COMMONS AMENDMENTS

[The page and line references are to Bill 62, the bill as first printed for the Commons.]

Clause 9

1. Page 3, line 17, leave out subsection (1)

2. Page 3, line 20, leave out from “to” to end of line 21 and insert “enforce through imposing financial penalties, that means imposing a penalty on the large retailer of an amount not exceeding the amount of the permitted maximum (see subsection (7)).”

3. Page 3, line 25, leave out “and”

4. Page 3, line 26, at end insert “; and

   (d) how it must be paid.”

5. Page 3, line 34, at end insert—

   “(7) The Secretary of State must make an order—
   (a) specifying the amount of the permitted maximum, or
   (b) specifying how that amount is to be determined.

   (8) The Adjudicator must, within 6 months beginning with the day on which section 1 comes into force, make a recommendation as to the amount that should be specified in the first order under subsection (7) or the method for determining the amount.

   (9) Before making a recommendation the Adjudicator must consult any person he or she thinks appropriate.

   (10) The Secretary of State—

      (a) must have regard to the Adjudicator’s recommendation when making the first order under subsection (7);

      (b) may amend or replace an order under subsection (7) only if the Secretary of State has considered whether to do so as part of a review under section 15.
(11) The Adjudicator may not impose a financial penalty in respect of a breach of the Groceries Code that occurs before the first order under subsection (7) comes into force.”

Clause 12

6 Page 4, line 20, leave out “and”
7 Page 4, line 22, at end insert “; and
(d) the criteria that the Adjudicator intends to adopt in deciding the amount of any financial penalty under section 9.”
8 Page 4, line 31, leave out subsection (4)
9 Page 4, line 39, leave out “and (c)” and insert “, (c) and (d)”

Clause 15

10 Page 5, line 37, leave out subsection (5) and insert—
“(5) The review must also consider whether it would be desirable—
(a) for an order to be made under subsection (10A) (if no order under that subsection is in force), or
(b) for any order under that subsection to be revoked.”
11 Page 5, line 38, at end insert—
“( ) A review may consider whether it would be desirable to amend or replace the order for the time being in force under section 9(7).”
12 Page 6, line 18, leave out lines 18 to 20 and insert—
“(10A) The Secretary of State may by order provide that this Act has effect as if the section set out in subsection (11) below were inserted after section 4.

(10B) An order under subsection (10A)—
(a) may be made only if, as a result of the findings of a review, the Secretary of State thinks that making the order would enable the Adjudicator to be more effective;
(b) may be revoked only if, as a result of the findings of a review, the Secretary of State thinks that revoking the order would not impair the Adjudicator’s effectiveness.

(11) This is the section referred to in subsection (10A)—”

Clause 23

13 Page 10, line 21, after “section” insert “15(10A) or”
14 Page 10, line 21, leave out “9(1) or”

Clause 26

15 Page 11, line 3, leave out subsection (2)
Schedule 3

16  Page 15, line 36, leave out Schedule 3