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Committee Stage: Tuesday 14 January 2025

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## Employment Rights Bill (Amendment Paper)

This document lists all amendments tabled to the Employment Rights 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 Any withdrawn amendments are listed at the end of the document.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 Chair's provisional Selection and Grouping, which sets out the order in which the amendments will be debated.

★ New Amendments.

New Amendments: NC53

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**Justin Madders**

**Gov 183**

Dame Nia Griffith

Schedule 6, page 135, line 6, leave out “Secretary of State.” and insert “Gangmasters and Labour Abuse Authority or the Secretary of State.”

### **Member's explanatory statement**

This amendment would ensure that section 12(2) of the Gangmasters (Licensing) Act 2004, which makes it an offence for a person to be in possession or control of a “relevant document” that is false or has been improperly obtained with the intention of inducing someone to believe that the person has a licence under that Act, continues to apply in respect of documents issued by the Gangmasters and Labour Abuse Authority in connection with a licence before its abolition.

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**Justin Madders**

**Gov 102**

Dame Nia Griffith

Schedule 6, page 137, line 13, at end insert—

“(3A) In the italic heading before paragraph 10, omit “of Authority.”

### **Member's explanatory statement**

This amendment makes a minor drafting correction.

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**Justin Madders**

**Gov 103**

Dame Nia Griffith

Schedule 6, page 137, line 15, leave out “the heading and”

**Member's explanatory statement**

This is consequential on amendment 102.

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**Justin Madders**

**Gov 104**

Dame Nia Griffith

Schedule 6, page 140, line 26, leave out “and (4)” and insert “, (4), (8) and (9)”

**Member's explanatory statement**

This amendment, and amendments 105 and 106, make further minor amendments of section 114B of the Police and Criminal Evidence Act 1984 as a result of the replacement of labour abuse prevention officers by enforcement officers under Part 5 of the Bill.

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**Justin Madders**

**Gov 105**

Dame Nia Griffith

Schedule 6, page 140, line 26, at end insert—

“(4A) In subsection (10), for “Any other” substitute “A”.”

**Member's explanatory statement**

See the explanatory statement for amendment 104.

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**Justin Madders**

**Gov 106**

Dame Nia Griffith

Schedule 6, page 140, line 27, leave out sub-paragraph (5) and insert—

“(5) For subsection (11) substitute—

“(11) In this section—

“enforcement officer” has the meaning given by section 72(3) of the Employment Rights Act 2025;

“labour market offence” has the same meaning as in Part 5 of that Act (see section 112(1) of that Act).”

**Member's explanatory statement**

See the explanatory statement for amendment 104.

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**Justin Madders**

**Gov 184**

Dame Nia Griffith

Schedule 6, page 141, line 7, at end insert—

*“Employment Tribunals Act 1996*

70A In section 19A of the Employment Tribunals Act 1996 (conciliation: recovery of sums payable under settlements), omit subsection (10A).”

**Member's explanatory statement**

This amendment provides for a minor consequential amendment relating to Part 5 of the Bill.

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**Justin Madders**

**Gov 185**

Dame Nia Griffith

Schedule 6, page 141, line 33, leave out from “2025)” to end of line 2 on page 142 and insert “acting in the exercise of functions conferred on them by virtue of section 114B of the Police and Criminal Evidence Act 1984;”;

**Member's explanatory statement**

This amendment is consequential on amendment 186.

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**Justin Madders**

**Gov 187**

Dame Nia Griffith

Schedule 6, page 142, line 3, after “(3)” insert “—

(i) after paragraph (bc) insert—

“(bca) any regulations under section 26CA of this Act (enforcement officers appointed under Employment Rights Act 2025);”;

(ii)”

**Member's explanatory statement**

See the explanatory statement for amendment 186.

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**Justin Madders**

**Gov 186**

Dame Nia Griffith

Schedule 6, page 142, line 3, at end insert—

“(2A) After section 26C insert—

**“26CA Enforcement officers appointed under Employment Rights Act 2025**

- (1) The Secretary of State may make regulations conferring functions on the Director General in relation to enforcement officers acting in the exercise of functions conferred on them by virtue of section 114B of the Police and Criminal Evidence Act 1984.
- (2) In this section “enforcement officer” means a person appointed by the Secretary of State under section 72 of the Employment Rights Act 2025.
- (3) Regulations under this section may, in particular—
  - (a) apply (with or without modifications), or make provision similar to, any provision of or made under this Part;
  - (b) make provision for payment by the Secretary of State to, or in respect of, the Office or in respect of the Director General.
- (4) The Director General and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which—
  - (a) the Director General has functions by virtue of this section, and
  - (b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967.
- (5) The Secretary of State or an enforcement officer may disclose information to the Director General, or to a person acting on the Director General’s behalf, for the purposes of the exercise by the Director General, or by any person acting on the Director General’s behalf, of a relevant complaints function.
- (6) The Director General and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function—
  - (a) by virtue of this section, or
  - (b) under the Parliamentary Commissioner Act 1967.
- (7) Regulations under this section may, in particular, make—
  - (a) further provision about the disclosure of information under subsection (5) or (6);
  - (b) provision about the further disclosure of information that has been so disclosed.
- (8) A disclosure of information authorised by this section does not breach—
  - (a) any obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).

- (9) But this section does not authorise a disclosure of information that—
- (a) would contravene the data protection legislation (but in determining whether a disclosure would do so, the power conferred by this section is to be taken into account), or
  - (b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
- (10) In this section—
- “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
- “relevant complaints function” means a function in relation to the exercise of functions by enforcement officers.””

**Member's explanatory statement**

This amendment and amendment 187 would enable the Secretary of State to make regulations enabling the Director General of the Independent Office for Police Conduct to deal with complaints and misconduct relating to enforcement officers who are exercising police powers.

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**Justin Madders**

**Gov 188**

Dame Nia Griffith

Schedule 6, page 143, line 19, leave out “subsection” and insert “subsections (4) and”

**Member's explanatory statement**

This amendment is consequential on amendment 184.

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**Justin Madders**

**Gov 189**

Dame Nia Griffith

Schedule 6, page 144, line 10, at end insert—

*“Sentencing Act 2020*

- 92A In section 379(1) of the Sentencing Act 2020 (other behaviour orders etc), after the entry for the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 insert—

**“Employment Rights Act  
2025**

section 90

labour market  
enforcement order

labour market  
offence within the  
meaning of Part 5 of  
that Act.””

**Member's explanatory statement**

This amendment makes a consequential amendment to the Sentencing Act 2020 to include labour market enforcement orders in the list of orders that may be made on conviction by a criminal court but are not dealt with in that Act.

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**Justin Madders**

**Gov 190**

Dame Nia Griffith

Schedule 6, page 144, line 10, at end insert—

*“Police, Crime, Sentencing and Courts Act 2022*

92B In Part 2 of Schedule 3 to the Police, Crime, Sentencing and Courts Act 2022 (extraction of information from electronic devices: authorised persons in relation to all purposes within section 37), after the entry relating to section 15 of the Gangmasters (Licensing) Act 2004 insert—

“A person who is an enforcement officer for the purposes of Part 5 of the Employment Rights Act 2025.””

**Member's explanatory statement**

This amendment would authorise enforcement officers under Part 5 of the Bill to exercise the powers conferred by section 37 of the Police, Crime, Sentencing and Courts Act 2022 to extract information stored on electronic devices for the purposes of, among other things, criminal investigations.

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**Justin Madders**

**Gov 191**

Dame Nia Griffith

Schedule 7, page 146, line 19, after “by” insert “or in relation to”

**Member's explanatory statement**

This amendment and amendment 192 ensure that things done in relation to existing enforcement officers, for example, before the coming into force of Part 5 of the Bill continue to have effect as if done in relation to the Secretary of State.

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**Justin Madders**

**Gov 192**

Dame Nia Griffith

Schedule 7, page 146, line 24, after “by” insert “or in relation to”

**Member's explanatory statement**

See the explanatory statement for amendment 191.

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**Justin Madders**

**Gov 193**

Dame Nia Griffith

Schedule 7, page 147, line 2, at end insert—

“( ) an officer acting for the purposes of Part 2A of the Employment Tribunals Act 1996;”

**Member's explanatory statement**

The effect of this amendment is that the transitional provision in paragraph 6 of Schedule 7 to the Bill would apply in relation to officers acting for the purposes of Part 2A of the Employment Tribunals Act 1996 (which relates to the enforcement of employment tribunal awards). The functions of such officers are being transferred to the Secretary of State by the Bill.

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**Justin Madders**

**Gov 194**

Dame Nia Griffith

Schedule 7, page 147, leave out line 6

**Member's explanatory statement**

See the explanatory statement for amendment 195.

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**Justin Madders**

**Gov 195**

Dame Nia Griffith

Schedule 7, page 147, line 11, at end insert—

“( ) an officer of the Gangmasters and Labour Abuse Authority acting for the purposes of any other enactment.”

**Member's explanatory statement**

This amendment and amendment 194 make a minor drafting change.

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**Justin Madders**

**Gov 196**

Dame Nia Griffith

Schedule 7, page 147, line 11, at end insert—

“(4A) Sub-paragraphs (1) to (3) are subject to the remaining provisions of this Schedule (and see also section 114, which confers power to make transitional or saving provision).”

**Member's explanatory statement**

This amendment makes it clear that the general provision in paragraph 6 of Schedule 7 is subject to any more specific provision in that Schedule.

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**Justin Madders**

Gov 197

Dame Nia Griffith

Schedule 7, page 147, line 25, after “repeal” insert “of that provision”

**Member's explanatory statement**

This amendment makes a minor drafting change.

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**Justin Madders**

Gov 198

Dame Nia Griffith

Schedule 7, page 147, line 27, at end insert—

*“Labour abuse prevention officers*

7A (1) Anything which—

(a) was done by or in relation to a labour abuse prevention officer in, or in connection with, the exercise of a function conferred on the officer by virtue of section 114B of the Police and Criminal Evidence Act 1984 (“PACE”), and

(b) is in effect immediately before the day on which paragraph 67 of Schedule 6 comes into force (“the relevant day”),

has effect, on and after that day, as if done by or in relation to a relevant enforcement officer.

(2) Anything which—

(a) relates to a function conferred on a labour abuse prevention officer by virtue of section 114B of PACE, and

(b) immediately before the relevant day, is in the process of being done by or in relation to such an officer,

may be continued, on and after that day, by or in relation to a relevant enforcement officer.

(3) In this paragraph—

“labour abuse prevention officer” has the meaning given by section 114B of PACE (as that section had effect immediately before the relevant day);

“relevant enforcement officer”, in relation to a function conferred by virtue of section 114B of PACE, means an enforcement officer on whom that function is conferred by virtue of that section (as it has effect on and after the relevant day).”

**Member's explanatory statement**

This amendment makes transitional provision to ensure that things done by or in relation to labour abuse prevention officers before the abolition of the Gangmasters and Labour Abuse Authority continue to have effect as if done by or in relation to enforcement officers granted the equivalent powers under the Police and Criminal Evidence Act 1984 by virtue of section 114B of that Act.



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Justin Madders

Gov 199

Dame Nia Griffith

Schedule 7, page 147, line 27, at end insert—

*“Warrants*

- 7B (1) This paragraph applies to an application for a warrant under section 17 of the Gangmasters (Licensing) Act 2004 (“the 2004 Act”) which—
- (a) is made in England and Wales or Scotland before the day on which paragraph 42 of Schedule 6 comes into force, and
  - (b) is not determined or withdrawn before that day.
- (2) The application is to be treated, on and after that day, as an application made by an enforcement officer for a warrant under section 83 of this Act.
- 7C (1) This paragraph applies to a warrant under section 17 of the 2004 Act which—
- (a) is issued under that section before the day on which paragraph 42 of Schedule 6 comes into force, and
  - (b) is not executed before that day.
- (2) The warrant is to be treated for the purposes of section 83 of this Act as if it had been issued under that section.
- (3) That section applies in relation to the warrant as if—
- (a) in subsection (4)(a), after “bring” there were inserted “any persons or”, and
  - (b) after subsection (4) there were inserted—
- “(4A) On leaving any premises which an enforcement officer is authorised to enter by a warrant under this section, the officer must, if the premises are unoccupied or the occupier is temporarily absent, leave the premises as effectively secured against trespassers as the officer found them.”
- (4) Section (*Warrants*) and Schedule (*Warrants under Part 5: further provision*) do not apply in relation to the warrant.”

**Member's explanatory statement**

This amendment makes transitional provision in relation to warrants under section 17 of the Gangmasters (Licensing) Act 2004, which is being re-enacted for England and Wales and Scotland (with some changes) as clause 83. In particular, new paragraph 7C provides that, where a warrant issued under section 17 has not yet been executed, the warrant is treated as if issued under clause 83, but any changes introduced by the Bill which would not have applied if the warrant had been executed under section 17 (in particular, the additional requirements in Part 3 of NS1) are disapplied.

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Justin Madders

Gov 200

Dame Nia Griffith

Schedule 7, page 147, line 40, leave out “that person” and insert “the enforcing authority”

**Member's explanatory statement**

This amendment makes a minor drafting change.

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**Justin Madders**

**Gov 201**

Dame Nia Griffith

Schedule 7, page 148, line 16, at end insert—

- “8A(1) This paragraph applies to information which—
- (a) was obtained in the course of—
    - (i) exercising the powers conferred by section 9 of the Employment Agencies Act 1973 (“the 1973 Act”), or
    - (ii) exercising powers by virtue of section 26(1) of the Immigration Act 2016, and
  - (b) immediately before the coming into force of paragraph 2 of Schedule 6, is held by an officer acting for the purposes of the 1973 Act.
- (2) On the coming into force of that paragraph, information to which this paragraph applies vests in the Secretary of State.”

**Member's explanatory statement**

See the explanatory statement for Amendment 202.

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**Justin Madders**

**Gov 202**

Dame Nia Griffith

Schedule 7, page 148, line 19, leave out from “to” to end of line 20 and insert “—

- (a) any information which the Secretary of State obtains by virtue of paragraph 8A;
- (b) any information which, immediately before the coming into force of paragraph 20 of Schedule 6, the Secretary of State holds by virtue of section 15(2) of the National Minimum Wage Act 1998;
- (c) any information which, immediately before the coming into force of paragraph 21 of that Schedule, the Secretary of State holds by virtue of section 16(2) of that Act;
- (d) any information which the Secretary of State obtains by virtue of a property transfer scheme under paragraph 2 of this Schedule.”

**Member's explanatory statement**

This amendment and Amendment 201 would provide that information which was obtained before the coming into force of Part 5 of the Bill by officers acting under existing legislation and is held by the Secretary of State can be used or disclosed by the Secretary of State in accordance with clause 98.

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**Justin Madders**

**Gov 203**

Dame Nia Griffith

Schedule 7, page 148, line 20, at end insert—

“9A The repeal of section 9 of the Employment Agencies Act 1973 (inspection) by paragraph 3 of Schedule 6 does not prevent the use in evidence against a person, in criminal proceedings taking place on or after the day on which that repeal comes into force, of a statement made before that day by the person in compliance with a requirement under that section (subject to subsection (2B) of that section).”

**Member's explanatory statement**

Section 9(3) of the Employment Agencies Act 1973 provides that a statement made by a person in compliance with a requirement made under that section to provide information may be used in evidence in criminal proceedings against the person. This amendment enables such a statement to be used in criminal proceedings taking place after the repeal of section 9 by the Bill.

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**Justin Madders**

**Gov 204**

Dame Nia Griffith

Schedule 7, page 148, line 28, at end insert—

“10A(1) Where—

- (a) a slavery and trafficking prevention order requires a person to notify the Gangmasters and Labour Abuse Authority in accordance with section 19 of the Modern Slavery Act 2015 (“the 2015 Act”), and
  - (b) immediately before the day on which paragraph 53 of Schedule 6 comes into force, that requirement has not been complied with, that requirement has effect, on and after that day, as a requirement to notify the Secretary of State.
- (2) On and after the coming into force of paragraph 54 of Schedule 6, the reference in section 20(2)(g) of the 2015 Act (as amended by that paragraph) to a slavery and trafficking prevention order made on an application under section 15 of that Act by the Secretary of State includes a reference to such an order made on an application under that section by the Gangmasters and Labour Abuse Authority.
- (3) In this paragraph “slavery and trafficking prevention order” has the same meaning as in the 2015 Act.

10B(1) Where—

- (a) a slavery and trafficking risk order requires a person to notify the Gangmasters and Labour Abuse Authority in accordance with section 26 of the Modern Slavery Act 2015 (“the 2015 Act”), and
- (b) immediately before the day on which paragraph 56 of Schedule 6 comes into force, that requirement has not been complied with,

that requirement has effect, on and after that day, as a requirement to notify the Secretary of State.

- (2) On and after the coming into force of paragraph 57 of Schedule 6, the reference in section 27(2)(g) of the 2015 Act (as amended by that paragraph) to a slavery and trafficking risk order made on an application under section 23 of that Act by the Secretary of State includes a reference to such an order made on an application under that section by the Gangmasters and Labour Abuse Authority.
- (3) In this paragraph “slavery and trafficking risk order” has the same meaning as in the 2015 Act.”

#### **Member's explanatory statement**

This amendment contains transitional provision to ensure that, once the functions of the Gangmasters and Labour Abuse Authority under the Modern Slavery Act 2015 have been transferred to the Secretary of State, that Act continues to operate as intended.

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**Justin Madders**

**Gov 205**

Dame Nia Griffith

Clause 112, page 102, line 7, at end insert—

- ““GCHQ” has the same meaning as in the Intelligence Services Act 1994;  
 “intelligence service” means—
- (a) the Security Service;
  - (b) the Secret Intelligence Service;
  - (c) GCHQ;”

#### **Member's explanatory statement**

This amendment defines “GCHQ” and “intelligence service” for the purposes of Part 5 of the Bill.

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**Justin Madders**

**Gov NC5**

Dame Nia Griffith

To move the following Clause—

#### **“Statutory sick pay in Northern Ireland: removal of waiting period**

- (1) Part 11 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (statutory sick pay) is amended as follows.
- (2) In section 147(1) (employer’s liability), for “sections 148 to 150” substitute “sections 149 and 150”.
- (3) In section 148 (period of incapacity for work)—
  - (a) omit subsection (1);

- (b) in subsection (2), for the words from “any” to “is” substitute “a period of one day which is, or of two or more consecutive days each of which is,”.
- (4) In section 149(1) (period of entitlement), for “second” substitute “first”.
- (5) In section 150(1) (qualifying days), for “third” substitute “second”.
- (6) In section 151 (limitations on entitlement), omit subsection (1).
- (7) In section 152(2) (notification of incapacity for work), omit paragraph (b) (and the “or” at the end of paragraph (a)).”

#### Member's explanatory statement

This new clause makes the same provision for Northern Ireland as is made by clause 8 of the Bill for Great Britain. It is intended that this new clause and NC6 be inserted after clause 9.

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Justin Madders

Gov NC6

Dame Nia Griffith

To move the following Clause—

#### “Statutory sick pay in Northern Ireland: lower earnings limit etc

- (1) Part 11 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (statutory sick pay) is amended as follows.
- (2) In section 153 (rate of payment)—
  - (a) for subsection (1) substitute—
    - “(1) The weekly rate of statutory sick pay that an employer must pay to an employee is the lower of—
      - (a) £116.75, and
      - (b) the prescribed percentage of the employee’s normal weekly earnings.”;
    - (b) in subsection (2)—
      - (i) omit the “and” at the end of paragraph (a);
      - (ii) after paragraph (a) insert—
        - “(aa) prescribe a percentage, or percentages, for the purposes of subsection (1)(b);”.
- (3) In Schedule 11 (circumstances in which periods of entitlement to statutory sick pay do not arise), in paragraph 2, omit paragraph (c) (lower earnings limit).”

#### Member's explanatory statement

This new clause makes the same provision for Northern Ireland as is made by clause 9 of the Bill for Great Britain.

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**Justin Madders**

**Gov NC7**

Dame Nia Griffith

To move the following Clause—

**“Employment outside Great Britain**

In section 285 of the Trade Union and Labour Relations (Consolidation) Act 1992 (employment outside Great Britain)—

- (a) in subsection (1), before “works” insert “ordinarily”;
- (b) in subsection (1A), before “works” insert “ordinarily”.

**Member's explanatory statement**

This new clause would correct omissions of the word “ordinarily” in provisions of section 285 of the Trade Union and Labour Relations (Consolidation) Act 1992.

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**Justin Madders**

**Gov NC8**

Dame Nia Griffith

To move the following Clause—

**“Power to enter dwelling subject to warrant**

- (1) An enforcement officer may not by virtue of section 79 enter any dwelling unless a justice has issued a warrant authorising the officer to enter the dwelling.
- (2) A justice may issue a warrant under this section only if, on an application by the officer, the justice is satisfied—
  - (a) that the officer has reasonable grounds to believe that—
    - (i) there are documents in the dwelling which for any enforcement purpose the officer wishes to inspect, examine or seize, or
    - (ii) there is computer or other equipment in the dwelling to which the officer wishes to have access for any enforcement purpose, and
  - (b) that any of the conditions in subsection (3) is satisfied.
- (3) The conditions are—
  - (a) that it is not practicable to communicate with any person entitled to grant entry to the dwelling;
  - (b) that it is not practicable to communicate with any person entitled to grant access to the documents or equipment;
  - (c) that entry to the dwelling is unlikely to be granted unless a warrant is produced;
  - (d) that the purpose of entry may be frustrated or seriously prejudiced unless an enforcement officer arriving at the dwelling can secure immediate entry to it.
- (4) In this section—

“enforcement purpose” has the same meaning as in section 79;

“justice” means—

- (a) in relation to England and Wales, a justice of the peace;
- (b) in relation to Scotland, a sheriff or summary sheriff;
- (c) in relation to Northern Ireland, a lay magistrate.

- (5) For further provision about warrants under this section, see section (*Warrants*) and Schedule (*Warrants under Part 5: further provision*).

#### Member's explanatory statement

This new clause provides that an enforcement officer may not exercise the power conferred by clause 79 to enter premises that are a dwelling without first obtaining a warrant.

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Justin Madders

Gov NC9

Dame Nia Griffith

To move the following Clause—

#### “Warrants

- (1) A warrant under section (*Power to enter dwelling subject to warrant*) or 83 may be executed by any enforcement officer.
- (2) A warrant under section (*Power to enter dwelling subject to warrant*) or 83 may authorise persons to accompany any enforcement officer who is executing it.
- (3) A person authorised under subsection (2) to accompany an enforcement officer may exercise any power conferred by this Part which the officer may exercise as a result of the warrant.
- (4) But the person may exercise such a power only in the company of, and under the supervision of, an enforcement officer.
- (5) Schedule (*Warrants under Part 5: further provision*) contains further provision about—
  - (a) applications for warrants under section (*Power to enter dwelling subject to warrant*) or 83, and
  - (b) warrants issued under section (*Power to enter dwelling subject to warrant*) or 83.
- (6) The entry of premises under a warrant issued under section (*Power to enter dwelling subject to warrant*) or 83 is unlawful unless it complies with the provisions of Part 3 of that Schedule (execution of warrants).”

#### Member's explanatory statement

This new clause makes further provision about warrants under Part 5. It enables warrants to authorise people to accompany the enforcement officer executing the warrant. It also provides that entry under a warrant is unlawful unless it complies with provisions of NS1 relating to the execution of warrants.

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Justin Madders

Gov NC10

Dame Nia Griffith

To move the following Clause—

**“Increase in time limits for making claims**

Schedule (*Increase in time limits for making claims*) makes amendments for the purpose of increasing time limits for making claims in employment tribunals in Great Britain (and, in certain cases, industrial tribunals in Northern Ireland) from three months to six months.”

**Member's explanatory statement**

This new clause would introduce NS2.

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Justin Madders

Gov NC11

Dame Nia Griffith

To move the following Clause—

**“Orders and regulations under Employment Rights Act 1996: procedure**

In section 236 of the Employment Rights Act 1996 (orders and regulations), after subsection (4) insert—

“(4A) A statutory instrument containing an order or regulations under this Act to which subsection (3) applies may include an order or regulations under this Act to which subsection (3) would not otherwise apply.

(4B) In such a case, the statutory instrument is to be proceeded with as if all of the orders and regulations contained in it were orders or regulations to which subsection (3) applies.””

**Member's explanatory statement**

This new clause, to be inserted into Part 6 of the Bill, would enable the combination of orders or regulations under the Employment Rights Act 1996 that would otherwise be subject to different Parliamentary procedures (or no Parliamentary procedure) in a statutory instrument subject to the affirmative procedure.

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Justin Madders

Gov NC48

Dame Nia Griffith

To move the following Clause—

**“Seafarers’ wages and working conditions**

Schedule (*Seafarers’ wages and working conditions*) amends the Seafarers’ Wages Act 2023.”



**Member's explanatory statement**

This new clause introduces the Schedule proposed to be inserted by NS3.

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**Justin Madders**

**Gov NC49**

Dame Nia Griffith

To move the following Clause—

**“Information relating to the intelligence services, etc**

- (1) A power conferred by section 78 or 79 may not be exercised in relation to a person serving in an intelligence service unless the Secretary of State certifies that the condition in subsection (3) is met in relation to the power.
- (2) A power of entry conferred by this Part may not be exercised in relation to any premises (or any part of premises) used for the purposes of an intelligence service unless the Secretary of State certifies that the condition in subsection (3) is met in relation to the power.
- (3) The condition in this subsection is met in relation to a power if the Secretary of State is satisfied that the exercise of the power will not be contrary to the public interest or prejudicial to—
  - (a) national security,
  - (b) the prevention or detection of serious crime, or
  - (c) the economic well-being of the United Kingdom.
- (4) A certificate issued under this section in relation to a power may impose conditions on the exercise of the power.
- (5) Except as provided for by subsection (1), nothing in this Part requires any person to—
  - (a) produce any document containing intelligence service information, or
  - (b) provide any information that is intelligence service information.
- (6) For the purposes of this section—
  - (a) “crime” means conduct which—
    - (i) constitutes a criminal offence, or
    - (ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute a criminal offence;
  - (b) crime is “serious” if—
    - (i) the offence which is or would be constituted by the conduct is an offence for which the maximum sentence (in any part of the United Kingdom) is imprisonment for three years or more, or
    - (ii) the conduct involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose;

- (c) “intelligence service information” means information obtained directly or indirectly from, or that relates to, an intelligence service or a person acting on behalf of an intelligence service.”

**Member's explanatory statement**

This new clause would restrict the ability of the Secretary of State to exercise enforcement powers in relation to people serving in the intelligence services unless it had been certified that there was no risk to national security, etc. It would also restrict the ability of the Secretary of State to require others to provide documents or information relating to the work of the intelligence services.

Justin Madders

Gov NC50

Dame Nia Griffith

To move the following Clause—

**“Providing false information or documents: national security etc defence**

- (1) A person in relation to whom a certificate is issued by the Secretary of State for the purposes of this section is not liable for the commission of an offence under section 103 (offence of providing false information or documents).
- (2) The Secretary of State may issue a certificate in relation to a person for the purposes of this section only if satisfied that it is necessary for the person to engage in conduct amounting to such an offence—
  - (a) in the interests of national security,
  - (b) for the purposes of preventing or detecting serious crime, or
  - (c) in the interests of the economic well-being of the United Kingdom.
- (3) A certificate under this section may be revoked by the Secretary of State at any time.
- (4) For the purposes of subsection (2)(b)—
  - (a) “crime” means conduct which—
    - (i) constitutes a criminal offence, or
    - (ii) is, or corresponds to, any conduct which, if it all took place in any one part of the United Kingdom, would constitute a criminal offence, and
  - (b) crime is “serious” if—
    - (i) the offence which is or would be constituted by the conduct is an offence for which the maximum sentence (in any part of the United Kingdom) is imprisonment for three years or more, or
    - (ii) the conduct involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.”

**Member's explanatory statement**

This new clause would provide a defence to the offence in Clause 103 of providing false information or documents in response to a requirement imposed by the Secretary of State under Part 5 of the

Bill. The defence would apply if the Secretary of State certified that the conduct in question was necessary in the interests of national security or for certain other limited reasons.

Justin Madders

Gov NC52

Dame Nia Griffith

To move the following Clause—

**“International agreements relating to maritime employment**

- (1) The Merchant Shipping Act 1995 is amended as follows.
- (2) After section 84 insert—

**“PART 3A**

INTERNATIONAL AGREEMENTS RELATING TO MARITIME EMPLOYMENT

**84A International agreements relating to maritime employment**

- (1) The Secretary of State may by regulations make such provision as the Secretary of State considers appropriate for the purpose of giving effect to—
  - (a) the Maritime Labour Convention, adopted on 23 February 2006 by the International Labour Organisation, as it has effect from time to time;
  - (b) the Work in Fishing Convention, adopted on 14 June 2007 by the International Labour Organisation, as it has effect from time to time.
- (2) The Secretary of State may by regulations make such provision as the Secretary of State considers appropriate for the purpose of giving effect to an international agreement that has been ratified by the United Kingdom, so far as the agreement relates to maritime employment.
- (3) The power in subsection (2) to give effect to an agreement so far as it relates to maritime employment includes power to give effect to any amendments of the agreement that relate to maritime employment.
- (4) For the purposes of this section, a provision relates to maritime employment if it relates to the terms and conditions of employment or engagement, or working conditions, of masters or seamen.
- (5) Section 84B makes further provision with respect to the regulations that may be made under this section.

**84B Regulations under section 84A: supplementary**

- (1) In subsections (2) to (9) “regulations” means regulations under section 84A.
- (2) Regulations—

- (a) may make provision in terms of approvals given by the Secretary of State or another person and in terms of any document which the Secretary of State or that other person considers relevant;
  - (b) may provide for the cancellation of an approval given in pursuance of the regulations and for the alteration of the terms of such an approval;
  - (c) must provide for any approval in pursuance of the regulations to be given in writing and to specify the date on which it takes effect and the conditions (if any) on which it is given.
- (3) Regulations may make provision for—
- (a) the granting by the Secretary of State or another person of exemptions from specified provisions of the regulations for classes of case or individual cases, on such terms (if any) as the Secretary of State or that other person may specify, and
  - (b) for the alteration or cancellation of such exemptions.
- (4) Regulations may make provision in respect of the checking or monitoring of compliance with any provision of the regulations, including (among other things) provision for—
- (a) the making and keeping of records and the keeping of documents;
  - (b) the issue of certificates;
  - (c) the furnishing of information.
- (5) Regulations may—
- (a) provide for the detention of a ship in respect of which a contravention of the regulations is suspected to have occurred;
  - (b) apply section 284 with or without modifications in relation to such detentions.
- (6) Regulations may provide for the contravention of any provision of the regulations to be a criminal offence, but may not provide—
- (a) for an offence under the regulations to be punishable on summary conviction with imprisonment;
  - (b) in relation to Scotland or Northern Ireland—
    - (i) for an offence under the regulations that is triable only summarily to be punishable by a fine exceeding level 5 on the standard scale;
    - (ii) for an offence under the regulations that is triable summarily or on indictment to be punishable on summary conviction by a fine exceeding the statutory maximum;
  - (c) for an offence under the regulations to be punishable on conviction on indictment with imprisonment for a term exceeding two years.
- (7) Regulations may provide that, in specified cases, specified persons each commit an offence created by regulations in reliance on subsection (6).
- (8) Regulations may—

- (a) make different provision for different purposes;
  - (b) provide for references in the regulations to any specified document to operate as references to that document as revised or re-issued from time to time;
  - (c) provide for the delegation of functions exercisable by virtue of the regulations.
- (9) The power to make regulations includes power to make consequential, supplementary, incidental or transitional provision.
- (10) The powers conferred by section 84A to make provision for the purpose of giving effect to an agreement or an amendment of an agreement include power to provide for the provision to come into force although the agreement or amendment has not come into force.
- (11) Nothing in this section is to be construed as restricting the generality of the powers conferred by section 84A.
- (12) A statutory instrument which—
- (a) contains (whether alone or with other provision) regulations under section 84A(2), and
  - (b) is the first exercise of the power in respect of a particular agreement,
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (13) A statutory instrument which—
- (a) contains regulations under section 84A(2), and
  - (b) is a subsequent exercise of the power in respect of a particular agreement,
- is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) In section 306 (regulations etc), in subsection (2A)(a), after “section” insert “84A(2),” .”

#### **Member's explanatory statement**

This new clause inserts into the Merchant Shipping Act 1995 powers for the Secretary of State to make regulations to give effect to two named international maritime Conventions, and to future international agreements that relate to the employment of masters and seamen.

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**John McDonnell**

**NC1**

Ian Byrne

To move the following Clause—

#### **“Prison officers: inducements to withhold services or to indiscipline**

In the Public Order Act 1994, omit sections 127 and 127A.”

**Member's explanatory statement**

This new clause would repeal provisions in the Criminal Justice and Public Order Act 1994 that prohibit inducing a prison officer to commit a breach of discipline or to take (or continue to take) any industrial action, and related provisions.

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**John McDonnell**

NC2

Ian Byrne

To move the following Clause—

**“Prison officers: inducements to withhold services**

In section 127 of the Criminal Justice and Public Order Act 1994 (Inducements to withhold services or to indiscipline)—

- (a) in subsection (1), omit paragraph (a);
- (b) omit subsection (1A);
- (c) omit subsection (7).”

**Member's explanatory statement**

This new clause would repeal provisions in the Criminal Justice and Public Order Act 1994 that prohibit inducing a prison officer to take (or continue to take) any industrial action.

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**John McDonnell**

NC3

Ian Byrne

To move the following Clause—

**“Inducement of prison officers: exempted persons**

After section 127A of the Criminal Justice and Public Order Act 1994 (inducements to withhold services or to indiscipline), insert—

**“Section 127B: Prison officers and trade unions: exempted persons**

Section 127 (inducements to withhold services or to indiscipline) does not apply to—

- (a) Any listed trade union representing prison officers, or
- (b) any person acting on behalf of a listed trade union representing prison officers.””

**Member's explanatory statement**

This new clause would repeal, with respect to trade unions representing prison officers, provisions that prohibit the inducement of industrial action or indiscipline by a prison officer.

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**Layla Moran**

NC4

Sarah Gibson  
Steve Darling

To move the following Clause—

**“Non-disclosure agreements: harassment**

- (1) Any provision in an agreement to which this section applies is void insofar as it purports to preclude the worker from making a relevant disclosure.
- (2) This section applies to any agreement between a worker and the worker's employer (whether a worker's contractor not), including any proceedings for breach of contract.
- (3) In this section, a “relevant disclosure” means any disclosure of information which, in the reasonable belief of the worker making the disclosure, shows that harassment has been committed, is being committed or is likely to be committed, by a fellow worker or a client of the employer.
- (4) In this section, “harassment” means any act of harassment as defined by section 26 of the Equality Act 2010.”

**Member's explanatory statement**

This new clause would render void any non-disclosure agreement insofar as it prevents the worker from making a disclosure about harassment (including sexual harassment).

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Nick Timothy

NC12

To move the following Clause—

**“Substitution clauses**

- (1) Any agreement, whether a contract or otherwise, between—
  - (a) an employer or a contractor of services, and
  - (b) an employee, worker or dependent contractormust not include provision for the employee, worker or dependent contractor to appoint a substitute to supply services or undertake work on their behalf.
- (2) For the purposes of subsection (1)(a), “contractor of services” means an organisation that—
  - (a) enters into an agreement, whether a contract or otherwise, with a supplier or dependent contractor to supply services,
  - (b) does not require the supplier or dependent contractor to supply services, and
  - (c) pays the supplier or dependent contractor according to tasks performed rather than hours of work.
- (3) For the purposes of subsection (1)(b), “dependent contractor” means an individual who—
  - (a) is appointed to perform work or services for an employer or contractor of services,
  - (b) is paid according to tasks performed rather than hours of work,
  - (c) depends partially or primarily on the employer or contractor of services for employment and income,

- (d) is not required to perform services for the employer or contractor of services, and
- (e) is not specified as an employee or worker within a statement of employment particulars or a contract of employment."

**Member's explanatory statement**

This new clause would prohibit the use of "substitution clauses", which allow companies to permit their suppliers – including some delivery couriers – to appoint a substitute to supply services on their behalf.

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**Steve Darling**

**NC13**

Sarah Gibson  
Munira Wilson

To move the following Clause—

**"Rates of statutory maternity pay, etc**

- (1) In regulation 6 of the Statutory Maternity Pay (General) Regulations 1986 (prescribed rate of statutory maternity pay) for "£184.03" substitute "£368.06".
- (2) In the Statutory Paternity Pay and Statutory Adoption Pay (Weekly Rates) Regulations 2002—
  - (a) in regulation 2(a) (weekly rate of payment of statutory paternity pay) for "£184.03" substitute "£368.06"; and
  - (b) in regulation 3(a) (weekly rate of payment of statutory adoption pay) for "£184.03" substitute "£368.06".
- (3) In regulation 40(1)(a) of the Statutory Shared Parental Pay (General) Regulations 2014 (weekly rate of payment of statutory shared parental pay) for "£184.03" substitute "£368.06".
- (4) In regulation 20(1)(a) of the Statutory Parental Bereavement Pay (General) Regulations 2020 (weekly rate of payment) for "£184.03" substitute "£368.06"."

**Member's explanatory statement**

This new clause sets out rates of Statutory Maternity Pay, Statutory Paternity Pay, Statutory Adoption Pay, Statutory Shared Parental Pay and Statutory Parental Bereavement Pay.

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**Steve Darling**

**NC14**

Sarah Gibson  
Munira Wilson

To move the following Clause—

**"Kinship care leave**

- (1) The Employment Rights Act 1996 is amended as follows.



- (2) After section 80EE insert—

**"CHAPTER 5**

**KINSHIP CARE LEAVE**

**80EF Kinship care leave**

- (1) The Secretary of State must make regulations entitling an employee to be absent from work on leave under this section if the employee satisfies conditions specified in the regulations as to an eligible kinship care arrangement with a child.
- (2) The regulations must include provision for determining—
  - (a) the extent of an employee's entitlement to leave under this section in respect of a child;
  - (b) when leave under this section may be taken.
- (3) Provision under subsection (2)(a) must secure that—
  - (a) where only one employee is entitled to leave under this section in respect of a given child, the employee is entitled to at least 52 weeks' leave;
  - (b) where more than one employee is entitled to leave under this section in respect of the same child, those employees are entitled to share at least 52 weeks' leave between them.
- (4) An employee is entitled to leave under this section only if the eligible kinship care arrangement is intended to last—
  - (a) at least one year, and
  - (b) until the child being cared for attains the age of 18.
- (5) For the purposes of this Chapter, "eligible kinship care arrangement" means—
  - (a) special guardianship,
  - (b) a kinship child arrangement,
  - (c) a private fostering arrangement, or
  - (d) a private family arrangement,within the meaning given by section (*Meaning of "kinship care"*) of the Employment Rights Act 2024.
- (6) The regulations may make provision about how leave under this section is to be taken.
- (7) In this section—
  - (a) "special guardianship", "kinship child arrangement", "private fostering arrangement" and "private family arrangement" have the same meanings as in section (*Meaning of "kinship care"*) of the Employment Rights Act 2024.
  - (b) "week" means any period of seven days.

**80EG Rights during and after kinship care leave**

- (1) Regulations under section 80EF must provide—
  - (a) that an employee who is absent on leave under that section is entitled, for such purposes and to such extent as the regulations may prescribe, to the benefit of the terms and conditions of employment which would have applied but for the absence,
  - (b) that an employee who is absent on leave under that section is bound, for such purposes and to such extent as the regulations may prescribe, by obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1) of that section), and
  - (c) that an employee who is absent on leave under that section is entitled to return from leave to a job of a kind prescribed by regulations, subject to section 80EH.
- (2) The reference in subsection (1)(c) to absence on leave under section 80EF includes, where appropriate, a reference to a continuous period of absence attributable partly to leave under that section and partly to any one or more of the following—
  - (a) maternity leave,
  - (b) paternity leave,
  - (c) adoption leave,
  - (d) shared parental leave,
  - (e) parental leave,
  - (f) parental bereavement leave.
- (3) In subsection (1)(a), “terms and conditions of employment”—
  - (a) includes matters connected with an employee’s employment whether or not they arise under the contract of employment, but
  - (b) does not include terms and conditions about remuneration.
- (4) Regulations under section 80EF may specify matters which are, or are not, to be treated as remuneration for the purposes of this section.
- (5) Regulations under section 80EF may make provision, in relation to the right to return mentioned in subsection (1)(c), about—
  - (a) seniority, pension rights and similar rights;
  - (b) terms and conditions of employment on return.

**80EH Special cases**

- (1) Regulations under section 80EF may make provision about—
  - (a) redundancy during or after a period of leave under that section, or
  - (b) dismissal (other than by reason of redundancy) during a period of leave under that section.
- (2) Provision by virtue of subsection (1) may include—

- (a) provision requiring an employer to offer alternative employment;
- (b) provision for the consequences of failure to comply with the regulations (which may include provision for a dismissal to be treated as unfair for the purposes of Part 10).

#### **80EI Chapter 5: supplemental**

- (1) Regulations under section 80EF may—
  - (a) make provision about notices to be given, evidence to be produced and other procedures to be followed by employees and employers;
  - (b) make provision requiring employers or employees to keep records;
  - (c) make provision for the consequences of failure to give notices, to produce evidence, to keep records or to comply with other procedural requirements;
  - (d) make provision for the consequences of failure to act in accordance with a notice given by virtue of paragraph (a);
  - (e) make special provision for cases where an employee has a right which corresponds to a right under section 80EF and which arises under the person's contract of employment or otherwise;
  - (f) make provision modifying the effect of Chapter 2 of Part 14 (calculation of a week's pay) in relation to an employee who is or has been absent from work on leave under section 80EF;
  - (g) make provision applying, modifying or excluding an enactment, in such circumstances as may be specified and subject to any conditions which may be specified, in relation to a person entitled to take leave under section 80EF;
  - (h) make different provision for different cases or circumstances;
  - (i) make consequential provision.
- (2) The cases or circumstances mentioned in subsection (1)(h) include—
  - (a) more than one child being subject to the same eligible kinship care arrangement, and
  - (b) a child being subject to an eligible kinship care arrangement on two or more separate occasions,and regulations may, in particular, make special provision regarding the applicability and extent of the entitlement to leave in such circumstances.
- (3) The Secretary of State may by regulations make provision for some or all of a period of kinship care leave to be paid.””

#### **Member's explanatory statement**

This new clause sets out an entitlement to kinship care leave.

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Steve Darling

NC15

Sarah Gibson  
Munira Wilson

To move the following Clause—

**“Meaning of “kinship care”**

- (1) This section defines “kinship care” for the purposes of sections 80EF to 80EI of the Employment Rights Act 1996 (inserted by section (*Kinship care leave*) of this Act).
- (2) Kinship care describes an arrangement where a child is raised by a friend, relative or extended family member other than a parent.
- (3) Subsections (3) to (8) set out the arrangements that are recognised as being types of kinship care.
- (4) An arrangement where a child is adopted (within the meaning of Chapter 4 of the Adoption and Children Act 2002) by a friend, relative or extended family member (“kinship adoption”).
- (5) An arrangement where—
  - (a) a child is looked after by a local authority (within the meaning of section 22 of the Children Act 1989), and
  - (b) a friend, relative or extended family member of that child is approved by the local authority to be a foster carer for that child (“kinship foster care”).
- (6) An arrangement created by a special guardianship order pursuant to section 14A of the Children Act 1989 (“special guardianship”).
- (7) An arrangement created by a child arrangements order pursuant to section 8 of the Children Act 1989 where the court orders that a child is to live predominantly with a friend, relative or extended family member of that child (“kinship child arrangement”).
- (8) An arrangement where a child is fostered privately (within the meaning of section 66 of the Children Act 1989) by a friend or extended family member (“private fostering arrangement”).
- (9) Any other arrangement where a child is cared for, and provided with accommodation in their own home—
  - (a) by a relative of the child, other than—
    - (i) a parent of the child; or
    - (ii) a person who is not a parent of the child but who has parental responsibility for the child; and
  - (b) where the arrangement has lasted, or is intended to last, for at least 28 days (“private family arrangement”).”

**Member's explanatory statement**

This new clause is linked to the new clause about kinship care leave.

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**Steve Darling**

NC16

Sarah Gibson  
Munira Wilson

To move the following Clause—

**“Publication of information about parental leave policies: regulations**

- (1) The Secretary of State must make regulations to require any employer with more than 250 employees to publish information on the internet about the employer’s policies on parental leave and pay for parental leave.
- (2) Regulations under subsection (1) must be published within one year of this Act being passed.
- (3) Regulations under this section are subject to the affirmative regulation procedure.”

**Member's explanatory statement**

This new clause would require companies with more than 250 employees to publish information about their parental leave and pay policies.

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**Steve Darling**

NC17

Sarah Gibson  
Munira Wilson

To move the following Clause—

**“Entitlement to paternity leave**

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) In section 80A (entitlement to paternity leave: birth)—
  - (a) in subsection (3), for “two” substitute “six”,
  - (b) in subsection (4), for “56 days” substitute “52 weeks”.
- (3) In section 80B (entitlement to paternity leave: adoption)—
  - (a) in subsection (3), for “two” substitute “six”,
  - (b) in subsection (4), for “56 days” substitute “52 weeks”.

**Member's explanatory statement**

This new clause sets out an entitlement to paternity leave.

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**Greg Smith**

NC18

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**“Facility time: cost assessment**

- (1) The Secretary of State must commission an assessment of the cost and prospective cost of—
  - (a) time off and associated payments under sections 168 to 170 of the Trade Union and Labour Relations (Consolidation) Act 1992, and
  - (b) implementing section 168B of that Act, in relation to each sector of the economy.
- (2) For the purposes of subsection (1), a sector of the economy means—
  - (a) an area of the economy in which businesses share the same or related business activity, product, or service, or
  - (b) in relation to the public sector, a sector which provides similar or related services.
- (3) The Secretary must lay a report of the assessment commissioned under subsection (1) before each House of Parliament.”

**Member's explanatory statement**

This new clause requires the Secretary of State to undertake a sectoral cost assessment of trade union facility time, and see also Amendment 113.

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**Greg Smith**

**NC19**

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**“Consultation on trade union legislation**

- (1) The Secretary of State must initiate a consultation on—
  - (a) the operation of the Trade Union and Labour Relations (Consolidation) Act 1992; and
  - (b) the effects on that operation of provisions contained in Part 4 of this Act.
- (2) The Secretary of State must lay before each House of Parliament, no sooner than eighteen weeks after the initiation referred to in subsection (1), a report on—
  - (a) the outcome of that consultation, and
  - (b) the Government’s proposals for changes to the legislation referred to in subsection (1).”

**Member's explanatory statement**

This new clause requires the Secretary of State to undertake a consultation on the operation of trade union legislation, and see also Amendment 116.

---

**Greg Smith**

NC20

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**“Revocation of the Working Time Regulations 1998**

- (1) The Working Time Regulations 1998 (S.I. 1998/1833) are revoked.
- (2) The following regulations are also revoked—
  - (a) the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003 (S.I. 2003/3049);
  - (b) the Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004 (S.I. 2004/1713);
  - (c) the Cross-border Railway Services (Working Time) Regulations 2008 (S.I. 2008/1660);
  - (d) the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 (S.I. 2018/58).
- (3) In consequence of the revocations made by subsection (1) and (2)—
  - (a) omit the reference to regulation 30 of the Working Time Regulations in Schedule A2 to the Trade Union and Labour Relations (Consolidation) Act 1992 (tribunal jurisdictions to which section 207A applies)
  - (b) omit section 45A of the Employment Rights Act 1996 (protection from suffering detriment in employment: working time cases);
  - (c) omit section 101A of the Employment Rights Act 1996 (unfair dismissal: working time cases);
  - (d) omit section 104(4)(d) of the Employment Rights Act 1996 (assertion of working time rights);
  - (e) omit section 18(1)(j) of the Employment Tribunals Act 1996 (which refers to regulation 30 of the Working Time Regulations among proceedings to which conciliation is relevant);
  - (f) omit section 21(1)(h) of the Employment Tribunals Act 1996 (jurisdiction of the Employment Appeals Tribunal in relation to the Working Time Regulations);
  - (g) omit the reference to regulation 30 of the Working Time Regulations in Schedule 5 to the Employment Act 2002 (tribunal jurisdictions to which section 38 applies);
  - (h) omit the reference to regulation 28 of the Working Time Regulations in Schedule 1 to the Immigration Act 2006 (person to whom director etc may disclose information);
  - (i) omit paragraph 141(h) of Schedule 7A to the Government of Wales Act 2006 (specific reserved matters), but this omission does not confer any jurisdiction on the Senedd or Welsh Government.

- (4) The power of the Secretary of State to make consequential amendments under section 113(1) must be exercised to make such further consequential amendments as are necessary in consequence of subsections (1) and (2)."

**Member's explanatory statement**

This new clause revokes the Working Time Regulations 1998 together with other Regulations which give effect to the Working Time Directive in UK law, and makes consequential provision.

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**Greg Smith**

**NC21**

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**"Right to switch off in relation to trade union representatives**

- (1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended in accordance with subsection (2).
- (2) After section 69 (right to terminate membership of trade union), insert—

*"Right to switch off in relation to trade union representatives*

**69A Right to switch off in relation to trade union representatives**

In every contract of membership of a trade union, whether made before or after the coming into force of this section, a term conferring a right on the member to refuse to monitor, read or respond to contact (or attempted contact) by a trade union representative outside their working hours shall be implied."."

**Member's explanatory statement**

This new clause confers a right to switch off on trade union members in relation to contact from trade union representatives.

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**Greg Smith**

**NC22**

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**"Assessment of the costs of establishing a single labour market enforcement body**

- (1) The Secretary of State must lay before Parliament a report containing an assessment of the costs of establishing a single labour market enforcement body.



- (2) A report under subsection (1) must be published no earlier than a year and no later than 18 months after the passing of this Act.”

**Member's explanatory statement**

This new clause would require the Secretary of State to conduct a review of the costs of establishing a single labour market enforcement body and to report its findings to Parliament.

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**Greg Smith**

**NC23**

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**“Review of the effectiveness of enforcement of labour market legislation**

- (1) The Secretary of State must establish an independent review providing for—
- (a) an assessment of the effectiveness of enforcement of, and compliance with, relevant labour market legislation requirements as specified in Part 1 of Schedule 4 of this Act;
  - (b) an assessment of the performance and effectiveness of following bodies in enforcing labour market legislation—
    - (i) Gangmasters and Labour Abuse Authority;
    - (ii) Employment Agencies Standards Inspectorate;
    - (iii) His Majesty’s Revenue and Customs; and
    - (iv) Health and Safety Executive; and
  - (c) recommendations on strengthening labour market legislation enforcement.
- (2) The Secretary of State must lay before Parliament a report of the review in subsection (1) not more than 18 months after the day on which this Act is passed and before a new single labour market enforcement body is established.”

**Member's explanatory statement**

This new clause would require the Secretary of State to establish a review of enforcement of labour market legislation and to report findings to Parliament before a new labour market enforcement body is established.

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**Greg Smith**

**NC24**

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**“Impact assessment: sections 1 to 6**

- (1) The Secretary of State must conduct a review of—
  - (a) the impact of those sections on the operation of employment tribunals, and
  - (b) the ability of employment tribunals to manage any increase in applications resulting from those sections.
- (2) The Secretary of State must lay the review made under subsection (1) and the Government’s response to the review before Parliament.”

**Member's explanatory statement**

This new clause would require the Secretary of State to conduct a review of the impact on the employment tribunals of the Bill’s provisions on zero hours workers.

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**Greg Smith**

**NC25**

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**“Impact assessment: sections 19 to 22 and Schedule 2**

- (1) The Secretary of State must conduct a review of—
  - (a) the impact of section 19 to 22 and Schedule 2 on the operation of employment tribunals, and
  - (b) the ability of employment tribunals to manage any increase in applications resulting from those provisions.
- (2) The Secretary of State must lay the review made under subsection (1) and the Government’s response to the review before Parliament.”

**Member's explanatory statement**

This new clause would require the Secretary of State to conduct a review of the impact on the employment tribunals of the Bill’s provisions on dismissal.

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**Greg Smith**

**NC26**

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**“Consultation and assessment on the right to request flexible working**

- (1) The Secretary of State must carry out an assessment of the likely impact of the right to request flexible working provided for in section 7 of this Act.

- (2) As part of the assessment, the Secretary of State must carry out a consultation on the proposed right to request flexible working.
- (3) The assessment must—
  - (a) include labour market and broader macroeconomic analysis,
  - (b) examine the impact of the measures in section 7 on employment, wages and economic output,
  - (c) consider the likelihood of the costs of flexible working measures being passed on to employees through lower wages, and
  - (d) examine the likely effect of the right to request flexible working on—
    - (i) productivity,
    - (ii) wage growth,
    - (iii) equality of opportunity,
    - (iv) job security,
    - (v) economic activity, and
    - (vi) employment.
- (4) A report setting out the findings of the assessment must be laid before each House of Parliament no sooner than 18 weeks after the consultation has been initiated.”

**Member's explanatory statement**

This new clause requires the Secretary of State to assess the impact of the provisions of Clause 7.

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**Greg Smith**

**NC27**

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**“Section 61: impact assessment**

- (1) The Secretary of State must carry out an assessment of the likely impact of section 61 of this Act on the ability of the services listed in section 234B(4) of the Trade Union and Labour Relations Consolidation Act 1992 to provide minimum service levels during strike action.
- (2) The Secretary of State must lay a report setting out the findings of the assessment before each House of Parliament.”

**Member's explanatory statement**

This New Clause requires the Secretary of State to assess the impact of the provisions of Clause 61.

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**Greg Smith**

NC28

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**“Unfair dismissal: impact assessment**

- (1) The Secretary of State must carry out an assessment of the likely impact of section 19 and Schedule 2 of this Act on—
  - (a) employers, and
  - (b) the economy.
- (2) The assessment must –
  - (a) include labour market and broader macroeconomic analysis,
  - (b) examine the impact of the measures in section 19 and Schedule 2 of this Act on employment, wages and economic output,
  - (c) consider the likelihood the dismissal measures leading to lower employment, and greater use of temporary contracts, and
  - (d) examine the likely effect of section 19 and Schedule 2 of this Act on—
    - (i) productivity,
    - (ii) wage growth,
    - (iii) equality of opportunity,
    - (iv) job security,
    - (v) economic activity, and
    - (vi) employment.
- (3) The Secretary of State must lay a report setting out the findings of the assessment before each House of Parliament.

**Member's explanatory statement**

This new clause requires the Secretary of State to assess the impact of the provisions of Clause 19 and Schedule 2.

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**Greg Smith**

NC29

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**“Employer duties on harassment: impact assessment**

- (1) The Secretary of State must carry out an assessment of the likely impact of sections 15 to 18 of this Act on employers.
- (2) The assessment must—

- (a) report on the extent to which the prevalence of third-party harassment makes the case for the measures in sections 15 to 18;
  - (b) include an assessment of the impact of sections 15 to 18 on free speech;
  - (c) include an assessment of the likely costs to employers of sections 15 to 18;
  - (d) include—
    - (i) an assessment of which occupations might be at particular risk of third-party harassment through no fault of the employer, and
    - (ii) proposals for mitigations that can be put in place for employers employing people in such occupations.
- (3) The Secretary of State must lay a report setting out the findings of the assessment before each House of Parliament.”

**Member's explanatory statement**

This new clause requires the Secretary of State to assess the impact of the provisions of Clauses 15 to 18.

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**Greg Smith**

NC30

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**“Repeal of Trade Union (Wales) Act 2017**

The Trade Union (Wales) Act 2017 (anaw 4) is repealed.””

**Member's explanatory statement**

This new clause repeals the Trade Union (Wales) Act 2017.

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**Greg Smith**

NC31

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**“Sections 1 to 6: impact assessment**

The Secretary of State must, within six months of the day on which this Act is passed, publish and lay before Parliament an assessment of the expected impact of sections 1 to 6 on—

- (a) the hospitality sector,
- (b) the retail sector, and
- (c) the health and social care sector.”

**Member's explanatory statement**

This new clause requires the Government to publish an impact assessment on the impact of sections 1-6.

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**Greg Smith**

NC32

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**“Workplace intimidation in regard to balloting**

- (1) The Employment Relations Act 2004 is amended as follows.
- (2) After section 54 (12) (c) insert—

“(d) measures are in place to prevent workplace intimidation.””

**Member's explanatory statement**

This new clause requires the Secretary of State to consider whether there are sufficient measures to be in place to prevent workplace intimidation before they make any order to allow balloting to take place by a means other than by postal ballot.

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**Greg Smith**

NC33

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**“Balloting in the workplace**

- (1) The Employment Relations Act 2004 is amended as follows.
- (2) After section 54 (12) insert at end—

“(12A) No order may be made under this section that would permit balloting to take place in the workplace.””

**Member's explanatory statement**

This new clause would prohibit the Secretary of State from making an order to extend the means of voting in trade union ballots and elections that would allow the ballot to be held in the workplace.

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Sir Ashley Fox

NC34

To move the following Clause—

**“Special constables: right to time off for public duties**

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) In section 50 (Right to time off for public duties), after subsection (1), insert—
  - “(1A) An employer shall permit an employee who is a special constable, appointed in accordance with section 27 of the Police Act 1996 or section 9 of the Police and Fire Reform (Scotland) Act 2012, to take time off during the employee’s working hours for the purpose of performing their duties.
  - (1B) In section (1A), “duties” means any activity under the direction of a chief office of police.””

**Member's explanatory statement**

This new clause gives employees who are special constables the right to time off to carry out their police duties.

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Steve Darling

NC35

Sarah Gibson

To move the following Clause—

**“Carer’s leave: remuneration**

- (1) In section 80K of the Employment Rights Act 1996, omit subsection (3) and insert—
  - “(3) In subsection (1)(a), “terms and conditions of employment”—
    - (a) includes matters connected with an employee’s employment whether or not they arise under the contract of employment, and
    - (b) includes terms and conditions about remuneration.””

**Member's explanatory statement**

This new clause would make Carer’s Leave a paid entitlement.

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Steve Darling

NC36

Sarah Gibson

To move the following Clause—

**“Caring as a protected characteristic**

- (1) The Equality Act 2010 is amended as follows.

- (2) In section 4, after 'sexual orientation' insert "caring".
- (3) After section 12, insert—

**"12A Caring**

- (1) Caring means the provision or intention of person (A) to provide care to a person (B) with a long term care need, if person (B)—
- (a) is a spouse, civil partner, child or parent of person (A); or
  - (b) lives in the same household as person (A) or reasonably relies on person (A) to provide or arrange care.
- (2) In subsection (1), person (B) has a long-term care need if person (B)—
- (a) has an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months;
  - (b) has a disability under this Act, or
  - (c) requires care for a reason connected with old age.
- (3) In sub-section (1), the provision of care is regarded as relevant under this section if person (A) provides or intends to provide care—
- (a) under or by virtue of a contract, or
  - (b) as voluntary work.
- (4) In relation to the protected characteristic of caring—
- (a) a reference to a person who has a particular protected characteristic is a reference to a person who has particular caring responsibilities;
  - (b) a reference to persons who share a protected characteristic is a reference to persons who are of the same type of caring responsibilities in respect of the relationship to the person being cared for."

**Member's explanatory statement**

This new clause would make caring a protected characteristic under the Equality Act 2010.

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**Steve Darling**

**NC37**

Sarah Gibson

To move the following Clause—

**"Right to be accompanied**

- (1) Section 10 of the Employment Relations Act 1999 (right to be accompanied) is amended as follows.
- (2) In subsection (3), after paragraph (b) insert—
- “(ba) a person who has been reasonably certified in writing by a Professional Body as having experience of, or as having received training in, acting as a worker’s companion at disciplinary or grievance hearings, or”



(3) After subsection (7) insert—

“(8) In this section, “Professional Body” means any organisation, which is authorised by a regulation made by the Secretary of State pursuant to subsection (9).

(9) The Secretary of State may make a regulation or regulations authorising any organisation as a Professional Body for the purposes of this section.”

**Member's explanatory statement**

This new clause would expand the right to be accompanied by a certified companion at disciplinary and grievance hearings.

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**Steve Darling**

**NC38**

Sarah Gibson

To move the following Clause—

**“Time off for volunteering: consultation**

- (1) The Secretary of State must consult on the introduction of a requirement for employers with more than 250 employees to grant employees time off for volunteering.
- (2) The consultation must consider, amongst other things, the following matters—
  - (a) the amount of time off an employer must grant;
  - (b) when the time off may be taken;
  - (c) any conditions to which the granting of time off may be subject; and
  - (d) the definition of “volunteering”.
- (3) The consultation must be conducted within one year of this Act being passed.
- (4) The Secretary of State must, within three months of the consultation closing, publish and lay before Parliament the Secretary of State’s response to the consultation.”

**Member's explanatory statement**

This new clause calls for a consultation on allowing employees at companies of over 250 people the opportunity to take time off in order to undertake voluntary work.

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**Liz Saville Roberts**

**NC39**

To move the following Clause—

**“Duty to prevent violence and harassment in the workplace**

- (1) Section 2 of the Health and Safety at Work etc. Act 1974 is amended as follows.

(2) After subsection (2)(e) insert—

- “(f) the adoption of proactive and preventative measures to protect all persons working in their workplace from violence and harassment, including—
- (i) gender-based violence;
  - (ii) sexual harassment;
  - (iii) psychological and emotional abuse;
  - (iv) physical and sexual abuse;
  - (v) stalking and harassment, including online harassment;
  - (vi) threats of violence.”

(3) After subsection (3) insert—

- “(3A) It shall be the duty of every employer to prepare, and as often as may be appropriate revise, an assessment to identify potential risks of violence and harassment in the workplace and implement policies and procedures to eliminate these risks so far as is reasonably practicable.
- (3B) It shall be the duty of every employer to provide training to all employees on recognising and preventing violence and harassment in the workplace, with a focus on gender-responsive approaches.
- (3C) In subsection (3B) a “gender-responsive approach” means taking into account the various needs, interests, and experiences of people of different gender identities, including women and girls, when designing and implementing policies and procedures.
- (3D) In this section, “persons working in the workplace” includes—
- (a) employees;
  - (b) full-time, part-time, and temporary workers; and
  - (c) interns and apprentices.
- (3E) In subsection (2)(f) and subsections (3A) and (3B), a reference to the workplace includes remote and hybrid work environments.””

**Member's explanatory statement**

This new clause will amend the Health and Safety at Work etc. Act 1974 to place a duty on employers to protect all those working in their workplace from gender-based violence and harassment.

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Liz Saville Roberts

NC40

To move the following Clause—

**“Expanded duties of the Health and Safety Executive**

In the Health and Safety at Work etc. Act 1974, after section 11 (functions of the Executive) insert—

**“11ZA Duties of the Executive: health and safety framework on violence and harassment**

- (1) It shall be the duty of the Executive to develop, publish and as often as may be appropriate revise a health and safety framework on violence and harassment in the workplace.
- (2) This framework shall include specific provisions relating to—
  - (a) the prevention of gender-based violence and harassment of those in the workplace including the prevention of physical, emotional, and psychological abuse;
  - (b) the duty of employers to create safe and inclusive workplaces and the preventative measures they must adopt; and
  - (c) the use of monitoring and enforcement mechanisms to ensure compliance with the duty of the employer in relation to violence and harassment (see section 2(2)(f)).
- (3) The Executive shall work with other relevant bodies, including the Equality and Human Rights Commission and law enforcement agencies, to develop and revise this framework.

**11ZB Duties of the Executive: guidance for employers**

The Executive shall, in consultation with such other persons as it considers to be relevant, issue guidance for employers about the protection of those facing violence and harassment on the basis of gender in the workplace by—

- (a) implementing workplace policies to prevent violence and harassment;
- (b) establishing confidential reporting mechanisms to allow victims to report incidents;
- (c) conducting risk assessments and ensuring compliance with the health and safety framework (see section 11ZA);
- (d) reporting and addressing incidents of violence and harassment; and
- (e) supporting victims of violence and harassment, including making accommodations in the workplace to support such victims.””

**Member's explanatory statement**

This new clause will create a duty on the Health and Safety Executive to develop a health and safety framework on violence and harassment and to issue guidance for employers about the protection of those facing violence and harassment on the basis of gender in the workplace.

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**Steve Darling**

NC41

Sarah Gibson

To move the following Clause—

**“Whistleblowers: protected disclosures**

In Part X of the Employment Rights Act 1996, for section 103A, substitute—

**“Protected disclosure.**

An employee who is dismissed shall be regarded for the purposes of this Part as unfairly dismissed if the reason (or one of the reasons) for the dismissal is that the employee made a protected disclosure.””

**Member's explanatory statement**

This new clause would slightly extend the circumstances in which an employee is considered as unfairly dismissed after making a protected disclosure.

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**Greg Smith**

NC42

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**“Duty on the Certification Officer to report on the impact of a four-day week**

- (1) The Certification Officer must, within twelve months of the passing of this Act, lay before both Houses of Parliament a report on the economic and financial impact of introducing a four-day week.
- (2) The report laid under subsection (1) must include analysis on individual sectors of the UK economy including—
  - (a) the retail and wholesale industry;
  - (b) the manufacturing industry;
  - (c) the finance and insurance industry;
  - (d) the health and social care industry;
  - (e) the construction industry;
  - (f) the education industry;
  - (g) the public sector and defence industry;
  - (h) the transport and storage industry;
  - (i) the arts and recreation industry; and
  - (j) the agriculture, mining and fishing industry.
- (3) The Certification Officer must consult the following before any report is laid—
  - (a) business owners;
  - (b) workers;
  - (c) consumers;

- (d) such other persons as the Certification Officer considers relevant to their report.
- (4) Any submissions made by consultees under subsection (3) must be published alongside the report laid under subsection (1)."

**Member's explanatory statement**

This new clause would require the Certification Officer to publish a report on the impact of introducing a four-day week on various sectors of the economy.

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**Greg Smith**

**NC43**

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**"Industrial action: impact assessments and family tests**

In Part V of the Trade Union and Labour Relations (Consolidation) Act 1992, before section 234A (and the italic heading before it), insert—

*"Industrial Action: impact assessments and family tests*

**234ZA Impact assessments and family tests**

- (1) No ballot for industrial action may take place unless the trade union has taken the following steps—
- (a) published a report containing an economic impact assessment of the industrial action;
  - (b) published a report containing a family test on the impact of the industrial action; and
  - (c) informed members of the trade union of the publication of reports required under paragraphs (a) and (b).
- (2) For the purposes of this section, a "family test" is defined as an assessment on the impact of industrial action on family relationships."

**Member's explanatory statement**

This new clause would require trade unions to carry out an impact assessment and a family test, for the reports of these to have published, and trade union members informed of their publication, before a ballot for industrial action can take place.

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**Greg Smith**

**NC44**

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

To move the following Clause—

**“Certification Officer: growth duty**

When discharging its general functions, the Certification Officer must, so far as reasonably possible, act in such a way as to advance the following objectives—

- (a) the international competitiveness of the economy of the United Kingdom; and
- (b) its growth in the medium to long term.”

**Member's explanatory statement**

This new clause would require the Certification Officer to advance the objectives of the international competitiveness of the economy and its growth in the medium to long term.

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**Steve Darling**

**NC45**

Sarah Gibson

To move the following Clause—

**“Foster carer’s leave**

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) In the title of Part 8B, for “CARER’S LEAVE” substitute “CARER’S LEAVE AND FOSTER CARER’S LEAVE”.
- (3) After section 80J (Carer’s leave) insert—

**“80JA Foster carer’s leave**

- (1) The Secretary of State must make regulations entitling an employee to be absent from work on leave under this section in order to undertake activities as a result of being a local authority foster parent.
- (2) For the purposes of subsection (1), “local authority foster parent” is defined in accordance with section 105 of The Children’s Act 1989.
- (3) The regulations must include provision for determining—
  - (a) the extent of an employee’s entitlement to leave under this section;
  - (b) when leave under this section may be taken.
- (4) Provision under subsection (3)(a) must secure that where an employee is entitled to leave under this section the employee is entitled to at least a week’s leave during any period of 12 months.
- (5) The regulations may make provision about how leave under this section is to be taken (including by providing for it to be taken non-continuously).

- (6) The regulations may provide that particular activities are, or are not, to be treated as providing or arranging care for the purposes of this Part.”
- (4) In section 80K—
- (a) in subsection (1), after “80J” insert “and 80JA”;
  - (b) in subsection (2), after “80J” in both places it occurs insert “and 80JA”;
  - (c) in subsection (4), after “80J” insert “and 80JA”; and
  - (d) in subsection (5), after “80J” insert “and 80JA”.
- (5) In subsection (1) of section 80L, after “80J” insert “and 80JA”.
- (6) In section 80M—
- (a) In subsection (1)—
    - (i) in the opening words, after “80J” insert “80JA”,
    - (ii) in paragraph (e), after “80J” insert “and 80JA”
    - (iii) in paragraph (f), after “80J” insert “and 80JA”
    - (iv) in paragraph (g), after “80J” insert “and 80JA”
    - (v) in paragraph (h), after “80J” insert “and 80JA”;
  - (b) In subsection (2), after “80J” insert “and 80JA”; and
  - (c) In subsection (3), after “80J(4)” insert “and 80JA(4)”.

#### Member's explanatory statement

This new clause ensures local authority foster parents are entitled to at least one extra week’s leave every 12 months.

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Steve Darling

NC46

Sarah Gibson  
Lisa Smart

To move the following Clause—

#### “Adoption pay: self-employed persons

- (1) Within six months of the passage of this Act, the Secretary of State must by regulations enable statutory adoption pay to be payable to persons who are—
  - (a) self-employed, or
  - (b) contractors.
- (2) For the purposes of subsection (1), the meaning of “self-employed” and “contractors” shall be set out in regulations under this section.”

#### Member's explanatory statement

This new clause extends statutory adoption pay to the self-employed and contractors.

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Richard Burgon

NC47

To move the following Clause—

**“Workplace contravention of Equality Act: obtaining information**

- (1) In this section—
  - (a) P is a worker who thinks that a contravention of the Equality Act 2010 has occurred in relation to P’s employment or working practices;
  - (b) R is P’s employer and P thinks that R is responsible for the contravention mentioned in paragraph (a).
- (2) A Minister of the Crown must by order prescribe—
  - (a) forms by which P may question R on any matter which is or may be relevant to subsection (1);
  - (b) forms by which R may answer questions by P.
- (3) A question by P or an answer by R is admissible as evidence in proceedings under this Act (whether or not the question or answer is contained in a prescribed form).
- (4) A court or tribunal may draw an inference from—
  - (a) a failure by R to answer a question by P before the end of the period of 8 weeks beginning with the day on which the question is served;
  - (b) an evasive or equivocal answer.
- (5) Subsection (4) does not apply if—
  - (a) R reasonably asserts that to have answered differently or at all might have prejudiced a criminal matter;
  - (b) R reasonably asserts that to have answered differently or at all would have revealed the reason for not commencing or not continuing criminal proceedings;
  - (c) R’s answer is of a kind specified for the purposes of this paragraph by order of a Minister of the Crown;
  - (d) R’s answer is given in circumstances specified for the purposes of this paragraph by order of a Minister of the Crown;
  - (e) R’s failure to answer occurs in circumstances specified for the purposes of this paragraph by order of a Minister of the Crown.
- (6) The reference to a contravention of the Equality Act 2010 includes a reference to a breach of an equality clause or rule, insofar as it relates to employment or working practices.
- (7) A Minister of the Crown may by order—
  - (a) prescribe the period within which a question must be served to be admissible under subsection (3);
  - (b) prescribe the manner in which a question by P, or an answer by R, may be served.
- (8) This section—



- (a) does not affect any other enactment or rule of law relating to interim or preliminary matters in proceedings before a county court, the sheriff or an employment tribunal, and
- (b) has effect subject to any enactment or rule of law regulating the admissibility of evidence in such proceedings.”

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Chris Law

NC51

To move the following Clause—

**“Access to employment rights: workers on temporary visas**

- (1) The Secretary of State must, within six months of this Act being passed, commission an independent report on the extent to which workers on temporary visas are able to assert their rights under employment law.
- (2) In commissioning the report, the Secretary of State must arrange for the report to meet the requirements set out in subsections (2) to (4).
- (3) The report must examine the extent to which workers on temporary visas feel unable to assert their employment rights because they are dependent on their employers to sponsor their visas.
- (4) The report must make recommendations to the Secretary of State about how the Secretary of State can support workers on temporary visas in the assertion of their employment rights.
- (5) The report must be completed within three months of being commissioned.
- (6) The Secretary of State must, as soon as is practicable after receipt of the report, publish the report and lay it before both Houses of Parliament.
- (7) The Secretary of State must, within three months of receipt of the report—
  - (a) respond to the recommendations in the report, and
  - (b) publish the response and lay it before both Houses of Parliament.”

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Chris Law

NC53

★ To move the following Clause—

**“Repeal of section 69 of the Enterprise and Regulatory Reform Act 2013**

Section 69 of the Enterprise and Regulatory Reform Act 2013 is omitted.”

**Member's explanatory statement**

This new clause would omit section 69 of the Enterprise and Regulatory Reform Act in order to reinstate civil liability on the part of the employer if relevant provisions or regulations were breached, entitling a worker to claim compensation if they were injured and could prove that the employer had breached their statutory duty.

Justin Madders

Gov NS1

Dame Nia Griffith

To move the following Schedule—

**"SCHEDULE**

Section (*Warrants*)(5)

**WARRANTS UNDER PART 5: FURTHER PROVISION**

**PART 1**

**APPLICATION OF THIS SCHEDULE**

- 1 This Schedule applies in relation to—
- (a) applications for warrants under section (*Power to enter dwelling subject to warrant*) or 83, and
  - (b) warrants issued under section (*Power to enter dwelling subject to warrant*) or 83.

**PART 2**

**WARRANTS: APPLICATIONS AND SAFEGUARDS**

*Applications for warrants*

- 2 (1) Where an enforcement officer applies for a warrant, the officer must—
- (a) state the ground on which the application is made,
  - (b) state the provision of this Act under which the warrant would be issued,
  - (c) specify the premises which it is desired to enter, and
  - (d) identify, so far as is practicable, the purpose for which entry is desired.
- (2) An application for a warrant must be made without notice and must be supported by an information in writing or, in Scotland, evidence on oath.
- (3) The officer must answer on oath any question that the justice hearing the application asks the officer.

*Safeguards in connection with power of entry conferred by warrant*

- 3 A warrant authorises an entry on one occasion only.
- 4 (1) A warrant must specify—
- (a) the name of the person who applies for it,
  - (b) the date on which it is issued,
  - (c) the provision of this Act under which it is issued, and
  - (d) the premises to be entered.
- (2) A warrant must identify, so far as is practicable, the purpose for which entry is desired.
- 5 (1) Two copies are to be made of a warrant.

- (2) In the case of a warrant issued in electronic form, the copies must be clearly marked as copies.
- (3) In the case of a warrant issued otherwise than in electronic form, the copies must be clearly certified as copies.

### PART 3

#### EXECUTION OF WARRANTS

##### *Warrant to be executed within three months*

- 6 Execution of a warrant must be within three months from the date of its issue.

##### *Time of entry*

- 7 Execution of a warrant must be at a reasonable time, unless it appears to the officer executing it that there are grounds for suspecting that the purpose of entering the premises may be frustrated if the officer seeks to enter at a reasonable time.

##### *Evidence of authority etc*

- 8 (1) Where the occupier of premises to be entered under a warrant is present at the time when an enforcement officer seeks to execute the warrant, the following requirements must be satisfied—
  - (a) the officer must produce to the occupier documentary evidence of the fact that the officer is an enforcement officer;
  - (b) if the officer is asked for it, the occupier must be told the officer's name;
  - (c) the officer must produce the warrant to the occupier;
  - (d) the officer must supply the occupier with a copy of the warrant that is marked or certified as a copy in accordance with paragraph 5.
- (2) Where—
  - (a) the occupier of premises to be entered under a warrant is not present when an enforcement officer seeks to execute it, but
  - (b) some other person who appears to the officer to be in charge of the premises is present,sub-paragraph (1) has effect as if any reference to the occupier were a reference to that other person.
- (3) If there is no person present who appears to the enforcement officer to be in charge of the premises, the officer must leave a copy of the warrant, marked or certified as a copy in accordance with paragraph 5, in a prominent place on the premises.

*Securing premises after entry*

- 9 An enforcement officer who enters premises under a warrant must take reasonable steps to ensure that when the officer leaves the premises they are as secure as they were before the officer entered.

*Return and retention of warrants*

- 10 (1) A warrant which—
- (a) has been executed, or
  - (b) has not been executed within the time authorised for its execution, must be returned to the appropriate person.
- (2) For the purposes of sub-paragraph (1) the appropriate person is—
- (a) in the case of a warrant issued in England and Wales, the designated officer for the local justice area in which the justice was acting when the warrant was issued;
  - (b) in the case of a warrant issued in Scotland by a justice of the peace, the clerk of the justice of the peace court in the sheriffdom for which the justice of the peace was appointed;
  - (c) in the case of a warrant issued in Scotland by a sheriff or a summary sheriff, the sheriff clerk;
  - (d) in the case of a warrant issued in Northern Ireland, the clerk of petty sessions.
- (3) A warrant that is returned under this paragraph must be retained by the person to whom it is returned for a period of 12 months.
- (4) If during that period the occupier of the premises to which the warrant relates asks to inspect it, the occupier must be allowed to do so."

**Member's explanatory statement**

This new Schedule makes further provision about applications for, and the execution of, warrants under Part 5.

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**Justin Madders**

**Gov NS2**

Dame Nia Griffith

To move the following Schedule—

**"SCHEDULE**

**INCREASE IN TIME LIMITS FOR MAKING CLAIMS**

*Safety Representatives and Safety Committees Regulations 1977*

- 1 (1) In regulation 11 of the Safety Representatives and Safety Committees Regulations 1977 (S.I. 1977/500) (time off for safety representatives), in paragraph (2), for "three", in both places it occurs, substitute "six".
- (2) In regulation 12 of those Regulations—

- (a) in paragraph (2), for “three” substitute “six”;
- (b) in paragraph (3), for “three” substitute “six”;
- (c) in paragraph (4), for “three” substitute “six”.

#### *Trade Union and Labour Relations (Consolidation) Act 1992*

- 2 (1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.
- (2) In section 66 (unjustifiable discipline by union), in subsection (2)(a), for “three” substitute “six”.
  - (3) In section 68A (unauthorised deduction of union subscriptions), in subsection (1)(a), for “three” substitute “six”.
  - (4) In section 70C (collective bargaining: obligations relating to training), in subsection (2)—
    - (a) in paragraph (a), for “three” substitute “six”;
    - (b) in paragraph (b), for “three” substitute “six”.
  - (5) In section 87 (unlawful deduction of contributions to political fund), in subsection (2)(a), for “three” substitute “six”.
  - (6) In section 139 (refusal of employment on grounds related to union membership), in subsection (1)(a), for “three” substitute “six”.
  - (7) In section 145C (inducements), in subsection (1)(a), for “three” substitute “six”.
  - (8) In section 147 (detriment for trade union activities), in subsection (1)(a), for “three” substitute “six”.
  - (9) In section 171 (time off for trade union activities), in subsection (1)(a), for “three” substitute “six”.
  - (10) In section 189 (consultation in collective redundancy), in subsection (5)—
    - (a) in paragraph (b), for “three” substitute “six”;
    - (b) in paragraph (c), for “three” substitute “six”.
  - (11) In section 192 (remuneration under protective award), in subsection (2)—
    - (a) in paragraph (a), for “three” substitute “six”;
    - (b) in paragraph (b), for “three” substitute “six”.
  - (12) In paragraph 157 of Schedule A1 (detriment in relation to trade union recognition), in sub-paragraph (1)(a), for “3” substitute “six”.

#### *Pension Schemes Act 1993*

- 3 In section 126 of the Pension Schemes Act 1993 (unpaid pension contributions), in subsection (2), for “three” substitute “six”.

#### *Employment Rights Act 1996*

- 4 (1) The Employment Rights Act 1996 is amended as follows.
- (2) In section 11 (written statements), in subsection (4)—

- (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (3) In section 23 (protection of wages)—
  - (a) in subsection (2), for "three" substitute "six";
  - (b) in subsection (4), for "three" substitute "six".
- (4) In section 27N (information relating to tips etc)—
  - (a) in subsection (2), for "three" substitute "six";
  - (b) in subsection (3), for "three" substitute "six".
- (5) In section 34 (guarantee payments), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (6) In section 48 (detriment in employment), in subsection (3)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (7) In section 51 (time off for public duties), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (8) In section 54 (time off following redundancy), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (9) In section 57 (time off for ante-natal care), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (10) In section 57ZC (time off for ante-natal care: agency workers), in subsection (3)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (11) In section 57ZF (time off to accompany to ante-natal appointment), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (12) In section 57ZH (time off to accompany to ante-natal appointment: agency workers), in subsection (3)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (13) In section 57ZM (time off to attend adoption appointments), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (14) In section 57ZQ (time off to attend adoption appointments: agency workers), in subsection (3)—

- (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (15) In section 57B (time off for dependants), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (16) In section 60 (time off for pension scheme trustees), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (17) In section 63 (time off for employee representatives), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (18) In section 63C (time off for study or training), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (19) In section 63I (requests in relation to study or training), in subsection (5)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (20) In section 70 (rights following suspension from work)—
  - (a) in subsection (2)—
    - (i) in paragraph (a), for "three" substitute "six";
    - (ii) in paragraph (b), for "three" substitute "six";
  - (b) in subsection (5)—
    - (i) in paragraph (a), for "three" substitute "six";
    - (ii) in paragraph (b), for "three" substitute "six".
- (21) In section 70A (rights of agency worker where supply is ended on maternity grounds)—
  - (a) in subsection (2)—
    - (i) in paragraph (a), for "three" substitute "six";
    - (ii) in paragraph (b), for "three" substitute "six";
  - (b) in subsection (5)—
    - (i) in paragraph (a), for "three" substitute "six";
    - (ii) in paragraph (b), for "three" substitute "six".
- (22) In section 80 (parental leave), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (23) In section 80H (right to request flexible working), in subsection (5)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".
- (24) In section 80N (carer's leave), in subsection (2)—
  - (a) in paragraph (a), for "three" substitute "six";
  - (b) in paragraph (b), for "three" substitute "six".

- (25) In section 111 (unfair dismissal), in subsection (2)—
  - (a) in paragraph (a), for “three” substitute “six”;
  - (b) in paragraph (b), for “three” substitute “six”.
- (26) In section 188 (rights on insolvency of employer), in subsection (2)—
  - (a) in paragraph (a), for “three” substitute “six”;
  - (b) in paragraph (b), for “three” substitute “six”.

*Health and Safety (Consultation with Employees) Regulations 1996*

- 5 (1) In paragraph 3 of Schedule 2 to the Health and Safety (Consultation with Employees) Regulations 1996 (S.I. 1996/1513) (time off for representatives of employee safety etc), for “three”, in both places it occurs, substitute “six”.
- (2) In paragraph 3A of that Schedule—
  - (a) in sub-paragraph (2), for “three” substitute “six”;
  - (b) in sub-paragraph (3), for “three” substitute “six”;
  - (c) in sub-paragraph (4), for “three” substitute “six”.

*Working Time Regulations 1998*

- 6 In regulation 30 of the Working Time Regulations 1998 (S.I. 1998/1833) (rights as to working time), in paragraph (2)—
  - (a) in sub-paragraph (a), for the words from “three months” to “six months)” substitute “six months”;
  - (b) in sub-paragraph (b), omit “three or, as the case may be,”.

*National Minimum Wage Act 1998*

- 7 In section 11 of the National Minimum Wage Act 1998 (access to records)—
  - (a) in subsection (3), for “three” substitute “six”;
  - (b) in subsection (4), for “three” substitute “six”.

*Employment Relations Act 1999*

- 8 In section 11 of the Employment Relations Act 1999 (right to be accompanied), in subsection (2)—
  - (a) in paragraph (a), for “three” substitute “six”;
  - (b) in paragraph (b), for “three” substitute “six”.

*Transnational Information and Consultation of Employees Regulations 1999*

- 9 (1) In regulation 27 of the Transnational Information and Consultation of Employees Regulations 1999 (S.I. 1999/3323) (time off for members of a European Works Council etc)—
  - (a) in the heading, for “tribunals” substitute “employment tribunals in Great Britain”;
  - (b) in paragraph (1), for the words from “complaint,” to “, that” substitute “complaint to an employment tribunal in Great Britain that”;



- (c) in paragraph (2)—
    - (i) in sub-paragraph (a), for “three” substitute “six”;
    - (ii) in sub-paragraph (b), for “three” substitute “six”;
  - (d) omit paragraph (2B).
- (2) In the heading of regulation 27A of those Regulations (extension of time limit to facilitate conciliation before institution of proceedings), at the end insert “in Great Britain”.
- (3) After regulation 27A of those Regulations insert—

**“Right to time off: complaints to industrial tribunals in Northern Ireland**

**27AA.—**(1) An employee may present a complaint to an industrial tribunal in Northern Ireland that the employee’s employer—

- (a) has unreasonably refused to permit the employee to take time off as required by regulation 25; or
- (b) has failed to pay the whole or any part of any amount to which the employee is entitled under regulation 26.

(2) A tribunal shall not consider a complaint under this regulation unless it is presented—

- (a) before the end of the period of three months beginning with the day on which the time off was taken or on which it is alleged the time off should have been permitted; or
- (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

(3) Regulation 27B (extension of time limit to facilitate conciliation before institution of proceedings in Northern Ireland) applies for the purposes of paragraph (2).

(4) Where a tribunal finds a complaint under this regulation well-founded, the tribunal shall make a declaration to that effect.

(5) If the complaint is that the employer has unreasonably refused to permit the employee to take time off, the tribunal shall also order the employer to pay to the employee an amount equal to the remuneration to which the employee would have been entitled under regulation 26 if the employer had not refused.

(6) If the complaint is that the employer has failed to pay the employee the whole or part of any amount to which the employee is entitled under regulation 26, the tribunal shall also order the employer to pay to the employee the amount which it finds due to the employee.”

- (4) In regulation 27B of those Regulations (extension of time limit to facilitate conciliation before institution of proceedings in Northern Ireland)—
- (a) in paragraph (2), for “27(2)(a)” substitute “27AA(2)(a)”;
  - (b) in paragraph (3), for “27(2)(a)” substitute “27AA(2)(a)”;
  - (c) in paragraph (4), for “27(2)(b)” substitute “27AA(2)(b)”.

*Merchant Shipping (Working Time: Inland Waterways) Regulations 2003*

- 10 In regulation 18 of the Merchant Shipping (Working Time: Inland Waterways) Regulations 2003 (S.I. 2003/3049) (merchant shipping: rights as to working time), in paragraph (2)—
- (a) in sub-paragraph (a), for “three” substitute “six”;
  - (b) in sub-paragraph (b), for “three” substitute “six”.

*Civil Aviation (Working Time) Regulations 2004*

- 11 In regulation 18 of the Civil Aviation (Working Time) Regulations 2004 (S.I. 2004/756) (civil aviation: rights as to working time), in paragraph (2)—
- (a) in sub-paragraph (a), for “three” substitute “six”;
  - (b) in sub-paragraph (b), for “three” substitute “six”.

*Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004*

- 12 In regulation 19 of the Fishing Vessels (Working Time: Sea-fishermen) Regulations 2004 (S.I. 2004/1713) (fishing vessels: rights to rest and leave), in paragraph (2)—
- (a) in sub-paragraph (a), for “three” substitute “six”;
  - (b) in sub-paragraph (b), for “three” substitute “six”.

*Transfer of Undertakings (Protection of Employment) Regulations 2006*

- 13 (1) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) are amended as follows.
- (2) In regulation 12 (notification of employee liability information), in paragraph (2)—
- (a) in sub-paragraph (a), for “three” substitute “six”;
  - (b) in sub-paragraph (b), for “three” substitute “six”.
- (3) In regulation 15 (information and consultation requirements), in paragraph (12)—
- (a) in the words before sub-paragraph (a), for “three” substitute “six”;
  - (b) in the words after sub-paragraph (b), for “three” substitute “six”.

*Cross-border Railway Services (Working Time) Regulations 2008*

- 14 In regulation 17 of the Cross-border Railway Services (Working Time) Regulations 2008 (S.I. 2008/1660) (cross-border railway services: rights as to working time), in paragraph (2)—
- (a) in sub-paragraph (a), for “three” substitute “six”;
  - (b) in sub-paragraph (b), for “three” substitute “six”.

*European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009*

- 15 In regulation 28 of the European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009 (S.I. 2009/2401) (time off for members of special negotiating body etc), in paragraph (2)—
- (a) in sub-paragraph (a), for “three” substitute “six”;
  - (b) in sub-paragraph (b), for “three” substitute “six”.

*Agency Workers Regulations 2010*

- 16 In regulation 18 of the Agency Workers Regulations 2010 (S.I. 2010/93) (rights of agency workers), in paragraph (4), for “three” substitute “six”.

*Equality Act 2010*

- 17 In section 123 of the Equality Act 2010 (discrimination etc at work), in subsection (1)(a), for “3” substitute “6”.

*Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018*

- 18 In regulation 26 of the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations 2018 (S.I. 2018/58) (rights of seafarers to leave), in paragraph (6), for “three” substitute “six”.

**Member's explanatory statement**

This new Schedule would increase time limits for making claims in employment tribunals (and, in certain cases, industrial tribunals in Northern Ireland) from three months to six months.

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**Justin Madders**

**Gov NS3**

Dame Nia Griffith

To move the following Schedule—

**“SCHEDULE**

Section (*Seafarers' wages and working conditions*)

**SEAFARERS' WAGES AND WORKING CONDITIONS**

*Amendment of Seafarers' Wages Act 2023*

- 1 The Seafarers' Wages Act 2023 (“the Act”) is amended in accordance with paragraphs 2 to 23.

*Part 1 of the Act: relevant services*

2 For the italic heading before section 1 substitute—

**“PART 1**

RELEVANT SERVICES”.

3 In section 1 (services to which this Act applies)—

- (a) for the heading substitute “Relevant services”;
- (b) in subsection (1), for “This Act applies to” substitute “In this Act, “relevant service” means”;
- (c) in subsection (2), for “this Act does not apply to” substitute ““relevant service” does not include”;
- (d) for subsection (4) substitute—
  - “(4) In this Act, “ship”—
    - (a) includes—
      - (i) any kind of vessel used in navigation, and
      - (ii) hovercraft;
    - (b) includes a ship which is registered in a State other than the United Kingdom.”

*Chapter 1 of Part 2 of the Act: non-qualifying seafarers*

4 After section 1 insert—

**“PART 2**

REMUNERATION OF SEAFARERS

**CHAPTER 1**

NON-QUALIFYING SEAFARERS”.

5 In section 2 (non-qualifying seafarers), in paragraph (a), for “service to which this Act applies” substitute “relevant service”.

*Chapter 2 of Part 2 of the Act: national minimum wage equivalence declarations*

6 For the italic heading before section 3 substitute—

**“CHAPTER 2**

NATIONAL MINIMUM WAGE EQUIVALENCE DECLARATIONS”.

7 In section 3 (request for declaration)—

- (a) in the heading, after “for” insert “equivalence”;
- (b) in subsection (1)—
  - (i) for “Act applies” substitute “Chapter applies (see subsection (4A))”;

- (ii) at the end insert “(see section 19 for the meaning of “relevant year”)”;
  - (c) after subsection (4) insert—
    - “(4A) This Chapter applies to a relevant service, subject to provision made by remuneration regulations in reliance on section 4A(6).”;
  - (d) omit subsections (5) and (6).
- 8 In section 4 (nature of declaration)—
- (a) in the heading, after “of” insert “equivalence”;
  - (b) after subsection (5) insert—
    - “(5A) For the meaning of “UK work”, see section 19.
    - (5B) For the meaning of “national minimum wage equivalent”, see section 4D(1).”;
  - (c) omit subsections (6) to (10).

*Chapters 3 and 4 of Part 2 of the Act: remuneration regulations and declarations*

- 9 After section 4 insert—

**“CHAPTER 3**

REMUNERATION REGULATIONS AND DECLARATIONS

*Remuneration regulations*

**4A Remuneration regulations**

- (1) Regulations may specify requirements relating to the remuneration of non-qualifying seafarers in respect of their work carried out in relation to the provision of a relevant service (whether or not in the territorial waters of the United Kingdom).
- (2) In this Act, regulations under subsection (1) are referred to as “remuneration regulations”.
- (3) Remuneration regulations may relate to remuneration in respect of only some of the work carried out in relation to the provision of a relevant service, and may frame such provision by reference to the waters in which the work is carried out or in any other way.
- (4) Remuneration regulations may apply to—
  - (a) all relevant services, or
  - (b) one or more relevant services of a specified description.
- (5) For the purposes of subsection (4)(b), a service may be described by reference to (among other things) the route operated by the service.
- (6) Remuneration regulations may provide that Chapter 2 does not apply to any extent to a relevant service to which the regulations apply.

*Remuneration declarations***4B Request for remuneration declaration**

- (1) Subsection (2) applies where a harbour authority has reasonable grounds to believe that ships providing a service to which remuneration regulations apply will enter, or have entered, its harbour on at least—
  - (a) 120 occasions, or
  - (b) if remuneration regulations specify a higher number in relation to services of a specified description and the service is of that description, that higher number of occasions,during a relevant year (see section 19 for the meaning of “relevant year”).
- (2) The harbour authority must, within such period as is determined by regulations under this subsection, request that the operator of the service provide the authority with a remuneration declaration in respect of the service for the relevant year.
- (3) The duty under subsection (2) is subject to any direction given by the Secretary of State under section 16(1)(a).
- (4) A harbour authority which fails to comply with subsection (2) is guilty of an offence and liable on summary conviction—
  - (a) in England and Wales, to a fine, or
  - (b) in Scotland and Northern Ireland, to a fine not exceeding level 5 on the standard scale.

**4C Nature of remuneration declaration**

- (1) A remuneration declaration in respect of a service for a relevant year is a declaration within any of subsections (2) to (5).
- (2) A declaration is within this subsection if it is provided before the beginning of the relevant year and it is to the effect that—
  - (a) in the relevant year there will be no non-qualifying seafarers working on ships providing the service, or
  - (b) in the relevant year non-qualifying seafarers working on ships providing the service will be remunerated in respect of their work in relation to the service in accordance with the remuneration regulations that apply in relation to them.
- (3) A declaration is within this subsection if it is provided during the relevant year and it is to the effect that—
  - (a) in what remains of the relevant year there will be no non-qualifying seafarers working on ships providing the service, or
  - (b) in what remains of the relevant year non-qualifying seafarers working on ships providing the service will be remunerated in respect of their work in relation to the service in accordance

with the remuneration regulations that apply in relation to them.

- (4) A declaration is within this subsection if it is provided during the relevant year and it is to the effect that—
- (a) in so much of the relevant year as has already occurred—
    - (i) there have been no non-qualifying seafarers working on ships providing the service, or
    - (ii) non-qualifying seafarers working on ships providing the service have been remunerated in respect of their work in relation to the service in accordance with the remuneration regulations that apply in relation to them, and
  - (b) in what remains of the relevant year—
    - (i) there will be no non-qualifying seafarers working on ships providing the service, or
    - (ii) non-qualifying seafarers working on ships providing the service will be remunerated in respect of their work in relation to the service in accordance with the remuneration regulations that apply in relation to them.
- (5) A declaration is within this subsection if it is provided after the end of the relevant year and it is to the effect that—
- (a) in the relevant year there were no non-qualifying seafarers working on ships providing the service, or
  - (b) in the relevant year non-qualifying seafarers working on ships providing the service were remunerated in respect of their work in relation to the service in accordance with the remuneration regulations that apply in relation to them.

#### CHAPTER 4

##### CHAPTERS 2 AND 3: SUPPLEMENTARY REGULATIONS

#### **4D Regulations about national minimum wage equivalent etc**

- (1) For the purposes of this Part, the national minimum wage equivalent is an hourly rate specified in regulations.
- (2) Regulations may make provision for determining for the purposes of this Part—
- (a) the hourly rate at which a non-qualifying seafarer is remunerated in any period in respect of any work, and
  - (b) whether, or the extent to which, a non-qualifying seafarer's work in relation to a relevant service is UK work.
- (3) Regulations under subsection (2)(a) may in particular make—
- (a) any provision referred to in section 2(2) to (6) of the National Minimum Wage Act 1998;

- (b) provision relating to currency conversion.
- (4) Subsection (5) applies for the purposes of—
  - (a) section 4, and
  - (b) remuneration regulations that are framed by reference to the national minimum wage equivalent.
- (5) The Secretary of State must in making regulations under this section seek to secure that a non-qualifying seafarer is remunerated at a rate equal to the national minimum wage equivalent only if their remuneration is in all the circumstances broadly equivalent to the remuneration they would receive if they qualified for the national minimum wage.”

*Part 3 of the Act: seafarers’ working conditions*

- 10 After section 4D (inserted by paragraph 9 of this Schedule) insert—

**“PART 3**

SEAFARERS’ WORKING CONDITIONS

*Safe working regulations*

**4E Safe working regulations**

- (1) In this Part, “seafarer” means a person who works on a ship providing a relevant service.
- (2) Regulations may specify conditions relating to the working pattern and rest requirements of seafarers who carry out work relating to the provision of a relevant service, including conditions about—
  - (a) their maximum periods of work in a specified period;
  - (b) their minimum periods of rest in a specified period.
- (3) Regulations may make provision for the purpose of managing and mitigating risks arising from fatigue suffered by seafarers when carrying out their work relating to the provision of a relevant service.
- (4) Regulations under subsection (3) may, among other things—
  - (a) require the operator of a relevant service to produce a plan to manage and mitigate risks arising from fatigue suffered by seafarers when carrying out their work relating to the provision of the service (a “fatigue management plan”);
  - (b) make provision about the contents of such a plan by reference to a specified document as amended from time to time.
- (5) Regulations may make provision for and in connection with the training of seafarers who carry out work relating to the provision of a relevant service, for the purpose of ensuring—
  - (a) the safety of the ship on which they work,
  - (b) the safety of things on the ship, or



- (c) the health or safety of persons on the ship.
- (6) In this Act, regulations under subsection (2), (3) or (5) are referred to as “safe working regulations”.
- (7) Safe working regulations may impose requirements on the operator of a relevant service.
- (8) Safe working regulations may apply to—
  - (a) all relevant services, or
  - (b) one or more relevant services of a specified description.
- (9) For the purposes of subsection (8)(b), a service may be described by reference to (among other things) the route operated by the service.

#### *Safe working declarations*

#### **4F Request for safe working declaration**

- (1) Subsection (2) applies where a harbour authority has reasonable grounds to believe that ships providing a service to which safe working regulations apply will enter, or have entered, its harbour on at least—
  - (a) 120 occasions, or
  - (b) if safe working regulations specify a higher number in relation to services of a specified description and the service is of that description, that higher number of occasions,during a relevant year (see section 19 for the meaning of “relevant year”).
- (2) The harbour authority must, within such period as is determined by regulations under this subsection, request that the operator of the service provide the authority with a safe working declaration in respect of the service for the relevant year.
- (3) The duty under subsection (2) is subject to any direction given by the Secretary of State under section 16(1)(a).
- (4) A harbour authority which fails to comply with subsection (2) is guilty of an offence and liable on summary conviction—
  - (a) in England and Wales, to a fine, or
  - (b) in Scotland and Northern Ireland, to a fine not exceeding level 5 on the standard scale.

#### **4G Nature of safe working declaration**

- (1) A safe working declaration in respect of a service for a relevant year is a declaration within any of subsections (2) to (5).
- (2) A declaration is within this subsection if it is provided before the beginning of the relevant year and it is to the effect that the safe

working conditions will be met in relation to the service in the relevant year.

- (3) A declaration is within this subsection if it is provided during the relevant year and it is to the effect that the safe working conditions will be met in relation to the service in what remains of the relevant year.
- (4) A declaration is within this subsection if it is provided during the relevant year and it is to the effect that—
  - (a) the safe working conditions have been met in relation to the service in so much of the relevant year as has already occurred, and
  - (b) the safe working conditions will be met in relation to the service in what remains of the relevant year.
- (5) A declaration is within this subsection if it is provided after the end of the relevant year and it is to the effect that the safe working conditions were met in relation to the service in the relevant year.
- (6) For the purposes of this section the safe working conditions are met in relation to a service at a particular time if at that time—
  - (a) the service is operated in compliance with regulations under section 4E(2) or (3) that apply to the service,
  - (b) the service is operated in compliance with a fatigue management plan that is required for the service by regulations under section 4E(3) (see section 4E(4)), and
  - (c) the service is operated in compliance with regulations under section 4E(5) that apply to the service.
- (7) References in subsection (6) to the operation of a service include references to its operation outside the territorial waters of the United Kingdom."

*Part 4 of the Act: enforcement of Parts 2 and 3*

- 11 After section 4G (inserted by paragraph 10 of this Schedule) insert—

**"PART 4**

ENFORCEMENT OF PARTS 2 AND 3

*Offence of operating service inconsistently with declaration".*

- 12 In section 5 (offence of operating service inconsistently with declaration)—
- (a) in subsection (1)—
    - (i) for "service to which this Act applies" substitute "relevant service";
    - (ii) in paragraph (a), for "an equivalence declaration" substitute "a declaration";
  - (b) in subsections (2), (3) and (4), omit "equivalence".

- 13 (1) Section 6 (imposition of surcharges: failure to provide declaration in time) is amended as follows.
- (2) In subsection (1)(a)—
    - (a) for “service to which this Act applies” substitute “relevant service”;
    - (b) for “an equivalence declaration” substitute “a declaration”.
  - (3) In subsection (1)(b), for “an equivalence declaration” substitute “the requested declaration”.
  - (4) In subsection (2)(b)(ii), for “an equivalence declaration” substitute “the requested declaration”.
  - (5) In subsection (3)(b)(ii), for “an equivalence declaration” substitute “the requested declaration”.
  - (6) In subsection (5)(a), for “an equivalence declaration” substitute “the requested declaration”.
  - (7) In subsection (5)(b), for “section 4(4) or (5).” substitute “—
    - (i) section 4(4) or (5),
    - (ii) section 4C(4) or (5), or
    - (iii) section 4G(4) or (5),(whichever applies).”
  - (8) In subsection (6)—
    - (a) for “an equivalence declaration” substitute “a declaration”;
    - (b) in the definition of “prescribed period”, for “3(5)(a)” substitute “16A(1)(a)”;
    - (c) in the definition of “prescribed form and manner”, for “3(5)(b) and (c)” substitute “16A(1)(b) and (c)”.
- 14 In section 7 (imposition of surcharges: in-year declaration that is prospective only), in subsection (1)—
- (a) in paragraph (a)—
    - (i) for “service to which this Act applies” substitute “relevant service”;
    - (ii) for “an equivalence declaration” substitute “a declaration”;
  - (b) in paragraph (b), for “3(5)” substitute “16A(1)”;
  - (c) in paragraph (c), for the words from “within subsection (3)” to the end substitute “—
    - (i) within subsection (3) of section 4 (and not also within subsection (4) of that section),
    - (ii) within subsection (3) of section 4C (and not also within subsection (4) of that section), or
    - (iii) within subsection (3) of section 4G (and not also within subsection (4) of that section),(whichever applies).”
- 15 (1) Section 8 (imposition of surcharges: operating inconsistently with declaration) is amended as follows.

- (2) In subsection (1)(a)—
    - (a) for “service to which this Act applies” substitute “relevant service”;
    - (b) for “an equivalence declaration” substitute “a declaration”.
  - (3) In subsection (3), after “equivalence declaration” insert “, remuneration declaration or safe working declaration (as the case may be)”;
  - (4) In subsection (4)(a)—
    - (a) for “service to which this Act applies” substitute “relevant service”;
    - (b) for “an equivalence declaration” substitute “a declaration”.
  - (5) In subsection (6), after “equivalence declaration” insert “, remuneration declaration or safe working declaration (as the case may be)”.
- 16 In section 11 (refusal of harbour access for failure to pay surcharge), in subsection (1), for “service to which this Act applies” substitute “relevant service”.
- 17 (1) Section 12 (provision of information by operators) is amended as follows.
- (2) In subsection (1)—
    - (a) for “service to which this Act applies” substitute “relevant service”;
    - (b) in paragraphs (a) and (b), for “an equivalence declaration” substitute “a declaration”.
  - (3) In subsection (2)—
    - (a) in paragraph (b), at the beginning insert “for the purposes of Part 2,”;
    - (b) after paragraph (b) insert—
      - “(c) for the purposes of Part 3—
        - (i) information relating to the working pattern, working conditions or training of persons working on ships providing the service;
        - (ii) a fatigue management plan produced by the operator of the service (see section 4E(4)(a)).”
  - (4) In subsection (5), for “service to which this Act applies” substitute “relevant service”.
- 18 In section 13 (provision of information by harbour authorities), in subsection (2)(b), omit “equivalence”.
- 19 In section 14 (inspections), in subsection (2)—
  - (a) in paragraph (a), for “service to which this Act applies” substitute “relevant service”;
  - (b) in paragraphs (a) and (b), for “an equivalence declaration” substitute “a declaration”.

*Part 5 of the Act: general and final provisions*

20 After section 15 insert—

**“PART 5****GENERAL AND FINAL PROVISIONS”.**

21 After section 16 insert—

**“16A Regulations about declarations**

- (1) Regulations may make provision—
  - (a) as to the period within which declarations are to be provided;
  - (b) as to the wording of declarations and the form in which they are to be provided;
  - (c) as to the manner in which declarations are to be provided.
- (2) Regulations under subsection (1)(b) may specify a single form combining different kinds of declarations (but a requirement to provide a declaration in such a form does not require an operator of a service to provide a declaration which a harbour authority has not requested the operator to provide).”

22 In section 17 (regulations)—

- (a) in the heading, at the end insert “: general”;
- (b) in subsection (2)(a), for sub-paragraph (i) (but not the “or” after it) substitute—

“(i) relevant service,”.

23 (1) Section 19 (general interpretation) is amended as follows.

(2) After the definition of “the data protection legislation” insert—

““declaration” (without more) means—

- (a) an equivalence declaration,
- (b) a remuneration declaration, or
- (c) a safe working declaration;”.

(3) Omit the definition of “national minimum wage equivalent”.

(4) In the definition of “operator”, for “service to which this Act applies” substitute “relevant service”.

(5) After the definition of “operator” insert—

““relevant service” has the meaning given by section 1;”.

(6) In the definition of “relevant year”, for “has the meaning given by section 3(6);” substitute “means—

- (a) the period of 12 months beginning with a date specified in regulations, and
- (b) each successive period of 12 months;”.

(7) After the definition of “relevant year” insert—

- “remuneration declaration” has the meaning given by section 4C(1);
- “remuneration regulations” has the meaning given by section 4A(2);
- “safe working declaration” has the meaning given by section 4G(1);
- “safe working regulations” has the meaning given by section 4E(6);”.

(8) In the definition of “UK work”, for “has the meaning given by section 4(10)” substitute “means work which is carried out in the United Kingdom or its territorial waters”.

*Amendment of title of the Act*

24 (1) The Seafarers’ Wages Act 2023 may be cited as the Seafarers (Wages and Working Conditions) Act 2023.

(2) For the words “Seafarers’ Wages Act 2023” wherever they occur in any enactment substitute “Seafarers (Wages and Working Conditions) Act 2023”.

**Member's explanatory statement**

This schedule amends the Seafarers’ Wages Act 2023 to give the Secretary of State power to make regulations specifying conditions relating to the wages and working conditions of seafarers working on ships providing services currently covered by that Act. Those conditions are enforceable in the same way as existing provisions of that Act.

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**Greg Smith**

**164**

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

Clause 115, page 104, line 2, at end insert—

- “(3A) The Secretary of State must have regard to the following objectives when making any regulations under this Act—
- (a) the international competitiveness of the economy of the United Kingdom; and
  - (b) its growth in the medium to long term.”

**Member's explanatory statement**

This amendment would require the Secretary of State to have regard to the objective of the international competitiveness of the economy and its growth in the medium to long term when making any regulations under the Act.

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**Greg Smith**

**165**

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

Clause 115, page 104, line 2, at end insert—

- “(3A) No regulations may be made under this Act unless the Secretary of State has—
- (a) consulted such persons as they consider relevant to the proposed regulations; and
  - (b) laid before both Houses of Parliament a report of that consultation.”

**Member's explanatory statement**

This amendment would require the Secretary of State to consult and publish a report of that consultation before making any regulations under the Act.

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**Justin Madders**

**Gov 206**

Dame Nia Griffith

Clause 117, page 104, line 22, for “Part 3 of this Act extends” substitute “Chapters 1 and 2 of Part 3 of this Act extend”

**Member's explanatory statement**

This amendment is consequential on Amendment 207.

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**Justin Madders**

**Gov 207**

Dame Nia Griffith

Clause 117, page 104, line 22, at end insert—

- “(ba) Chapter 3 of Part 3 of this Act extends to England and Wales, Scotland and Northern Ireland;”

**Member's explanatory statement**

This amendment states the extent of the new Chapter proposed to be formed by NC48 and NS3.

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**Justin Madders**

**Gov 107**

Dame Nia Griffith

Clause 117, page 104, line 24, at end insert—

- “(1A) Sections (*Statutory sick pay in Northern Ireland: removal of waiting period*) and (*Statutory sick pay in Northern Ireland: lower earnings limit etc*) (statutory sick pay in Northern Ireland) extend to Northern Ireland only.”

**Member's explanatory statement**

This amendment is consequential on amendments NC5 and NC6; it limits the extent of new clauses (*Statutory sick pay in Northern Ireland: removal of waiting period*) and (*Statutory sick pay in Northern Ireland: lower earnings limit etc*) to Northern Ireland only.

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**Justin Madders**

Gov 108

Dame Nia Griffith

Clause 117, page 104, line 27, leave out “An amendment or repeal” and insert “Except as set out in subsection (4), an amendment, repeal or revocation”

**Member's explanatory statement**

This amendment is consequential on NS2 and amendment 109.

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**Justin Madders**

Gov 109

Dame Nia Griffith

Clause 117, page 104, line 28, leave out “amended or repealed.” and insert “amended, repealed or revoked.

- (4) In Schedule (*Increase in time limits for making claims*) (increase in time limits for making claims)—
- (a) the amendments made by paragraph 9(3) and (4) extend to Northern Ireland only;
  - (b) the amendments made by paragraphs 10, 12 and 13 extend to England and Wales and Scotland only.”

**Member's explanatory statement**

This amendment would limit the extent of certain amendments in NS2 so that they only extend to Northern Ireland or Great Britain (where they would otherwise extend to both). This is to ensure that the increase in time limits in those cases only applies in relation to employment tribunals in Great Britain.

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**John McDonnell**

1

Clause 118, page 104, line 32, at end insert—

“(aa) section [*Prison officers: inducements to withhold services or to indiscipline*];”

**Member's explanatory statement**

This is a consequential amendment to NC1 to ensure the implementation of the repeal of relevant provisions in the Criminal Justice and Public Order Act 1994.

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**John McDonnell**

2

Clause 118, page 104, line 32, at end insert—

“(aa) section [*Prison officers: inducements to withhold services*];”



**Member's explanatory statement**

This is a consequential amendment to NC2 to ensure the implementation of the repeal of relevant provisions in the Criminal Justice and Public Order Act 1994.

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**John McDonnell**

3

Clause 118, page 104, line 32, at end insert—

“(aa) section [*Inducement of prison officers: exempted persons*];”

**Member's explanatory statement**

This is a consequential amendment to NC3, to ensure its implementation.

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**Layla Moran**

4

Sarah Gibson  
Steve Darling

Clause 118, page 104, line 32, at end insert—

“(aa) section [*Non-disclosure agreements: harassment*];”

**Member's explanatory statement**

This is a consequential amendment to NC4, to ensure its implementation.

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**Nick Timothy**

111

Clause 118, page 104, line 32, at end insert—

“(aa) section [*Substitution clauses*];”

**Member's explanatory statement**

This is a consequential amendment to NC12, to ensure its implementation.

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**Greg Smith**

153

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

Clause 118, page 104, line 33, at end insert—

“(ba) section [*sections 1 to 6: impact assessment*];”

**Member's explanatory statement**

This amendment is consequential on NC31.

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**Greg Smith**

116

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

Clause 118, page 104, line 34, leave out subsection (2) and insert—

“(2) No provision of Part 4 of this Act may be brought into force in accordance with subsection (3) until the report referred to in section [*Consultation on trade union legislation*] has been published.”

**Member's explanatory statement**

This amendment removes provisions to bring much of Part 4 of the Bill into force two months after the passing of the Act and makes commencement of Part 4 conditional upon the publication of a report arising from consultation carried out in accordance with NC19.

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**Justin Madders**

Gov 110

Dame Nia Griffith

Clause 118, page 105, line 17, at end insert—

“(na) section (*Employment outside Great Britain*) (employment outside Great Britain);”

**Member's explanatory statement**

This amendment would bring NC7 into force two months after Royal Assent.

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**Greg Smith**

113

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

Clause 118, page 105, line 20, at end insert—

“(3A) But the provisions of section 51(2) to (12) may not be brought into force before the report of the cost assessment referred to in section [*Facility time: cost assessment*] has been laid before each House of Parliament.”

**Member's explanatory statement**

This amendment provides that the amendments made in Clause 51 cannot come into force until after the completion of the review referred to in NC18.

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**Greg Smith**

117

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

Clause 118, page 105, line 20, at end insert—

“(3A) But if the provisions of section [*Revocation of the Working Time Regulations 1998*] have not been fully brought into force before the end of the period of 12 months beginning with the day on which this Act is passed, that section (so far as not already in force) comes into force at the end of that period.”

**Member's explanatory statement**

This amendment is consequential on NC20 and provides that the revocation must have effect within a year of the passing of this Act.

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**Greg Smith**

120

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

Clause 118, page 105, line 20, at end insert—

“(3A) But if the provisions of section [*Right to switch off in relation to trade union representatives*] have not been fully brought into force before the end of the period of 12 months beginning with the day on which this Act is passed, that section (so far as not already in force) comes into force at the end of that period.”

**Member's explanatory statement**

This amendment is consequential on NC21 and provides that the provision must have effect within a year of the passing of this Act.

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**Greg Smith**

128

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

Clause 118, page 105, line 20, at end insert—

“(3A) But the provisions of sections 1 to 6 of this Act may not be brought into force before the review conducted under section [impact assessment: sections 1 to 6] has been laid before Parliament.”

**Member's explanatory statement**

This amendment, paired with NC24, would require the Secretary of State to conduct a review of the impact of the provisions on zero hours workers before those clauses can be commenced.

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**Greg Smith**

129

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

Clause 118, page 105, line 20, at end insert—

“(3A) But the provisions of sections 19 to 22 and Schedule 2 of this Act may not be brought into force before the review conducted under section [impact assessment: sections 19 to 22 and Schedule 2] has been laid before Parliament.”

**Member's explanatory statement**

This amendment, paired with NC25, would require the Secretary of State to conduct a review of the impact of the provisions on dismissal before these clauses can be commenced.

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**Greg Smith**

132

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

Clause 118, page 105, line 20, at end insert—

“(3A) But no regulations under subsection (3) may be made to bring into force section 7 of this Act until the findings of the report under section [Consultation and reporting on the right to request flexible working] have been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown.”

**Member's explanatory statement**

This amendment is linked to NC26.

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**Greg Smith**

133

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

Clause 118, page 105, line 20, at end insert—

“(3A) But no regulations under subsection (3) may be made to bring into force section 61 of this Act until the findings set out in the report under section [*section 61: impact assessment*] have been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown.”

**Member's explanatory statement**

This amendment is linked to NC27.

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**Greg Smith**

134

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

Clause 118, page 105, line 20, at end insert—

“(3A) But no regulations under subsection (3) may be made to bring into force section 19 or Schedule 2 of this Act until the findings set out in the report under section [*unfair dismissal: impact assessment*] have been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown.”

**Member's explanatory statement**

This amendment is linked to NC28.

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**Greg Smith**

135

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

Clause 118, page 105, line 20, at end insert—

“(3A) But no regulations under subsection (3) may be made to bring into force sections 15 to 18 of this Act until the findings set out in the report under section [*employer duties on harassment: impact assessment*] have been approved by a resolution of the House of Commons on a motion moved by a Minister of the Crown.”

**Member's explanatory statement**

This amendment is linked to NC29.

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**Greg Smith**

154

Nick Timothy  
Sir Ashley Fox  
Mr Peter Bedford

Clause 118, page 105, line 20, at end insert—

“(3A) No provision of the following sections of this Act may be brought into force in accordance with subsection (3) until the Government has published the impact assessment specified in section [*sections 1 to 6: impact assessment*]—

- (a) section 1 (Right to guaranteed hours);
- (b) section 2 (Shifts: rights to reasonable notice);
- (c) section 3 (Right to payment for cancelled, moved and curtailed shifts);
- (d) section 4 (Amendments relating to sections 1 to 3);
- (e) section 5 (Repeal of Workers (Predictable Terms and Conditions) Act 2023);
- (f) section 6 (Exclusivity terms in zero hours arrangements).”

**Member's explanatory statement**

This amendment is consequential on NC31 and requires the Government to publish an impact assessment on the impact of sections 1-6 on the hospitality, retail, and health and social care sectors.

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**Justin Madders**

**Gov 208**

Dame Nia Griffith

Title, line 6, after "Adult Social Care Negotiating Body;" insert "to amend the Seafarers' Wages Act 2023;"

**Member's explanatory statement**

This amendment is consequential on NS3.

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**Justin Madders**

**Gov 209**

Dame Nia Griffith

Title, line 6, after "Adult Social Care Negotiating Body;" insert "to make provision for the implementation of international agreements relating to maritime employment;"

**Member's explanatory statement**

This amendment is consequential on NC52.

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## Order of the House

[21 October 2024]

That the following provisions shall apply to the Employment Rights 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 21 January 2025.
3. 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.

## Order of the Committee

[26 November 2024]

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 26 November 2024) meet—
  - (a) at 2.00 pm on Tuesday 26 November 2024;
  - (b) at 11.30 am and 2.00 pm on Thursday 28 November 2024;
  - (c) at 9.25 am and 2.00 pm on Tuesday 3 December 2024;
  - (d) at 11.30 am and 2.00 pm on Thursday 5 December 2024;
  - (e) at 9.25 am and 2.00 pm on Tuesday 10 December 2024;
  - (f) at 11.30 am and 2.00 pm on Thursday 12 December 2024;
  - (g) at 9.25 am and 2.00 pm on Tuesday 17 December 2024;
  - (h) at 9.25 am and 2.00 pm on Tuesday 7 January 2025;
  - (i) at 11.30 am and 2.00 pm on Thursday 9 January 2025;
  - (j) at 9.25 am and 2.00 pm on Tuesday 14 January 2025;
  - (k) at 11.30 am and 2.00 pm on Thursday 16 January 2025;
  - (l) at 9.25 am and 2.00 pm on Tuesday 21 January 2025;
2. the Committee shall hear oral evidence in accordance with the following Table:

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 26 November 2024	Until no later than 10.10 am	The Confederation of British Industry; The British Chambers of Commerce; The Institute of Directors
Tuesday 26 November 2024	Until no later than 10.40 am	The Federation of Small Businesses; Startup Coalition
Tuesday 26 November 2024	Until no later than 11.25 am	The Chartered Institute of Personnel and Development; The Chartered Management Institute; The Happy Business School
Tuesday 26 November 2024	Until no later than 2.30 pm	UKHospitality; The Recruitment and Employment Confederation

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 26 November 2024	Until no later than 3.00 pm	Make UK; The Food and Drink Federation
Tuesday 26 November 2024	Until no later than 3.40 pm	DFDS; Nautilus International; The National Union of Rail, Maritime and Transport Workers
Tuesday 26 November 2024	Until no later than 4.30 pm	The Trades Union Congress; The Scottish Trades Union Congress; UNISON; Unite the Union
Tuesday 26 November 2024	Until no later than 5.00 pm	The Fawcett Society; Pregnant Then Screwed
Tuesday 26 November 2024	Until no later than 5.15 pm	The Civil Engineering Contractors Association
Thursday 28 November 2024	Until no later than 12.10 pm	Co-op; The British Retail Consortium; The Association of Convenience Stores
Thursday 28 November 2024	Until no later than 12.40 pm	The Union of Shop, Distributive and Allied Workers; Community
Thursday 28 November 2024	Until no later than 1.00 pm	The Resolution Foundation
Thursday 28 November 2024	Until no later than 2.30 pm	GMB; Prospect
Thursday 28 November 2024	Until no later than 3.10 pm	Professor Alan Bogg (Professor in Law, University of Bristol); Professor Melanie Simms (Professor of Work and Employment, University of Glasgow); Professor Simon F Deakin (Professor of Law, University of Cambridge)
Thursday 28 November 2024	Until no later than 3.40 pm	GAIL's Bakery; DCS Group
Thursday 28 November 2024	Until no later than 4.10 pm	The Equality and Human Rights Commission; Margaret Beels OBE (Director of Labour Market Enforcement)
Thursday 28 November 2024	Until no later than 4.40 pm	Female Founder Finance; The Women's Budget Group
Thursday 28 November 2024	Until no later than 5.00 pm	The Department for Business and Trade



3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 4; Schedule 1; Clauses 5 to 19; Schedule 2; Clauses 20 to 28; Schedule 3; Clauses 29 to 72; Schedule 4; Clauses 73 to 98; Schedule 5; Clauses 99 to 110; Schedules 6 and 7; Clauses 111 and 112; new Clauses; new Schedules; Clauses 113 to 119; remaining proceedings on the Bill;
4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 21 January 2025.