

Enterprise Bill [HL]

REVISED
FOURTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 22nd October 2015, as follows –

Clauses 23 to 26
Schedule 4

Clauses 27 to 31
Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

After Clause 23

LORD MENDELSON
LORD STEVENSON OF BALMACARA

52R Insert the following new Clause –

“Exemptions

Agricultural land and buildings used for cultural events and festivals are exempt from business rates and the provisions outlined in sections 22 and 23.”

After Clause 25

BARONESS NEVILLE-ROLFE

53 Insert the following new Clause –

“UK Green Investment Bank

3 Omit Part 1 of the Enterprise and Regulatory Reform Act 2013 (UK Green
4 Investment Bank).”

Amendment
No.

After Clause 25 – continued

[Amendments 53ZA and 53ZB are amendments to Amendment 53]

LORD STONEHAM OF DROXFORD

53ZA Line 3, at beginning insert –

“(1) Subject to subsection (2), ”

LORD STONEHAM OF DROXFORD
LORD TEVERSON

53ZB Line 4, at end insert –

“(2) Subsection (1) shall not have effect until the Secretary of State has laid before each House of Parliament a report detailing his or her proposal –

- (a) to undertake the disposal of the UK Green Investment Bank; or
- (b) that another person may undertake the disposal of the Bank.

(3) A report under subsection (2) must state –

- (a) the kind of disposal intended to be undertaken, and whether the Government intends to retain a minority shareholding,
- (b) the expected time scale for undertaking it,
- (c) how the existing Green Bank objectives of the Bank will be protected and enhanced in the articles of the proposed company, and
- (d) how the Government’s existing, and if appropriate its future, investment will be protected and enhanced.”

LORD WHITTY
LORD MENDELSON

53ZC Insert the following new Clause –

“Report on the Pubs Code

- (1) If the Pubs Code Adjudicator identifies a pattern of cases of pub-owning businesses selling tenanted pubs in order to exempt their business from the Pubs Code to the detriment of the tenant, the Adjudicator shall write a report to the Secretary of State outlining recommendations of action to be taken.
- (2) The Secretary of State shall issue a statement within three months of receiving any report under subsection (1) outlining what action he or she intends to take to protect the tenant and if none is to be taken the reasoning for that decision.”

53ZD Insert the following new Clause –

“Extending the threshold of pub tie

- (1) Section 69 of the Small Business, Enterprise and Employment Act 2015 (pub-owning business) is amended as follows.
- (2) In subsection (1)(a), for “tied pubs” substitute “pubs of any kind”.
- (3) In subsection (1)(b), for “tied pubs” substitute “pubs of any kind”.

Amendment
No.

After Clause 25 – continued

LORD MENDELSON
LORD STEVENSON OF BALMACARA

53ZE Insert the following new Clause –

“Protecting small businesses online

- (1) The Secretary of State, after consulting the relevant bodies, shall publish advice and guidance to businesses in relation to keeping their business safe and protecting it against online threats.
- (2) The guidance published by the Secretary of State under subsection (1) shall include but not be limited to advice on protecting computer-based equipment and information from unintended or unauthorised access, change, theft or destruction.
- (3) The City of London Police is a relevant body for the purposes of subsection (1).”

LORD WHITTY
LORD STONEHAM OF DROXFORD

53ZF Insert the following new Clause –

“Provision of a parallel rent assessment

- (1) Section 43 of the Small Business, Enterprise and Employment Act 2015 (pubs code: market rent only option) is amended as follows.
- (2) In subsection (5), for “may” substitute “must”.
- (3) After subsection (5), insert –
 - “(5A) Provisions made under subsection (5) must include provision requiring a pub-owning business to offer a tied pub tenant a market rent only option –
 - (a) in connection with the renewal of any of the pub arrangements;
 - (b) in connection with a rent assessment or assessment of money payable by the tenant in lieu of rent; or
 - (c) in connection with a significant increase in the price at which any product or service which is subject to a product or service tie is supplied to the tied pub tenant, where the increase was not reasonably foreseeable –
 - (i) when the tenancy or licence was granted, or
 - (ii) if there has been an assessment of a kind mentioned in paragraph (b), when the last assessment was concluded;
 - (d) after a trigger event has occurred”.

Amendment
No.

After Clause 25 – continued

LORD STEVENSON OF BALMACARA
LORD MENDELSON

53ZG Insert the following new Clause –

“Broadband: rollout

- (1) The Secretary of State may by regulations set targets for electronic communications bodies to roll out, to businesses and commercial organisations, more than 95% coverage of –
 - (a) basic broadband,
 - (b) superfast broadband, and
 - (c) mobile phone coverage
 by the end of 2016.
- (2) The Secretary of State must prepare and publish an annual report assessing the progress that has been made on the targets provided for by subsection (1), and the impact of basic broadband, superfast broadband and mobile coverage technology on enterprise and growth in the rural economy.
- (3) The report provided for in subsection (2) should be laid before both Houses of Parliament.”

Clause 26

BARONESS HAYTER OF KENTISH TOWN
LORD STEVENSON OF BALMACARA

53ZH Page 44, leave out lines 7 to 9

LORD BORWICK

53ZJ★ Page 44, line 8, leave out from “of” to “does” in line 10 and insert “a relevant public sector exit”

BARONESS DONAGHY

53A Page 44, line 9, leave out “£95,000” and insert “£145,000”

LORD WILLS
LORD LOW OF DALSTON
BARONESS HAYTER OF KENTISH TOWN

54 Page 44, line 9, at end insert “except in the case of exit payments for potential claims under Part IVA of the Employment Rights Act 1996 (protected disclosures)”

BARONESS DONAGHY
BARONESS HAYTER OF KENTISH TOWN

54A Page 44, line 9, at end insert “, which amount shall be subject to annual re-evaluation”

54B Page 44, line 9, at end insert “except where exit payments are made under existing public service agreements”

Amendment
No.

Clause 26— *continued*

BARONESS HAYTER OF KENTISH TOWN
LORD STEVENSON OF BALMACARA

54BA Page 44, line 9, at end insert “except for payments made to a person earning below the national average wage”

54BB Page 44, line 9, at end insert “except for a person who has been in long-term service”

LORD BORWICK

54BC★ Page 44, line 9, at end insert—

“(1A) Where provision is made under subsection (1) it must also secure that if, in any period of 28 consecutive days, two or more relevant public sector exits occur in respect of the same person, the total amount of exit payments made to the person in respect of those exits does not exceed the amount provided for in subsection (1).”

BARONESS DONAGHY
BARONESS HAYTER OF KENTISH TOWN

54C Page 44, leave out lines 22 to 24

LORD BORWICK

54CA★ Page 44, line 33, leave out “(1)” and insert “(1A)”

BARONESS DONAGHY
BARONESS HAYTER OF KENTISH TOWN

54D Page 44, line 39, at end insert “, including cases relating to those employees earning less than £30,000 per year”

54E Page 44, line 39, at end insert “, including cases relating to those employees earning less than £35,000 per year”

54F Page 44, line 39, at end insert “, including cases relating to those employees earning less than £40,000 per year”

54G Page 44, line 39, at end insert “, including any period of institutional reorganisation being implemented within two years of the passing of this Act”

54H Page 44, line 39, at end insert “, including where the full council of a local authority decides to grant a waiver of the cap”

BARONESS HAYTER OF KENTISH TOWN
LORD STEVENSON OF BALMACARA

54J★ Page 46, leave out lines 12 to 27 and insert “any regulations made under section 153A”

Amendment
No.

Clause 26 – *continued*

LORD WILLS
LORD LOW OF DALSTON
BARONESS HAYTER OF KENTISH TOWN

55 Page 47, line 30, at end insert –

“153D Reporting and referral mechanisms to be included in regulations under section 153A

- (1) The Secretary of State shall by regulation make provision in relation to restrictions imposed by section 153A where the exit payment relates to a potential claim under Part 4A of the Employment Rights Act 1996 (protected disclosures).
- (2) Regulations under subsection (1) shall –
 - (a) provide for the creation of a regulatory referral system, to apply where an exit payment relates to a potential claim under Part 4A of the Employment Rights Act 1996, in circumstances where –
 - (i) the Minister of the Crown as described in section 153C considers it appropriate; and
 - (ii) there has been suspected or likely wrongdoing, malpractice, health and safety risk, breach of law or regulation; and
 - (b) provide that any individual who is subject to an exit payment as described in subsection (1) shall have access to legal advice on section 43J of the Employment Rights Act 1996.
- (3) The Secretary of State or the Treasury shall periodically produce guidance on exit payments made in accordance with section 153D(1) for relevant public sector employees as described in section 153A(2).”

BARONESS DONAGHY

Baroness Donaghy gives notice of her intention to oppose the Question that Clause 26 stand part of the Bill.

Clause 27

BARONESS HAYTER OF KENTISH TOWN
LORD STEVENSON OF BALMACARA

55A★ Page 48, line 1, leave out from “section” to “may” in line 2

55B★ Page 48, line 5, leave out subsection (5)

**Amendment
No.**

Clause 29

LORD STEVENSON OF BALMACARA
LORD MENDELSON

- 56** Page 48, line 22, at end insert “notwithstanding that section 13 and regulations made under it shall not have retrospective effect”
- 57** Page 48, line 36, at end insert “notwithstanding that section 13 and regulations made under it shall not have retrospective effect”

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