
Report Stage: Tuesday 24 January 2023

Economic Crime and Corporate Transparency Bill, As Amended

(Amendment Paper)

This document lists all amendments tabled to the Economic Crime and Corporate Transparency 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 Any withdrawn amendments are listed at the end of the document.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.

This document should be read alongside the Speaker's provisional selection and grouping, which sets out the order in which the amendments will be debated.

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

NEW CLAUSES AND NEW SCHEDULES RELATING TO PARTS 1, 2 AND 3; AMENDMENTS TO PARTS 1, 2 AND 3

NEW CLAUSES AND NEW SCHEDULES RELATING TO PARTS 1, 2 AND 3

Secretary Suella Braverman
Kevin Hollinrake

NC8

To move the following Clause—

“Disqualification for persistent breaches of companies legislation: GB

- (1) Section 3 of the Company Directors Disqualification Act 1986 (disqualification for persistent breaches of companies legislation) is amended as follows.
- (2) In subsection (1), for the words from “provisions of the companies legislation” to the end substitute “relevant provisions of the companies legislation (see subsection (3B))”.
- (3) In subsection (2), for “such provisions as are mentioned above” substitute “relevant provisions of the companies legislation”.
- (4) In subsection (3)—
 - (a) for “provision of that legislation” substitute “such provision”;
 - (b) after paragraph (a) (but before the “or” at the end of that paragraph) insert—

“(aa) a financial penalty is imposed on the person in respect of such an offence by virtue of regulations under—

section 1132A of the Companies Act 2006, or

section 39 of the Economic Crime (Transparency and Enforcement) Act 2022,”.

(5) After subsection (3A) insert—

“(3B) In this section “relevant provisions of the companies legislation” means—

- (a) any provision of the companies legislation requiring any return, account or other document to be filed with, delivered or sent, or notice of any matter to be given, to the registrar of companies,
- (b) sections 167M and 167N of the Companies Act 2006 (prohibitions on acting as director where identity not verified or where there has been a failure to notify a directorship), and
- (c) sections 790LM and 790LN of the Companies Act 2006 (persons with significant control: ongoing duties in relation to identity verification).”

(6) For subsection (4A) substitute—

“(4A) In this section “the companies legislation” means—

- (a) the Companies Acts,
- (b) Parts A1 to 7 of the Insolvency Act 1986 (company insolvency and winding up), and
- (c) Part 1 of the Economic Crime (Transparency and Enforcement) Act 2022 (registration of overseas entities).”

Member’s explanatory statement

This new clause replicates the effect of the amendments made by clauses 41(2) and 102(2) (which are left out by Amendments 7 and 15) and contains changes to ensure that a person can be disqualified for breaches of obligations under Part 1 of the Economic Crime (Transparency and Enforcement) Act 2022 etc.

Secretary Suella Braverman
Kevin Hollinrake

NC9

To move the following Clause—

“Disqualification on summary conviction: GB

- (1) Section 5 of the Company Directors Disqualification Act 1986 (disqualification on summary conviction) is amended as follows.
- (2) In subsection (1), for the words from “provision of the companies legislation” to “the registrar of companies” substitute “of the relevant provisions of the companies legislation”.
- (3) For subsection (3) substitute—
 - “(3) Those circumstances are that, during the 5 years ending with the date of the conviction, there have been no fewer than 3 relevant findings of guilt in relation to the person.
 - (3A) For these purposes, there is a relevant finding of guilt in relation to the person if —
 - (a) the person is convicted of an offence counting for the purposes of this section (including the offence of which the person is convicted as mentioned in subsection (2) and any other offence of which the person is convicted on the same occasion),

- (b) a financial penalty of the kind mentioned in section 3(3)(aa) is imposed on the person, or
- (c) a default order within the meaning of section 3(3)(b) is made against the person."
- (4) In subsection (4), omit paragraph (b) and the "and" before it.
- (5) For subsection (4A) substitute—
- "(4A) In this section "relevant provisions of the companies legislation" has the meaning given by section 3(3B).""

Member's explanatory statement

This new clause replicates the effect of the amendments made by clauses 41(3) and 102(3) (which are left out by Amendments 7 and 15). The restructuring of the material is in consequence of NC8.

Secretary Suella Braverman
Kevin Hollinrake

NC10

To move the following Clause—

"Disqualification for persistent breaches of companies legislation: NI

- (1) The Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I. 4)) is amended as follows.
- (2) In Article 6 (disqualification for persistent breaches of companies legislation)—
 - (a) in paragraph (1), for the words from "provisions of the companies legislation" to the end substitute "relevant provisions of the companies legislation (see paragraph (3ZA))";
 - (b) in paragraph (2), for "such provisions as are mentioned in paragraph (1)" substitute "relevant provisions of the companies legislation";
 - (c) in paragraph (3), after sub-paragraph (a) (but before the "or" at the end of that sub-paragraph) insert—
 - "(aa) a financial penalty is imposed on the person by the registrar in respect of such an offence by virtue of regulations under—

section 1132A of the Companies Act 2006, or

section 39 of the Economic Crime (Transparency and Enforcement) Act 2022,";

- (d) after paragraph (3) insert—

"(3ZA) In this Article "relevant provisions of the companies legislation" means—

- (a) any provision of the companies legislation requiring any return, account or other document to be filed with, delivered or sent, or notice of any matter to be given, to the registrar,
- (b) sections 167M and 167N of the Companies Act 2006 (prohibitions on acting as director where identity not verified or where there has been a failure to notify a directorship), and
- (c) sections 790LM and 790LN of the Companies Act 2006 (persons with significant control: ongoing duties in relation to identity verification).";

- (e) for paragraph (3A) substitute—
- “(3A) In this Article “the companies legislation” means—
 - (a) the Companies Acts,
 - (b) Parts 1A to 7 of the Insolvency (Northern Ireland) Order 1989 (company insolvency and winding up), and
 - (c) Part 1 of the Economic Crime (Transparency and Enforcement) Act 2022 (registration of overseas entities).”
- (3) In Article 25A (application of Order to registered societies), in paragraph (2)(c), for “Articles 6(1) and 8(1)” substitute “Article 6(3ZA)(a)”.
- (4) In Article 25B (application of Order to credit unions), in paragraph (3)(b), for “Articles 6(1) and 8(1) references” substitute “Article 6(3ZA)(a) the reference”.

Member’s explanatory statement

This new clause replicates the effect of the amendments made by clauses 42(2) and 103(2) (which are left out by Amendments 8 and 16) and contains changes to ensure that a person can be disqualified for breaches of obligations under Part 1 of the Economic Crime (Transparency and Enforcement) Act 2022 etc.

Secretary Suella Braverman
Kevin Hollinrake

NC11

To move the following Clause—

“Disqualification on summary conviction: NI

- (1) Article 8 of the Company Directors Disqualification (Northern Ireland) Order 2002 (S.I. 2002/3150 (N.I. 4)) (disqualification on summary conviction) is amended as follows.
- (2) In paragraph (1), for the words from “provision of the companies legislation” to “the registrar” substitute “of the relevant provisions of the companies legislation”.
- (3) For paragraph (3) substitute—
 - “(3) Those circumstances are that, during the 5 years ending with the date of the conviction, there have been no fewer than 3 relevant findings of guilt in relation to the person.
 - (3A) For these purposes, there is a relevant finding of guilt in relation to the person if —
 - (a) the person is convicted of an offence counting for the purposes of this Article (including the offence of which the person is convicted as mentioned in paragraph (2) and any other offence of which the person is convicted on the same occasion),
 - (b) a financial penalty of the kind mentioned in Article 6(3)(aa) is imposed on the person, or
 - (c) a default order within the meaning of Article 6(3)(b) is made against the person.”
- (4) Omit paragraph (4).

(5) For paragraph (4A) substitute—

“(4A) In this Article “relevant provisions of the companies legislation” has the meaning given by Article 6(3ZA).”

Member’s explanatory statement

This new clause replicates the effect of the amendments made by clauses 42(3) and 103(3) (which are left out by Amendments 8 and 16). The restructuring of the material is in consequence of NC10.

Secretary Suella Braverman
Kevin Hollinrake

NC12

To move the following Clause—

“A limited partnership’s registered office: consequential amendments

(1) Regulation 2 of the Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773) (interpretation) is amended as follows.

(2) In paragraph (1)—

- (a) at the end of paragraph (a) of the definition of “EEA AIF” insert “(but see paragraph (1A) if the AIF is a limited partnership)”;
- (b) at the end of the definition of “Gibraltar AIF” insert “(but see paragraph (1A) if the AIF is a limited partnership)”;
- (c) at the end of paragraph (b) of the definition of “UK AIF” insert “(but see paragraph (1A) if the AIF is a limited partnership)”;
- (d) at the appropriate places insert—

““established”: a reference to the place where an AIF is established (however expressed) is, in relation to an AIF that is a limited partnership, a reference to—

- (a) the country in which the AIF is authorised or registered, or
- (b) if the AIF is not authorised or registered, the country in which it has its principal place of business;”;

““limited partnership” means a limited partnership registered under the Limited Partnerships Act 1907;”.

(3) After paragraph (1) insert—

“(1A) In the application of the definition of “EEA AIF”, “Gibraltar AIF” and “UK AIF” to an AIF that is a limited partnership, a reference to the AIF’s registered office is to be read as a reference to its principal place of business.”

Member’s explanatory statement

This new clause would mean that whether or not a limited partnership is an EEA AIF, Gibraltar AIF, UK AIF or established in the UK does not change solely because it complies with the new requirement introduced by clause 112 of the Bill to have a registered office in the UK.

Secretary Suella Braverman
Kevin Hollinrake

NC13

To move the following Clause—

“Removal of limited partnership from index of names

After section 26 of the Limited Partnerships Act 1907 (inserted by section 138 of this Act) insert—

“26A Removal of limited partnership from index of names

- (1) The registrar must remove a limited partnership from the index of names as soon as reasonably practicable if the registrar—
 - (a) becomes aware that the limited partnership is dissolved (whether on the receipt of a notice under section 18, the publication of a dissolution notice under section 19(6) or otherwise), or
 - (b) publishes a deregistration notice under section 26 in respect of the limited partnership.
- (2) If the registrar removes a limited partnership from the index of names, the registrar must include a note in the register of limited partnerships stating either—
 - (a) that the limited partnership has been removed from the index of names because of its dissolution, or
 - (b) that the limited partnership has been removed from the index of names because of its deregistration under section 26.
- (3) The registrar must also publish a notice of the removal in the Gazette if the limited partnership is removed from the index of names other than following the publication of a dissolution notice under section 19 or a deregistration notice under section 26.
- (4) Notes included in the register of limited partnerships in accordance with subsection (2) are part of the register of limited partnerships.
- (5) A note may be removed if it no longer serves any useful purpose.
- (6) In this section “the index of names” means the index kept by the registrar under section 1099 of the Companies Act 2006.””

Member’s explanatory statement

This new clause requires the registrar to remove a limited partnership from the index of names as soon as practicable following dissolution or deregistration. The registrar must place a note in the register when a limited partnership is so removed and publish a notice in the Gazette in certain circumstances.

Secretary Suella Braverman
Kevin Hollinrake

NC15

To move the following Clause—

“Reports on the implementation and operation of Parts 1 to 3

- (1) The Secretary of State must—

- (a) prepare reports on the implementation and operation of Parts 1 to 3, and
 - (b) lay a copy of each report before Parliament.
- (2) The first report must be laid within the period of 6 months beginning with the day on which this Act is passed.
 - (3) Each subsequent report must be laid within the period of 12 months beginning with the day on which the previous report was laid.
 - (4) But the duty to prepare and lay reports under subsection (1) ceases with the laying of the first report on or after 1 January 2030."

Member's explanatory statement

This new clause imposes a duty on the Secretary of State to prepare and lay before Parliament reports about the implementation and operation of Parts 1 to 3.

Seema Malhotra
 Stephen Kinnock
 Dame Margaret Hodge
 Simon Fell
 Alison Thewliss
 Sir Robert Buckland
 Maria Eagle
 Mr Jonathan Djanogly
 Peter Dowd
 Clive Efford
 Ms Marie Rimmer
 Sir Chris Bryant
 Dame Meg Hillier
 Claire Hanna

Sir Peter Bottomley
 Nigel Mills
 Dame Diana Johnson
 Ms Harriet Harman
 Dr Rupa Huq
 Kim Leadbeater
 Mr John Baron
 Liz Saville Roberts

Mr Barry Sheerman
 Mr Ben Bradshaw
 Caroline Lucas
 Stella Creasy
 Mary Robinson
 Sir Julian Lewis
 Margaret Beckett

NC16

To move the following Clause—

"Reporting requirement (objectives)

- (1) The Secretary of State must publish an annual report assessing whether the powers available to the Secretary of State and the registrar are sufficient to enable the registrar to achieve its objectives under section 1081A of the Companies Act 2006 (inserted by section 1 of this Act).
- (2) Each report must make a recommendation as to whether further legislation should be brought forward in response to the report.
- (3) Each report must provide a breakdown of the registrar's annual expenditure.
- (4) Each report must contain the details of the steps the Registrar has taken to promote the registrar's objectives under this Act; and
- (5) Each report must provide annual data on the number of companies that have been struck-off by the registrar, the number and amount of fines the registrar has issued, and the number of criminal convictions made, and of cases of suspected unlawful activity identified by the registrar as a result of the registrar's powers as set out in this Act.
- (6) Each report must provide annual data on the number of cases referred by the registrar to law enforcement bodies and anti-money laundering supervisors.

- (7) Each report must provide annual data on the total number of company incorporations to the registrar, and the number of company incorporations by authorised corporate service providers to the registrar.
- (8) Each report must detail all instances in which exemption powers have been used by the Secretary of State, as introduced by this Act.
- (9) The first report must be published within one year of this Act being passed.
- (10) A further report must be published at least once a year.
- (11) The Secretary of State must lay a copy of each report before Parliament."

Member's explanatory statement

This new clause creates an obligation on the Secretary of State to submit an annual report to Parliament on progress of the reforms in this Bill, data on the register, breaches, use of exemption powers by the Secretary of State and penalties imposed.

Simon Fell

Dame Margaret Hodge

Alison Thewliss

Sir Robert Buckland

Maria Eagle

Sir Peter Bottomley

Mr Barry Sheerman

Mr Ben Bradshaw

Caroline Lucas

Stella Creasy

Mary Robinson

Sir Julian Lewis

Sir Stephen Timms

Liz Saville Roberts

Mr Jonathan Djanogly

Peter Dowd

Clive Efford

Ms Marie Rimmer

Sir Chris Bryant

Dame Meg Hillier

Margaret Beckett

Nigel Mills

Dame Diana Johnson

Ms Harriet Harman

Dr Rupa Huq

Kim Leadbeater

Mr John Baron

Claire Hanna

NC17

To move the following Clause—

"Checks on persons with significant control status

- (1) The Companies Act 2006 is amended as follows.
- (2) After section 790LP (Offence of failing to comply with sections 790LI to 790LN) insert—

"790LQ Duty to check person of significant control status

- (1) This section applies when a registrable person's identity is verified under section 1110A(1) and a risk assessment carried out under section 1062A(1A) has identified a matter of concern in relation to the registrable person.
- (2) The registrar must take steps to ensure that the registrable person whose identity is being verified is a person with significant control over the company.

790LR Duty of registrar to cross-check identity of person with significant control

- (1) This section applies where—
 - (a) the registrar has received—

- (i) the information required by subsection (6) of section 853G (Duty to deliver shareholder information: certain traded companies), or
 - (ii) relevant membership information as required by subsection (2) of section 49 (Membership information: one-off confirmation statement) of the Economic Crime and Corporate Transparency Act 2023; and
- (b) the risk assessment carried out under section 1062A(1A) has identified a matter of concern in relation to any of the information in paragraph (a).
- (2) The registrar must carry out a further assessment to establish whether the people notified to the registrar as persons with significant control of the company are not people notified to the registrar as holding at least 5% shares of the company, and that the reason for the discrepancy is that the company is involved in economic crime.
- (3) If following the assessment required by subsection (2) the registrar considers that there is a real risk that the people notified to the registrar as persons with significant control of the company are not people notified to the registrar as holding at least 5% shares of the company, the registrar must carry out the check required by subsection (4).
- (4) If this subsection applies, the registrar must take steps to ascertain whether the people notified to the registrar as persons with significant control of the company are people notified to the registrar as holding at least 5% shares of the company.””

Member’s explanatory statement

This new clause creates a duty on the registrar to check whether the person declared as the “person of significant control” (PSC) does indeed have significant control of a company, by cross checking company records, on a risk-based approach.

Simon Fell
 Dame Margaret Hodge
 Alison Thewliss
 Sir Robert Buckland
 Maria Eagle
 Sir Peter Bottomley
 Mr Barry Sheerman
 Mr Ben Bradshaw
 Caroline Lucas
 Stella Creasy
 Mary Robinson
 Sir Julian Lewis
 Sir Stephen Timms
 Liz Saville Roberts

NC18

Mr Jonathan Djanogly
 Peter Dowd
 Clive Efford
 Ms Marie Rimmer
 Sir Chris Bryant
 Dame Meg Hillier
 Margaret Beckett

Nigel Mills
 Dame Diana Johnson
 Ms Harriet Harman
 Dr Rupa Huq
 Kim Leadbeater
 Mr John Baron
 Claire Hanna

To move the following Clause—

“Disclosure of control of 5% or more of shares in a public company

- (1) This section applies to shareholdings in public companies as defined by section 4 of the Companies Act 2006.

- (2) A person who controls 5% or more of the shares in a public company must declare this fact to the registrar.
- (3) The duty in subsection (2) applies whether the person controls the shares directly or indirectly.
- (4) The registrar may impose a penalty on any person who fails to comply with the duty in subsection (5).
- (5) Subsection (6) applies where—
 - (a) a person has made declaration under subsection (2), and
 - (b) the registrar has identified a matter of concern under subsection 1062A(1A) of the Companies Act 2006 in relation to the person or the declaration.
- (6) The registrar must—
 - (a) verify the identity of the person, and
 - (b) verify the number of shares the person claims to control.”

Member’s explanatory statement

This new clause requires any person holding 5% or more shares in a public company to declare this fact, and empowers the registrar to penalise non-compliance.

Simon Fell
 Dame Margaret Hodge
 Alison Thewliss
 Sir Robert Buckland
 Maria Eagle
 Sir Peter Bottomley
 Mr Barry Sheerman
 Mr Ben Bradshaw
 Caroline Lucas
 Stella Creasy
 Mary Robinson
 Sir Julian Lewis
 Sir Stephen Timms
 Liz Saville Roberts

NC19

Mr Jonathan Djanogly
 Peter Dowd
 Clive Efford
 Ms Marie Rimmer
 Sir Chris Bryant
 Dame Meg Hillier
 Margaret Beckett

Nigel Mills
 Dame Diana Johnson
 Ms Harriet Harman
 Dr Rupa Huq
 Kim Leadbeater
 Mr John Baron
 Claire Hanna

To move the following Clause—

“Risk-based examination of accounts of dissolved companies

- (1) The Companies Act 2006 is amended as follows.
- (2) After section 1062A (analysis of information for the purposes of crime prevention and detection) insert—

“1026B Risk-based examination of accounts of dissolved companies

- (1A) In a case where the registrar’s risk assessment under section 1062A(1A) has identified a matter of concern in relation to a dissolved company, the registrar must examine the accounts of the dissolved company with a view to establishing whether any economic crime has been committed.
- (1B) The registrar must share details of any evidence gathered under subsection (1A) with the relevant law enforcement agencies.””

Member's explanatory statement

This new clause creates new duties for the registrar to examine the accounts of dissolved companies with a view to establish whether an economic crime has been committed, using a risk-based approach.

Dame Margaret Hodge
Simon Fell
Alison Thewliss
Sir Robert Buckland
Maria Eagle
Sir Peter Bottomley
Mr Barry Sheerman
Peter Dowd
Harriett Baldwin
Stella Creasy
Mary Robinson
Sir Julian Lewis
Mr Jonathan Djanogly
Liz Saville Roberts

NC20

Nigel Mills
Dame Diana Johnson
Clive Efford
Ms Marie Rimmer
Sir Chris Bryant
Dame Meg Hillier
Sir Stephen Timms

Mr Ben Bradshaw
Caroline Lucas
Ms Harriet Harman
Dr Rupa Huq
Kim Leadbeater
Mr John Baron
Margaret Beckett

To move the following Clause—

"Fees and penalties

- (1) Section 1063 (Fees payable to registrar) of the Companies Act 2006 is amended in accordance with subsections (2) to (4).
- (2) Before subsection (1) insert—
 - "(A1) The registrar must charge a fee of £100 for the incorporation of a company.
 - (B1) The Secretary of State must once a year amend the fee in subsection (A1) to reflect inflation."
- (3) In subsection (1)—
 - (a) after "fees" insert "other than the fee in subsection (A1)"
 - (b) in paragraph (a) after "functions" insert "other than the incorporation of a company".
- (4) In subsection (5), in paragraphs (a) and (b) after "regulations" insert "or subsection (A1)".
- (5) The Secretary of State must lay before Parliament a report examining the case for fees paid under section 1063 of the Companies Act 2003 being paid into a fund established for the purposes of tackling economic crime.
- (6) The report must also examine the case for penalties received by the registrar under section 1132A of that Act being paid into the same fund.
- (7) The report must be laid before Parliament within six months of this Act being passed."

Member's explanatory statement

This new clause raises the fee to incorporate a company to £100 (amended annually for inflation), and requires the Secretary of State to report on the case for these fees, along with penalties received by the registrar, to be paid into a fund to be used for tackling economic crime.

Seema Malhotra
Yvette Cooper
Jonathan Reynolds
Stephen Kinnock
Mrs Emma Lewell-Buck

NC22

To move the following Clause—

“Person convicted under National Minimum Wage Act not to be appointed as director

- (1) The Company Directors Disqualification Act 1986 is amended as follows.
- (2) After Clause 5A (Disqualification for certain convictions abroad) insert—

“5B Person convicted under National Minimum Wage Act not to be appointed as director

- (1) A person may not be appointed a director of a company if the person is convicted of a criminal offence under section 31 of the National Minimum Wage Act 1998 on or after the day on which section 32(2) of the Economic Crime and Corporate Transparency Act 2022 comes fully into force.
- (2) It is an offence for such a person to act as director of a company or directly or indirectly to take part in or be concerned in the promotion, formation or management of a company, without the leave of the High Court.
- (3) An appointment made in contravention of this section is void.””

Member’s explanatory statement

This new clause would disqualify any individual convicted of an offence for a serious breach of the National Minimum Wage Act 1998, such as a deliberate refusal to pay National Minimum Wage, from serving as a company director.

Seema Malhotra
Yvette Cooper
Jonathan Reynolds
Stephen Kinnock

NC24

To move the following Clause—

“Application for administrative restoration to the register

In section 1024 of the Companies Act 2006 (application for administrative restoration to the register), for subsection (3) substitute—

- “(3) An application under this section may only be made by a former director, former member, former creditor or former liquidator of the company.””

Member’s explanatory statement

This new clause would make it possible for a creditor or liquidator to apply to restore a company administratively.

Seema Malhotra
Yvette Cooper
Jonathan Reynolds
Stephen Kinnock

NC34

To move the following Clause—

“Report on the authorisation of foreign corporate service providers

- (1) Within six months of the day on which this Act is passed, the Secretary of State must publish a report on the authorisation of foreign corporate service providers.
- (2) The report in subsection (1) must include but is not limited to—
 - (a) the number of authorised corporate service providers with a head office based in a territory outside the United Kingdom,
 - (b) the number of foreign corporate service providers authorised as set out in section 1098I(1) of the Companies Act 2006, and
 - (c) the number of foreign corporate service providers identified in subsection (2)(b) by territory.”

Member’s explanatory statement

This new clause creates an obligation for the Secretary of State to publish a report into the number of Authorised Corporate Service Providers with a head office based outside the United Kingdom and the number of foreign corporate service providers authorised by the regulations set out in new section 1098I(1) of the Companies Act 2006.

Alison Thewliss
Gavin Newlands
Brendan O’Hara

NC35

To move the following Clause—

“Supervisory functions of registrar

- (1) The Companies Act 2006 is amended as follows.
- (2) After section 1081A (inserted by section 1 of this Act) insert—

“1081B Supervisory functions of registrar

- (1) The registrar must carry out supervisory duties, and must uphold standards and compliance with money laundering and terrorist financing legislation.
- (2) The Secretary of State must ensure that the registrar has adequate resources to enable them to carry out this new role.”

Member’s explanatory statement

This new clause seeks to make the Registrar an AML supervisor in their own right.

Alison Thewliss
Gavin Newlands
Brendan O'Hara

NC36

To move the following Clause—

“Integrity of the register

- (1) The registrar must ensure that information set out in the register prior to the provisions of this Act coming into force is accurate, up to date, and meets the requirements set out in the Act.
- (2) The duty under subsection (1) includes ensuring that each entry lists the unique identification number of the Director of a company.
- (3) The registrar will also make an annual report to Parliament on the status of its work to update existing company registrations.
- (4) The report under subsection (3) must include—
 - (a) information on how many existing company registrations the registrar has evaluated to check the accuracy of the information provided, and
 - (b) details of how many existing company registrations have still to be evaluated by the Registrar to check the accuracy of the information provided.”

Member’s explanatory statement

This new clause seeks to ensure that existing company registrations contain accurate, up to date information. It also imposes a requirement for the Registrar to update Parliament on the progress of updating the register.

Alison Thewliss
Gavin Newlands
Brendan O'Hara

NC37

To move the following Clause—

“Prevention of continued trading for companies repeatedly declared insolvent

- (1) A company may not be registered under the Companies Act 2006 if, in the opinion of the registrar, it is substantially similar to a company which has been subject to winding up procedures under the Insolvency Act 1986 on more than three occasions in the preceding five years.
- (2) For the purposes of subsection (1), “substantially similar” can include, but may not be limited to, a company having the same or similar—
 - (a) name;
 - (b) registered office;
 - (c) proposed officers; or
 - (d) principal business activitiesas another company.”

Member's explanatory statement

This new clause seeks to prevent companies from repeatedly becoming insolvent and then continuing to carry on the same business activities through a new company (the practice of "phoenixing").

Alison Thewliss
Gavin Newlands
Brendan O'Hara

NC38

To move the following Clause—

"Bar on directors in breach of duties receiving public funds

- (1) A company with a director or directors which are in breach of the general duties outlined in Chapter 2 of the Companies Act 2006, or who have been found to have committed statutory breaches of employment law or avoided taxation, may not receive Government provided funds or financial support, unless subsection (2) applies.
- (2) A company whose director or directors meet the criteria outlined in subsection (1) may receive Government provided funds or financial support if such funds or support are provided solely and specifically for the direct benefit of the company's employees."

Member's explanatory statement

This new clause seeks to prevent directors who fail to comply with their duties as a company director or with employment law provisions and/or tax obligations from being able to access funds in instances where these funds are for the benefit of the company and not the company's employees.

AMENDMENTS TO PARTS 1, 2 AND 3

Seema Malhotra
Yvette Cooper
Jonathan Reynolds
Stephen Kinnock
Dame Margaret Hodge

104

Clause 1, page 2, line 13, at end insert—

" Objective 5

Objective 5 is to act proactively by—

- (a) making full use of the information, intelligence and powers available to the registrar in order to identify issues of concern, and
 - (b) sharing information about any issues of concern with relevant public bodies and law enforcement agencies.
- (4) In this section, an "issue of concern" includes—

- (a) inaccurate information,
- (b) information that might create a false or misleading impression to members of the public,
- (c) an unlawful activity."

Member's explanatory statement

This amendment would insert a fifth objective requiring the registrar to act proactively.

Secretary Suella Braverman
Kevin Hollinrake

1

Clause 5, page 3, line 22, leave out from "1110A)" to end of line 28

Member's explanatory statement

This amendment and Amendments 2, 4, 5, 6, 9, 10, 11, 12, 14, 52, 53 and 55 remove the powers to exempt directors from identity verification requirements, and make consequential changes.

Secretary Suella Braverman
Kevin Hollinrake

2

Clause 5, page 3, line 34, leave out from "statement" to ", and" in line 36 and insert ", in respect of any individual who became a director of the company on its incorporation, confirming that the individual's identity is verified (within the meaning of section 1110A of the Companies Act 2006)"

Member's explanatory statement

See Member's explanatory statement for Amendment 1.

Secretary Suella Braverman
Kevin Hollinrake

3

Clause 20, page 13, line 11, at end insert—

- "(4) In section 1081 (annotation of the register), in subsection (6), after "subsection (2)" insert "or of any other enactment"."

Member's explanatory statement

The registrar must place a note in the register of any decision to change a company name that

contains computer code. It is implicit that the note forms part of the register. But section 1081(6) spells out the point expressly for some notes. The amendment extends it to cover all notes.

Secretary Suella Braverman
Kevin Hollinrake

4

Clause 39, page 27, line 13, leave out from "1110A)" to end of line 16

Member's explanatory statement

See Member's explanatory statement for Amendment 1.

Secretary Suella Braverman
Kevin Hollinrake

5

Clause 39, page 27, line 19, leave out from "1110A)" to end of line 22

Member's explanatory statement

See Member's explanatory statement for Amendment 1.

Secretary Suella Braverman
Kevin Hollinrake

6

Clause 39, page 27, leave out lines 40 and 41

Member's explanatory statement

See Member's explanatory statement for Amendment 1.

Secretary Suella Braverman
Kevin Hollinrake

7

Page 28, line 29, leave out Clause 41

Member's explanatory statement

This amendment leaves out clause 41, the effects of which are incorporated in NC8 and NC9.

Secretary Suella Braverman
Kevin Hollinrake

8

Page 29, line 17, leave out Clause 42

Member's explanatory statement

This amendment leaves out clause 42, the effects of which are incorporated in NC10 and NC11.

Secretary Suella Braverman
Kevin Hollinrake

9

Clause 62, page 46, line 24, leave out "to 1110C" and insert "and 1110B"

Member's explanatory statement

See Member's explanatory statement for Amendment 1.

Seema Malhotra
Yvette Cooper
Jonathan Reynolds
Stephen Kinnock

108

Clause 62, page 46, line 41, at end insert "and that the individual has signed a confirmation statement stating whether they already have a unique ID on the register."

Member's explanatory statement

This amendment would add a requirement on ACSPs to confirm the individual they're verifying has signed a confirmation statement stating whether they already have a unique ID on the register.

Simon Fell
Dame Margaret Hodge
Alison Thewliss
Sir Robert Buckland
Maria Eagle
Sir Peter Bottomley
Mr Barry Sheerman
Mr Ben Bradshaw
Caroline Lucas
Stella Creasy
Mary Robinson
Sir Julian Lewis
Sir Stephen Timms

101

Mr Jonathan Djanogly
Peter Dowd
Clive Efford
Ms Marie Rimmer
Sir Chris Bryant
Dame Meg Hillier
Margaret Beckett

Nigel Mills
Dame Diana Johnson
Ms Harriet Harman
Dr Rupa Huq
Kim Leadbeater
Mr John Baron
Liz Saville Roberts

Clause 62, page 46, line 41, at end insert—

"(2A) No verification statement may be made by an authorised corporate service provider until—

- (a) the Treasury has laid before Parliament a report confirming that the Treasury's reform of the UK's anti-money laundering supervisory regime, as set out in the document entitled "Review of the UK's AML/CFT regulatory and supervisory regime" published by the Treasury in June 2022, has been completed and implemented; and
- (b) the registrar has put in place a risk-based approach to review the work of authorised corporate service providers which includes spot checks of providers' data to ensure providers are properly and accurately carrying out processes to verify identification documents and other data submitted by authorised corporate service providers."

Member's explanatory statement

This amendment would ensure that Corporate Service Providers are not authorised to carry out ID verification until the consultation on anti-money laundering supervision announced by the overnment is completed and implemented.

Simon Fell
 Dame Margaret Hodge
 Alison Thewliss
 Sir Robert Buckland
 Maria Eagle
 Sir Peter Bottomley
 Mr Barry Sheerman
 Mr Ben Bradshaw
 Caroline Lucas
 Stella Creasy
 Mary Robinson
 Sir Julian Lewis
 Sir Stephen Timms

Mr Jonathan Djanogly
 Peter Dowd
 Clive Efford
 Ms Marie Rimmer
 Sir Chris Bryant
 Dame Meg Hillier
 Margaret Beckett

Nigel Mills
 Dame Diana Johnson
 Ms Harriet Harman
 Dr Rupa Huq
 Kim Leadbeater
 Mr John Baron
 Liz Saville Roberts

103

Clause 63, page 52, leave out from line 20 to line 4 on page 53, and insert—

"1098H Duty to provide information

- (1) The registrar must carry out a risk assessment in relation to any authorised corporate service provider to establish whether the verification of identity by the authorised corporate service provider is likely to give rise to a risk of economic crime.
- (2) If the risk assessment identifies a real risk of economic crime, the registrar may—
 - (a) require an authorised corporate service provider to provide information to the registrar; or
 - (b) require a person who ceases to be an authorised corporate service provider by virtue of section 1098F—
 - (i) to notify the registrar;

- (ii) to provide the registrar with such information relating to the circumstances by virtue of which the person so ceased as may be requested by the registrar.
- (3) The registrar may require information to be provided on request, on the occurrence of an event or at regular intervals.
- (4) The circumstances that may be specified under section 1098F(2) or 1098G(1) (ceasing to be an authorised corporate service provider and suspension) include failure to comply with a requirement under subsection (1)(a).
- (5) A person who fails to comply with a requirement to provide information under this section commits an offence.
- (6) An offence under this section is punishable on summary conviction by—
 - (a) in England and Wales a fine;
 - (b) in Scotland and Northern Ireland a fine not exceeding level 5 on the standard scale and, for continued contravention, a daily default fine not exceeding one-tenth of level 5 on the standard scale."

Member's explanatory statement

This amendment creates an obligation on the registrar to carry out a risk assessment to establish whether the identity checks carried out by authorised corporate service providers are accurate and valid.

Secretary Suella Braverman
Kevin Hollinrake

10

Page 53, line 29, leave out Clause 64

Member's explanatory statement

See Member's explanatory statement for Amendment 1.

Seema Malhotra
Yvette Cooper
Jonathan Reynolds
Stephen Kinnock
Dame Margaret Hodge

105

Clause 66, page 55, line 14, leave out "power" and insert "a duty"

Member's explanatory statement

This amendment would ensure that all directors would be issued with a unique director identifier to be used for all their directorships regardless of whether they or an ACSP form the company.

Seema Malhotra
Yvette Cooper
Jonathan Reynolds
Stephen Kinnock
Dame Margaret Hodge

106

Clause 66, page 55, line 18, at end insert—

“(iii) To link the unique identifier to the person and to any other entries they have on the register under the same name or a different name.”

Member's explanatory statement

This amendment would allow the registrar to link all unique identifiers to any other entries the person has on the register whether under the same name or a different name.

Secretary Suella Braverman
Kevin Hollinrake

11

Clause 69, page 57, line 32, at end insert—

“(4A) The Secretary of State may by regulations make provision requiring a statement delivered to the registrar under subsection (3)(b) or (4)(d) to be accompanied by additional statements or additional information in connection with the subject-matter of the statement.”

Member's explanatory statement

See Member's explanatory statement for Amendment 1.

Secretary Suella Braverman
Kevin Hollinrake

12

Clause 69, page 57, line 33, leave out “or (2)(d)” and insert “, (2)(d) or (4A)”

Member's explanatory statement

See Member's explanatory statement for Amendment 1.

Simon Fell		102
Dame Margaret Hodge		
Alison Thewliss		
Sir Robert Buckland		
Maria Eagle		
Sir Peter Bottomley		
Mr Barry Sheerman	Mr Jonathan Djanogly	Nigel Mills
Mr Ben Bradshaw	Peter Dowd	Dame Diana Johnson
Caroline Lucas	Ms Harriet Harman	Clive Efford
Stella Creasy	Ms Marie Rimmer	Dr Rupa Huq
Mary Robinson	Sir Chris Bryant	Kim Leadbeater
Sir Julian Lewis	Dame Meg Hillier	Mr John Baron
Sir Stephen Timms	Margaret Beckett	Liz Saville Roberts

Clause 89, page 68, line 37, at end insert—

- “(1A) As part of the risk-based approach under subsection (1), the registrar must carry out a risk assessment to identify where the information it holds might give rise to a matter of concern.
- (1B) Where the assessment identifies a matter of concern, the registrar must—
- (a) carry out whatever further analysis it considers necessary; and
 - (b) share any evidence of unlawful activity it identifies with the relevant law enforcement agency.
- (1C) For the purposes of this section, a “matter of concern” includes—
- (a) inaccurate information;
 - (b) information that might create a false or misleading impression; or
 - (c) evidence of economic crime.”

Member’s explanatory statement

This amendment requires the registrar to carry out a risk assessment of the information it holds, and act on any matters of concern identified.

Andrea Leadsom	112
Harriett Baldwin	
Simon Fell	
Mrs Heather Wheeler	
Miriam Cates	
Gavin Newlands	

☆ Clause 89, page 68, line 37, at end insert—

- “(1A) The analysis required by subsection (1) must include checks to identify whether a person registered as the director of a new company has previously been the director of a company which is substantially similar to the new company (where “substantially similar” includes a company having the same or similar name, registered office, proposed officers, or principal business activities as another company, or any other similarity which may indicate that it is not properly a new company).”

Member's explanatory statement

This amendment would require the registrar to carry out checks aimed at identifying instances of the practice known as "phoenixing".

Andrea Leadsom
Harriett Baldwin
Simon Fell
Mrs Heather Wheeler
Miriam Cates

113

☆ Clause 90, page 69, line 33, at end insert—

"(3B) In deciding what provision to make under subsection (3)(a) for the fees payable on the incorporation of a company, the Secretary of State must take into account the costs to the registrar of carrying out effectively the checks required by section 1062A(1A)."

Member's explanatory statement

This amendment would require the Secretary of State to set the cost of incorporation at a level which would enable the registrar to carry out effectively checks aimed at identifying instances of the practice known as "phoenixing" (see Amendment 112).

Secretary Suella Braverman
Kevin Hollinrake

13

Clause 91, page 70, line 17, at end insert—

"(c) to a person of a description, and for a purpose, specified in regulations made by the Secretary of State for the purposes of this paragraph.

(1A) Regulations under subsection (1)(c) are subject to affirmative resolution procedure."

Member's explanatory statement

Under new section 1110G of the Companies Act 2006 the registrar can only share information with a public authority or for purposes connected with the exercise of the registrar's functions. The amendment confers a regulation-making power to authorise the registrar to disclose information to other people or for other purposes.

Secretary Suella Braverman
Kevin Hollinrake

14

Clause 98, page 75, line 17, leave out from “1110A)” to end of line 20

Member’s explanatory statement

See Member’s explanatory statement for Amendment 1.

Secretary Suella Braverman
Kevin Hollinrake

15

Page 78, line 27, leave out Clause 102

Member’s explanatory statement

This amendment leaves out clause 102, the effects of which are incorporated in NC8 and NC9.

Secretary Suella Braverman
Kevin Hollinrake

16

Page 79, line 8, leave out Clause 103

Member’s explanatory statement

This amendment leaves out clause 103, the effects of which are incorporated in NC10 and NC11.

Secretary Suella Braverman
Kevin Hollinrake

17

Clause 108, page 85, line 16, after “Act” insert “(for the only circumstances in which a firm can cease to be registered as a limited partnership under this Act while remaining a firm see section 26 (voluntary deregistration))”

Member’s explanatory statement

This amendment clarifies the relationship between being registered as a limited partnership under the LPA 1907 and being deregistered under new section 26 of that Act.

Secretary Suella Braverman
Kevin Hollinrake

18

Clause 108, page 85, line 19, leave out from “(3)(a),” to the end of line 20 and insert “for “registered in the United Kingdom” substitute “(within the meaning of section 3 of the Limited Partnerships Act 1907)””

Member’s explanatory statement

This amendment makes the meaning of “limited partnership” in section 1099 of the Companies Act 2006 consistent with the meaning given by the LPA 1907.

Secretary Suella Braverman
Kevin Hollinrake

19

Clause 117, page 95, line 3, leave out from “8K(1)(a)” to end of line 7 and insert “to (c).”

Member’s explanatory statement

This amendment and Amendments 20, 21, 22, 23, 24, 25, 26, 27, 33, 40 and 41 remove the powers to exempt the registered officer of a corporate general partner from identity verification requirements, and make consequential changes.

Secretary Suella Braverman
Kevin Hollinrake

20

Clause 117, page 95, line 32, leave out from “8K(1)(a)” to end of line 35 and insert “to (c).”

Member’s explanatory statement

See Member’s explanatory statement for Amendment 19.

Secretary Suella Braverman
Kevin Hollinrake

21

Clause 117, page 96, leave out lines 1 to 10 and insert “is an individual—

- (a) who is one of its managing officers,
- (b) who is not disqualified under the directors disqualification legislation (see section 8J(3)), and
- (c) whose identity is verified (within the meaning of section 1110A of the Companies Act 2006).”

Member’s explanatory statement

See Member’s explanatory statement for Amendment 19.

Secretary Suella Braverman 22
Kevin Hollinrake

Clause 117, page 97, leave out lines 4 and 5

Member's explanatory statement

See Member's explanatory statement for Amendment 19.

Secretary Suella Braverman 23
Kevin Hollinrake

Clause 117, page 97, line 17, leave out from "officer" to end of line 22 and insert "is an individual who meets the requirements in section 8K(1)(a) to (c), and"

Member's explanatory statement

See Member's explanatory statement for Amendment 19.

Secretary Suella Braverman 24
Kevin Hollinrake

Clause 117, page 97, line 26, leave out from "8K(1)(a)" to end of line 29 and insert "to (c)."

Member's explanatory statement

See Member's explanatory statement for Amendment 19.

Secretary Suella Braverman 25
Kevin Hollinrake

Clause 117, page 100, leave out lines 18 to 33

Member's explanatory statement

See Member's explanatory statement for Amendment 19.

Secretary Suella Braverman 26
Kevin Hollinrake

Clause 120, page 102, line 20, leave out from "8K(1)(a)" to end of line 24 and insert "to (c)."

Member's explanatory statement

See Member's explanatory statement for Amendment 19.

Secretary Suella Braverman
Kevin Hollinrake

27

Clause 120, page 102, line 49, leave out from “8K(1)(a)” to end of line 3 on page 103 and insert “to (c).”

Member’s explanatory statement

See Member’s explanatory statement for Amendment 19.

Secretary Suella Braverman
Kevin Hollinrake

28

Clause 127, page 113, line 40, at end insert—

“(1A) In section 4 (definition and constitution of limited partnership)—

- (a) in subsection (2), after “firm” insert “(including debts and obligations incurred in accordance with section 38 of the Partnership Act 1890)”;
- (b) in subsections (2A) and (2B)(b), after “firm” insert “(including debts or obligations incurred in accordance with section 38 of the Partnership Act 1890)”;
- (c) in subsection (3), after “firm” insert “(including debts and obligations incurred in accordance with section 38 of the Partnership Act 1890)”.

Member’s explanatory statement

This amendment clarifies that the debts or obligations for which limited partners are not liable beyond their contribution includes debts or obligations incurred after dissolution under section 38 of the Partnership Act 1890.

Secretary Suella Braverman
Kevin Hollinrake

29

Clause 127, page 113, line 41, at end insert—

- “(za) in subsection (1), after “firm”, in the third place it occurs, insert “(including debts and obligations incurred in accordance with section 38 of the Partnership Act 1890)”;

Member’s explanatory statement

This amendment clarifies that the debts and obligations for which limited partners can become

liable if they take part in the management of the partnership business includes debts and obligations incurred after dissolution under section 38 of the Partnership Act 1890.

Secretary Suella Braverman
Kevin Hollinrake

30

Clause 129, page 115, line 23, at end insert—

- “(1A) Where it appears to the Scottish Ministers that it is expedient in the public interest for a limited partnership registered in Scotland to be wound up, the Scottish Ministers may present a petition to the court for it to be wound up.
- (1B) Where it appears to the Department for the Economy in Northern Ireland that it is expedient in the public interest for a limited partnership registered in Northern Ireland to be wound up, the Department may present a petition to the court for it to be wound up.
- (1C) The Secretary of State must consult the Scottish Ministers before presenting a petition under subsection (1) in respect of a limited partnership registered in Scotland.
- (1D) The Secretary of State must consult the Department for the Economy in Northern Ireland before presenting a petition under subsection (1) in respect of a limited partnership registered in Northern Ireland.”

Member’s explanatory statement

This amendment allows the Scottish Ministers and the Department for the Economy to petition under new section 27 LPA 1907 to wind up LPs in Scotland and Northern Ireland respectively. The Secretary of State must consult the Scottish Ministers or Department for the Economy when presenting petitions for those LPs.

Secretary Suella Braverman
Kevin Hollinrake

31

Clause 129, page 115, line 24, leave out “subsection (1)” and insert “this section”

Member’s explanatory statement

This amendment is consequential on Amendment 30.

Secretary Suella Braverman
Kevin Hollinrake

32

Clause 130, page 116, leave out lines 2 and 3 and insert “any of the following—

- (a) the Secretary of State;
 - (b) the Scottish Ministers, but only if the limited partnership is registered in Scotland or they appear to the court to have sufficient interest for any other reason;
 - (c) the Department for the Economy in Northern Ireland, but only if the limited partnership is registered in Northern Ireland or the Department appears to the court to have sufficient interest for any other reason;
 - (d) any other person appearing to the court to have sufficient interest.
- (2A) The Secretary of State must consult the Scottish Ministers before making an application for an order under subsection (1) in respect of a limited partnership registered in Scotland.
- (2B) The Secretary of State must consult the Department for the Economy in Northern Ireland before making an application for an order under subsection (1) in respect of a limited partnership registered in Northern Ireland.”

Member’s explanatory statement

This amendment allows the Scottish Ministers and the Department for the Economy to apply under new section 28 LPA 1907 to wind up LPs in Scotland and Northern Ireland respectively. The Secretary of State must consult the Scottish Ministers or Department for the Economy before making applications for those LPs.

Secretary Suella Braverman
Kevin Hollinrake

33

Clause 132, page 117, leave out lines 17 to 22 and insert—

- “(c) so much of any statement delivered to the registrar under any of the following provisions as is required to confirm that the requirement in section 8K(1)(c) (which relates to identity verification) is met—

section 8A(1F)(c);

section 8L(3)(a) or (b);

section 8S(4) or (7)(c);”

Member’s explanatory statement

See Member’s explanatory statement for Amendment 19.

Secretary Suella Braverman 34
Kevin Hollinrake

Clause 133, page 118, line 34, at end insert “or deregistered under section 26”

Member’s explanatory statement

This amendment and Amendments 35, 36 and 37 mean that after 20 years the registrar need not make available for public inspection records relating to a limited partnership that has been deregistered. Those records can also be moved to the relevant public record office after two years.

Secretary Suella Braverman 35
Kevin Hollinrake

Clause 133, page 118, line 38, at end insert “or deregistered”

Member’s explanatory statement

See Member’s explanatory statement for Amendment 34.

Secretary Suella Braverman 36
Kevin Hollinrake

Clause 133, page 118, line 41, after “dissolved” insert “or deregistered”

Member’s explanatory statement

See Member’s explanatory statement for Amendment 34.

Secretary Suella Braverman 37
Kevin Hollinrake

Clause 133, page 119, line 1, after “dissolved” insert “or deregistered”

Member’s explanatory statement

See Member’s explanatory statement for Amendment 34.

Secretary Suella Braverman 38
Kevin Hollinrake

Clause 135, page 122, leave out lines 11 to 41 and insert—

- “(1) A person who is a general partner in a limited partnership at a time when it is dissolved must notify the registrar of the dissolution within the period of 14 days beginning with the day on which the person becomes aware of its dissolution.

- (2) A person who is a limited partner in a limited partnership at a time when it is dissolved must, if there are no general partners at that time, notify the registrar of the dissolution within the period of 14 days beginning with the day on which the person becomes aware of its dissolution.
- (3) But no notice is required under subsection (1) or (2) if—
 - (a) the limited partnership is dissolved under section 19(6) (dissolution on publication of notice in Gazette),
 - (b) another person has notified the registrar of the dissolution under subsection (1) or (2), or
 - (c) a dissolution notice under section 19 is published before the end of the period of 14 days mentioned in subsection (1) or (2).
- (4) If a person fails to comply with subsection (1) or (2) an offence is committed by—
 - (a) the person, and
 - (b) if the person is a legal entity, any of its managing officers who is in default.
- (5) A person guilty of an offence under this section is liable on summary conviction—
 - (a) in England and Wales, to a fine;
 - (b) in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale and, for continued contravention, a daily default fine not exceeding one-tenth of level 5 on the standard scale.
- (6) A managing officer is “in default” for the purposes of this section if they authorise or permit, participate in, or fail to take all reasonable steps to prevent, the contravention.
- (7) But a corporate managing officer does not commit an offence as a managing officer in default unless one of its managing officers is in default.
- (8) Where any such offence is committed by a corporate managing officer the managing officer in question also commits the offence (subject to subsection (7)).”

Member’s explanatory statement

This amendment requires notice of dissolution to be given within 14 days of a partner becoming aware that a limited partnership is dissolved. Notification is not required if the limited partnership is dissolved on publication of a dissolution notice or if a dissolution notice is subsequently published.

Seema Malhotra
Yvette Cooper
Jonathan Reynolds
Stephen Kinnock

107

Clause 136, page 123, line 28, at end insert “and,

- (d) be published on the registrar’s website and remain published on the registrar’s website for a minimum of 20 years from the date on which it was first published.”

Member’s explanatory statement

This amendment would require the limited partnership dissolution notice to be published on the registrar’s website and remain published for a minimum of 20 years.

Secretary Suella Braverman
Kevin Hollinrake

39

Clause 136, page 125, line 6, at end insert—

- “(3A) Notes entered on the register of limited partnerships in accordance with subsection (3)(a) are part of the register of limited partnerships.”

Member’s explanatory statement

This amendment makes it clear that a note of the date of revival of a limited partnership forms part of the register of limited partnerships.

Secretary Suella Braverman
Kevin Hollinrake

40

Clause 141, page 129, leave out lines 39 to 41 and insert—

- “(a) a statement under section 8A(1C) may name the person as a proposed general partner’s proposed registered officer even if the person does not meet the requirement in section 8K(1)(c);
- (aa) a statement by the person under section 8A(1F)(c) is not required to confirm that the person meets the requirement in section 8K(1)(c);”

Member’s explanatory statement

See Member’s explanatory statement for Amendment 19.

Secretary Suella Braverman
Kevin Hollinrake

41

Clause 141, page 130, leave out lines 4 to 8 and insert—

- “(c) a statement under section 8L(3)(a) or (b) made in relation to a notice naming the person as a general partner’s new registered officer is not required to confirm that the person meets the requirement in section 8K(1)(c);
- (d) a statement under section 8S(4) may name the person as a general partner’s proposed registered officer even if the person does not meet the requirement in section 8K(1)(c);
- (da) a statement by the person under section 8S(7)(c) is not required to confirm that the person meets the requirement in section 8K(1)(c);”

Member’s explanatory statement

See Member’s explanatory statement for Amendment 19.

Secretary Suella Braverman
Kevin Hollinrake

42

Clause 143, page 131, line 11, leave out from “under” to end of line 14 and insert “any Act, whenever passed or made.”

Member’s explanatory statement

This amendment would mean that regulations made under new section 7A of the Limited Partnerships Act 1907 cannot consequentially amend Northern Ireland legislation.

Secretary Suella Braverman
Kevin Hollinrake

43

Clause 147, page 132, line 24, leave out from “2006)” to end of line 26

Member’s explanatory statement

Clause 147(1)(b) confers power to require a partner of a qualifying Scottish partnership to have at least one managing officer who is either identity verified or exempt from identity verification. This amendment removes the power to make provision about exemption from identity verification.

Secretary Suella Braverman 52
Kevin Hollinrake

Schedule 2, page 172, line 16, leave out from “1110A)” to end of line 19

Member’s explanatory statement

See Member’s explanatory statement for Amendment 1.

Secretary Suella Braverman 53
Kevin Hollinrake

Schedule 2, page 172, leave out lines 39 and 40

Member’s explanatory statement

See Member’s explanatory statement for Amendment 1.

Alison Thewliss 109
Gavin Newlands
Brendan O’Hara

Schedule 2, page 172, line 40, at end insert—

“167GA Unique identification number for directors

- (1) On receipt of notification of a person becoming a director, the registrar must allocate that director a unique identification number, unless such a number has already been allocated to that person.
- (2) Any information supplied to the registrar under or by virtue of this Act about a person who has been allocated a unique identification number under subsection (1) must include that number.
- (3) The Registrar should ensure existing registrations allocate a unique identification number to Directors.”

Secretary Suella Braverman 54
Kevin Hollinrake

Schedule 2, page 174, line 29, leave out “company” and insert “body corporate”

Member’s explanatory statement

This amendment ensures that the wording of new section 167K(1)(e)(i) of the Companies Act 2006 is consistent with the opening words of that subsection.

Alison Thewliss 111
Gavin Newlands
Brendan O’Hara

Schedule 2, page 174, line 38, at end insert—

"167KA Limit on number of directorships held

- (1) Where notice has been given to the registrar that a person (P) has become a director, the registrar may determine that P may not hold that directorship.
- (2) The registrar may make a determination under subsection (1) if the registrar considers that P holds an excessive number of directorships.
- (3) The factors that the registrar may take into account in making a determination under subsection (1) are the experience, expertise and circumstances of P, as well as the nature of the industry/company they are operating within and the time commitment their role as a director requires.
- (4) If the registrar makes a determination under subsection (1), P may not hold office as a director of the company."

Alison Thewliss
Gavin Newlands
Brendan O'Hara

110

Schedule 2, page 174, line 41, after "167G," insert "167GA"

Member's explanatory statement

This amendment would provide for penalties to apply to anyone failing to provide their unique identification number to the registrar.

Secretary Suella Braverman
Kevin Hollinrake

55

Schedule 2, page 175, line 11, leave out from second "statement" to ", and" in line 15 and insert ", in respect of any individual who became a director of the company (otherwise than on its incorporation) before the coming into force of this paragraph, confirming that the individual's identity is verified (within the meaning of section 1110A of the Companies Act 2006)"

Member's explanatory statement

See Member's explanatory statement for Amendment 1.

Secretary Suella Braverman
Kevin Hollinrake

56

Schedule 2, page 177, line 41, leave out "company" and insert "body corporate"

Member's explanatory statement

This amendment ensures that the wording of new section 279K(1)(e)(i) of the Companies Act 2006 is consistent with the opening words of that subsection.

NEW CLAUSES AND NEW SCHEDULES RELATING TO PARTS 4, 5 AND 6; AMENDMENTS TO PARTS 4, 5 AND 6; ANY OTHER NEW CLAUSES AND NEW SCHEDULES; REMAINING PROCEEDINGS ON CONSIDERATION

NEW CLAUSES AND NEW SCHEDULES RELATING TO PARTS 4, 5 AND 6

Secretary Suella Braverman

NC14

To move the following Clause—

“Approved regulators: information powers relating to economic crime

- (1) The Legal Services Act 2007 is amended as follows.
- (2) After section 111 insert—

“PART 5A: APPROVED REGULATORS: INFORMATION POWERS

The Law Society’s information powers relating to economic crime

111A The Law Society’s information powers relating to economic crime

- (1) The Law Society may, by notice, require a person falling within subsection (3) to—
 - (a) provide information, or information of a description, specified in the notice;
 - (b) produce documents, or documents of a description, specified in the notice.
- (2) The Law Society may only exercise the power in subsection (1) in relation to information or documents which the Law Society considers it necessary or expedient to have for the purposes of, or in connection with, the performance of its regulatory functions for purposes relating to the prevention or detection of economic crime.
- (3) The persons are—
 - (a) a solicitor;
 - (b) an employee of a solicitor;
 - (c) a body recognised under section 9 of the Administration of Justice Act 1985;
 - (d) an employee or manager of, or person with an interest in, such a body;
 - (e) a licensed body;
 - (f) a manager or employee of a licensed body;
 - (g) a non-authorised person who has an interest or an indirect interest, or holds a material interest (within the meaning of Part 5 of this Act), in a licensed body;
 - (h) a person who was, but is no longer, of a description mentioned within any of paragraphs (a) to (g).
- (4) A notice under subsection (1)—
 - (a) may specify the manner and form in which the information is to be provided or document produced;

- (b) must specify the period within which the information is to be provided or document produced;
 - (c) may require the information to be provided, or document to be produced, to the Law Society or to a person specified in the notice.
- (5) The Law Society may pay to any person such reasonable costs as may be incurred by that person in connection with the provision of any information, or production of any document, by that person pursuant to a notice under subsection (1).
- (6) The Law Society, or a person specified under subsection (4)(c) in a notice, may take copies of or extracts from a document produced pursuant to a notice under subsection (1).
- (7) In this section “economic crime” has the meaning given by section 179(1) of the Economic Crime and Corporate Transparency Act 2023.

111B Enforcement of information powers relating to economic crime

- (1) If a person refuses or otherwise fails to comply with a notice under section 111A(1), the Law Society may apply to the High Court for an order requiring the person to comply with the notice or with such directions for the like purpose as may be contained in the order.
- (2) On an application under subsection (1), the High Court may order a person other than the person to whom the notice was given to provide information or produce documents specified in the notice, if the High Court is satisfied that there is reason to suspect that the information or documents have come into the possession or custody or under the control of that other person.
- (3) Section 111A(4) applies in relation to an order under subsection (2) as it applies in relation to a notice under section 111A(1).
- (4) An order under this section may direct the Law Society to pay such reasonable costs as may be incurred by a person in connection with the provision of any information, or production of any document, by that person pursuant to the order.
- (5) A person may take copies of or extracts from a document produced to them pursuant to an order under this section.

111C Provision of information relating to economic crime by other persons

- (1) The Law Society may apply to the High Court for an order requiring a person who does not fall within section 111A(3) to—
 - (a) provide information, or information of a description, specified in the order, or
 - (b) produce documents, or documents of a description, specified in the order.
- (2) The High Court may make an order under this section only if it is satisfied—
 - (a) that it is likely that the information or document is in the possession or custody of, or under the control of, the person, and
 - (b) that it is necessary or expedient for the Law Society to have the information or document for the purposes of, or in connection

with, the performance of its regulatory functions for purposes relating to the prevention or detection of economic crime.

- (3) Section 111A(4) applies in relation to an order under this section as it applies in relation to a notice under section 111A(1).
- (4) An order under this section may direct the Law Society to pay such reasonable costs as may be incurred by a person in connection with the provision of any information, or production of any document, by that person pursuant to the order.
- (5) A person may take copies of or extracts from a document produced to them pursuant to an order under this section.
- (6) In this section “economic crime” has the meaning given by section 179(1) of the Economic Crime and Corporate Transparency Act 2023.

Other approved regulators: information powers relating to economic crime

111D Order to confer information powers on other approved regulators

- (1) The Lord Chancellor may by order amend this Part so as to—
 - (a) provide for sections 111A to 111C to apply in relation to an approved regulator other than the Law Society as they apply in relation to the Law Society, and
 - (b) specify the persons to whom notices under section 111A(1) may be given by that approved regulator.
- (2) The Lord Chancellor may make an order under this section in relation to an approved regulator only if—
 - (a) the Board has made a recommendation in accordance with section 111E in relation to that approved regulator, and
 - (b) the persons specified in the order to whom notices under section 111A(1) may be given by that approved regulator are the same as those persons specified in the recommendation.

111E The Board’s power to recommend orders under section 111D

- (1) The Board may recommend to the Lord Chancellor that the Lord Chancellor make an order under section 111D in relation to an approved regulator.
- (2) A recommendation must specify the persons to whom the approved regulator should be able to give notices under section 111A(1).
- (3) A recommendation may only be made with the consent of the approved regulator.
- (4) Before making a recommendation under this section, the Board must publish a draft of the proposed recommendation.
- (5) The draft must be accompanied by a notice which states that representations about the proposed recommendation may be made to the Board within a specified period.
- (6) Before making the recommendation, the Board must have regard to any representations duly made.”

- (3) In section 206 (parliamentary control of orders and regulations), in subsection (4), after paragraph (n) insert—

“(na) section 111D (order to confer information powers on other approved regulators);”.

Member’s explanatory statement

This new clause would allow the Law Society and any other approved regulators specified by the Lord Chancellor to obtain information or documents for exercising their regulatory functions for purposes relating to the prevention and detection of economic crime.

Liam Byrne
Mr David Davis
Alison Thewliss
Dame Margaret Hodge
Simon Fell
Peter Dowd
Dame Diana Johnson
Sir Peter Bottomley
Caroline Lucas
Stella Creasy
Mary Robinson
Claire Hanna

Sir Robert Buckland
Mr Barry Sheerman
Clive Efford
Ms Marie Rimmer
Sir Stephen Timms
Liz Saville Roberts

Maria Eagle
Mr Ben Bradshaw
Ms Harriet Harman
Dr Rupa Huq
Margaret Beckett

NC1

To move the following Clause—

“Disclosure of information in the public interest likely to be relevant to the investigation of economic crime

- (1) It is a defence to an action based on the disclosure or publication of information for the defendant to show that—
- (a) the disclosure or publication complained of was likely to be relevant to the investigation of an economic crime, and
 - (b) the defendant reasonably believed that the disclosure or publication complained of was likely to be relevant to the investigation of an economic crime.
- (2) Subject to subsection (3), in determining whether the defendant has shown the matters mentioned in subsection (1), the court must have regard to all the circumstances of the case.
- (3) In determining whether it was reasonable for the defendant to believe that the disclosure or publication complained of was likely to be relevant to the investigation of an economic crime, the court must make such allowance for editorial judgement as it considers appropriate.
- (4) For the avoidance of doubt, the defence under this section may be relied upon irrespective of whether the statement complained of is a statement of fact or a statement of opinion.”

Liam Byrne
Mr David Davis
Alison Thewliss
Dame Margaret Hodge
Simon Fell
Peter Dowd
Dame Diana Johnson
Sir Peter Bottomley
Caroline Lucas
Stella Creasy
Mary Robinson
Claire Hanna

Sir Robert Buckland
Mr Barry Sheerman
Clive Efford
Ms Marie Rimmer
Sir Stephen Timms
Liz Saville Roberts

Maria Eagle
Mr Ben Bradshaw
Ms Harriet Harman
Dr Rupa Huq
Margaret Beckett

NC2

To move the following Clause—

“Economic crime: power to strike out statement of case for abuse of process

The court may strike out the whole or part of any statement of case which can be reasonably understood as having the purpose of concealing, or preventing disclosure or publication of, any information likely to be relevant to the investigation of an economic crime.”

Layla Moran
Alison Thewliss
Peter Dowd
Dame Margaret Hodge
Mr Ben Bradshaw
Sir Stephen Timms

NC3

To move the following Clause—

“Home Office review of the Tier 1 (Investor) visa scheme: publication

Within a day of the passage of this Act, the Secretary of State must publish in full the findings of the Home Office review of the Tier 1 (Investor) visa scheme which relate to economic crime.”

Sir Robert Buckland
Sir Robert Neill
Alison Thewliss
Dame Margaret Hodge
Maria Eagle
Nigel Mills
Liam Byrne
Stephen Kinnock
Ms Harriet Harman
Dr Rupa Huq
Kim Leadbeater
Mr John Baron
Margaret Beckett

Peter Dowd
Sir Peter Bottomley
Mr Ben Bradshaw
Caroline Lucas
John Penrose
Stella Creasy
Mary Robinson
Sir Julian Lewis
Mr Jonathan Djanogly
Claire Hanna

Simon Fell
Mr Barry Sheerman
Dame Diana Johnson
Seema Malhotra
Clive Efford
Ms Marie Rimmer
Sir Chris Bryant
Dame Meg Hillier
Sir Stephen Timms
Liz Saville Roberts

NC4

To move the following Clause—

“Offence of failure to prevent fraud, false accounting or money laundering

- (1) A relevant commercial organisation (“C”) is guilty of an offence under this section where—
 - (a) a person (“A”) associated with C commits a fraud, false accounting or an act of money laundering, or aids and abets a fraud, false accounting or act of money laundering, intending—
 - (i) to confer a business advantage on C, or
 - (ii) to confer a benefit on a person to whom A provides services on behalf of C, and
 - (b) fails to prevent the activity set out in paragraph (a).
- (2) C does not commit an offence where C can prove that the conduct detailed in subsection (1)(a) was intended to cause harm to C.
- (3) It is a defence for C to prove that, at the relevant time, C had in place procedures that were reasonable in all the circumstances and which were designed to prevent persons associated with C from undertaking the conduct detailed in subsection (1)(a).
- (4) For the purposes of this section “relevant commercial organisation” means—
 - (a) for the offence as it relates to false accounting and fraud, “relevant commercial organisations” are defined as—
 - (i) a body which is incorporated under the law of any part of the United Kingdom and which carries on a business (whether there or elsewhere),
 - (ii) any other body corporate (wherever incorporated) which carries on a business, or part of a business, in any part of the United Kingdom,
 - (iii) a partnership which is formed under the law of any part of the United Kingdom and which carries on a business (whether there or elsewhere), or
 - (iv) any other partnership (wherever formed) which carries on a business, or part of a business, in any part of the United Kingdom, and
 - (v) for the purposes of this section, a trade or profession is a business;
 - (b) for the offence as it relates to money laundering, “relevant commercial organisations” are defined as—
 - (i) credit institutions;
 - (ii) financial institutions;
 - (iii) auditors, insolvency practitioners, external accountants and tax advisers;
 - (iv) independent legal professionals;
 - (v) trust or company service providers;
 - (vi) estate agents and letting agents;
 - (vii) high value dealers;
 - (viii) casinos;
 - (ix) art market participants;

- (x) cryptoasset exchange providers;
- (xi) custodian wallet providers.”

Member’s explanatory statement

This new clause introduces a new criminal corporate offence for failure to prevent fraud, false accounting and money laundering, by aligning it with other corporate criminal offences.

Sir Robert Buckland
 Sir Robert Neill
 Alison Thewliss
 Dame Margaret Hodge
 Peter Dowd
 Simon Fell
 Maria Eagle
 Nigel Mills
 Liam Byrne
 Clive Efford
 Ms Marie Rimmer
 Sir Chris Bryant
 Dame Meg Hillier
 Sir Stephen Timms

NC5

Sir Peter Bottomley
 Mr Ben Bradshaw
 Seema Malhotra
 Ms Harriet Harman
 Dr Rupa Huq
 Kim Leadbeater
 Mr John Baron
 Margaret Beckett

Mr Barry Sheerman
 Dame Diana Johnson
 Stephen Kinnock
 Stella Creasy
 Mary Robinson
 Sir Julian Lewis
 Mr Jonathan Djanogly

To move the following Clause—

“Identification doctrine

- (1) A body corporate commits an offence of fraud, money laundering, false accounting, bribery and tax evasion where the offence is committed with the consent, connivance or neglect of a senior manager.
- (2) An individual is a “senior manager” of an entity if the individual—
 - (a) plays a significant role in—
 - (i) the making of decisions about how the entity’s relevant activities are to be managed or organised, or
 - (ii) the managing or organising of the entity’s relevant activities, or
 - (b) is the Chief Executive or Chief Financial Officer of the body corporate.
- (3) A body corporate also commits an offence if, acting within the scope of their authority—
 - (a) one or more senior managers engage in conduct, whether by act or omission, such that, if it had been the conduct of only one representative, that representative would have been a party to the offence; and
 - (b) the senior manager who is responsible for the aspect of the organization’s activities that is relevant to the offence — or the senior managers collectively — fail to take all reasonable steps to prevent that offence being committed.”

Member’s explanatory statement

This new clause reforms the “identification doctrine”, so that a body corporate commits an economic crime offence where the offence is committed with the consent, connivance or neglect of a senior manager or senior managers.

Sir Robert Buckland
 Sir Robert Neill
 Alison Thewliss
 Dame Margaret Hodge
 Peter Dowd
 Dame Diana Johnson
 Simon Fell
 Mr Barry Sheerman
 Liam Byrne
 Stephen Kinnock
 Stella Creasy
 Mary Robinson
 Sir Julian Lewis
 Mr Jonathan Djanogly
 Claire Hanna

Maria Eagle
 Nigel Mills
 Caroline Lucas
 Clive Efford
 Ms Marie Rimmer
 Sir Chris Bryant
 Dame Meg Hillier
 Sir Stephen Timms
 Liz Saville Roberts

Sir Peter Bottomley
 Mr Ben Bradshaw
 Seema Malhotra
 Ms Harriet Harman
 Dr Rupa Huq
 Kim Leadbeater
 Mr John Baron
 Margaret Beckett

NC6

To move the following Clause—

**“Failure to prevent fraud, false accounting or money laundering:
 individual liability**

- (1) A person (“S”) commits an offence if—
 - (a) at a time when S is a senior manager or corporate officer of a corporate body (“C”), S—
 - (i) takes, or agrees to the taking of, a decision by or on behalf of the corporate body as to the way in which the business of the corporate body is conducted, and
 - (ii) fails to take any steps that S could take to prevent such a decision being taken;
 - (b) at the time of the decision, S is aware of a risk that the implementation of the decision may lead to the commission of an offence of money laundering, fraud, false accounting, bribery or tax evasion; and
 - (c) the implementation of the decision causes C to commit such an offence.
- (2) For the purposes of this section—
 - (a) an individual is a “senior manager” of a corporate body if the individual plays a significant role in—
 - (i) the making of decisions about how the entity’s relevant activities are to be managed or organised, or
 - (ii) the actual managing or organising of the entity’s relevant activities;
 - (b) “officer”, in relation to a body corporate, means—
 - (i) a director, manager, associate, secretary or other similar officer, or
 - (ii) a person purporting to act in any such capacity;
 - (c) in paragraph (b)(i) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.
- (3) A person guilty of an offence under this section is liable—
 - (a) on summary conviction—

- (i) in England and Wales, to imprisonment for a term not exceeding 12 months (or 6 months, if the offence was committed before the commencement of section 154(1) of the Criminal Justice Act 2003) or a fine, or both;
- (ii) in Scotland, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum, or both;
- (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum, or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or a fine, or both."

Member's explanatory statement

This new clause introduces direct criminal liability for corporate officers who take a decision, or fail to take a decision, that knowingly results in an offence being committed.

Mary Robinson
 Dame Margaret Hodge
 Simon Fell
 Alison Thewliss
 Sir Robert Buckland
 Maria Eagle
 Sir Peter Bottomley
 Mr Ben Bradshaw
 Dame Diana Johnson
 John Penrose
 Ms Marie Rimmer
 Margaret Beckett

Mr Barry Sheerman
 Philip Davies
 Liam Byrne
 Ms Harriet Harman
 Dr Rupa Huq
 Claire Hanna

Mr Jonathan Djanogly
 Peter Dowd
 Caroline Lucas
 Stella Creasy
 Sir Stephen Timms
 Liz Saville Roberts

NC7

To move the following Clause—

"Whistleblowing: economic crime

- (1) Whistleblowing is defined for the purposes of this section as any disclosure of information suggesting that, in the reasonable opinion of the whistleblower, an economic crime—
 - (a) has occurred,
 - (b) is occurring, or
 - (c) is likely to occur.
- (2) The Secretary of State must, within twelve months of the date of Royal Assent to this Act, set up an office to receive reports of whistleblowing as defined in subsection (1) to be known as the Office for Whistleblowers.
- (3) The Office for Whistleblowers must—
 - (a) protect whistleblowers from detriment resulting from their whistleblowing,
 - (b) ensure that disclosures by whistleblowers are investigated, and
 - (c) escalate information and evidence of wrongdoing outside of its remit to another appropriate authority.
- (4) The objectives of the Office for Whistleblowers are—

- (a) to encourage and support whistleblowers to make whistleblowing reports,
 - (b) to provide an independent, confidential and safe environment for making and receiving whistleblowing information,
 - (c) to provide information and advice on whistleblowing, and
 - (d) to act on evidence of detriment to the whistleblower in line with guidance set out by the Secretary of State in regulations.
- (5) The Office for Whistleblowers must report annually to Parliament on the exercise of its duties, objectives and functions.”

Dame Margaret Hodge
 Simon Fell
 Alison Thewliss
 Sir Robert Buckland
 Maria Eagle
 Sir Peter Bottomley
 Mr Barry Sheerman
 Peter Dowd
 Clive Efford
 Ms Marie Rimmer
 Sir Chris Bryant
 Sir Julian Lewis
 Sir Stephen Timms

Nigel Mills
 Dame Diana Johnson
 Ms Harriet Harman
 Dr Rupa Huq
 Kim Leadbeater
 Dame Meg Hillier
 Margaret Beckett

Mr Ben Bradshaw
 Caroline Lucas
 Stella Creasy
 Mary Robinson
 Mrs Emma Lewell-Buck
 Mr John Baron
 Liz Saville Roberts

NC21

To move the following Clause—

“Civil recovery: costs of proceedings

After section 313 of the Proceeds of Crime Act 2002 insert—

“313A Costs orders

- (1) This section applies to proceedings brought by an enforcement authority under part 5 of the Proceeds of Crime Act 2002 where the property in respect of which the proceedings have been brought has been obtained through economic crime.
- (2) The court may not make an order that any costs of proceedings relating to a case to which this section applies (including appeal proceedings) are payable by an enforcement authority to a respondent or a specified responsible officer in respect of the involvement of the respondent or the officer in those proceedings, unless—
 - (a) the authority acted unreasonably in making or opposing the application to which the proceedings relate, or in supporting or opposing the making of the order to which the proceedings relate, or
 - (b) the authority acted dishonestly or improperly in the course of the proceedings.”

Member’s explanatory statement

This new clause extends the cap on adverse costs introduced by the first Economic Crime Act (Transparency and Enforcement) 2022 for Unexplained Wealth Orders, to all civil recovery orders.

Mr Jonathan Djanogly
 Dame Margaret Hodge
 Alison Thewliss
 Simon Fell
 Clive Efford
 Nigel Mills
 Mr Ben Bradshaw
 Ms Harriet Harman
 Kim Leadbeater
 Mr John Baron
 Claire Hanna

Mr Barry Sheerman
 Stephen McPartland
 Sir Julian Lewis
 Sir Stephen Timms

Caroline Lucas
 Sir Chris Bryant
 Dame Meg Hillier
 Margaret Beckett

NC23

To move the following Clause—

“Review of measures to prevent proceeds of economic crime entering the UK economy

Within six months of the passage of this Act, the Secretary of State must lay before Parliament the report of a review of what further regulatory measures could be taken to prevent the circulation in the UK economy of the proceeds of economic crime controlled by individuals or entities subject to sanctions.”

Member’s explanatory statement

This new clause creates an obligation for the Secretary of State to report to Parliament on the merits of further regulatory measures for preventing the circulation in the economy of the proceeds of economic crime controlled by individuals or entities subject to sanctions.

Stephen McPartland
 Mr Jonathan Djanogly
 Sir Stephen Timms
 Alison Thewliss
 Stella Creasy
 Dame Margaret Hodge
 Caroline Lucas
 Mr Ben Bradshaw

Simon Fell
 Margaret Beckett

Mr John Baron
 Claire Hanna

NC25

To move the following Clause—

“Report into effectiveness of Act in addressing economic crime involving sanctioned individuals

- (1) The Secretary of State must, within six months of this Act being passed, lay before Parliament a report of a review into the effectiveness of the measures in this Act in addressing economic crime involving designated persons.
- (2) The report must consider the case for further legislation to make provision for the seizing of assets of a designated person where there is evidence that the designated person has been involved in economic crime.
- (3) In this section, “designated persons” has the meaning given in section 9 of the Sanctions and Anti-Money Laundering Act 2018.”

Stephen Kinnock
Seema Malhotra

NC26

To move the following Clause—

“Beneficial owners in overseas territories

- (1) The Sanctions and Anti-Money Laundering Act 2018 is amended as follows.
- (2) In section 51, after subsection (5) insert—
 - “(5A) The Secretary of State must ensure that the Order in Council under subsection (2) above comes into effect on date no later than 30 June 2023.””

Member’s explanatory statement

This new clause would amend the Sanctions and Anti-Money Laundering Act 2018 to ensure that an Order in Council requiring open registers of beneficial ownership in the British Overseas Territories comes into force no later than 30 June 2023.

Stephen Kinnock
Seema Malhotra

NC27

To move the following Clause—

“Compensation for Victims of Economic Crime—

- (1) The Secretary of State must, no later than 90 days from the date on which this Act comes into force, publish and lay before Parliament a strategy for the potential establishment of a fund for the compensation of victims of economic crime.
- (2) The strategy may include provisions on the management and disposal of any assets realised by the government, or any body with law enforcement responsibilities in relation to economic crime, under relevant UK legislation.”

Member’s explanatory statement

This new clause would require the Secretary of State to prepare and publish a strategy on the potential establishment of a fund to provide compensation to victims of economic crime.

Stephen Kinnock
Seema Malhotra

NC28

To move the following Clause—

“Ukraine Compensation Fund

- (1) The Secretary of State must, no later than 90 days from the date on which this Act comes into force, publish and lay before Parliament a strategy to facilitate the use of assets seized under the Russia (Sanctions) (EU Exit) Regulations 2019, as amended, to provide compensation to victims of Russian aggression against Ukraine.

- (2) The strategy must include up to date information on the total value of assets seized by the relevant authorities in—
 - (a) the UK;
 - (b) each of the UK Overseas Territories; and
 - (c) each of the Crown Dependencies within the terms of subsection (1).
- (3) The strategy must set out specific plans to—
 - (a) facilitate the expedited recovery of assets designated under the Russia (Sanctions) (EU Exit) Regulations 2019, as amended, by the relevant authorities; and
 - (b) support international efforts to establish mechanisms to provide compensation to victims of Russian aggression against Ukraine using assets confiscated in connection with such aggression.
- (4) For the purposes of subsection (3)(b), international efforts to establish mechanisms to provide compensation to victims of Russian aggression against Ukraine include—
 - (a) the Russian Elites, Proxies, and Oligarchs (REPO) Task Force;
 - (b) the European Commission’s Freeze and Seize Task Force;
 - (c) any relevant bilateral arrangements which may be agreed by the UK and Ukraine; and
 - (d) any other matters which the Secretary of State may see fit to include in the strategy.”

Member’s explanatory statement

This new clause would require the Secretary of State to prepare and publish a strategy to facilitate the use of confiscated Russian assets to provide compensation for victims of Russian aggression in Ukraine.

Stephen Kinnock
Seema Malhotra

NC29

To move the following Clause—

“Definition of “unlawful conduct” for the purposes of identifying proceeds of crime

- (1) The Proceeds of Crime Act 2002 is amended as follows.
- (2) In section 241 (“Unlawful conduct”), after subsection (2A) insert—
 - “(2B) Conduct which—
 - (a) poses a grave threat to international peace and security; or
 - (b) constitutes, or is connected with, the commission of a gross violation of international law, is also unlawful conduct.
 - (2C) The Secretary of State may by regulations make provision about the criteria used to determine whether conduct meets the definition of—
 - (a) a grave threat to international peace and security; or

- (b) a gross violation of international law, for the purposes of subsection (2B) above.
- (2D) The regulations must make provision for the definition of unlawful conduct to include conduct which amounts to—
 - (a) a crime within the jurisdiction of the International Criminal Court as set out in the Rome Statute of 1998;
 - (b) a gross violation of international law, including any violation of the rights of all states to territorial integrity and political independence under the United Nations Charter;
 - (c) conduct prohibited by the United Nations Convention against transnational Organized Crime and its related protocols;
 - (d) conduct prohibited by the United Nations Convention against Corruption;
 - (e) conduct prohibited by the OECD Anti-Bribery Convention; and
 - (f) conduct prohibited by any other international agreement to which the UK is a party.”
- (3) In section 242 (“Property obtained through unlawful conduct”), after subsection (2) insert—
 - “(2A) For the purposes of this section, “unlawful conduct” includes such conduct as the Secretary of State may see fit to designate in regulations as conduct which poses a threat to international peace and security or a violation of international law.””

Member’s explanatory statement

This new clause would expand the scope of “unlawful conduct” under the Proceeds of Crime Act 2002 to include threats to international peace and security and serious violations of international law, thus making it easier to freeze and confiscate assets of individuals linked to such conduct.

Layla Moran

NC30

To move the following Clause—

“Assets of Iranian officials obtained through economic crime

Within six months of the passage of this Act, the Secretary of State must lay before Parliament the report of a review of regulatory measures to prevent the circulation in the UK economy of assets of Iranian officials which have been obtained through economic crime.”

Layla Moran

NC31

To move the following Clause—

“Fund for the purposes of tackling economic crime

In the Companies Act 2006, after Part 29 insert—

“PART 29A**ECONOMIC CRIME****993A Fund for the purposes of tackling economic crime**

- (1) The Secretary of State must by regulations establish a fund for the purposes of tackling economic crime.
- (2) The regulations must specify the purposes for which the fund may be used, including funding the activities of law enforcement agencies in tackling economic crime.””

Layla Moran

NC32

To move the following Clause—

“Review of definition of cryptoassets

Within 18 months of the passage of this Act, the Secretary of State must lay before Parliament the report of a review of the adequacy of the definitions of cryptoassets contained in this Act.”

Seema Malhotra
Yvette Cooper
Jonathan Reynolds
Stephen Kinnock

NC33

To move the following Clause—

“Economic Crime Committee of Parliament

- (1) The Secretary of State must by regulations establish a body to be known as the Economic Crime Committee of Parliament (in this section referred to as “the ECC”).
- (2) The ECC will consist of nine members who are to be drawn both from the members of the House of Commons and from the members of the House of Lords.
- (3) Each member of the ECC is to be appointed by the House of Parliament from which the member is to be drawn.
- (4) The ECC will have the power to meet confidentially.
- (5) The ECC may examine or otherwise oversee any regulatory, enforcement or supervision agencies involved in work related, but not limited to—
 - (a) tax avoidance and evasion by corporations;
 - (b) illicit finance;
 - (c) anti-money laundering supervision;
 - (d) tackling fraud;
 - (e) kleptocracy and corruption; and

- (f) whistleblower protection.”

Member’s explanatory statement

This new clause would oblige the Secretary of State to establish an Economic Crime Committee of parliament to examine and oversee regulatory, enforcement and supervisory action against economic crime.

Layla Moran

NC39

To move the following Clause—

“Duty to report on economic crime resourcing and performance

- (1) The Director General of the National Crime Agency must—
 - (a) prepare a report on the resourcing and staffing of its work to counter economic crime, and its performance tackling economic crime, and
 - (b) send it to the Secretary of State as soon as practicable after this section comes into force.
- (2) The Director General must prepare and send to the Secretary of State further reports on these topics annually.
- (3) Each report must include, in particular—
 - (a) a report of the total annual budget and number of staff allocated to economic crime for each unit within the National Crime Agency,
 - (b) a report of the number of investigations, arrests, prosecutions and convictions relating to economic crime for each unit within the National Crime Agency, and
 - (c) a report of other relevant data including, but not limited to, cases per year broken down by both type and outcome; number of restraint or confiscation orders obtained; and value of assets confiscated.
- (4) Reporting under subsection (3) must provide a breakdown between domestic economic crime and international economic crime. Reporting on international economic crime under subsections (3)(b) and (3)(c) must provide a breakdown by the income classification of the countries affected.
- (5) The Director General must publish every report under this section—
 - (a) as soon as practicable after they send it to the Secretary of State, and
 - (b) in such manner as they consider appropriate.”

Member’s explanatory statement

Section 6 of the Crime and Courts Act 2006 currently places a duty on the Director General of the National Crime Agency to make arrangements for publishing information about the exercise of NCA functions and other matters relating to the NCA, and publish information in accordance with those arrangements. This new clause inserts a new section that places a specific duty on the Director General to prepare an annual report on the NCA’s resourcing and performance relating

to economic crime. The section stipulates the minimum information that the Director General must include in the report.

Yvette Cooper
Stephen Kinnock
Seema Malhotra
Jonathan Reynolds
Emily Thornberry

NC40

To move the following Clause—

“Report into options for corporate liability for economic crime

- (1) The Secretary of State must produce a report on corporate criminal liability for economic crime offences.
- (2) The report must consider the merits of different models for corporate liability in respect of economic crime, including but not limited to—
 - (a) the respondeat superior model; and
 - (b) the failure to prevent model, insofar as it has not already been introduced by the enactment of this Act.
- (3) The report must be laid before Parliament within six months of this Act being passed.
- (4) In this section—

“the respondeat superior model” means a model for corporate criminal liability in which an entity is guilty of an offence if an employee or agent commits an economic crime offence—

- (a) in the course of their employment or agency, or
- (b) with an intent to benefit that entity;

“the failure to prevent model” means a model for corporate criminal liability in which an entity is guilty of an offence if a person associated with that entity commits an economic crime offence, intending—

- (a) to confer a business advantage on that entity, or
- (b) to confer a benefit on a person or other entity to whom the associated person provides services on behalf of the entity with which it is associated, except that the entity shall not be liable where the conduct was intended to cause harm to that entity,

unless the entity can prove that it had in place such prevention procedures as were reasonable in the circumstances, or that it was reasonable not to have any such procedures in place;

a person is “associated with” an entity if they are a person who performs services for or on behalf of that entity, including in, but not limited to, the capacity of an employee, agent or subsidiary.”

AMENDMENTS TO PARTS 4, 5 AND 6

Secretary Suella Braverman

44

Clause 171, page 152, leave out lines 20 to 29 and insert—

- “(a) a request has been made by a foreign FIU to the National Crime Agency for the provision of the information required to be given under the order,
- (b) the National Crime Agency has reasonable grounds to believe that the information would assist the foreign FIU to conduct—
 - (i) operational analysis of information that is relevant to money laundering or suspected money laundering, or
 - (ii) strategic analysis identifying trends or patterns in the conduct of money laundering, or systematic deficiencies or vulnerabilities which have been, are being or are likely to be, exploited for the purposes of money laundering,and that the information is likely to be of substantial value to the foreign FIU in carrying out such analysis,
- (ba) the provision of the information by the National Crime Agency to the foreign FIU would be for the purposes of the criminal intelligence function of the National Crime Agency, so far as it relates to money laundering,”

Member’s explanatory statement

This amendment modifies the conditions that have to be met before an information order can be granted by a court to provide information to the National Crime Agency in a case where a request for the information has been made by a foreign financial intelligence unit.

Secretary Suella Braverman

45

Clause 171, page 152, leave out lines 32 to 34

Member’s explanatory statement

This amendment is consequential on Amendment 44.

Secretary Suella Braverman

46

Clause 172, page 155, leave out lines 29 to 38 and insert—

- “(a) a request has been made by a foreign FIU to the National Crime Agency for the provision of the information required to be given under the order,
- (b) the National Crime Agency has reasonable grounds to believe that the information would assist the foreign FIU to conduct—

- (i) operational analysis of information that is relevant to terrorist financing or suspected terrorist financing, or
 - (ii) strategic analysis identifying trends or patterns in the conduct of terrorist financing, or systematic deficiencies or vulnerabilities which have been, are being or are likely to be, exploited for the purposes of terrorist financing,
- and that the information is likely to be of substantial value to the foreign FIU in carrying out such analysis,
- (ba) the provision of the information by the National Crime Agency to the foreign FIU would be for the purposes of the criminal intelligence function of the National Crime Agency, so far as it relates to terrorist financing,”

Member’s explanatory statement

This amendment modifies the conditions that have to be met before an information order can be granted by a court to provide information to the National Crime Agency in a case where a request for the information has been made by a foreign financial intelligence unit.

Secretary Suella Braverman

47

Clause 172, page 155, leave out lines 41 to 43

Member’s explanatory statement

This amendment is consequential on Amendment 46.

Secretary Suella Braverman

48

Clause 175, page 160, line 12, leave out “1(1)(l) or” and insert “1(1)(j) to”

Member’s explanatory statement

The amendment extends the categories of business in the regulated sector in relation to which clause 175 applies, to include business in the audit, insolvency and tax sectors.

Secretary Suella Braverman

49

Clause 175, page 160, line 13, leave out “accountancy” and insert “audit, insolvency, accountancy, tax”

Member's explanatory statement

This amendment is consequential on Amendment 48.

Secretary Suella Braverman
Kevin Hollinrake

50

Clause 188, page 169, line 4, at end insert—

“(1A) Section (*Reports on the implementation and operation of Parts 1 to 3*) comes into force at the end of the period of 2 months beginning with the day on which this Act is passed.”

Member's explanatory statement

This amendment provides for NC15 to come into force 2 months after royal assent.

Secretary Suella Braverman

57

Clause 188, page 169, line 7, at end insert—

“(2A) The following come into force on the day on which this Act is passed—

- (a) paragraph 1 of Schedule 7 so far as it inserts section 303Z25 into the Proceeds of Crime Act 2002, and
- (b) section 167 so far as it relates to that paragraph.”

Member's explanatory statement

This amendment provides for inserted section 303Z25 of the Proceeds of Crime Act 2002 (requirement to prepare codes of practice in relation to powers to search for cryptoasset-related items) to come into force on the day on which this Act is passed.

Secretary Suella Braverman
Kevin Hollinrake

51

Clause 188, page 169, line 8, after “subsection” insert “(1A) or”

Member's explanatory statement

This amendment is consequential on Amendment 50.

Secretary Suella Braverman

58

Clause 188, page 169, line 8, after “(2)” insert “or (2A)”

Member's explanatory statement

This amendment is consequential on Amendment 57.

Secretary Suella Braverman

59

Schedule 6, page 201, line 39, leave out "sheriff" and insert "relevant court"

Member's explanatory statement

This amendment and Amendments 60 and 61 amend inserted section 131ZB of the Proceeds of Crime Act 2002 (realisation of confiscated cryptoassets) to provide that (as well as the sheriff) the High Court of Justiciary and the Sheriff Appeal Court may make an order under that section requiring confiscated cryptoassets to be realised.

Secretary Suella Braverman

60

Schedule 6, page 202, line 11, leave out "sheriff of the sheriff's" and insert "relevant court of its"

Member's explanatory statement

See Amendment 59.

Secretary Suella Braverman

61

Schedule 6, page 202, line 19, at end insert—

"(7) In this section "relevant court" means—

- (a) the court which makes the confiscation order, or
- (b) the sheriff court responsible for enforcing the confiscation order under section 211 of the Procedure Act as applied by section 118(1)."

Member's explanatory statement

See Amendment 59.

Secretary Suella Braverman

62

Schedule 6, page 203, line 24, leave out "sheriff" and insert "relevant court"

Member's explanatory statement

This amendment and Amendments 63, 64, 65 and 66 amend inserted section 131AA of the Proceeds of Crime Act 2002 (destruction of seized cryptoassets) to provide that (as well as the sheriff) the High Court of Justiciary and the Sheriff Appeal Court may make an order under that section requiring seized cryptoassets to be destroyed.

Secretary Suella Braverman 63

Schedule 6, page 203, line 41, leave out "sheriff of the sheriff's" and insert "relevant court of its"

Member's explanatory statement

See Amendment 62.

Secretary Suella Braverman 64

Schedule 6, page 203, line 43, leave out "sheriff's" and insert "relevant court's"

Member's explanatory statement

See Amendment 62.

Secretary Suella Braverman 65

Schedule 6, page 204, line 3, leave out "sheriff" and insert "relevant court"

Member's explanatory statement

See Amendment 62.

Secretary Suella Braverman 66

Schedule 6, page 204, line 12, at end insert—

"(8) In this section "relevant court" means—

- (a) the court which makes the confiscation order mentioned in subsection (2)(a), or
- (b) the sheriff court responsible for enforcing that confiscation order under section 211 of the Procedure Act as applied by section 118(1)."

Member's explanatory statement

See Amendment 62.

Secretary Suella Braverman 67

Schedule 6, page 204, line 14, leave out "131ZB(3), 131A(3) or 131AA(2)" and insert "131A(3)"

Member's explanatory statement

This amendment is consequential on Amendment 68.

Secretary Suella Braverman

68

Schedule 6, page 204, line 14, at end insert—

“(1A) After subsection (1) insert—

- “(2A) If the relevant court decides not to make an order under section 131ZB(3) or 131AA(2), the prosecutor may appeal to the Court of Session.””

Member’s explanatory statement

This amendment amends section 131C of the Proceeds of Crime Act 2002 (appeals under sections 131A and 131B) to make provision for prosecutors to appeal to the Court of Session against a decision of the relevant court not to make an order under section 131ZB or 131AA of that Act.

Secretary Suella Braverman

69

Schedule 6, page 204, line 15, leave out sub-paragraph (3) and insert—

“(3) For subsection (2) substitute—

“(2) If—

- (a) a sheriff makes an order under section 131A(3), or
 - (b) the relevant court makes an order under section 131ZB(3) or 131AA(2),
- a person affected by the order may appeal to the Court of Session.””

Member’s explanatory statement

This amendment amends section 131C of the Proceeds of Crime Act 2002 (appeals under sections 131A and 131B) to make provision for a person affected by an order made under section 131A, 131ZB or 131AA of that Act to appeal to the Court of Session.

Secretary Suella Braverman

70

Schedule 6, page 204, line 17, at end insert—

“(4A) After subsection (7) insert—

“(8) In this section “relevant court”—

- (a) in relation to a decision or order made under section 131ZB, has the same meaning as in that section, and
- (b) in relation to a decision or order made under section 131AA, has the same meaning as in that section.””

Member’s explanatory statement

This amendment is consequential on Amendments 68 and 69.

Secretary Suella Braverman

71

Schedule 6, page 204, line 32, leave out “the sheriff” and insert “a court”

Member's explanatory statement

This amendment is consequential on Amendment 62.

Secretary Suella Braverman

72

Schedule 7, page 218, line 25, at end insert—

- “(2) A requirement in section 303G(2), 303H(2) or 303I(2), as applied by subsection (1), to carry out a relevant action may be satisfied by the carrying out of that action before this section comes into force.
- (3) In subsection (2) “relevant action” means any of the following—
 - (a) publishing a draft code of practice;
 - (b) considering any representations made about the draft;
 - (c) modifying the draft in light of any such representations.
- (4) The requirement in section 303G(3), as applied by subsection (1), to consult the Attorney General may be satisfied by consultation carried out before this section comes into force.”

Member's explanatory statement

This amendment amends inserted section 303Z25 of the Proceeds of Crime Act 2002 (cryptoassets: codes of practice) to provide that certain preliminary steps in relation to the making of a code of practice under that section (for example, consulting on a draft code of practice) may be carried out before that section comes into force.

Secretary Suella Braverman

73

Schedule 7, page 220, line 36, at end insert—

- “(c) by the Scottish Ministers in connection with their functions under this Part, to an authority exercising equivalent functions in a foreign country, or
- (d) by a person under section 375A or 408A (evidence overseas).”

Member's explanatory statement

This amendment and Amendments 74, 75, 79 and 80 provide that a “request for assistance” in inserted Chapters 3C to 3F of Part 5 of the Proceeds of Crime Act 2002 (cryptoassets: civil recovery) includes a request made by the Scottish Ministers to an authority exercising equivalent functions in a foreign country or a request made under section 375A or 408A of that Act.

Secretary Suella Braverman

74

Schedule 7, page 222, line 45, at end insert—

- “(c) by the Scottish Ministers in connection with their functions under this Part, to an authority exercising equivalent functions in a foreign country, or

- (d) by a person under section 375A or 408A (evidence overseas)."

Member's explanatory statement

See Amendment 73.

Secretary Suella Braverman

75

Schedule 7, page 227, line 17, at end insert—

- "(c) by the Scottish Ministers in connection with their functions under this Part, to an authority exercising equivalent functions in a foreign country, or
- (d) by a person under section 375A or 408A (evidence overseas)."

Member's explanatory statement

See Amendment 73.

Secretary Suella Braverman

76

Schedule 7, page 229, line 6, leave out from "detained" to "or" in line 7 and insert "under Chapter 3C"

Member's explanatory statement

This amendment provides that cryptoassets detained under any provision of Chapter 3C of Part 5 of the Proceeds of Crime Act 2002 (forfeiture of cryptoassets) (including under section 303Z31 of that Act) are subject to forfeiture under section 303Z41 of that Act.

Secretary Suella Braverman

77

Schedule 7, page 230, line 20, leave out from "detained" to end of line 21 and insert "under Chapter 3C"

Member's explanatory statement

This amendment is consequential on Amendment 76.

Secretary Suella Braverman

78

Schedule 7, page 230, line 22, leave out "in pursuance of the order" and insert "under Chapter 3C"

Member's explanatory statement

This amendment is consequential on Amendment 76.

Secretary Suella Braverman

79

Schedule 7, page 246, line 18, at end insert—

- “(c) by the Scottish Ministers in connection with their functions under this Part, to an authority exercising equivalent functions in a foreign country, or
- (d) by a person under section 375A or 408A (evidence overseas).”

Member’s explanatory statement

See Amendment 73.

Secretary Suella Braverman

80

Schedule 7, page 247, line 18, at end insert—

- “(c) by the Scottish Ministers in connection with their functions under this Part, to an authority exercising equivalent functions in a foreign country, or
- (d) by a person under section 375A or 408A (evidence overseas).”

Member’s explanatory statement

See Amendment 73.

Secretary Suella Braverman

81

Schedule 7, page 254, line 41, after “303Z30” insert “, 303Z31”

Member’s explanatory statement

This amendment and Amendments 82, 83, 84, 85 and 86 provide that where cryptoassets are detained under section 303Z31 of the Proceeds of Crime Act 2002 (seizure of cryptoassets) or paragraph 10Z7AF of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 (seizure of terrorist cryptoassets) and are subject to an application for forfeiture, those cryptoassets are not “free property” for the purposes of the Proceeds of Crime Act 2002.

Secretary Suella Braverman

82

Schedule 7, page 255, line 2, after “10Z7AE” insert “, 10Z7AF”

Member’s explanatory statement

See Amendment 81.

Secretary Suella Braverman

83

Schedule 7, page 255, line 26, after “303Z30” insert “, 303Z31”

Member’s explanatory statement

See Amendment 81.

Secretary Suella Braverman 84

Schedule 7, page 255, line 32, after "10Z7AE" insert ", 10Z7AF"

Member's explanatory statement

See Amendment 81.

Secretary Suella Braverman 85

Schedule 7, page 256, line 8, after "303Z30" insert ", 303Z31"

Member's explanatory statement

See Amendment 81.

Secretary Suella Braverman 86

Schedule 7, page 256, line 14, after "10Z7AE" insert ", 10Z7AF"

Member's explanatory statement

See Amendment 81.

Secretary Suella Braverman 87

Schedule 7, page 258, line 12, at end insert—

"(5A)After section 311 insert—

"Chapters 3C to 3F: supplementary

311AFinancial investigators

- (1) This section applies where an accredited financial investigator of a particular description—
 - (a) applies for an order under section 303Z28, 303Z32, 303Z57 or 303Z58 (further detention of cryptoassets etc),
 - (b) applies for forfeiture under section 303Z41 or 303Z60 (forfeiture of cryptoassets etc), or
 - (c) brings an appeal under, or relating to, Chapter 3E or 3F (cryptoassets etc).
- (2) Any subsequent step in the application or appeal, or any further application or appeal relating to the same matter, may be taken, made or brought by a different accredited financial investigator of the same description."

Member's explanatory statement

This amendment contains a consequential amendment to Part 5 of the Proceeds of Crime Act 2002. It inserts new section 311A, which includes provision about accredited financial investigators making certain applications or appeals in relation to Chapters 3C to 3F of that Part.

Secretary Suella Braverman

88

Schedule 7, page 258, line 13, after “Scottish Ministers)” insert “—

- (a) in paragraph (c), for “271(3) and (4)” substitute “271”, and
- (b) “

Member’s explanatory statement

This amendment amends section 312(2) of the Proceeds of Crime Act 2002 (performance of functions of Scottish Ministers by constables in Scotland) to provide that all functions of the Scottish Ministers within section 271 of that Act (agreements about associated and joint property) may not be performed by constables.

Secretary Suella Braverman

89

Schedule 7, page 258, line 16, at end insert—

- “(ra) section 303Z28(5)(b) (further detention of seized cryptoasset-related items);
- (rb) section 303Z32(5)(b) (further detention of seized cryptoassets);
- (rc) section 303Z34(4) and (5)(b)(i) (release of cryptoassets and cryptoasset-related items);”

Member’s explanatory statement

This amendment and Amendments 90 and 91 consequentially amend section 312(2) of the Proceeds of Crime Act 2002 (performance of functions of Scottish Ministers by constables in Scotland) to provide that certain functions of the Scottish Ministers in inserted Chapters 3C to 3F of Part 5 of that Act may not be performed by constables.

Secretary Suella Braverman

90

Schedule 7, page 258, line 20, at end insert—

- “(ua) section 303Z44 (agreements about associated and joint property);
- (ub) section 303Z45(10) (associated and joint property: default of agreement);
- (uc) section 303Z46(2) (continuation of crypto wallet freezing order pending appeal);
- (ud) section 303Z47(1) (sections 303Z41 to 303Z45: appeals);”

Member’s explanatory statement

See Amendment 89.

Secretary Suella Braverman

91

Schedule 7, page 258, line 25, at end insert—

- “(y) section 303Z61(1) (appeal against decision under section 303Z60).”

Member's explanatory statement

See Amendment 89.

Secretary Suella Braverman

92

Schedule 7, page 263, line 6, at end insert—

"11A In section 453B of the Proceeds of Crime Act 2002 (certain offences in relation to SFO officers), in subsection (5), after paragraph (g) insert—

- "(ga) section 303Z21 (powers to search for cryptoasset-related items);
- (gb) section 303Z26 (powers to seize cryptoasset-related items);
- (gc) section 303Z27 (powers to detain cryptoasset-related items;".

Member's explanatory statement

This amendment consequentially amends section 453B of the Proceeds of Crime Act 2002 (certain offences in relation to SFO officers) to provide that the offences in that section apply in relation to an SFO officer who is acting in exercise of certain cryptoasset-related powers in inserted Chapter 3C of Part 5 of that Act.

Secretary Suella Braverman

93

Schedule 8, page 267, line 19, at end insert—

- "(c) by the Scottish Ministers in connection with their functions under this Schedule, to an authority exercising equivalent functions in a foreign country, or
- (d) by a person under section 375A or 408A of the Proceeds of Crime Act 2002 (evidence overseas)."

Member's explanatory statement

This amendment and Amendments 94, 95, 99 and 100 provide that a "request for assistance" in inserted Parts 4BA to 4BD of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 (cryptoassets: terrorism) includes a request made by the Scottish Ministers to an authority exercising equivalent functions in a foreign country or a request made under section 375A or 408A of the Proceeds of Crime Act 2002.

Secretary Suella Braverman

94

Schedule 8, page 270, line 12, at end insert—

- "(c) by the Scottish Ministers in connection with their functions under this Schedule, to an authority exercising equivalent functions in a foreign country, or
- (d) by a person under section 375A or 408A of the Proceeds of Crime Act 2002 (evidence overseas)."

Member's explanatory statement

See Amendment 93.

Secretary Suella Braverman

95

Schedule 8, page 274, line 33, at end insert—

- “(c) by the Scottish Ministers in connection with their functions under this Schedule, to an authority exercising equivalent functions in a foreign country, or
- (d) by a person under section 375A or 408A of the Proceeds of Crime Act 2002 (evidence overseas).”

Member's explanatory statement

See Amendment 93.

Secretary Suella Braverman

96

Schedule 8, page 277, line 3, leave out from “detained” to “or” in line 4 and insert “under Part 4BA”

Member's explanatory statement

This amendment provides that cryptoassets detained under any provision of Part 4BA of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 (seizure and detention of terrorist cryptoassets) (including under paragraph 10Z7AF of that Schedule) are subject to forfeiture under paragraph 10Z7CA of that Schedule.

Secretary Suella Braverman

97

Schedule 8, page 278, leave out line 4 and insert “under Part 4BA”

Member's explanatory statement

This amendment is consequential on Amendment 96.

Secretary Suella Braverman

98

Schedule 8, page 278, line 5, leave out “in pursuance of the order” and insert “under Part 4BA”

Member's explanatory statement

This amendment is consequential on Amendment 96.

Secretary Suella Braverman

99

Schedule 8, page 295, line 20, at end insert—

- “(c) by the Scottish Ministers in connection with their functions under this Schedule, to an authority exercising equivalent functions in a foreign country, or

- (d) by a person under section 375A or 408A of the Proceeds of Crime Act 2002 (evidence overseas)."

Member's explanatory statement

See Amendment 93.

Secretary Suella Braverman

100

Schedule 8, page 296, line 16, at end insert—

- "(c) by the Scottish Ministers in connection with their functions under this Schedule, to an authority exercising equivalent functions in a foreign country, or
- (d) by a person under section 375A or 408A of the Proceeds of Crime Act 2002 (evidence overseas)."

Member's explanatory statement

See Amendment 93.

Order of the House

[13 October 2022]

That the following provisions shall apply to the Economic Crime and Corporate Transparency 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 Tuesday 29 November 2022.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and on 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 those 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.
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.

Economic Crime and Corporate Transparency Bill: Programme (No. 2)

Secretary Suella Braverman

That the Order of 13 October 2022 (Economic Crime and Corporate Transparency Bill: Programme) be varied as follows:

- 1. Paragraphs (4) and (5) of the Order shall be omitted.
- 2. Proceedings on Consideration and Third Reading shall be taken in two days in accordance with the following provisions of this Order.
- 3. Proceedings on Consideration—
 - (a) shall be taken in the order shown in the first column of the following Table, and
 - (b) shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

Proceedings	Time for conclusion of proceedings
New Clauses and new Schedules relating to Parts 1, 2 and 3; amendments to Parts 1, 2 and 3.	The moment of interruption on the first day.
New Clauses and new Schedules relating to Parts 4, 5 and 6; amendments to Parts 4, 5 and 6; any other new Clauses and new Schedules; remaining proceedings on Consideration.	One hour before the moment of interruption on the second day.

- 4. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.