsh Ministers; and
- (d) the Department of Economy in Northern Ireland."

Seema Malhotra **Not called** **64**
 Bill Esterson

Clause 65, page 37, line 27, at end insert—

“(7A) The CMA must arrange for a copy of a report prepared under this section to be laid before the Scottish Parliament, Senedd Cymru and the Northern Ireland Assembly.”

Seema Malhotra **Withdrawn after debate** **65**
 Bill Esterson

Clause 65, page 37, line 27, at end insert—

“(7A) Within 30 working days of a report being laid under subsection (7), the Secretary of State must make a statement to the House of Commons explaining what action will be taken to remedy any deficiencies in the effectiveness of the operation of the Act or impact of the operation of the Act on competition and investment within the United Kingdom identified by the CMA.”

Clause agreed to.

Seema Malhotra **Withdrawn after debate** **66**
 Bill Esterson

Clause 66, page 37, line 40, at end insert—

- “(d) the proportion of subsidies and schemes in each of paragraphs (a), (b) and (c) in relation to which the CMA found that the public authority’s assessment under section 52(2)(d) or 56(2)(d) required improvement;
- (e) the proportion of subsidies and schemes in each of paragraphs (a), (b) and (c) in relation to which the CMA identified a risk of negative effects on competition or investment within the United Kingdom;
- (f) information on the geographical allocation of subsidies, including the total value of subsidies subject to mandatory and voluntary notification in the preceding 12 months that have been awarded to enterprises in each nation, region and local authority within the United Kingdom;
- (g) the number of extensions to the reporting period made under section 53(6) at the request of the CMA and the average number of days of those extensions;
- (h) the number of voluntary referrals made under section 56(1);and
- (i) the number of those voluntary referrals in relation to which the CMA has given notice under section 57(2) that it has decided not to prepare a report .”

Clause agreed to.

Clause 67 agreed to.

Seema Malhotra	Negatived on division	67
Bill Esterson		

Clause 68, page 38, line 39, at end insert—

“(3A) The Chair of the CMA Board may appoint up to three non-executive members to the Subsidy Advice Unit established under subsection (1) in order to ensure that the Unit includes least one person with relevant experience in relation to each of Wales, Scotland and Northern Ireland.”

Seema Malhotra	Not called	68
Bill Esterson		

Clause 68, page 38, line 41, at end insert “or persons appointed under subsection (3A).”

Seema Malhotra	Not called	69
Bill Esterson		

Clause 68, page 38, line 41, at end insert—

“(4A) Before making an appointment to the Subsidy Advice Unit, the CMA must seek the consent of the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland.”

Clause agreed to.

Clause 69 agreed to.

Seema Malhotra	Withdrawn after debate	72
Bill Esterson		

Clause 70, page 39, line 30, leave out subsection (2)

Seema Malhotra **Withdrawn after debate** 70
Bill Esterson

Clause 70, page 40, line 9, leave out “whose interests may be affected by” and insert “who has sufficient interest in”

Kirsty Blackman **Negatived on division** 23
Stephen Flynn

Clause 70, page 40, line 12, at end insert—

- “(c) the Welsh Ministers,
- (d) the Scottish Ministers, or
- (e) a Northern Ireland department;”

Seema Malhotra **Not called** 71
Bill Esterson

Clause 70, page 40, line 12, at end insert—

- “(c) the Scottish Ministers,
- (d) the Welsh Ministers, or
- (e) the Department for the Economy in Northern Ireland.”

Clause agreed to.

Seema Malhotra **Withdrawn after debate** 74
Bill Esterson

Clause 71, page 40, line 31, at beginning insert “Except where subsection (1A) applies,”

Seema Malhotra **Withdrawn after debate** 73
Bill Esterson

Clause 71, page 40, line 33, leave out “one month” and insert “three months”

Seema Malhotra **Not called** 75
Bill Esterson

Clause 71, page 40, line 33, at end insert—

- “(1A) Where a public authority has not complied with its duties under section 33(1), an application to the Tribunal under section 70 in respect of a subsidy decision must be made by sending a notice of appeal before the

end of six months beginning with the date on which it is established that the section 33(1) duty has not been complied with.”

Kirsty Blackman **Not moved** **31**
Stephen Flynn

Clause 71, page 40, line 36, leave out “one month” and insert “6 months”

Clause agreed to.

Clauses 72 and 73 agreed to.

Seema Malhotra **Withdrawn after debate** **76**
Bill Esterson

Clause 74, page 43, line 34, at end insert—

“(4A) The annual report prepared by the CMA under section 25(4) of, and paragraph 14 of Schedule 4 to, the Enterprise and Regulatory Reform Act 2013 must contain details of all recovery orders made in the relevant period including the names of the public authority and beneficiary and the amount to be recovered.”

Clause agreed to.

Clause 75 agreed to.

Seema Malhotra **Withdrawn after debate** **77**
Bill Esterson

Clause 76, page 44, line 21, leave out “such restrictions as it considers proportionate” and insert “the minimum restrictions that are necessary”

Seema Malhotra **Not called** **78**
Bill Esterson

Clause 76, page 44, line 27, at end insert—

“(5A) The Secretary of State must issue guidance on the restrictions that are necessary to protect the types of information described in subsection (5).”

Seema Malhotra **Not called** **79**
 Bill Esterson

Clause 76, page 44, line 27, at end insert—

“(5B) The Secretary of State must by regulations make provision enabling a person to appeal against a decision by a public authority to impose any restrictions under subsection (5).”

Clause agreed to.

Clause 77 agreed to.

ELEVENTH AND TWELFTH SITTINGS

Clause 78 agreed to.

Schedule 3 agreed to.

Seema Malhotra **Withdrawn after debate** **80**
 Bill Esterson

Clause 79, page 45, line 9, leave out “may” and insert “must”

Kirsty Blackman **Not called** **24**
 Stephen Flynn

Clause 79, page 45, line 9, leave out “issue guidance” and insert “by the affirmative procedure make regulations”

Seema Malhotra **Not called** **81**
 Bill Esterson

Clause 79, page 45, line 12, at end insert—

“(1A) The Secretary of State may issue guidance about the practical application of – ”

Seema Malhotra **Negated on division** **82**
 Bill Esterson

Clause 79, page 45, line 39, leave out subsection (5) and insert—

“(5) Before issuing guidance 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.

(5A) 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.

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

Clause agreed to.

Clause 80 agreed to.

Seema Malhotra	Negatived on division	83
Bill Esterson		

Clause 81, page 46, line 39, leave out "of up to 25%" and insert "up to the rate of inflation"

Seema Malhotra	Negatived on division	84
Bill Esterson		

Clause 81, page 46, line 41, leave out "paragraph (g)"

Seema Malhotra	Not called	85
Bill Esterson		

Clause 81, page 47, line 10, leave out "25%" and insert "inflation rate"

Clause agreed to.

Clauses 82 to 86 agreed to.

Seema Malhotra	Not called	86
Bill Esterson		

Clause 87, page 49, line 9, at end insert—

"(7A) Before making regulations under this Act, the Secretary of State must seek the consent of the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland.

(7B) 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.

(7C) If regulations are made in reliance on subsection (7B), the Secretary of State must publish a statement explaining why the Secretary of State decided to make the regulations without the consent of the authority or authorities concerned”.

Clause agreed to.

Clauses 88 to 90 agreed to.

Seema Malhotra
Bill Esterson

Withdrawn after debate 87

Clause 91, page 50, line 26, at end insert “which must be no later than six months following the day on which this Act is passed.”

Kirsty Blackman
Stephen Flynn

Not called 25

Clause 91, page 50, line 26, at end insert—

“(2A) The Secretary of State may not make regulations to bring the rest of this Act into force until—

- (a) regulations under section 34 and section 52 of this Act have been made and been in force for at least three months; and
- (b) guidance under section 79 of this Act has been issued and publicly available for at least three months.”

Clause agreed to.

Clause 92 agreed to.

Kirsty Blackman
Stephen Flynn

Withdrawn after debate NC1

To move the following Clause—

“Subsidy Control Principles: statement to Parliament

- (1) Within six months of the opening of a new Parliament, the Secretary of State must make a written statement to Parliament on the subsidy control principles.
- (2) The statement must include details of—
 - (a) any legislation the Government intends to bring forward to change the Subsidy Control Principles; and
 - (b) any changes the Government intends to make to guidance under section 79 of this Act.”

Seema Malhotra
Bill Esterson

Not called NC3

To move the following Clause—

“Post-award investigations

- (1) The CMA may decide to conduct an investigation in relation to a subsidy that has been given or a subsidy scheme that has been made.
- (2) A decision under subsection (1) may be made in relation to any subsidy or subsidy scheme in respect of which the CMA considers—
 - (a) that there has or may have been a failure to comply with the requirements of Chapters 1 and 2 of Part 2, or
 - (b) that there has or may have been a failure to comply with the transparency obligations set out in Chapter 3 of the Part 2.
- (3) Where the CMA makes a decision to investigate under subsection (1), it must direct the public authority to provide it with—
 - (a) any assessment carried out by the public authority as to whether the financial assistance fell within the meaning of “subsidy” or “subsidy scheme” for the purposes of this Act, and the reasons for that conclusion;
 - (b) any assessment carried out by the public authority as to whether the financial assistance if assessed to constitute a subsidy or subsidy scheme would comply with the requirements of Chapter 1 and 2 of Part 2 and the reasons for that conclusion;
 - (c) any evidence relevant to those assessments;
 - (d) in a case where such assessments were not provided, the reasons for the assessments not being provided;
 - (e) any information that the public authority failed to enter in the subsidy database in accordance with Chapter 3 of Part 2; and
 - (f) such other information as is specified in regulations under section 60(8)(a).

- (4) Where the CMA decides to conduct an investigation under subsection (1), the direction given under subsection (3) must be made before the end of 20 working days beginning with the day on which the subsidy is given or the scheme is made.
- (5) The CMA must send a copy of the direction given under subsection (3) to the public authority and the Secretary of State.
- (6) The public authority must provide to the CMA the information required under subsection (3) before the end of the information period as defined in section 60(7)."

Seema Malhotra
Bill Esterson

Withdrawn after debate NC4

To move the following Clause—

“Secretary of State and Devolved Administrations: requirement to report

- (1) The Secretary of State, Scottish Ministers, Welsh Ministers and Northern Ireland Department of Economy shall each report annually on subsidies and schemes which they have made.
- (2) All reports made under subsection (1) shall be published.”

Bill, as amended, to be reported.

Glossary

Added: New Clause agreed without a vote and added to the Bill.

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negated: rejected without a vote.

Negated on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Chair.
