
Report Stage: Wednesday 25 October 2023

Economic Activity of Public Bodies (Overseas Matters) Bill

(Amendment Paper)

This document lists all amendments tabled to the Economic Activity of Public Bodies (Overseas Matters) 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 Any withdrawn amendments are listed at the end of the document.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.

[R] indicates that a member has declared a relevant interest.

Ms Anum Qaisar

NC1

Chris Stephens

To move the following Clause—

“Impact assessment: trade and diplomatic relations

- (1) Within six months of the passing of this Act, the Secretary of State or the Minister for the Cabinet Office must conduct an impact assessment of this Act's impact on the United Kingdom's trade and diplomatic relations with the following countries—
 - (a) Afghanistan;
 - (b) Bangladesh;
 - (c) Belarus;
 - (d) Central African Republic;
 - (e) China;
 - (f) Colombia;
 - (g) Democratic People's Republic of Korea;
 - (h) Democratic Republic of the Congo;
 - (i) Egypt;
 - (j) Eritrea;
 - (k) Ethiopia;

- (l) Haiti;
- (m) Iran;
- (n) Iraq;
- (o) Libya;
- (p) Mali;
- (q) Myanmar (Burma);
- (r) Nicaragua;
- (s) Occupied Palestinian Territories;
- (t) Pakistan;
- (u) Russia;
- (v) Saudi Arabia;
- (w) Somalia;
- (x) South Sudan;
- (y) Sri Lanka;
- (z) Sudan;
- (aa) Syria;
- (ab) Turkmenistan;
- (ac) Uzbekistan;
- (ad) Venezuela;
- (ae) Yemen;
- (af) Zimbabwe.

- (2) The Secretary of State or the Minister for the Cabinet Office must produce a report on the outcome of the impact assessment.
- (3) The report mentioned in subsection (2) must be laid before Parliament as soon as reasonably practicable after the impact assessment has been conducted."

Member's explanatory statement

This new clause would require the Government to undertake an assessment of the impact of the Act on the UK's trade and diplomatic relations with the countries identified by the FCDO as human rights priority countries.

Ben Lake

NC2

Hywel Williams
Liz Saville Roberts

To move the following Clause—

"Economic impact assessment for Wales

Within three months of the passage of this Act, the Minister for the Cabinet Office must lay before Parliament an assessment of the impact of the Act on the economy in Wales."

Angela Rayner

NC3

Wayne David

To move the following Clause—

“Assessment of the impact of the Act on the provision of food compliant with religious dietary beliefs and on the prevention of discrimination

Within six months of the passage of this Act, a Minister of the Crown must lay before Parliament a statement on their assessment of the impact of the Act on—

- (a) the procurement of food meeting religious dietary beliefs, and
- (b) the prevention of discrimination on grounds of religion or belief.”

Ben Lake

12

Hywel Williams
Liz Saville Roberts

Clause 1, page 1, line 4, at end insert—

“(1A) But subsection (2) does not have effect in relation to a decision which falls within the competency of Senedd Cymru unless Senedd Cymru has passed a resolution granting its consent to the application of that subsection to such decisions.”

Member's explanatory statement

This amendment would require the consent of Senedd Cymru for the Bill to apply to decisions within the sphere of Welsh devolved legislative competence.

Ms Anum Qaisar

26

Chris Stephens

Clause 1, page 1, line 5, leave out “must not have regard to a territorial consideration” and insert “must not act”

Member's explanatory statement

This amendment, and Amendment 27, would remove the reference to a “territorial consideration” in the legislation.

Ms Anum Qaisar

35

Chris Stephens

Clause 1, page 1, line 6, leave out from “that” to “influenced” in line 7 and insert “is”

Member's explanatory statement

This amendment is to probe the use of a subjective, rather than an objective, test to establish whether a decision-maker has contravened clause 1.

Ms Anum Qaisar 36

Chris Stephens

Clause 1, page 1, line 6, leave out from “would” to “was” in line 7, and insert “is”

Member's explanatory statement

This amendment is to probe the use of a subjective, rather than an objective, test to establish whether a decision-maker has contravened clause 1.

Ms Anum Qaisar 27

Chris Stephens

Clause 1, page 1, line 9, leave out subsection (3)

Member's explanatory statement

This amendment, and Amendment 26, would remove the reference to a “territorial consideration” in the legislation.

Ms Anum Qaisar 37

Chris Stephens

Clause 1, page 1, leave out lines 20 to 22

Member's explanatory statement

This amendment is to probe the impact of the legislation on individuals, such as those working within public authorities.

Ms Anum Qaisar 34

Chris Stephens

Clause 2, page 2, line 4, at end insert—

“(1A) But section 1 does not apply to decisions of Scottish Ministers.”

Member's explanatory statement

This amendment would remove decisions of Scottish Ministers from the scope of the Bill.

Angela Rayner 14
Wayne David

Clause 3, page 2, line 17, leave out subsections (2) and (3)

Member's explanatory statement

This amendment would remove provisions allowing Ministers to amend the Schedule, via regulations, to add a description of decision or consideration, or amend or remove considerations added under previous regulations.

Ms Anum Qaisar 18
Chris Stephens

Clause 3, page 2, line 28, leave out paragraph (b)

Member's explanatory statement

This amendment, and Amendments 19 and 20, seek to remove Scotland from the extent of this Bill.

Angela Rayner 13
Wayne David
Zarah Sultana

Clause 3, page 2, line 40, at end insert—

- “(4A) Section 1 does not apply to a decision which has been made in accordance with a Statement of Policy Relating to Human Rights.
- (4B) A Statement of Policy Relating to Human Rights—
- (a) is a public authority's policy criteria relating to disinvestment in cases concerning contravention of human rights; and
 - (b) must be applied consistently by the public authority to all foreign countries.
- (4C) Within 60 days of the passing of this Act, the Secretary of State must publish, and lay before Parliament, guidance on the form, content and application of Statements for the purposes of this section
- (4D) Public authorities must have regard to the guidance referenced in subsection (4C) when devising a Statement.”

Member's explanatory statement

This amendment would exempt public bodies from the prohibition in section 1, where the decision has been made in accordance with a Statement of Policy Relating to Human Rights. A Statement may not single out individual nations, but would have to be applied consistently, and in accordance with guidance published by the Secretary of State.

Kit Malthouse

7

Mr David Jones
 Alicia Kearns
 Kelly Tolhurst
 Sir Desmond Swayne
 Richard Graham

Mr William Wragg
 Vicky Ford
 Andrew Selous
 Chris Stephens
 Wendy Chamberlain
 Wera Hobhouse

Mrs Flick Drummond
 Philip Dunne
 Selaine Saxby
 Layla Moran
 Richard Foord

Crispin Blunt [R]
 George Eustice
 Wayne David
 Daisy Cooper
 Sarah Olney

Clause 3, page 3, line 7, leave out subsection (7)

Member's explanatory statement

This amendment would remove the prohibition on the Government specifying Israel, the Occupied Palestinian Territories or the Occupied Golan Heights as a country or territory to which the prohibition on boycotts does not apply, meaning they are treated just as all other countries and territories.

Ms Anum Qaisar

21

Chris Stephens

Clause 3, page 3, line 11, leave out paragraphs (b) and (c)

Member's explanatory statement

This amendment would remove the existing stipulation that the power to exempt a country or territory from section 1 may not be used in respect of the Occupied Palestinian Territories or the Occupied Golan Heights.

Sir Desmond Swayne

2

Page 3, line 13, leave out Clause 4

Kit Malthouse

3

Mr David Jones
 Alicia Kearns
 Kelly Tolhurst
 Sir Desmond Swayne
 Richard Graham

Mr William Wragg
 Vicky Ford

Mrs Flick Drummond
 Philip Dunne

Crispin Blunt [R]
 George Eustice

Clause 4, page 3, line 18, leave out paragraph (b)

Member's explanatory statement

This amendment would remove the prohibition on a person publishing a statement indicating that they would have acted in a way prohibited by clause 1 if it were legal to do so.

Angela Rayner

16

Wayne David

Clause 4, page 3, line 24, at end insert—

- “(4) This section does not apply to—
- (a) a local authority,
 - (b) an elected mayor of a local authority
 - (c) a mayor for the area of a combined authority,
 - (d) the Mayor of London,
 - (e) the London Assembly
 - (f) the Scottish Parliament, or
 - (g) Senedd Cymru.”

Member's explanatory statement

This amendment would exempt elected bodies from the prohibition on making public statements indicating that they intend to, or would intend to if it were lawful, act in a way that would contravene section 1.

Ms Anum Qaisar

28

Chris Stephens

Clause 4, page 3, line 24, at end insert—

- “(4) Nothing in this section requires any act or omission that conflicts with the rights and freedoms guaranteed under the Human Rights Act 1998.”

Member's explanatory statement

This amendment would ensure that any act or omission under the “gagging clause” in clause 4 would not conflict with the Human Rights Act 1998 (HRA), in particular, Article 10 (right to freedom of expression) and Article 9 (freedom of thought, conscience and religion) of the ECHR as incorporated by the HRA.

Ms Anum Qaisar

29

Chris Stephens

Clause 7, page 5, line 8, leave out “, or is about to make”

Member's explanatory statement

This amendment, together with Amendments 30 to 33, would remove the ability of information notices and compliance notices to be given to public bodies prior to an actual contravention of the ban.

Ms Anum Qaisar 30
Chris Stephens

Clause 7, page 5, line 12, leave out “, or is likely to contravene”

Member's explanatory statement

See explanatory statement to Amendment 29.

Ms Anum Qaisar 31
Chris Stephens

Clause 7, page 5, line 15, leave out “, or is about to publish,”

Member's explanatory statement

See explanatory statement to Amendment 29.

Ms Anum Qaisar 32
Chris Stephens

Clause 7, page 5, line 18, leave out “, or is likely to contravene,”

Member's explanatory statement

See explanatory statement to Amendment 29.

Ms Anum Qaisar 38
Chris Stephens

Clause 7, page 5, line 39, leave out from “legislation” to the end of line 41

Member's explanatory statement

This amendment is to probe the way the legislation appears to “qualify” the data protection legislation.

Ms Anum Qaisar 33
Chris Stephens

Clause 8, page 6, line 6, leave out “, or is likely to contravene”

Member's explanatory statement

See explanatory statement to Amendment 29.

Kit Malthouse

4

Mr David Jones
Alicia Kearns
Kelly Tolhurst
Sir Desmond Swayne
Richard Graham

Mr William Wragg
Vicky Ford

Mrs Flick Drummond
Philip Dunne

Crispin Blunt [R]
George Eustice

Clause 12, page 8, line 4, at end insert—

“(1A) But section 1 does not apply in relation to a fund investment decision made by such a manager if the decision has been approved by a majority of those voting in a ballot of the members of the fund; and section 4 does not apply to any statement—

- (a) made for the purpose of preparing for or explaining the purpose of such a ballot;
- (b) concerning a decision which has been approved by such a ballot.”

Member's explanatory statement

This amendment would allow a local government pension fund to act in a way prohibited by clause 1 if the decision to do so is approved by a majority of scheme members, and would prevent statements about or following such a ballot being prohibited by clause 4.

Ms Anum Qaisar

19

Chris Stephens

Clause 17, page 10, line 38, leave out “Scotland”

Member's explanatory statement

See explanatory statement for Amendment 18.

Ms Anum Qaisar

20

Chris Stephens

Clause 17, page 11, line 19, leave out “Scotland”

Member's explanatory statement

See explanatory statement for Amendment 18.

Kit Malthouse

5

Mr David Jones
 Alicia Kearns
 Kelly Tolhurst
 Sir Desmond Swayne
 Richard Graham

Mr William Wragg
 Vicky Ford

Mrs Flick Drummond
 Philip Dunne

Crispin Blunt [R]

Schedule, page 12, line 21, at end insert—

“3A Section 1 does not apply to—

- (a) a registered higher education provider in England, as defined by section 3(10) of the Higher Education and Research Act 2017;
- (b) an institution within the higher education sector in Wales, as defined by section 91 of the Further and Higher Education Act 1992;
- (c) an institution within the higher education sector in Scotland, as defined by section 56 of the Further and Higher Education (Scotland) Act 1992;
- (d) a higher education institution in Northern Ireland, as defined by article 30 of the Education and Libraries (Northern Ireland) Order 1993.”

Member's explanatory statement

This amendment would remove universities and other higher education providers from the requirement to act in accordance with clause 1.

Kit Malthouse

6

Mr David Jones
 Alicia Kearns
 Kelly Tolhurst
 Sir Desmond Swayne
 Richard Graham

Mr William Wragg
 Vicky Ford

Mrs Flick Drummond
 Philip Dunne

Crispin Blunt [R]

Schedule, page 13, line 5, at end insert—

“6A Section 1 does not prevent regard to a consideration so far as it relates to conduct which it is the position of His Majesty's Government represents a breach of international law.”

Member's explanatory statement

This amendment would permit decisions which would otherwise be in breach of clause 1 if they are taken in response to conduct which the Government considers to be a breach of international law.

Zarah Sultana

17

Apsana Begum
 Bell Ribeiro-Addy
 Ms Diane Abbott
 Nadia Whittome
 Tommy Sheppard

John McDonnell
 Claudia Webbe
 Ian Byrne

Beth Winter
 Richard Burgon
 Jeremy Corbyn

Chris Law
 Dawn Butler
 Caroline Lucas

Schedule, page 13, line 5, at end insert—

“6A Section 1 does not prevent regard to a consideration so far as the purpose of the decision is to prevent violations of international law including the deliberate targeting of civilians and civilian infrastructure, the imposition of collective punishment on civilian populations, forced transfer of civilians, and other acts which may constitute war crimes.”

Ms Anum Qaisar

22

Chris Stephens

Schedule, page 13, line 5, at end insert—

“(2) Section 1 does not prevent regard to a consideration so far as the decision-maker reasonably considers it relevant to whether the decision (or anything done further to it) would give financial, economic, or other reward to a party that has engaged in breaching international law, where that breach of international law is directly related to the decision.”

Caroline Lucas

8

Zarah Sultana

Schedule, page 15, line 22, at end insert “, environmental protection, environmental targets, environmental treaties or environmental law (as defined by the Environment Act 2021).”

Member's explanatory statement

This amendment would expand the environmental grounds on which a public body is allowed to make certain economic decisions.

Caroline Lucas

9

Schedule, page 15, line 26, leave out paragraphs (a) and (b) and insert—

- “(a) reduces the level of environmental protection, including in a country or territory other than the United Kingdom, or
- (b) caused, or had the potential to cause, harm to the natural environment, including the life and health of—

- (i) plants, wild animals and other living organisms,
- (ii) their habitats, or
- (iii) land (except buildings or other structures), air and water, and the natural systems, cycles and processes through which they interact."

Member's explanatory statement

This amendment extends the definition of environment misconduct to include damage regardless of whether it is legal or illegal, and to include species, habitats and the natural world.

George Eustice

10

Schedule, page 15, line 29, at end insert "and the welfare of animals"

Member's explanatory statement

This amendment would add conduct causing, or having the potential to cause, significant harm to the welfare of animals to the types of conduct which constitute environmental misconduct and to which regard may therefore be had without contravening section 1.

George Eustice

11

Schedule, page 15, line 29, at end insert—

- "(4) The conduct referenced in sub-paragraph (3) includes conduct which amounts to—
- (a) an offence under section 4, 5, 6, 7, 8, 9, 10, 11, 12 or 13 of the Animal Welfare Act 2006, and
 - (b) an infringement or contravention of any of the requirements or prohibitions in Schedule 1 of the Welfare of Animals at the Time of Killing Regulations 2015."

Member's explanatory statement

This amendment would clarify the meaning of "welfare of animals" for the purpose of Amendment 10.

Caroline Lucas

15

Zarah Sultana

Schedule, page 15, line 29, at end insert—

- "11 Section 1 does not prevent regard to a consideration so far as it relates to the use of fossil fuels."

Member's explanatory statement

This amendment would allow for a public body to consider the use of fossil fuels when taking certain economic decisions.

Ms Anum Qaisar

23

Chris Stephens

Schedule, page 15, line 29, at end insert—

“11 Section 1 does not prevent regard to a consideration so far as the decision-maker reasonably considers it relevant to whether the decision (or anything done further to it) would give financial, economic, or other reward to a party that has engaged in the crime of genocide as determined under international law, where that crime of genocide is directly related to the decision.”

Ms Anum Qaisar

24

Chris Stephens

Schedule, page 15, line 29, at end insert—

“11 Section 1 does not prevent regard to a consideration so far as the decision-maker reasonably considers it relevant to whether the decision (or anything done further to it) would give financial, economic, or other reward to a party that has engaged in the crime of ethnic cleansing as determined under international law, where that ethnic cleansing is directly related to the decision.”

Ms Anum Qaisar

25

Chris Stephens

Schedule, page 15, line 29, at end insert—

“11 Section 1 does not prevent regard to a consideration so far as the decision-maker reasonably considers it relevant to whether the decision (or anything done further to it) would give financial, economic, or other reward to a party that has engaged in the crime of apartheid as determined under international law, where that crime of apartheid is directly related to the decision.”

Order of the House

[3 July 2023]

That the following provisions shall apply to the Economic Activity of Public Bodies (Overseas Matters) 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 Thursday 14 September 2023.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which 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.
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Withdrawn Amendments

The following amendments were withdrawn on 19 September 2023:

1