

# Small Business, Enterprise and Employment Bill

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## AMENDMENTS TO BE MOVED IN GRAND COMMITTEE

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### Clause 3

BARONESS NEVILLE-ROLFE

Page 4, line 40, at end insert—

“( ) Until section 85(2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, in subsection (7)(a), “a fine” is to be read as “a fine not exceeding level 5 on the standard scale”. ”

### Clause 4

BARONESS NEVILLE-ROLFE

Page 5, line 37, after “to” insert “include an appropriate term in its standard terms and conditions or to otherwise”

### Clause 6

BARONESS NEVILLE-ROLFE

Page 8, line 24, after “(a)” insert “or (4)(b)”

Page 9, line 1, leave out from beginning to “5” in line 2 and insert “Regulations under section 4 or”

Page 9, line 3, leave out subsection (11)

### Clause 7

BARONESS NEVILLE-ROLFE

Page 9, line 29, leave out “, or” and insert “in the course of a business,  
(b) ”

**Clause 7 – continued**

Page 9, line 30, after “business” insert “, or

- (c) provides, arranges or facilitates invoice discounting or factoring in the course of a business,”

Page 9, line 43, leave out “negative” and insert “affirmative”

**Clause 35**

BARONESS NEVILLE-ROLFE

Page 32, line 36, leave out from “instrument” to end of line 42 and insert “,

- (d) may not be made unless –
  - (i) in the case of regulations made by the Secretary of State, a draft of the statutory instrument containing the regulations has been laid before Parliament and approved by a resolution of each House of Parliament.
  - (ii) in the case of regulations made by the Welsh Ministers, a draft of the statutory instrument containing the regulations has been laid before, and approved by a resolution of, the National Assembly for Wales.”

**After Clause 35**

BARONESS NEVILLE-ROLFE

Insert the following new Clause –

**“Section 35: supplementary and consequential provision**

- (1) In section 41 of the Landlord and Tenant Act 1954 (trusts), after subsection (2) insert –
  - “(3) Where a tenancy is held on trust, section 43ZA(2) has effect as if –
    - (a) paragraph (b) were omitted, and
    - (b) the condition in paragraph (c)(i) were a condition that the terms of the tenancy require at least one individual who is a trustee or a beneficiary under the trust to occupy the dwelling-house as a home (whether or not as that individual’s only or principal home).”
- (2) A dwelling-house which is let under a home business tenancy is to be regarded as being “let as a separate dwelling” for the purposes of –
  - (a) section 1 of the Rent Act 1977 (protected tenancies),
  - (b) section 79 of the Housing Act 1985 (secure tenancies),
  - (c) section 1 of the Housing Act 1988 (assured tenancies), and
  - (d) any other England and Wales enactment relating to protected, secure or assured tenancies.
- (3) Subsections (1) and (2) do not apply to the tenancies mentioned in section 35(5).

**After Clause 35 – continued**

- (4) Subsections (2) and (3) do not limit the circumstances in which a dwelling-house which is let under a home business tenancy is to be regarded as “let as a separate dwelling”.
- (5) In this section –
  - “enactment” includes provision made –
    - (a) under an Act, or
    - (b) by or under a Measure or Act of the National Assembly for Wales,
  - “England and Wales enactment” means any enactment so far as it forms part of the law of England and Wales,
  - “home business tenancy” has the same meaning as in section 43ZA of the Landlord and Tenant Act 1954.”

**Schedule 2**

BARONESS NEVILLE-ROLFE

Page 151, line 34, after “fine.” insert –

- “(2) Until section 85(2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, in subsection (1)(b), “a fine” is to be read as “a fine not exceeding level 5 on the standard scale”.”

**Schedule 3**

BARONESS NEVILLE-ROLFE

Page 159, line 29, leave out “the specified conditions in”

Page 159, line 40, leave out “the specified conditions in”

Page 160, line 6, leave out “the specified conditions in”

Page 166, leave out lines 40 to 46 and insert “to a fine not exceeding level 3 on the standard scale and, for continued contravention, a daily default fine not exceeding one-tenth of level 3 on the standard scale.”

Page 168, leave out lines 17 to 23 and insert “to a fine not exceeding level 3 on the standard scale and, for continued contravention, a daily default fine not exceeding one-tenth of level 3 on the standard scale.”

Page 177, line 36, at end insert –

- “( ) in consequence of any provision made by virtue of paragraph (b), to change or supplement Part 2 of this Schedule so that circumstances specified in that Part in which a person is to be regarded as holding an interest in a company correspond to any of the specified conditions, or would do so but for the extent of the interest.”

**Clause 89**

BARONESS NEVILLE-ROLFE

Page 67, line 34, after “exceeding” insert “the greater of £500 and”

Page 68, line 1, after “exceeding” insert “the greater of £500 and”

Page 68, line 7, at end insert —

“( ) Until section 85(2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, in subsection (4)(b)(i), “a fine” is to be read as “a fine not exceeding level 5 on the standard scale”.”

Page 68, line 41, after “exceeding” insert “the greater of £500 and”

Page 69, line 14, after “exceeding” insert “the greater of £500 and”

**Schedule 5**

BARONESS NEVILLE-ROLFE

Page 199, leave out lines 41 to 47 and insert “to a fine not exceeding level 3 on the standard scale and, for continued contravention, a daily default fine not exceeding one-tenth of level 3 on the standard scale.”

Page 201, leave out lines 40 to 46 and insert “to a fine not exceeding level 3 on the standard scale and, for continued contravention, a daily default fine not exceeding one-tenth of level 3 on the standard scale.”

Page 205, line 42, after “exceeding” insert “the greater of £500 and”

Page 208, line 8, after “exceeding” insert “the greater of £500 and”

**Clause 110**

BARONESS NEVILLE-ROLFE

Page 90, line 21, at end insert —

“(2) In section 24 of that Act (extent), for subsection (2) substitute —

“(2) Subsections (1) to (2A) of section 11 also extend to Northern Ireland.””

**Clause 152**

BARONESS NEVILLE-ROLFE

Page 141, line 24, leave out “section 35 as it applies” and insert “sections 35 and (*Section 35: supplementary and consequential provision*) as they apply”

Page 141, line 40, after “35” insert “or (*Section 35: supplementary and consequential provision*)”

**After Clause 152**

BARONESS NEVILLE-ROLFE

Insert the following new Clause –

**“Fines on summary conviction in England and Wales: transitory provision**

- (1) Subsection (2) applies to any provision of this Act that provides that a person guilty of an offence triable either way is liable on summary conviction in England and Wales to a fine.
- (2) In relation to an offence committed before section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, the reference to a fine is to be read as a reference to a fine not exceeding the statutory maximum.
- (3) After section 1131 of the Companies Act 2006 insert –

**“1131A Fines on summary conviction in England and Wales: transitory provision**

- (1) In relation to an offence committed before section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, in the provisions mentioned in subsection (2), “a fine” is to be read as “a fine not exceeding level 5 on the standard scale”.
- (2) The provisions are –
  - (a) section 156A(7)(a);
  - (b) section 167D(5)(a);
  - (c) section 279D(5)(a);
  - (d) section 853L(2)(a).
- (3) In relation to an offence committed before section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, in the provisions mentioned in subsection (4), “a fine” is to be read as “a fine not exceeding the statutory maximum”.
- (4) The provisions are –
  - (a) section 790F(2)(b)(i);
  - (b) section 790R(3)(b)(i);
  - (c) section 1028A(11)(b)(i);
  - (d) section 1032A(12)(b)(i);
  - (e) paragraphs 7(1)(b)(i), 13(4)(b)(i) and 14(3)(b)(i) of Schedule 1B.””

**Clause 153**

BARONESS NEVILLE-ROLFE

Page 142, line 23, leave out “section 35 as it applies” and insert “sections 35 and (Section 35: supplementary and consequential provision) as they apply”

Page 142, line 26, after “35” insert “or (Section 35: supplementary and consequential provision)”

**Clause 156**

BARONESS NEVILLE-ROLFE

Page 143, line 18, leave out “section” and insert “sections 110 and”

**Clause 157**

BARONESS NEVILLE-ROLFE

Page 144, line 29, at end insert —

- “( ) Section 13 (electronic paying in of cheques etc) comes into force —
- (a) on the day this Act is passed, for the purpose of enabling the making of regulations under section 89D of the Bills of Exchange Act 1882 (as inserted by section 13);
  - (b) on 31 July 2016, for all other purposes.”

Page 144, line 30, leave out “Section 35 as it applies in Wales comes” and insert “Sections 35 and (*Section 35: supplementary and consequential provision*) as they apply in Wales come”

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