
Committee Stage: Wednesday 17 November 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 Any withdrawn amendments are listed at the end of the document.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.

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

Seema Malhotra 80
Bill Esterson

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

Member’s explanatory statement

This amendment, together with Amendment 81, would require the Secretary of State to issue guidance about the practical application of the areas listed under 79(1)(a), (b), and (c).

Kirsty Blackman 24
Stephen Flynn

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

Member’s explanatory statement

This amendment ensures that the Secretary of State’s guidance is made by affirmative regulation in order that parliament can debate the matter before implementation.

Seema Malhotra 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 – ”

Member’s explanatory statement

This amendment, together with Amendment 80, would allow the Secretary of State to issue guidance about the practical application of the area listed under 79(1)(d), (e), (f) and (g).

Seema Malhotra
Bill Esterson

82

☆ 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.”

Member’s explanatory statement

This amendment would require the Secretary of State to gain the consent of the devolved administrations before issuing guidance under Clause 79.

Seema Malhotra
Bill Esterson

83

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

Member’s explanatory statement

This amendment would prevent modifications that increase subsidy budgets by up to 25% from being permitted, and would instead permit modifications that increased subsidy or scheme budgets by up to the rate of inflation.

Seema Malhotra
Bill Esterson

84

☆ Clause 81, page 46, line 41, leave out “paragraph (g)”

Member’s explanatory statement

This amendment would prevent extensions of subsidy schemes from being permitted modifications.

Seema Malhotra
Bill Esterson

85

- ☆ Clause 81, page 47, line 10, leave out “25%” and insert “inflation rate”

Member’s explanatory statement

This amendment relates to Amendment 83.

Seema Malhotra
Bill Esterson

86

- ☆ 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”.

Member’s explanatory statement

This amendment requires the Secretary of State to seek the consent of the devolved administrations before making regulations under this Act.

Seema Malhotra
Bill Esterson

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.”

Member’s explanatory statement

This amendment would require that the Act comes into force no later than six months following Royal Assent.

Kirsty Blackman
Stephen Flynn

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.”

Member’s explanatory statement

This amendment allows a period of three months after the issuing of regulations relating to the subsidy database and mandatory referrals, and the publication of guidance, before parts of the Act come into force.

Kirsty Blackman
Stephen Flynn

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.”

Member’s explanatory statement

This new clause requires a new Government to make a statement to Parliament about any changes it intends to make to the subsidy control principles.

Seema Malhotra
Bill Esterson

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).”

Member’s explanatory statement

This new clause provides the CMA with the power to conduct a post-award investigation where the public authority has or may have failed to comply with its requirements.

Seema Malhotra
Bill Esterson

NC4

To move the following Clause—

“Secretary of State and Devolved Administrations Reporting

- (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.”

Member's explanatory statement

This new clause would require the Secretary of State and Devolved Administrations to report annually on subsidies and schemes they make.

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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Order of the Committee

[26 October 2021]

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
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.

Notices Withdrawn

The following notices were withdrawn on 2 November 2021:
NC2

The following notices were withdrawn on 3 November 2021:
49
