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Lords Amendments: Monday 4 September 2023

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# Economic Crime and Corporate Transparency Bill

## (Motions relating to Lords Amendments)

This document should be read alongside the amendments the Lords have made to this Bill and the Speaker's provisional selection and grouping.

This paper sets out motions to agree, disagree, amend or replace amendments made by the Lords. The motions are arranged in the order in which it is expected they will be decided.

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### Lords Amendment **23**

As an Amendment to the Lords Amendment:—

Secretary Suella Braverman

(a)

Leave out lines 84 to 96

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### Lords Amendment **151**

As an Amendment to the Lords Amendment:—

Secretary Suella Braverman

(a)

In subsection (1), after first "body" insert "which is a large organisation (see sections ((*Failure to prevent fraud*): *large organisations*) and (*Large organisations: parent undertakings*))"

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Lords Amendment **153**

As Amendments to the Lords Amendment:—

Secretary Suella Braverman (a)

In subsection (1), after “(*Failure to prevent fraud*)(1)” insert “and (2)”

In subsection (6), after “(*Failure to prevent fraud*)(1)” insert “and (2)” (b)

In subsection (7)(a), after “(*Failure to prevent fraud*)(1)” insert “and (2)(c)” (c)

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Lords Amendment **115**

Secretary Suella Braverman

To move, That this House disagrees with the Lords in their Amendment.

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Lords Amendment **117**

Secretary Suella Braverman

To move, That this House disagrees with the Lords in their Amendment.

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Lords Amendment **159**

Secretary Suella Braverman

To move, That this House disagrees with the Lords in their Amendment.

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Lords Amendment **161**

Secretary Suella Braverman

To move, That this House disagrees with the Lords in their Amendment.

Secretary Suella Braverman

To move the following Amendment to the Bill in lieu of the Lords Amendment:—

Secretary Suella Braverman

(a)

Page 172, line 44, at end insert the following new Clause—

*“Report on costs orders for proceedings for civil recovery*

**Report on costs orders for proceedings for civil recovery**

- (1) The Secretary of State must assess whether it would be appropriate to restrict the court’s power to order that the costs of proceedings under Chapter 2 of Part 5 of the Proceeds of Crime Act 2002 are payable by an enforcement authority and, if so, how.
- (2) In carrying out the assessment, the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (3) The Secretary of State must publish and lay before Parliament a report on the outcome of the assessment by the end of the period of 12 months beginning with the day on which this Act is passed.
- (4) In this section “the court” means the High Court in England and Wales.”

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Lords Amendment **56**

Secretary Suella Braverman

To move, That this House disagrees with the Lords in their Amendment.

Secretary Suella Braverman

To move the following Amendments to the Bill in lieu of the Lords Amendment:—

Secretary Suella Braverman

(a)

Page 57, line 25, leave out subsection (3) and insert—

“(3) After section 1067 insert—

*“Who may deliver documents to the registrar*

**1067A Delivery of documents: identity verification requirements etc**

- (1) An individual may not deliver a document to the registrar on their own behalf unless—
- (a) their identity is verified (see section 1110A), and
  - (b) the document is accompanied by a statement to that effect.
- (2) An individual (A) may not deliver a document to the registrar on behalf of another person (B) who is of a description specified in column 1 of the following table unless—
- (a) the individual is of a description specified in the corresponding entry in column 2, and
  - (b) the document is accompanied by the statement specified in the corresponding entry in column 3.

	1	2	3
	Description of person on whose behalf document delivered (B)	Description of individual who may deliver document on B's behalf (A)	Accompanying statement
1	Firm	Individual who is an officer or employee of the firm and whose identity is verified (see section 1110A).	Statement by A— (a) that A is an officer or employee of the firm, (b) that A is delivering the document on the firm's behalf, and (c) that A's identity is verified.
2	Firm	Individual who is an officer or employee of a corporate officer of the firm and whose identity is verified.	Statement by A— (a) that A is an officer or employee of a corporate officer of the firm, (b) that A is delivering the document on the firm's behalf, and (c) that A's identity is verified.
3	Firm	Individual who is an authorised corporate service provider (see section 1098A).	Statement by A— (a) that A is an authorised corporate service provider, and (b) that A is delivering the document on the firm's behalf.
4	Firm	Individual who is an officer or employee of an authorised corporate service provider.	Statement by A— (a) that A is an officer or employee of an authorised corporate service provider, and (b) that A is delivering the document on the firm's behalf.

	1	2	3
	<b>Description of person on whose behalf document delivered (B)</b>	<b>Description of individual who may deliver document on B's behalf (A)</b>	<b>Accompanying statement</b>
5	Individual	Individual whose identity is verified.	Statement by A— (a) that A is delivering the document on B's behalf, and (b) that A's identity is verified.
6	Individual	Individual who is an authorised corporate service provider.	Statement by A— (a) that A is an authorised corporate service provider, and (b) that A is delivering the document on B's behalf.
7	Individual	Individual who is an officer or employee of an authorised corporate service provider.	Statement by A— (a) that A is an officer or employee of an authorised corporate service provider, and (b) that A is delivering the document on B's behalf.

- (3) In relation to a corporate officer that has only corporate officers, the reference in row 2 of the table to an individual who is one of its officers is to—
- (a) an individual who is an officer of one of those corporate officers, or
  - (b) if the officers of those corporate officers are all corporate officers, an individual who is an officer of any of the corporate officers' corporate officers, and so on until there is at least one individual who is an officer.
- (4) The Secretary of State may by regulations—
- (a) create exceptions to subsections (1) or (2) (which may be framed by reference to the person by whom or on whose behalf a document is delivered or by reference to descriptions of document or in any other way);
  - (b) amend this section for the purpose of changing the effect of the table in subsection (2).
- (5) Regulations under subsection (4)(a)—
- (a) may require any document delivered to the registrar in reliance on an exception to be accompanied by a statement;
  - (b) may amend this section.
- (6) The Secretary of State may by regulations make provision requiring a statement delivered to the registrar under subsection (2) to be

accompanied by additional statements or additional information in connection with the subject-matter of the statement.

- (7) Regulations under this section are subject to affirmative resolution procedure.
- (8) In this section “corporate officer” means an officer that is not an individual.””

Page 59, line 9, at end insert—

(b)

- “(7) The Secretary of State may by regulations amend this section for the purposes of changing who may deliver a document to the registrar on behalf of a disqualified person.
- (8) Regulations under subsection (7) are subject to the affirmative procedure.”

Page 129, line 37, after “regulations” insert “—

(c)

- (a) amend this section for the purposes of changing who may deliver a document under a provision listed in subsection (4) to the registrar on behalf of another person;
- (b) “

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## Economic Crime and Corporate Transparency Bill: Programme (No. 3)

Secretary Suella Braverman

That the following provisions shall apply to the Economic Crime and Corporate Transparency Bill for the purpose of supplementing the Order of 13 October 2022 (Economic Crime and Corporate Transparency Bill: Programme), as varied by the Order of 24 January 2023 (Economic Crime and Corporate Transparency Bill: Programme (No. 2)):

### Consideration of Lords Amendments

1. Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion three hours after their commencement.
2. The Lords Amendments shall be considered in the following order: 23, 151, 153, 115, 117, 159, 161, 1 to 22, 24 to 114, 116, 118 to 150, 152, 154 to 158, 160, 162 to 229.

### Subsequent stages

3. Any further Message from the Lords may be considered forthwith without any Question being put.

4. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.
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