

Enterprise Bill [HL]

REVISED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 19th November 2015, as follows –

Clause 1	Schedule 3
Schedule 1	Clauses 18 to 26
Clauses 2 to 13	Schedule 4
Schedule 2	Clauses 27 to 31
Clauses 14 to 17	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 1

LORD STONEHAM OF DROXFORD
BARONESS BURT OF SOLIHULL

- 1** Page 1, line 9, leave out from second “to” to end of line 11 and insert “matters in connection with the supply of goods and services to –
- (i) larger businesses, and
 - (ii) public authorities;
- and make recommendations.”

Schedule 1

BARONESS NEVILLE-ROLFE

- 2** Page 51, line 3, at end insert –
- “*Status*
- A1 The Commissioner is a corporation sole.”

**Amendment
No.**

Schedule 1 – continued

- 3 Page 51, line 26, at end insert –
- “Commissioner and Deputy Commissioners not civil servants*
- Service as the Commissioner or a Deputy Commissioner is not service in the civil service of the state.”
- 4 Page 51, line 28, leave out paragraph 6
- 5 Page 52, line 9, leave out “staff provided under paragraph 6” and insert “the Commissioner’s staff appointed under paragraph 11A, or seconded under paragraph 11B,”
- 6 Page 52, line 31, leave out paragraphs 10 and 11
- 7 Page 52, line 33, at end insert –
- “Staff*
- 11A (1) The Commissioner may appoint staff.
- (2) Staff are to be appointed on terms and conditions determined by the Commissioner.
- (3) The terms and conditions on which a member of staff is appointed may provide for the Commissioner to pay to or in respect of the member of staff –
- (a) remuneration;
 - (b) allowances;
 - (c) sums by way of or in respect of pensions.
- (4) Service as a member of the Commissioner’s staff appointed under sub-paragraph (1) is not service in the civil service of the state.
- 11B (1) The Commissioner may make arrangements for persons to be seconded to the Commissioner to serve as members of the Commissioner’s staff.
- (2) The arrangements may include provision for payments by the Commissioner to the person with whom the arrangements are made or directly to seconded staff (or both).
- (3) A period of secondment to the Commissioner does not affect the continuity of a person’s employment with the employer from whose service he or she is seconded (and, in particular, nothing in paragraph 11A(4) affects such a person’s continuity of service in the civil service of the state).
- 11C Before appointing staff under paragraph 11A or making arrangements under paragraph 11B(1), the Commissioner must obtain the approval of the Secretary of State as to the Commissioner’s policies on –
- (a) the number of staff to be appointed or seconded;
 - (b) payments to be made to or in respect of staff;
 - (c) the terms and conditions on which staff are to be appointed or seconded.

**Amendment
No.**

Schedule 1 – continued

Financial and other assistance from the Secretary of State

- 11D (1) The Secretary of State may make payments and provide other financial assistance to the Commissioner.
- (2) The Secretary of State may –
- (a) provide staff in accordance with arrangements made by the Secretary of State and the Commissioner under paragraph 11B;
 - (b) provide premises, facilities or other assistance to the Commissioner.

Application of seal and proof of documents

- 11E (1) The application of the Commissioner’s seal must be authenticated by the signature of –
- (a) the Commissioner, or
 - (b) a person who has been authorised by the Commissioner for that purpose (whether generally or specially).
- (2) A document purporting to be duly executed under the seal –
- (a) is to be received in evidence, and
 - (b) is to be treated as duly executed unless the contrary is shown.”

Clause 4

LORD MENDELSON
LORD STEVENSON OF BALMACARA

- 8 Page 4, line 32, at end insert –
- “(ii) another small or medium sized business (“the respondent”),
or
 - (iii) a public authority (“the respondent”),”
- 9 Page 5, line 34, at end insert –
- ““small or medium sized business” has the meaning given by section 7(1) of the Small Business, Enterprise and Employment Act 2015.”

Clause 6

LORD STONEHAM OF DROXFORD
BARONESS BURT OF SOLIHULL

- 10 Page 6, line 34, at end insert –
- “() Where a report contains one or more recommendations as to the steps that ought to be taken by the respondent to remedy, resolve or mitigate any issue which is the subject of the complaint, or to prevent a similar issue from arising in future, and the Commissioner considers the recommendations relate to a relevant function, the Commissioner may send a copy of the report to the Competition and Markets Authority.

Amendment
No.

Clause 6 – continued

- () In this section “relevant function” means a function of the Competition and Markets Authority as set out in Part 3 of and Schedule 5 to the Enterprise and Regulatory Reform Act 2013.”

After Clause 6

LORD STONEHAM OF DROXFORD
BARONESS BURT OF SOLIHULL

11 Insert the following new Clause –

“Repeated complaints: late payments

- (1) Where –
- (a) the Commissioner determines that a particular respondent has been the subject of repeated complaints relating to the late payment of invoices,
 - (b) the respondent concerned is a large business,
 - (c) the Commissioner has considered the complaints and made a determination which has included recommendations to the respondent, and
 - (d) the respondent has repeatedly failed to make changes recommended by the Commissioner,
- the Commissioner may request that the Secretary of State propose a fine on the respondent.
- (2) Where a request is made by the Commissioner under subsection (1), the Secretary of State must issue a fine to the relevant respondent unless the Secretary of State considers such a fine would be damaging to the long-term viability of the respondent’s business.
- (3) The Secretary of State may by regulation make further provisions to support the effective functioning of this section including, but not limited to –
- (a) the definition of “repeated complaints” for the purpose of this section,
 - (b) the definition of “large business”,
 - (c) the maximum level of fine that may be levied,
 - (d) whether a different maximum level should be prescribed based on the size of the respondent’s business, and
 - (e) the test by which the Secretary of State should consider the long-term viability of the business.
- (4) Regulations under this section must be made by statutory instrument, and may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Clause 8

BARONESS NEVILLE-ROLFE

12 Page 8, line 35, leave out “legal” and insert “EU”

Amendment
No.

Clause 11

BARONESS NEVILLE-ROLFE

- 13** Page 10, line 22, leave out subsections (5) and (6) and insert—
- “(5) Before making regulations under this section, the Secretary of State must consult—
- (a) the Small Business Commissioner (unless that office is vacant),
 - (b) such other persons as appear to the Secretary of State to be persons affected by the regulations, and
 - (c) such other persons as the Secretary of State considers appropriate.
- (6) If, as a result of consultation under subsection (5), the Secretary of State considers it appropriate to change the whole or part of the proposed regulations, the Secretary of State must carry out such further consultation with respect to the changes as seems appropriate.”

After Clause 11

BARONESS NEVILLE-ROLFE

- 14** Insert the following new Clause—
- “Regulations under section 11: procedure**
- (1) In this section “regulations” means regulations under section 11.
 - (2) If after consultation under section 11, the Secretary of State considers it appropriate to proceed with the making of regulations, the Secretary of State may lay before Parliament—
 - (a) draft regulations, and
 - (b) an explanatory document.
 - (3) The explanatory document must—
 - (a) explain why the Secretary of State considers that one of the conditions in section 11(1) is met, and
 - (b) contain a summary of representations received in the consultation.
 - (4) The Secretary of State may not act under subsection (2) before the end of the period of 12 weeks beginning with the day on which the consultation began under section 11(5).
 - (5) Subject to subsections (6) to (13), if after the expiry of the 40-day period the draft regulations laid under subsection (2) are approved by a resolution of each House of Parliament, the Secretary of State may make regulations in the terms of the draft regulations.
 - (6) The procedure in subsections (7) to (10) applies to the draft regulations instead of the procedure in subsection (5) if—
 - (a) either House of Parliament so resolves within the 30-day period, or
 - (b) a committee of either House charged with reporting on the draft regulations so recommends within the 30-day period and the House to which the recommendation is made does not by resolution reject the recommendation within that period.

Amendment
No.

After Clause 11 – continued

- (7) The Secretary of State must have regard to—
 - (a) any representations,
 - (b) any resolution of either House of Parliament, and
 - (c) any recommendations of a committee of either House of Parliament charged with reporting on the draft regulations, made during the 60-day period with regard to the draft regulations.
- (8) If after the expiry of the 60-day period the draft regulations are approved by a resolution of each House of Parliament, the Secretary of State may make regulations in the terms of the draft regulations.
- (9) If after the expiry of the 60-day period the Secretary of State wishes to proceed with the draft regulations but with material changes, the Secretary of State may lay before Parliament—
 - (a) revised draft regulations, and
 - (b) a statement giving a summary of the changes proposed.
- (10) If the revised draft regulations are approved by a resolution of each House of Parliament, the Secretary of State may make regulations in the terms of the revised draft regulations.
- (11) For the purposes of this section regulations are made in the terms of draft regulations or revised draft regulations if they contain no material changes to their provisions.
- (12) In this section, references to the “30-day”, “40-day” and “60-day” periods in relation to any draft regulations are to the periods of 30, 40 and 60 days beginning with the day on which the draft regulations were laid before Parliament.
- (13) For the purposes of subsection (12) no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than four days.
- (14) Regulations are to be made by statutory instrument.”

LORD MENDELSON
LORD STEVENSON OF BALMACARA
LORD STONEHAM OF DROXFORD

15 Insert the following new Clause—

“Small Business Commissioner: payment terms

- (1) On the advice of the Commissioner, the Secretary of State may make regulations—
 - (a) imposing a limit on the number of days after receipt of a supplier’s invoice a company can seek to challenge that invoice,
 - (b) prohibiting the practice of a company seeking to change the payment terms of a supplier company unilaterally, and
 - (c) prohibiting a company from retaining funds where contract terms are applied disproportionately by requiring a supplier company to make a payment in order to join that company’s list of suppliers.

Amendment
No.

After Clause 11 – continued

- (2) Regulations under subsection (1) may make provision for a prescribed breach by a prescribed description of person of a requirement or prohibition imposed by the regulations to be an offence punishable on summary conviction –
 - (a) in England and Wales by a fine;
 - (b) in Scotland or Northern Ireland by a fine not exceeding level 5 on the standard scale.
- (3) Regulations under subsection (1) may specify the size of company and supplier company to which they shall apply.
- (4) The Secretary of State shall require public sector agencies and companies in the private sector to settle all payments owed to their small business suppliers by the date originally agreed in the contract terms.
- (5) Companies or private sector agencies which fail to make payments to their small business suppliers on time shall be required to provide quarterly reports to the Small Business Commissioner relating to the late payment of invoices.
- (6) A report provided for under subsection (5) shall include –
 - (a) lists of all payments to suppliers which were made over 28 days after the date indicated by the suppliers' agreed payment terms, without a formal query having been registered with the suppliers within such a period as may be prescribed;
 - (b) confirmation, for each instance listed under paragraph (a), that interest, equalling the Bank of England base rate plus 8% APR, was paid to compensate the supplier for overdue payment; and
 - (c) assurance, for each instance listed under paragraph (a) where confirmation of compensation under paragraph (b) cannot be provided, after a payment plan is in place to compensate suppliers on the basis set out in that paragraph.
- (7) Before making regulations under this section the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (8) Regulations under this section shall be made by statutory instrument and may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (9) For the purposes of this section “company” has the meaning given by section 1(1) of the Companies Act 2006.”

16

Insert the following new Clause –

“Small Business Commissioner: role in assisting small businesses

- (1) The Commissioner shall establish a framework to encourage a competitive and fair operating environment for all businesses by –
 - (a) working with the Secretary of State and relevant government departments to facilitate access to information by small businesses and ensuring that both prospective and existing small businesses have sufficient knowledge to make informed business decisions;
 - (b) working with the Secretary of State to provide an effective system of alternative dispute resolution;

Amendment
No.

After Clause 11 – continued

- (c) monitoring and reporting to the Secretary of State on emerging trends in market practices that have an adverse effect on small businesses;
 - (d) recommending measures to prevent unfair business practices by addressing the behaviour of businesses towards small businesses, and improving business conduct;
 - (e) encouraging small business operators, particularly those who are executing a contract or signing a retail lease, to seek professional advice on matters including but not limited to pre-agreed dispute resolution so that disagreements can be dealt with quickly and relationships can continue with minimum disruption;
 - (f) encouraging industry and professional associations and chambers of commerce to continue to develop educative aids for their small business members, including considering accreditation courses;
 - (g) advising the Secretary of State and government agencies about legislation, government procedures and administration affecting small businesses.
- (2) The Secretary of State may by regulations made by statutory instrument make further provision to enable the Commissioner effectively to establish the framework and implement the duties set out in subsection (1).
- (3) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Clause 13

LORD STEVENSON OF BALMACARA
LORD MENDELSON

17 Page 11, line 6, at end insert –

- “() In subsection (2), after “means” insert “ –
(a) all regulatory provisions made under section 2(2) of the European Communities Act 1972;””

18 Page 11, line 6, at end insert –

- “(2A) The Secretary of State shall undertake and publish guidance every five years on “qualifying regulatory provisions” which shall include but is not limited to –
(a) a definition of what constitutes a qualifying regulatory provision;
(b) an outline of what constitutes a qualifying regulatory provision in the Government’s deregulatory calculations; and
(c) information on regulations that have been excluded from the Government’s deregulatory calculations.””

BARONESS NEVILLE-ROLFE

19 Page 11, line 30, leave out “given to the Secretary of State” and insert “published”

**Amendment
No.**

Schedule 2

BARONESS NEVILLE-ROLFE

- 20 Page 54, line 22, leave out “give to the Secretary of State” and insert “publish”
- 21 Page 54, line 43, leave out “given to the Secretary of State” and insert “published”
- 22 Page 55, line 3, leave out “given to the Secretary of State” and insert “published”
- 23 Page 55, line 15, leave out “given to the Secretary of State or” and insert “published or given to”
- 24 Page 55, line 16, leave out from “of” to end of line 17 and insert “the publication of a required document;”
- 25 Page 55, line 18, leave out “given to the Secretary of State” and insert “published”
- 26 Page 55, line 21, leave out “given to the Secretary of State” and insert “published”
- 27 Page 55, line 28, leave out “given to the Secretary of State” and insert “published”
- 28 Page 55, line 39, leave out from “(c)” to end of line 40 and insert “publish anything amended and any back-dated assessment.”
- 29 Page 56, line 2, leave out “given to the Secretary of State” and insert “published”
- 30 Page 56, line 4, leave out from “(b)” to end of line 5 and insert “publish any amended assessment or back-dated assessment.”
- 31 Page 56, line 8, leave out “given to the Secretary of State” and insert “published”
- 32 Page 56, line 11, leave out “given to the Secretary of State” and insert “published”
- 33 Page 56, line 15, leave out “given to the Secretary of State or” and insert “published or given to”
- 34 Page 56, line 16, leave out from second “the” to end of line 17 and insert “publication of an updating document;”
- 35 Page 56, line 18, leave out “given to the Secretary of State” and insert “published”
- 36 Page 56, line 21, leave out “given to the Secretary of State” and insert “published”

Clause 14

BARONESS NEVILLE-ROLFE

- 37 Page 12, line 38, after “regulator” insert “other than the Commission for Equality and Human Rights”

Amendment
No.

After Clause 15

LORD MENDELSON
LORD STEVENSON OF BALMACARA

38 Insert the following new Clause –

“Evaluation of regulatory duties

The Regulatory Policy Committee shall conduct an annual review assessing whether duties placed on regulators under this Act have affected their capabilities and capacity to conduct their regulatory role.”

After Clause 16

LORD CURRY OF KIRKHARLE

39 Insert the following new Clause –

“Secondary legislation: duty to review

In section 30 of the Small Business, Enterprise and Employment Act 2015 (meaning of “provision for review” in section 28(2)(a) of that Act), in subsection (3) –

- (a) after “must” insert “so far as is reasonable”, and
- (b) omit third “the”.

Clause 17

BARONESS NEVILLE-ROLFE

40 Page 24, line 16, leave out “other”

41 Page 24, line 29, leave out “other”

42 Page 25, line 23, leave out “other”

LORD STONEHAM OF DROXFORD
BARONESS BURT OF SOLIHULL

43 Page 25, line 37, leave out from “fees” to “the” in line 38 and insert “as agreed with the person for”

44 Page 25, line 41, leave out from “fees” to “the” in line 42 and insert “as agreed with the co-ordinator for”

BARONESS NEVILLE-ROLFE

45 Page 28, line 28, leave out “regulator” and insert “person”

46 Page 29, line 6, leave out “the primary authority” and insert “a direct primary authority or a co-ordinated primary authority”

47 Page 30, line 8, leave out “the primary authority” and insert “a direct primary authority or a co-ordinated primary authority”

Amendment
No.Clause 17 – *continued*

- 48 Page 30, line 19, leave out from “if” to “inconsistent” in line 24 and insert “ –
 (a) another qualifying regulator nominated as the primary authority (“PA2”) for the exercise of the function in relation to the person has previously given advice or guidance (generally or specifically), and
 (b) the person considers the proposed enforcement action to be”
- 49 Page 30, line 26, leave out from “that” to “action” in line 28 and insert “such advice or guidance has previously been given and that the person considers the proposed enforcement action to be inconsistent with it, PA1 must –
 (a) refer the”
- 50 Page 30, leave out lines 30 to 36 and insert –
 “(4) If subsection (3) applies –
 (a) the reference of the proposed enforcement action by PA1 to PA2 under subsection (3)(a) is to be treated as a notification given by the enforcing authority to PA2 under section 25C(2)(a), and
 (b) accordingly, section 25C (but not this section) applies in relation to PA2 as the primary authority and ceases to apply in relation to PA1 as the primary authority.”
- 51 Page 30, line 40, leave out “for a primary authority or another” and insert “in relation to an”

After Clause 17

LORD STONEHAM OF DROXFORD
 BARONESS BURT OF SOLIHULL
 BARONESS SHARP OF GUILDFORD

- 52 Insert the following new Clause –
- “Report on the impact of cuts to public services on the functioning of enterprise**
- (1) Within 12 months of the passing of this Act, the Secretary of State must lay before Parliament a report on the impact of cuts to funding of public services on enterprise and economic growth in the UK.
- (2) A report under subsection (1) must include, but is not limited to, an assessment of –
- (a) the impact of reductions in Government spending on further education on the availability of skills in the UK;
 - (b) the impact of cuts to skills funding, and of any levy on companies to provide for apprenticeships, on the quantity, quality and level of apprenticeships offered by companies;
 - (c) the impact of reductions in the funding of the Department for Business, Innovation and Skills on advanced manufacturing;
 - (d) the ability of Her Majesty’s Revenue and Customs to supply a comprehensive service to business customers; and
 - (e) the impact of reductions to the Local Government Finance Settlement on the ability of local authorities to support small businesses and promote economic growth.”

Amendment
No.

Schedule 3

BARONESS NEVILLE-ROLFE

53 Page 57, line 12, leave out “enforcing” and insert “primary”

54 [*Withdrawn*]

Clause 18

LORD MENDELSON
LORD STEVENSON OF BALMACARA
LORD STONEHAM OF DROXFORD

55 Page 34, line 18, after “(“apprentices”)” insert “in high quality and high level skill apprenticeships”

LORD YOUNG OF NORWOOD GREEN

56 Page 34, line 19, at end insert “and which distinguishes between new apprenticeships and those adult apprenticeships which are held by those who are in existing employment”

BARONESS SHARP OF GUILDFORD
LORD STONEHAM OF DROXFORD

57 Page 34, line 19, at end insert –

“() A prescribed public body may set apprenticeship targets for its subcontractors.”

58 Page 34, line 36, at end insert –

“() The regulations may specify that a proportion of the apprenticeship targets referred to in subsection (5) shall be reserved for –
(a) young people leaving care, and
(b) young people with physical and learning disabilities.”

59 Page 35, line 5, at end insert –

“subcontractors” means any person or body corporate who supplies goods or services to the prescribed public body.”

Clause 19

LORD MENDELSON
LORD STEVENSON OF BALMACARA

60 Page 37, leave out lines 21 to 28

Amendment
No.

Clause 20

THE EARL OF KINNOULL
LORD FLIGHT

61 Page 38, line 34, at end insert –

“() It shall be open to the insurer to adduce evidence of the fact that it sought and obtained legal advice to the effect that it had reasonable grounds for disputing the claim without thereby generally waiving privilege in the substance or content of the legal advice it received.”

62 Page 39, line 3, at end insert –

“() After section 10 of the Limitation Act 1980 (special time limit for claiming contribution) insert –

“10A Special time limit for actions for breach of the term implied by section 13A of the Insurance Act 2015

An action founded on a breach of the term implied by section 13A(1) of the Insurance Act 2015 shall not be brought –

- (a) after the expiration of one year from the date on which the insurer made the payment or, if the insurer has made more than one payment, the final payment of the indemnity in respect of which the breach is alleged; or
- (b) if earlier, after the expiration of six years from the date on which the cause of action for breach of the term implied accrued.”

() After section 8A of the Prescription and Limitation (Scotland) Act 1973 (extinction of obligations to make contributions between wrongdoers) insert –

“8B Extinction of obligations arising from or by reason of a breach of the term implied by section 13A(1) of the Insurance Act 2015

(1) If any obligation arising from or by reason of a breach of the term implied by section 13A(1) of the Insurance Act 2015 has subsisted for a continuous period of –

- (a) one year after the date on which the insurer made the payment or, if the insurer has made more than one payment, the final payment of the indemnity in respect of which the breach is alleged; or
- (b) five years;

without any relevant claim having been made in relation to the obligation, then as from the expiration of the earlier of the periods specified under paragraph (a) and (b) the obligation shall be extinguished.

(2) Subsections (4) and (5) of section 6 of this Act shall apply for the purposes of this section as they apply for the purposes of that section.”

63 [Withdrawn]

Amendment
No.

Clause 22

THE EARL OF LYTTON
LORD MENDELSON
LORD STONEHAM OF DROXFORD
BARONESS BURT OF SOLIHULL

64 Page 40, leave out lines 3 to 5 and insert –

- “(1) An officer of the Valuation Office of Her Majesty’s Revenue and Customs may disclose Revenue and Customs information to –
- (a) a qualifying person for a qualifying purpose;
 - (b) a ratepayer for a hereditament.
- (1A) Information disclosed under subsection (1)(b) may –
- (a) be disclosed for the purpose of providing the ratepayer with all information used to assist determination of the valuation of any hereditament for which the ratepayer is responsible for the non-domestic rating liability and may be retained and used for that purpose, and
 - (b) include information relating to hereditaments not owned by that ratepayer.”

BARONESS NEVILLE-ROLFE

65 Page 41, line 38, at end insert –

“63C Freedom of information

- (1) Revenue and customs information relating to a person which has been disclosed under section 63A or 63B is exempt information by virtue of section 44(1)(a) of the Freedom of Information Act 2000 (prohibition on disclosure) if its further disclosure –
 - (a) would specify the identity of the person to whom the information relates, or
 - (b) would enable the identity of such a person to be deduced.
- (2) In this section “revenue and customs information relating to a person” has the same meaning as in section 19(2) of the Commissioners for Revenue and Customs Act 2005.”

Clause 23

LORD STONEHAM OF DROXFORD
BARONESS BURT OF SOLIHULL
LORD MENDELSON

66 Page 42, line 16, at end insert –

- “(d) provision for a separate procedure for hereditaments with a rateable value below any threshold set out in regulations;
- (e) performance standards for the Valuation Office of Her Majesty’s Revenue and Customs and the Valuation Tribunal;

Amendment
No.

Clause 23 – *continued*

- (f) provision for a right to appeal to the Valuation Tribunal if the valuation officer has not given notice of their decision to the person making a proposal for the alteration of the list within 6 months of the proposal being made;
- (g) a requirement that the Valuation Tribunal must determine any appeal submitted to it within 12 months of it being made, or within such extended period as may be agreed upon in writing between the appellant and Tribunal.”

67 Page 42, leave out lines 39 to 41

After Clause 25

BARONESS NEVILLE-ROLFE

68 Insert the following new Clause –

“UK Government Investments Limited

- (1) The Treasury or the Secretary of State may –
 - (a) provide grants, loans, guarantees or indemnities, or any other kind of financial assistance (actual or contingent) to UK Government Investments Limited, or
 - (b) make other payments to UK Government Investments Limited.
- (2) “UK Government Investments Limited” means the private company limited by shares incorporated on 11th September 2015 with the company number 09774296.”

69 Insert the following new Clause –

“Disposal of Crown’s shares in UK Green Investment Bank company

- (1) Part 1 of the Enterprise and Regulatory Reform Act 2013 (UK Green Investment Bank) is amended as follows.
- (2) Omit the following provisions –
 - (a) section 1 (the green purposes);
 - (b) section 3 (alteration of Bank’s objects where it is designated by Secretary of State);
 - (c) section 5 (accounts, reports etc where Bank is designated by Secretary of State).
- (3) In section 2 (designation of Bank) –
 - (a) for the heading substitute “Interpretation”,
 - (b) omit subsections (1) to (8) (Secretary of State’s power to designate), and
 - (c) after subsection (9) insert –
 - “(10) In this Part “UK Green Investment Bank company” means –
 - (a) the UK Green Investment Bank, or
 - (b) a company that is or at any time has been in the same group as the Bank.

Amendment
No.

After Clause 25 – continued

- (11) For the purposes of subsection (10) a company is to be regarded as being in the same “group” as the UK Green Investment Bank, if, for the purposes of section 1161(5) of the Companies Act 2006, the company is a group undertaking in relation to the UK Green Investment Bank.”
- (4) In section 4 (financial assistance from the Secretary of State) –
- (a) in subsection (1) –
 - (i) omit “Where an order has been made under section 2,”,
 - (ii) for “the UK Green Investment Bank” substitute “a UK Green Investment Bank company”, and
 - (iii) for “Crown’s shareholding in it is more than half of its issued share capital” substitute “Crown holds shares in it or another UK Green Investment Bank company”,
 - (b) in subsection (3), in paragraphs (d) and (e), for “the Bank” substitute “the company”,
 - (c) omit subsection (5), and
 - (d) in subsection (6) (no effect on other powers to give financial assistance to the Bank) –
 - (i) for “the Bank”, in the first place, substitute “a UK Green Investment Bank company”, and
 - (ii) for “Crown’s shareholding in the Bank is not more than half of its issued share capital” substitute “Crown does not hold shares in it or another UK Green Investment Bank company”.
- (5) In section 6 (documents to be laid before Parliament) –
- (a) in subsection (1)(a) omit “after an order has been made under section 2,”,
 - (b) in subsection (1)(b) for “the Bank” substitute “a UK Green Investment Bank company”, and
 - (c) omit subsections (3) and (4).
- (6) After section 6 insert –
- “6A Report on disposal of Crown’s shares in UK Green Investment Bank company**
- (1) As soon as reasonably practicable after a disposal of shares held by the Crown in a UK Green Investment Bank company the Secretary of State must lay before Parliament a report on the disposal.
 - (2) The report –
 - (a) must state –
 - (i) the kind of disposal, and
 - (ii) the proportion of the company’s share capital retained by the Crown (or that none has been retained); and
 - (b) must include –
 - (i) an assessment of how the Secretary of State’s objectives for the disposal have been achieved, and

Amendment
No.

After Clause 25 – continued

- (ii) where the Crown still holds one or more shares in a UK Green Investment Bank company, details of the Secretary of State's intentions as to the Crown's future role and interest in such companies.
- (3) The Secretary of State must give a copy of the report to –
 - (a) the Scottish Ministers,
 - (b) the Welsh Ministers, and
 - (c) the Office of the First Minister and deputy First Minister in Northern Ireland.
- (4) Subsection (3) applies to a report as described in section (*UK Green Investment Bank: transitional provision*) as well as to a report under this section.””

70 Insert the following new Clause –

“UK Green Investment Bank: transitional provision

- (1) The Secretary of State may not make regulations under section 29 appointing the day on which section (*Disposal of Crown's shares in UK Green Investment Bank company*) comes into force unless the Secretary of State has –
 - (a) decided to make a disposal of shares held by the Crown in a UK Green Investment Bank company, and
 - (b) laid before Parliament a report on the proposed disposal (or, if more than one, on each of them) which states –
 - (i) the kind of disposal intended,
 - (ii) the expected time-scale for the disposal, and
 - (iii) the Secretary of State's objectives for the disposal.
- (2) In this section “UK Green Investment Bank company” means –
 - (a) the public company limited by shares incorporated on 15 May 2012 with the company number SC424067 and with the name UK Green Investment Bank plc, or
 - (b) a company that is or at any time has been in the same group as that company.”
- (3) For the purposes of subsection (2) a company is to be regarded as being in the same “group” as another company, if, for the purposes of section 1161(5) of the Companies Act 2006, the company is a group undertaking in relation to that other company.”

Clause 26

BARONESS HAYTER OF KENTISH TOWN
LORD MENDELSON

70A★ Page 44, line 29, at end insert “except in the case of conciliation settlements”

70B★ Page 45, leave out lines 5 to 7

Amendment
No.

Clause 26 – *continued*

BARONESS NEVILLE-ROLFE

- 71 Page 46, line 34, leave out “to which subsection (5) applies” and insert “under section 153A”
- 72 Page 46, line 39, leave out from beginning to end of line 7 on page 47
- 73 Page 47, leave out lines 9 to 11

Clause 29

BARONESS NEVILLE-ROLFE

- 74 Page 49, line 16, at end insert –
“() section (*UK Green Investment Bank: transitional provision*) (UK Green Investment Bank: transitional provision);”

Clause 30

BARONESS NEVILLE-ROLFE

- 75 Page 50, line 4, at end insert “(except paragraphs A1 and 11E of Schedule 1)”
- 76 Page 50, line 11, at end insert –
“() Paragraphs A1 and 11E of Schedule 1 (establishment of Small Business Commissioner as corporation sole and provisions about the application of the seal etc) extend to England and Wales and Northern Ireland.”

Enterprise Bill [HL]

REVISED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

24th November 2015

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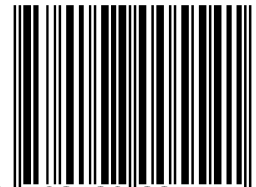
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