
Report Stage: Monday 13 December 2021

Subsidy Control Bill, As Amended (Report Stage Decisions)

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

Kirsty Blackman
Ian Blackford
Deidre Brock
Stephen Flynn
Owen Thompson

Negated on division NC1

To move the following Clause—

“Exemption: agriculture

- (1) The subsidy control requirements in Part 2 of this Act do not apply to—
 - (a) the giving of an agricultural subsidy, or
 - (b) the making of a subsidy scheme, so far as it relates to the giving of agricultural subsidies.
- (2) For the purpose of subsection (1), a subsidy is “agricultural” if it is subject to the provisions of Part IV or Annex 2 of the Agreement on Agriculture.
- (3) 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).”

Sarah Olney

Not called NC2

To move the following Clause—

“Annual report on climate change impacts

- (1) The Secretary of State must once every 12 months lay a report before Parliament setting out the impact of subsidies granted in the preceding 12 months on the environment and climate change.
- (2) Any report under subsection (1) must include an assessment of the impact of subsidies granted in the preceding 12 months on the UK’s ability to achieve net-zero emissions by 2050.
- (3) The first report must be laid before Parliament within 12 months of this Act being passed.”

Seema Malhotra
Bill Esterson

Not called NC3

To move the following Clause—

“Post-award investigations

- (1) The CMA may conduct an investigation in relation to a subsidy that has been granted 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 Part 2.
 - (3) Where the CMA makes a decision to investigate a subsidy or scheme 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).”
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Kirsty Blackman
Ian Blackford
Deidre Brock
Stephen Flynn
Owen Thompson

Not called 10

Clause 10, page 6, line 31, 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”

Seema Malhotra
Bill Esterson

Not called 18

Clause 10, page 6, line 33, at end insert—

“(4A) A streamlined subsidy scheme may be made, in particular, to support areas of relative economic deprivation.”

Seema Malhotra
Bill Esterson

Negated on division 19

Clause 11, page 7, line 9, 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 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.”
-

Seema Malhotra **Not called** **20**
 Bill Esterson

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.”

John Penrose **Not called** **1**
 Kevin Hollinrake
 Richard Fuller
 Mr Andrew Mitchell
 Simon Fell
 Paul Howell
 Mark Pawsey Julian Knight Tom Tugendhat
 Nigel Mills Mark Jenkinson

Clause 33, page 17, line 21, leave out “£500,000” and insert “£500”

John Penrose **Not called** **2**
 Kevin Hollinrake
 Richard Fuller
 Mr Andrew Mitchell
 Simon Fell
 Paul Howell
 Mark Pawsey Julian Knight Tom Tugendhat
 Nigel Mills Mark Jenkinson

Clause 33, page 17, line 24, leave out “one year” and insert “one month”

Kirsty Blackman **Not called** **13**
 Ian Blackford
 Deidre Brock
 Stephen Flynn
 Owen Thompson

Clause 33, page 17, line 24, leave out paragraph (a) and insert—

“(a) if given in the form of a tax measure, an entry with a provisional tax deduction value must be entered within one month, and a final value entered within one month of the date of the tax declaration, or”

John Penrose **Not called** **3**
 Kevin Hollinrake
 Richard Fuller
 Mr Andrew Mitchell
 Simon Fell
 Paul Howell
 Mark Pawsey Julian Knight Tom Tugendhat
 Nigel Mills Kirsty Blackman Mark Jenkinson

Clause 33, page 17, line 26, leave out “six months” and insert “one month”

John Penrose **Not called** **4**
 Kevin Hollinrake
 Richard Fuller
 Mr Andrew Mitchell
 Simon Fell
 Paul Howell
 Mark Pawsey Julian Knight Tom Tugendhat
 Nigel Mills Mark Jenkinson

Clause 33, page 17, line 33, leave out “one year” and insert “one month”

John Penrose **Not called** **5**
 Kevin Hollinrake
 Richard Fuller
 Mr Andrew Mitchell
 Simon Fell
 Paul Howell
 Mark Pawsey Julian Knight Tom Tugendhat
 Nigel Mills Mark Jenkinson

Clause 33, page 17, line 35, leave out “six months” and insert “one month”

John Penrose **Not called** **6**
 Kevin Hollinrake
 Richard Fuller
 Mr Andrew Mitchell
 Simon Fell
 Paul Howell
 Mark Pawsey Julian Knight Tom Tugendhat
 Nigel Mills Mark Jenkinson

Clause 34, page 18, line 27, at end insert—
 “(j) the date the subsidy or scheme was entered onto the database.”

Kirsty Blackman **Not called** 14
 Ian Blackford
 Deidre Brock
 Stephen Flynn
 Owen Thompson

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

John Penrose **Not called** 7
 Kevin Hollinrake
 Richard Fuller
 Mr Andrew Mitchell
 Simon Fell
 Paul Howell
 Mark Pawsey Julian Knight Tom Tugendhat
 Nigel Mills Mark Jenkinson

Clause 36, page 20, line 4, at end insert—

“(7) In this section, the reference to the subsidy control requirements does not include the requirements as to transparency in Chapter 3 of Part 2.”

Seema Malhotra **Not called** 21
 Bill Esterson

Clause 41, page 23, line 15, leave out “£14,500,000” and insert “£500”

Seema Malhotra **Not called** 22
 Bill Esterson

Clause 41, page 23, line 16, leave out subsection (b)

Seema Malhotra **Not called** 23
 Bill Esterson

Clause 55, page 30, line 40, after “State” insert “, the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland”

Seema Malhotra **Not called** 24
Bill Esterson

Clause 55, page 31, line 2, after "State" insert ", the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland"

Seema Malhotra **Not called** 25
Bill Esterson

Clause 55, page 31, line 7, after "State" insert ", the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland"

Sarah Olney **Not called** 9

Clause 66, page 37, line 39, leave out paragraphs (a), (b) and (c) and insert—

- "(a) all subsidies and subsidy schemes granted in the past 12 months, and
 - (b) an assessment of the extent to which they satisfy the subsidy control principles and the energy and environment principles.
- (2) Any report made under this section must be formally laid before parliament by the Secretary of State.
- (3) The Secretary of State must make an oral statement to the House of Commons when any report under this section is laid."

Seema Malhotra **Not called** 26
Bill Esterson

Clause 68, page 39, line 1, 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 at least one person with relevant experience in relation to each of Wales, Scotland and Northern Ireland."

John Penrose **Not called** **8**
 Kevin Hollinrake
 Richard Fuller
 Mr Andrew Mitchell
 Simon Fell
 Paul Howell
 Mark Pawsey Julian Knight Tom Tugendhat
 Nigel Mills Mark Jenkinson

Clause 70, page 39, line 35, leave out subsection (2)

Kirsty Blackman **Not called** **12**
 Ian Blackford
 Deidre Brock
 Stephen Flynn
 Owen Thompson

Clause 70, page 40, line 16, at end insert—

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

Seema Malhotra **Not called** **27**
 Bill Esterson

Clause 79, page 46, line 3, at end insert—

“(5A) 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.

(5B) 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.

(5C) 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.”

Seema Malhotra Not called 15
Bill Esterson

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

Seema Malhotra Negatived on division 16
Bill Esterson

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

“(c) consistency with the United Kingdom achieving its net-zero commitments established under the Climate Change Act 2008.”

Kirsty Blackman Not called 11
Ian Blackford
Deidre Brock
Stephen Flynn
Owen Thompson

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

“*Net Zero*

H Subsidies should not normally encourage behaviour which will have a negative effect on the achievement of the UK’s net-zero commitments.”

Seema Malhotra Not called 17
Bill Esterson

Schedule 2, page 52, line 15, at end insert—

“(c) delivering the UK’s net-zero commitments established under the Climate Change Act 2008.”

Bill read the third time, and passed.

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 Speaker.
