

# Enterprise Bill [HL]

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## COMMONS AMENDMENTS

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*[The page and line references are to Bill 112, the bill as first printed for the Commons.]*

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### After Clause 16

- 1 Insert the following new Clause –

**“Power of Welsh Ministers to apply regulators’ principles and code of practice**

In section 24 of the Legislative and Regulatory Reform Act 2006 (application of regulators’ principles and code of practice to functions specified by order) –

- (a) for paragraph (c) of subsection (3) (Wales: limit on power of Minister of the Crown to specify functions) substitute –
  - “(c) a Welsh regulatory function.”;
- (b) in subsection (4) (power of Welsh Ministers to specify functions) for “regulatory functions exercisable only in or as regards Wales” substitute “Welsh regulatory functions”;
- (c) in subsection (10) (definitions) at the appropriate place insert –
  - ““Welsh regulatory function” means a regulatory function, so far as exercisable in relation to Wales, if or to the extent that the function relates to matters –
    - (a) within the legislative competence of the National Assembly for Wales (see section 108 of the Government of Wales Act 2006), or
    - (b) in respect of which functions are exercisable by the Welsh Ministers.”.

### Clause 19

- 2 Page 17, line 40, leave out “Welsh ministerial” and insert “devolved Welsh”
- 3 Page 18, line 35, leave out “in Wales” and insert “in relation to Wales”
- 4 Page 18, line 36, leave out “Welsh ministerial” and insert “devolved Welsh”

- 5 Page 28, line 20, leave out “Welsh ministerial” and insert “devolved Welsh”  
6 Page 28, line 33, leave out “in Wales” and insert “in relation to Wales”  
7 Page 28, line 34, leave out “Welsh ministerial” and insert “devolved Welsh”  
8 Page 29, line 38, leave out “Welsh ministerial” and insert “devolved Welsh”  
9 Page 30, line 8, leave out “in Wales” and insert “in relation to Wales”  
10 Page 30, line 9, leave out “Welsh ministerial” and insert “devolved Welsh”

#### **After Clause 19**

- 11 Insert the following new Clause –

#### **“Devolved Welsh matters**

- (1) The Regulatory Enforcement and Sanctions Act 2008 is amended as follows.
- (2) In each of the following provisions, for “Welsh ministerial” substitute “devolved Welsh” –
  - (a) in section 4 (meaning of “relevant function”), subsections (6) and (8)(b);
  - (b) in section 6 (guidance to local authorities), subsections (1) and (1A);
  - (c) in section 10 (advice to Welsh Ministers), subsection (1)(a);
  - (d) in section 12 (relationship between Secretary of State and other regulators), subsection (3);
  - (e) in section 16 (guidance or directions by Welsh Ministers), subsection (1);
  - (f) in section 36 (power to make orders providing for civil sanctions), subsection (2);
  - (g) in section 59 (consultation and consent for civil sanctions orders: Wales), subsection (2);
  - (h) in section 73 (functions to which duty not to impose or maintain unnecessary regulatory burdens applies), subsections (3)(c), (4)(c) and (5).
- (3) In section 73 (functions to which section 72 applies), in subsections (3)(c) and (4)(c), for “in Wales” substitute “in relation to Wales”.
- (4) In section 74 (general interpretation) –
  - (a) omit the definition of “Welsh ministerial matter”;
  - (b) before the definition of “Minister of the Crown” insert –

““devolved Welsh matter” means –

    - (a) a matter within the legislative competence of the National Assembly for Wales (see section 108 of the Government of Wales Act 2006), or
    - (b) a matter in relation to Wales in respect of which functions are exercisable by the Welsh Ministers,

and in this definition “Wales” has the same meaning as in the Government of Wales Act 2006;”.

### Before Clause 20

12 Insert the following new Clause –

**“The Institute for Apprenticeships**

Schedule (*The Institute for Apprenticeships*) establishes the Institute for Apprenticeships and makes provision about its functions.”

13 Insert the following new Clause –

**“The Institute for Apprenticeships: transitional provision**

- (1) Subsection (2) applies to –
  - (a) any standard approved and published by the Secretary of State under section A2 of the 2009 Act before the appointed day;
  - (b) any plan which –
    - (i) relates to the assessment of a person’s attainment of outcomes set out in a standard mentioned in paragraph (a), and
    - (ii) was approved and published by the Secretary of State for the purposes of that assessment before the appointed day.
- (2) Such a standard or plan is to be treated on and after the appointed day as having been approved by the Institute for Apprenticeships under section A2A of the 2009 Act and published by it under section A2 of that Act (as amended by Schedule (*The Institute for Apprenticeships*)).
- (3) A standard or plan within subsection (1) is to be treated for the purposes of section A2I of the 2009 Act (as inserted by Schedule (*The Institute for Apprenticeships*)) as having been approved by the Institute for Apprenticeships at the beginning of the appointed day.
- (4) This section does not limit the provision that may be made under clause 37.
- (5) In this section –
 

“the appointed day” means the day on which section A2A of the Apprenticeship, Skills, Children and Learning Act 2009 (inserted by Schedule (*The Institute for Apprenticeships*)) comes into force;

“the 2009 Act” means the Apprenticeships, Skills, Children and Learning Act 2009.”

### Clause 20

14 Page 36, line 25, after “employment” insert “in England”

15 Page 36, line 31, after “employees” insert “employed in England”

### After Clause 21

16 Insert the following new Clause –

**“Apprenticeships: information sharing**

- (1) After Part 1 of the Apprenticeships, Skills, Children and Learning Act 2009 (apprenticeships, study and training) insert –

**“PART 1A**

## APPRENTICESHIPS: INFORMATION SHARING

*England***40A Sharing of information by HMRC and the Secretary of State**

- (1) HMRC may disclose information held by them to the Secretary of State for the purpose of the Secretary of State’s functions in relation to English statutory apprenticeships.
- (2) The Secretary of State may disclose information to HMRC –
- (a) for the purpose of requesting HMRC to disclose information under subsection (1), or
  - (b) for another purpose connected with the Secretary of State’s functions in relation to English statutory apprenticeships.
- (3) In this section “English statutory apprenticeships” means –
- (a) approved English apprenticeships within the meaning given in section A1;
  - (b) apprenticeships undertaken under apprenticeship agreements within the meaning given in section 32 that were entered into in connection with recognised English frameworks;
  - (c) apprenticeships in relation to which alternative English completion arrangements apply under section 1(5);
  - (d) apprenticeships undertaken under arrangements made in relation to England under section 2 of the Employment and Training Act 1973 that are identified by the person making them as arrangements for the provision of apprenticeships.

*Wales, Scotland and Northern Ireland***40B Sharing of information by HMRC and devolved authorities**

- (1) HMRC may disclose information held by them –
- (a) to a Welsh authority for the purpose of the authority’s functions in relation to Welsh apprenticeships;
  - (b) to a Scottish authority for the purpose of the authority’s functions in relation to Scottish apprenticeships;
  - (c) to a Northern Irish authority for the purpose of the authority’s functions in relation to Northern Irish apprenticeships.
- (2) An authority mentioned in paragraph (a), (b) or (c) of subsection (1) may disclose information to HMRC –
- (a) for the purpose of requesting HMRC to disclose information to the authority under subsection (1), or

- (b) for another purpose connected with the authority's functions mentioned in subsection (1).

(3) In this section—

“Northern Irish apprenticeships” means apprenticeships undertaken under arrangements made under section 1 of the Employment and Training Act (Northern Ireland) 1950 that are identified by the person making them as arrangements for the provision of apprenticeships;

“Northern Irish authority” means—

- (a) a Northern Ireland department, and
- (b) any body or other person that is prescribed, or of a prescribed description;

“Scottish apprenticeships” means apprenticeships undertaken under arrangements made—

- (a) in relation to Scotland, under section 2 of the Employment and Training Act 1973, or
- (b) under section 2(3) of the Enterprise and New Towns (Scotland) Act 1990,

that are identified by the person making them as arrangements for the provision of apprenticeships;

“Scottish authority” means—

- (a) the Scottish Ministers, and
- (b) any body or other person that is prescribed, or of a prescribed description;

“Welsh apprenticeships” means—

- (a) apprenticeships undertaken under apprenticeship agreements within the meaning given in section 32 that were entered into in connection with recognised Welsh frameworks;
- (b) apprenticeships in relation to which alternative Welsh completion arrangements apply under section 2(5);
- (c) apprenticeships undertaken under arrangements made in relation to Wales under—
  - (i) section 2 of the Employment and Training Act 1973, or
  - (ii) section 17B of the Jobseekers Act 1995,

that are identified by the person making them as arrangements for the provision of apprenticeships;

“Welsh authority” means—

- (a) the Welsh Ministers, and
- (b) any body or other person that is prescribed, or of a prescribed description.

(4) In subsection (3)—

- (a) the reference to a Northern Ireland department includes a reference to a person providing services to a Northern Ireland department;
- (b) the reference to the Scottish Ministers includes a reference to a person providing services to the Scottish Ministers;

- (c) the reference to the Welsh Ministers includes a reference to a person providing services to the Welsh Ministers.
- (5) Regulations under this section may amend the definition in subsection (3) of—
  - (a) “Northern Irish apprenticeships”,
  - (b) “Scottish apprenticeships”, or
  - (c) “Welsh apprenticeships”.

*General*

**40C Wrongful disclosure**

- (1) Information disclosed by HMRC under section 40A(1) or 40B(1) may not be disclosed by the recipient of the information to any other person without the consent of HMRC (except so far as permitted by section 40A(2) or 40B(2)).
- (2) If a person discloses, in contravention of subsection (1), any revenue and customs information relating to a person whose identity—
  - (a) is specified in the disclosure, or
  - (b) can be deduced from it,
 section 19 of the Commissioners for Revenue and Customs Act 2005 (wrongful disclosure) applies in relation to that disclosure as it applies in relation to a disclosure of such information in contravention of section 20(9) of that Act.

**40D Interpretation**

- (1) In this Part—
  - “HMRC” means the Commissioners for Her Majesty’s Revenue and Customs;
  - “revenue and customs information relating to a person” has the same meaning as in section 19 of the Commissioners for Revenue and Customs Act 2005 (see section 19(2) of that Act).
- (2) In this Part—
  - (a) references to HMRC include references to a person providing services to HMRC;
  - (b) references to the Secretary of State include references to a person providing services to the Secretary of State.
- (3) Nothing in this Part affects any power to disclose information that exists apart from this Part.”
- (2) In section 262(6) of that Act (orders and regulations subject to affirmative procedure) after paragraph (aa) insert—
  - “(aaa) regulations under section 40B;”.
- (3) In section 268 of that Act (extent)—
  - (a) in subsection (2) (provisions extending to Scotland) for “Sections 40,” substitute “Section 40, Part 1A, sections”, and
  - (b) in subsection (3) (provisions extending to Northern Ireland) for “Sections”, in the first place, substitute “Part 1A, sections”.

17 Insert the following new Clause –

**“Apprenticeship funding**

In section 100(1A) of the Apprenticeships, Skills, Children and Learning Act 2009 (provision of financial resources in connection with approved English apprenticeships) –

- (a) for “approved English apprenticeships”, in both places, substitute “English statutory apprenticeships”, and
- (b) after subsection (4) insert –

“(5) In this section “English statutory apprenticeship” has the same meaning as in section 40A (see subsection (3) of that section).”

**Clause 26**

18 Page 43, line 31, after “English list” insert “or a Welsh list”

19 Page 44, line 5, leave out “Consolidated Fund” and insert “appropriate fund”

20 Page 44, line 14, after “English list” and insert “or a Welsh list”

21 Page 44, line 24, leave out “Consolidated Fund” and insert “appropriate fund”

22 Page 44, line 27, at end insert –

“( ) After subsection (7A) insert –

“(7B) For the purposes of subsections (4B)(b) and (5A)(d) “the appropriate fund” means –

- (a) where the provision made by virtue of subsection (4A)(c) or (5) is in relation to a proposal to alter an English list, the Consolidated Fund, and
- (b) where the provision made by virtue of subsection (4A)(c) or (5) is in relation to a proposal to alter a Welsh list, the Welsh Consolidated Fund.”

23 Page 44, line 39, at end insert –

““Welsh list” means –

- (a) a local non-domestic rating list that has to be compiled for a billing authority in Wales, or
- (b) the central non-domestic rating list that has to be compiled for Wales.”

24 Page 44, line 47, leave out from “unless” to end of line 48 and insert “–

- (a) where those regulations relate to a proposal to alter an English list, a draft of the instrument has been laid before and approved by a resolution of each House of Parliament;
- (b) where those regulations relate to a proposal to alter a Welsh list, a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.”

25 Page 45, line 2, leave out from “is” to end of line 3 and insert “–

- (a) in the case of regulations relating to England, subject to annulment in pursuance of a resolution of either House of Parliament;
- (b) in the case of regulations relating to Wales, subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

26 Page 45, line 3, at end insert –

“(3G) In subsection (3E), “English list” and “Welsh list” have the same meaning as in section 55.”

#### **After Clause 26**

27 Insert the following new Clause –

#### **“Sunday working**

Schedule (*Sunday opening hours: rights of shop workers*), which contains amendments of employment legislation relating to the rights of shop workers to opt out of working on Sunday, has effect.”

#### **After Clause 31**

28 Insert the following new Clause –

#### **“Market rent only option: rent assessments etc**

In section 43 of the Small Business, Enterprise and Employment Act 2015 (pubs code: market rent only option), in subsection (6)(b), after “in lieu of rent” insert “(whether or not it results in a proposal that the rent, or amount of money payable, should increase)”.”

29 Insert the following new Clause –

#### **“Reports on avoidance**

In Part 4 of the Small Business, Enterprise and Employment Act 2015 (the Pubs Code Adjudicator and the Pubs Code), after section 71 insert –

#### **“71A Reports on avoidance**

- (1) The Adjudicator must report to the Secretary of State on cases of pub-owning businesses engaging in business practices which are, in the Adjudicator’s opinion, unfair business practices.
- (2) A report under subsection (1) must include recommendations as to –
  - (a) actions to be taken to prevent pub-owning businesses from engaging in the business practices reported on, and
  - (b) how to provide redress for tied pub tenants affected by those practices.
- (3) The Secretary of State must issue a statement within three months of receiving a report under subsection (1) setting out –



- (a) action which the Secretary of State intends to take to protect tied pub tenants affected by the business practices reported on, or
  - (b) if the Secretary of State does not intend to take such action, the reasoning for that decision.
- (4) In this section “unfair business practice” means a business practice which—
- (a) is engaged in by a pub-owning business at any time after the passing of this Act in order to avoid, to the detriment of tied pub tenants, the operation of provision made by or under this Part, and
  - (b) is unfair.””

#### **Clause 32**

**30** Page 48, line 23, leave out Clause 32

#### **Clause 33**

**31** Page 49, line 16, leave out Clause 33

#### **Clause 34**

**32** Page 49, line 38, leave out Clause 34

#### **Clause 35**

**33** Page 52, line 5, at end insert—

“( ) by the Welsh Ministers, in relation to relevant Welsh exit payments;”

**34** Page 52, line 25, at end insert—

“( ) if made by the Welsh Ministers, may not be made unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, the National Assembly for Wales.”

**35** Page 52, line 30, at end insert—

“( ) In this section “relevant Welsh exit payments” means exit payments made to holders of the following offices—

- (a) member of the National Assembly for Wales;
- (b) the First Minister for Wales;
- (c) Welsh Minister appointed under section 48 of the Government of Wales Act 2006;
- (d) Counsel General to the Welsh Government;
- (e) Deputy Welsh Minister;
- (f) member of a county council or a county borough council in Wales;
- (g) member of a National Park Authority in Wales;
- (h) member of a Fire and Rescue Authority in Wales.”

**36** Page 52, line 35, at end insert—

“(2A) The Welsh Ministers may relax any restriction imposed by regulations made by the Welsh Ministers under section 153A.”

37 Page 52, line 45, at beginning insert “except in relation to exit payments made by a relevant Welsh authority,”

38 Page 53 leave out lines 16 to 22 and insert –

- “(6) Regulations under section 153A made by the Welsh Ministers may –
- (a) make provision for the power under subsection (2A) to be exercisable on behalf of the Welsh Ministers by a person specified in the regulations;
  - (b) where provision is made by virtue of paragraph (a), make provision for a requirement to be relaxed only –
    - (i) with the consent of the Welsh Ministers, or
    - (ii) following compliance with any directions given by the Welsh Ministers;
  - (c) make provision as to the publication of information about any relaxation of a requirement granted.

(6A) Regulations made by the Treasury under section 153A(1) –

- (a) must, if they make provision in relation to exit payments made by a relevant Welsh authority, provide for the power conferred on a Minister of the Crown by subsection (1) to be exercised instead by the Welsh Ministers in relation to those exit payments;
- (b) may provide for the power conferred on a Minister of the Crown by subsection (1) to be exercised instead by the Welsh Ministers in relation to exit payments made by any other authority who is not a relevant Welsh authority but who wholly or mainly exercises functions in relation to Wales (but this does not limit the provision that may be made under subsection (4)(a)).”

39 Page 53, line 24, at end insert –

““relevant Welsh authority” means an authority who wholly or mainly exercises functions which could be conferred by provision falling within the legislative competence of the National Assembly for Wales (as defined in section 108 of the Government of Wales Act 2006).”

### Clause 38

40 Page 54, line 29, at end insert –

“( ) section (*Sunday working*), and Schedule (*Sunday working hours: rights of shop workers*) (*Sunday working hours: rights of shop workers*), for the purpose of enabling the exercise of any power to make regulations under any provision of the Employment Rights Act 1996 inserted by that Schedule;”

41 Page 54, line 30, at end insert –

“( ) paragraph 2 of Schedule 2 (things to be included in Secretary of State’s report in respect of the business impact target), and section 14 (which introduces Schedule 2) so far as relating to that paragraph;”

42 Page 54, line 44, at end insert “(so far as not already in force under subsection (1)).”

- 43 Page 55, line 4, leave out subsection (4) and insert –  
 “(4) The following provisions of this Act come into force on such day as the Treasury may by regulations appoint –  
 (a) section 29 (UK Government Investments Limited);  
 (b) section 35 and Schedule 4 (restriction on public sector exit payments).”
- 44 Page 55, line 6, leave out “The remaining” and insert “Subject to subsections (1) to (4), the”

#### Clause 39

- 45 Page 55, line 15, leave out “and 15” and insert “, 15 and 18 to 21”
- 46 Page 55, line 16, at end insert –  
 “( ) subsections (5) to (9) of section 14 (application of changes relating to the business impact target in relation to the relevant period in which they come into force);  
 ( ) section (*Apprenticeships: information sharing*) (apprenticeships: information sharing);”
- 47 Page 55, line 17, leave out “Part 5” and insert “sections 22 and 23”
- 48 Page 55, line 25, leave out subsection (2)
- 49 Page 55, line 28, at end insert –  
 “( ) Section (*The Institute for Apprenticeships: transitional provision*) extends to England and Wales.”
- 50 Page 55, line 29, at beginning insert “Subject to subsection (1),”

#### Clause 40

- 51 Page 55, line 33, leave out subsection (2)

#### After Schedule 3

- 52 Insert the following new Schedule –

#### “THE INSTITUTE FOR APPRENTICESHIPS

- 1 The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.
- 2 In Part 1 (apprenticeships, study and training) before Chapter A1 insert –

**“CHAPTER ZA1**

## THE INSTITUTE FOR APPRENTICESHIPS

*Establishment***ZA1 The Institute for Apprenticeships**

- (1) A body corporate known as the Institute for Apprenticeships is established.
- (2) In this Act that body is referred to as “the IfA”.
- (3) Schedule A1 makes further provision about the IfA.

*General duties and functions***ZA2 General duties**

- (1) So far as relevant, and subject to any notice given by the Secretary of State under subsection (2), in performing its functions the IfA must have regard to –
  - (a) the reasonable requirements of industry, commerce, finance, the professions and other employers regarding education and training within the IfA’s remit;
  - (b) the reasonable requirements of persons who may wish to undertake education and training within the IfA’s remit;
  - (c) the need to ensure that education and training within the IfA’s remit is of an appropriate quality;
  - (d) the need to ensure that education and training within the IfA’s remit represents good value in relation to financial resources provided out of public funds;
  - (e) any information provided to it by any person designated by the Secretary of State for the purposes of this paragraph.
- (2) The Secretary of State may give a notice in writing to the IfA setting out other matters to which the IfA must have regard when performing its functions.
- (3) The Secretary of State may not give a notice under subsection (2) more than once in any financial year (within the meaning given by section ZA6(6)), except as provided by subsection (4).
- (4) Where in a financial year –
  - (a) a notice is given under subsection (2), and
  - (b) after the giving of the notice a new Parliament meets for the first time,the Secretary of State may give one further notice under subsection (2) in that year.
- (5) The IfA must perform its functions efficiently and effectively.

- (6) For the purposes of this section, education or training is within the IfA's remit if the education or training is or may be provided in the course of an approved English apprenticeship.
- (7) Subsection (1) and any notice under subsection (2) do not apply in relation to functions that are—
  - (a) delegated by directions under section ZA4, or
  - (b) conferred by regulations under section ZA5,unless the directions or regulations provide for them to apply in relation to the functions.
- (8) Where directions or regulations so provide, the directions or regulations—
  - (a) may provide for any education or training to which the functions relate to be treated as within the IfA's remit for the purposes of this section;
  - (b) may provide for subsection (1) and any notice under subsection (2) to apply in relation to the functions with such modifications as the Secretary of State thinks fit.
- (9) The Secretary of State must—
  - (a) publish in such manner as the Secretary of State thinks fit any notice under subsection (2), and
  - (b) lay a copy of it before Parliament.

### **ZA3 Provision of advice and assistance to the Secretary of State etc**

- (1) The IfA may, if requested to do so by the Secretary of State, provide the Secretary of State with advice and assistance in connection with the Secretary of State's functions relating to apprenticeships in relation to England.
- (2) The Secretary of State's functions mentioned in subsection (1) include those under section 100(1A) or otherwise relating to the funding of apprenticeships in relation to England.

### **ZA4 Delegation of functions to the IfA by Secretary of State**

- (1) The Secretary of State may by direction delegate to the IfA any of the Secretary of State's functions relating to apprenticeships in relation to England.
- (2) The functions may be delegated—
  - (a) to any extent that the Secretary of State specifies in the direction, and
  - (b) subject to any conditions that the Secretary of State specifies in the direction.
- (3) The Secretary of State's functions mentioned in subsection (1) include those under section 100(1A) or otherwise relating to the funding of apprenticeships in relation to England.

### **ZA5 Conferral of further functions on the IfA by regulations**

- (1) The Secretary of State may by regulations confer on the IfA such functions relating to apprenticeships in relation to England as the Secretary of State considers appropriate.

- (2) A function conferred by regulations under subsection (1) may involve the exercise of a discretion.

#### **ZA6 Annual and other reports**

- (1) As soon as reasonably practicable after the end of each financial year, the IfA must prepare an annual report.
- (2) An annual report is a report which includes—
  - (a) a description of what the IfA has done during the year, including a description of what the IfA has done as a result of any notice given by the Secretary of State under section ZA2(2),
  - (b) the statement of accounts prepared for that year under paragraph 11 of Schedule A1, and
  - (c) such other provision as the Secretary of State may direct.
- (3) The IfA must send the report to the Secretary of State as soon as reasonably practicable after it has been prepared.
- (4) The Secretary of State must lay a copy of the report before Parliament.
- (5) The Secretary of State may direct the IfA to prepare, and send to the Secretary of State, as soon as reasonably practicable a report on any matter relating to its functions.
- (6) In this section “financial year” means—
  - (a) the period beginning with the day on which this section comes into force and ending with the following 31 March, and
  - (b) each successive period of 12 months.

#### *Compliance*

#### **ZA7 Secretary of State directions where the IfA fails to discharge duties etc**

If the Secretary of State is satisfied that the IfA—

- (a) has failed to discharge a duty imposed on it by or under this Act, or
- (b) has acted or is proposing to act in an unreasonable way in exercising any function,

the Secretary of State may give the IfA such directions as the Secretary of State considers appropriate.

#### *Directions*

#### **ZA8 General provision about directions under Chapters ZA1 and A1**

- (1) This section applies to a direction given to the IfA by the Secretary of State under this Chapter or Chapter A1.
- (2) The IfA must comply with the direction.
- (3) The direction must be in writing.”

3 Before section A1 insert –

*“Introductory”*

4 In section A1 (meaning of “approved English apprenticeship”), in subsection (3)(a) for “the Secretary of State has published an approved apprenticeship standard under section A2” substitute “an approved apprenticeship standard has been published under section A2”.

5 For section A2 (approved apprenticeship standards) substitute –

*“Publication of standards and assessment plans*

**A2 Apprenticeship standards and assessment plans**

- (1) The IfA must publish –
  - (a) standards for such sectors of work as the IfA considers appropriate for the purposes of this Chapter, and
  - (b) assessment plans in respect of published standards.
- (2) Each standard must –
  - (a) describe the sector of work to which it relates, and
  - (b) if there is more than one standard for the sector, describe the kind of work within the sector to which it relates.
- (3) Each standard must set out the outcomes that persons seeking to complete an approved English apprenticeship are expected to attain in order to achieve the standard.
- (4) An assessment plan in respect of a standard is a plan in accordance with which a person’s attainment of the outcomes set out in the standard is to be assessed.
- (5) Each assessment plan must –
  - (a) specify the standard to which it relates, and
  - (b) set out the proposed arrangements for evaluating the quality of any assessment provided for by the plan.
- (6) The following provisions supplement the provision made by this section –
  - section A2A makes provision about the preparation of apprenticeship standards and assessment plans;
  - sections A2B to A2D make provision related to ensuring the quality of apprenticeship assessments;
  - sections A2E and A2F make provision about the review, revision and withdrawal of apprenticeship standards and assessment plans;
  - section A2G makes provision for independent examinations of apprenticeship standards and assessment plans;
  - section A2H makes provision about the maintenance of a published list of apprenticeship standards and assessment plans;

section A2I provides for the automatic transfer to the IfA of copyright in apprenticeship standards and assessment plans.

#### **A2A Preparation of apprenticeship standards and assessment plans**

- (1) Each standard or assessment plan published under section A2 must have been prepared by a group of persons and approved by the IfA.
- (2) The group of persons that prepared a standard or assessment plan published under section A2 must have been approved by the IfA for the purposes of this section.
- (3) The IfA may provide advice or assistance to a group of persons in connection with the preparation of a standard or assessment plan.
- (4) The IfA must publish—
  - (a) information about matters that it takes into account when deciding whether or not to approve standards or plans for the purposes of subsection (1);
  - (b) information about matters that it takes into account when deciding whether or not to approve groups of persons for the purposes of subsection (2).
- (5) When making a decision of the kind mentioned in subsection (4)(a) or (b) in a particular case, the IfA may also take into account such other matters as it considers appropriate in the case in question.
- (6) Information published under subsection (4) may be revised or replaced, and the IfA must publish under that subsection any revised or replacement information.

#### *Quality assurance*

#### **A2B Evaluation of quality of apprenticeship assessments**

- (1) The IfA must secure that evaluations are carried out of the quality of apprenticeship assessments provided by persons in relation to assessment plans published under section A2.
- (2) “Apprenticeship assessment” means the assessment of a person’s attainment of the outcomes set out in the standard to which the assessment plan relates.
- (3) For the purposes of subsection (1) the IfA may approve or make arrangements for other persons to carry out evaluations.

#### **A2C Unsatisfactory apprenticeship assessments**

- (1) If the IfA considers that the quality of any apprenticeship assessment provided by a person is or may become unsatisfactory, it may carry out a review of the assessment, or make arrangements with another person for the carrying out of such a review.



- (2) The IfA may, in consequence of a review, make arrangements for the purpose of improving the quality of the assessment to which the review relates.
- (3) If the IfA –
  - (a) considers that the quality of any apprenticeship assessment provided by a person is or may become unsatisfactory, or
  - (b) that a person who provides an apprenticeship assessment has failed to co-operate with a review carried out under this section or with arrangements made under subsection (2),it may report the matter to the Secretary of State or such other person as the IfA considers appropriate.
- (4) A report under subsection (3) may contain recommendations as to the action to be taken by the person to whom the report is made.
- (5) The IfA may publish a report under subsection (3).

#### **A2D Committee to advise on quality evaluations etc**

- (1) The IfA may establish a committee with –
  - (a) the function of giving the IfA advice on the performance of its functions under sections A2B and A2C, and
  - (b) such other functions as may be conferred on the committee by the IfA.
- (2) A majority of the members of the committee –
  - (a) must be persons who appear to the IfA to have experience of the assessment of education or training, and
  - (b) must not be members of the IfA.
- (3) Subject to that, Schedule A1 applies to a committee established under this section as it applies to committees established under paragraph 7 of that Schedule.

#### *Review, revision and withdrawal*

#### **A2E Regular reviews of published standards and assessment plans**

- (1) The IfA must maintain arrangements for the review at regular intervals of each standard or assessment plan published under this Chapter, with a view to determining whether the standard or plan ought to be revised or withdrawn.
- (2) In respect of each standard or assessment plan published under this Chapter, the IfA must publish information about the intervals at which those reviews are to be conducted.

#### **A2F Revision or withdrawal of published standards and assessment plans**

- (1) The IfA may –

- (a) publish a revised version of a standard or assessment plan published under this Chapter, or
  - (b) withdraw a standard or assessment plan published under this Chapter (with or without publishing another in its place).
- (2) Section A2A applies in relation to a revised version of a standard or plan published under this section as it applies in relation to a standard or plan published under section A2.

*Other provisions about English approved apprenticeships*

**A2G Examinations by independent third parties**

- (1) Before the IfA approves a standard or assessment plan for the purposes of section A2A(1) it must make arrangements for the carrying out of an examination of the standard or plan by an independent third party.
- (2) The duty imposed by subsection (1) does not apply in relation to a revised version of a standard or assessment plan, but the IfA may, for the purposes of a review under section A2E or at any other time, make arrangements for the carrying out of an examination of a standard or assessment plan by an independent third party.
- (3) Where an examination of a standard or assessment plan is carried out under this section, the IfA must take account of the finding of the examination in exercising its functions in relation to the standard or plan under this Chapter.
- (4) Nothing in subsection (1) prevents the IfA deciding to reject a standard or assessment plan without first making arrangements for the carrying out of an examination by an independent third party.

**A2H List of published standards and assessment plans**

- (1) The IfA must maintain a list of the standards and assessment plans published by it under this Chapter.
- (2) In respect of each standard and plan listed (including any revised version), the list must include details of when it comes into force.
- (3) Where a revised version is listed, the list must include a general description of the cases to which the revised version applies.
- (4) Where a standard or plan has been withdrawn, the list must include details of when the withdrawal comes into force and a general description of the cases to which it applies.
- (5) The IfA must secure that the list is available free of charge at all reasonable times.

**A2I Transfer of copyright in standards and assessment plans**

- (1) This section applies where –

- (a) a standard or assessment plan is approved by the IfA under section A2A, and
  - (b) a person (other than the IfA) is entitled, immediately before the time the approval is given, to any right or interest in any copyright in the standard or plan.
- (2) The right or interest is, by virtue of this section, transferred from that person to the IfA at the time the approval is given.
- (3) The IfA must ensure that a standard or assessment plan in relation to which a right or interest has transferred by virtue of subsection (2) is made available to the public, subject to any conditions that the IfA considers appropriate.”
- 6 (1) Section A3 (power to issue apprenticeship certificate) is amended as follows.
- (2) In subsection (1) for “to” substitute “in respect of”.
- (3) In subsection (2), for paragraph (b) substitute—
- “(b) the supply by the Secretary of State of apprenticeship certificates issued under that subsection, and copies of those certificates, to—
  - (i) persons in respect of whom they were issued;
  - (ii) persons for whom those persons work or have worked under approved English apprenticeship agreements to which the certificates relate.”
- 7 In section 122 (sharing of information for education and training purposes)—
- (a) in subsection (3) (persons who may provide and receive information), after paragraph (f) insert—
  - “(g) the IfA.”;
  - (b) in subsection (5) (functions for the purposes of which information may be provided)—
  - (i) omit the “or” at the end of paragraph (b), and
  - (ii) after paragraph (b) insert—
- “(ba) any function of the IfA, or”.
- 8 In section 262(6) (orders and regulations subject to affirmative procedure) before paragraph (ab) insert—
- “(aab) regulations under section ZA5;”
- 9 Before Schedule 1 insert—

“SCHEDULE A1

THE INSTITUTE FOR APPRENTICESHIPS

*Status*

- 1 The IfA is to perform its functions on behalf of the Crown.

*Membership*

- 2 (1) The IfA is to consist of—
  - (a) a member appointed by the Secretary of State to chair the IfA (“the chair”);
  - (b) the chief executive appointed in accordance with paragraph 5;
  - (c) at least 4 and no more than 10 other members appointed by the Secretary of State.
- (2) The chair and members appointed under sub-paragraph (1)(c) are referred to in this Schedule as the “non-executive members”.

*Tenure of non-executive members*

- 3 (1) The non-executive members hold and vacate office in accordance with the terms of their appointment.
- (2) Those terms are to be determined by the Secretary of State, subject to the following provisions of this Schedule.
- (3) A non-executive member must not be appointed for a term of more than five years.
- (4) A non-executive member may resign from office at any time by giving written notice to the Secretary of State.
- (5) The Secretary of State may remove a non-executive member from office on either of the following grounds—
  - (a) inability or unfitness to carry out the duties of office;
  - (b) absence from the IfA’s meetings for a continuous period of more than 6 months without the IfA’s permission.
- (6) The previous appointment of a person as a non-executive member does not affect the person’s eligibility for re-appointment.

*Remuneration of non-executive members*

- 4 (1) The IfA must, if the Secretary of State requires it to do so, pay remuneration, allowances and expenses to its non-executive members.
- (2) The IfA must, if the Secretary of State requires it to do so, pay, or make provision for the payment of, a pension, allowances or gratuities to or in respect of a person who is or has been a non-executive member.
- (3) If a person ceases to be a non-executive member of the IfA and the Secretary of State decides that the person should be compensated because of special circumstances, the IfA must pay compensation to the person.

- (4) The amount of a payment under sub-paragraph (1), (2) or (3) is to be determined by the Secretary of State.
- (5) Service as a non-executive member is one of the kinds of service to which a scheme under section 1 of the Superannuation Act 1972 (superannuation schemes as respects civil servants etc) can apply (see Schedule 1 to that Act).
- (6) The IfA must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to the provision of pensions, allowances or gratuities under section 1 of the Superannuation Act 1972 payable to or in respect of non-executive members in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

*Chief executive and other staff*

- 5 (1) The first chief executive is to be appointed by the Secretary of State on conditions of service determined by the Secretary of State, after consulting the chair.
- (2) Subsequent chief executives are to be appointed by the IfA after consulting the Secretary of State.
- (3) The chief executive must not be appointed for a term of more than five years.
- (4) The previous appointment of a person as chief executive does not affect the person's eligibility for re-appointment.
- (5) The chief executive holds that office as a member of staff of the IfA.
- (6) The IfA may appoint other members of staff.
- (7) Service as a member of staff of the IfA is employment in the civil service of the State.
- (8) The following are to be determined by the IfA with the approval of the Secretary of State—
  - (a) the number of members of staff of the IfA (in addition to the chief executive);
  - (b) the conditions of service of staff of the IfA.
- (9) Sub-paragraph (8)(b) is subject to sub-paragraph (1).

*Arrangements with Secretary of State*

- 6 The Secretary of State and the IfA may enter into arrangements with each other for the provision to the IfA by the Secretary of State, on such terms as may be agreed, of staff, accommodation or services.

*Committees*

- 7 (1) The IfA may establish committees, and any committee established by the IfA may establish sub-committees.
- (2) The IfA may –
- (a) dissolve a sub-committee established under sub-paragraph (1), or
  - (b) alter the purposes for which such a sub-committee is established.
- (3) In this Schedule a committee or sub-committee established under sub-paragraph (1) is referred to as an “IfA committee”.
- (4) An IfA committee must include at least two persons who are members of the IfA or its staff.
- (5) The IfA may, with the approval of the Secretary of State, arrange for the payment of remuneration, allowances and expenses to any person who –
- (a) is a member of an IfA committee, but
  - (b) is not a member of the IfA or its staff.
- (6) The IfA must, if directed to do so by the Secretary of State, review –
- (a) the structure of IfA committees, and
  - (b) the scope of the activities of each IfA committee.

*Procedure*

- 8 (1) The IfA may regulate –
- (a) its own proceedings (including quorum), and
  - (b) the procedure (including quorum) of IfA committees.
- (2) The validity of proceedings of the IfA, or of an IfA committee, is not affected by –
- (a) a vacancy;
  - (b) a defective appointment.

*Exercise of functions*

- 9 (1) Subject to sub-paragraphs (2) and (3), the IfA may authorise any of the following to exercise functions on its behalf –
- (a) a member of the IfA;
  - (b) a member of the IfA’s staff;
  - (c) an IfA committee;
  - (d) any other person.
- (2) The IfA may not authorise any of the functions under sections A2, A2A and A2E to A2I to be exercised on its behalf –
- (a) under sub-paragraph (1)(c), by a committee a majority of the members of which are not members of the IfA’s staff, or
  - (b) under sub-paragraph (1)(d).

- (3) The IfA may authorise the exercise on its behalf of functions that have been—
- (a) delegated to the IfA by directions under section ZA4, or
  - (b) conferred on the IfA by regulations under section ZA5, only if and to the extent that the directions or regulations so provide.

*Supplementary powers*

- 10 (1) The IfA may—
- (a) provide information or advice to any person in connection with any of the IfA's functions;
  - (b) co-operate or work jointly with any person where it is appropriate to do so for the efficient and effective performance of any of the IfA's functions;
  - (c) carry out research for the purposes of, or in connection with, the IfA's functions;
  - (d) do anything else that the IfA considers necessary or appropriate for the purposes of, or in connection with, its functions.
- (2) The power in sub-paragraph (1)(d) is subject to any restrictions imposed by or under any provision of any Act.
- (3) The IfA may not borrow money.
- (4) The IfA may not, without the consent of the Secretary of State—
- (a) lend money,
  - (b) form, participate in forming or invest in a company, or
  - (c) form, participate in forming or otherwise become a member of a charitable incorporated organisation (within the meaning of section 69A of the Charities Act 1993).
- (5) In sub-paragraph (4) the reference to investing in a company includes a reference to becoming a member of the company and to investing in it by the acquisition of any assets, securities or rights or otherwise.

*Accounts and reports*

- 11 (1) The IfA must—
- (a) keep proper accounts and proper records in relation to its accounts, and
  - (b) prepare in respect of each financial year a statement of accounts.
- (2) Each statement of accounts must comply with any directions given by the Secretary of State as to—
- (a) the information to be contained in it,
  - (b) the manner in which such information is to be presented, or

- (c) the methods and principles according to which the statement is to be prepared.
- (3) The IfA must send a copy of each statement of accounts to—
  - (a) the Secretary of State, and
  - (b) the Comptroller and Auditor General,before the end of the month of August following the financial year to which the statement relates.
- (4) The Comptroller and Auditor General must—
  - (a) examine, certify and report on each statement of accounts, and
  - (b) send a copy of each report and certified statement to the Secretary of State.
- (5) The Secretary of State must lay before Parliament—
  - (a) a copy of each statement sent to the Secretary of State under sub-paragraph (3), and
  - (b) a copy of each report and certified statement sent to the Secretary of State under sub-paragraph (4).
- (6) “Financial year” has the meaning given by section ZA6(6) (annual and other reports).

*Application of seal and proof of documents*

- 12 (1) The application of the IfA’s seal must be authenticated by the signature of—
  - (a) the chief executive, or
  - (b) a member of the IfA who has been authorised by the IfA for that purpose (whether generally or specifically).
- (2) A document purporting to be duly executed under the IfA’s seal, or signed on its behalf—
  - (a) is to be received in evidence, and
  - (b) is to be treated as executed or signed in that way, unless the contrary is proved.

*Funding*

- 13 (1) The Secretary of State may make grants to the IfA, or provide the IfA with any other kind of financial assistance, subject to any conditions that the Secretary of State considers appropriate.
- (2) The conditions may, in particular—
  - (a) enable the Secretary of State to require full or partial repayment of sums paid by the Secretary of State if any of the conditions are not complied with;
  - (b) require the payment of interest in respect of any period during which a sum due to the Secretary of State in accordance with any of the conditions remains unpaid.”



- 10 In Schedule 1 to the Superannuation Act 1972, in the list of “Offices”, at the appropriate place insert –  
 “Non-executive member of the Institute for Apprenticeships.”
- 11 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities) at the appropriate place insert –  
 “The Institute for Apprenticeships.”

53 Insert the following new Schedule –

“SUNDAY OPENING HOURS: RIGHTS OF SHOP WORKERS

*Employment Rights Act 1996*

- 1 The Employment Rights Act 1996 is amended as follows.
- 2 In section 41 (opted-out shop workers and betting workers), for subsection (3) substitute –  
 “(3) In this Act “notice period”, in relation to an opted-out shop worker or an opted-out betting worker, means –  
 (a) in the case of an opted-out shop worker who does shop work in or about a large shop, the period of one month beginning with the day on which the opting-out notice concerned was given;  
 (b) in any other case, the period of three months beginning with that day.  
 This subsection is subject to sections 41D(2) and 42(2).”
- 3 After section 41 insert –  
**“41A Notice of objection by shop workers to working additional hours on Sunday**  
 (1) A shop worker may at any time give to his or her employer a written notice, signed and dated by the shop worker, to the effect that he or she objects to doing shop work for additional hours on Sunday.  
 (2) In this Part –  
 “additional hours” means any number of hours of shop work that a shop worker is (or could be) required to work under a contract of employment on Sunday that are (or would be) in excess of the shop worker’s normal Sunday working hours;  
 “objection notice” means a notice given under subsection (1).  
 (3) The “normal Sunday working hours” of a shop worker are to be calculated in accordance with regulations.  
 (4) Regulations under this section may provide –  
 (a) for the calculation to be determined (for example) by reference to the average number of hours that the shop worker has worked on Sundays during a period specified or described in the regulations;

- (b) for a calculation of the kind mentioned in paragraph (a) to be varied in special cases;
  - (c) for the right to give an objection notice not to be exercisable in special cases (and subsection (1) is subject to provision made by virtue of this paragraph).
- (5) Provision under subsection (4)(b) or (c) may, in particular, include provision—
  - (a) about how the calculation of normal Sunday working hours is to be made in the case of a shop worker who has not been employed for a sufficient period of time to enable a calculation to be made as otherwise provided for in the regulations;
  - (b) for the right to give an objection notice not to be exercisable by such a shop worker until he or she has completed a period of employment specified or described in the regulations.
- (6) But regulations under this section may not include provision preventing a shop worker who has been continuously employed under a contract of employment for a period of one year or more from giving to the employer an objection notice.
- (7) Regulations under this section may make different provision for different purposes.

**41B Explanatory statement: persons who become shop workers**

- (1) This section applies where a person becomes a shop worker who, under a contract of employment, is or may be required to do shop work on Sundays.
- (2) The employer must give to the shop worker a written statement informing the shop worker of the following rights—
  - (a) the right to object to working on Sundays by giving the employer an opting-out notice (if section 40 applies to the shop worker);
  - (b) the right to object to doing shop work for additional hours on Sundays by giving the employer an objection notice.
- (3) The statement must be given before the end of the period of two months beginning with the day on which the person becomes a shop worker as mentioned in subsection (1).
- (4) An employer does not fail to comply with subsections (2) and (3) in a case where, before the end of the period referred to in subsection (3), the shop worker has given to the employer an opting-out notice (and that notice has not been withdrawn).
- (5) A statement under this section must comply with such requirements as to form and content as regulations may provide.
- (6) Regulations under this section may make different provision for different purposes.

#### **41C Explanatory statement: shop workers at commencement date**

- (1) This section applies where—
  - (a) under a contract of employment a shop worker is or may be required to do shop work on Sundays, and
  - (b) the shop worker was employed under that contract on the day before the commencement date.
- (2) The shop worker’s employer must give to the shop worker a written statement informing the shop worker of the rights mentioned in section 41B(2).
- (3) The statement must be given before the end of the period of two months beginning with the commencement date.
- (4) An employer does not fail to comply with subsections (2) and (3) in a case where, before the end of the period referred to in subsection (3), the shop worker has given to the employer an opting-out notice (and that notice has not been withdrawn).
- (5) A statement under this section must comply with such requirements as to form and content as regulations may provide.
- (6) Regulations under this section may make different provision for different purposes.
- (7) In this section “commencement date” means the date appointed by regulations under section 38 of the Enterprise Act 2016 for the coming into force of section (*Sunday working*) of, and Schedule (*Sunday opening hours: rights of shop workers*) to, that Act.

#### **41D Failure to give explanatory statement under section 41B or 41C**

- (1) This section applies if an employer fails to give to a shop worker a written statement in accordance with—
  - (a) section 41B(2) and (3), or
  - (b) section 41C(2) and (3).
- (2) If the shop worker gives to the employer an opting-out notice, the notice period under section 41(3) that applies in relation to the shop worker is varied as follows—
  - (a) if the notice period under that provision would have been one month, it becomes 7 days instead;
  - (b) if the notice period under that provision would have been three months, it becomes one month instead.
- (3) If the shop worker gives to the employer an objection notice, the relevant period under section 43ZA(2) that applies in relation to the shop worker is varied as follows—
  - (a) if the relevant period under that provision would have been one month, it becomes 7 days instead;
  - (b) if the relevant period under that provision would have been three months, it becomes one month instead.”

- 4 (1) Section 42 (explanatory statement) is amended as follows.
- (2) In the heading, after “statement” insert “: betting workers”.

- (3) In subsection (1) omit “shop worker or”.
  - (4) In subsection (2) –
    - (a) in paragraph (a) omit “shop worker or”;
    - (b) in paragraph (b) –
      - (i) after “the” omit “shop worker or”;
      - (ii) omit “an opted-out shop worker or”;
    - (c) in the words after paragraph (b), omit “shop worker or.”
  - (5) In subsection (3) omit “shop worker or”.
  - (6) Omit subsection (4).
  - (7) In subsection (6) –
    - (a) for “forms” substitute “form”;
    - (b) for “subsections (4) and (5)” substitute “subsection (5)”.
- 5 In the heading of section 43, after “work” insert “: opting-out notices”.
- 6 After section 43 (in Part 4) insert –

**“43ZA Contractual requirements relating to working additional hours on Sundays: objection notices**

- (1) Where a shop worker gives to his or her employer an objection notice, any agreement entered into between the shop worker and the employer becomes unenforceable to the extent that –
  - (a) it requires the shop worker to do shop work for additional hours on Sunday after the end of the relevant period, or
  - (b) it requires the employer to provide the shop worker with shop work for additional hours on Sunday after the end of that period.
- (2) The “relevant period” is –
  - (a) in the case of a shop worker who is or may be required to do shop work in or about a large shop, the period of one month beginning with the day on which the objection notice is given;
  - (b) in any other case, the period of three months beginning with that day.

This subsection is subject to section 41D(3).

- (3) A shop worker who has given an objection notice may revoke the notice by giving a further written notice to the employer.
- (4) Where –
  - (a) a shop worker gives to the employer a notice under subsection (3), and
  - (b) after giving the notice the shop worker expressly agrees with the employer to do shop work for additional hours on Sunday (whether on Sundays generally or on a particular Sunday),

the contract of employment between the shop worker and the employer is to be taken to be varied to the extent necessary to give effect to the terms of the agreement.

- (5) The reference in subsection (1) to any agreement –
  - (a) includes the contract of employment under which the shop worker is employed immediately before giving the objection notice;
  - (b) includes an agreement of a kind mentioned in subsection (4), or a contract of employment as taken to be varied under that subsection, only if an objection notice is given in relation to the working of additional hours under that agreement or contract as varied.

#### **43ZB Interpretation**

- (1) In this Part –
  - “additional hours” has the meaning given in section 41A(2);
  - “large shop” means a shop which has a relevant floor area exceeding 280 square metres;
  - “objection notice” has the meaning given in section 41A(2);
  - “regulations” means regulations made by the Secretary of State.
- (2) In the definition of “large shop” in subsection (1) –
  - (a) “shop” means any premises where there is carried on a trade or business consisting wholly or mainly of the sale of goods;
  - (b) “relevant floor area” means the internal floor area of so much of the large shop in question as consists of or is comprised in a building.
- (3) For the purposes of subsection (2), any part of the shop which is not used for the serving of customers in connection with the sale or display of goods is to be disregarded.
- (4) The references in subsections (2) and (3) to the sale of goods does not include –
  - (a) the sale of meals, refreshments or alcohol (within the meaning of the Licensing Act 2003 or, in relation to Scotland, the Licensing (Scotland) Act 2005 (asp 16)) for consumption on the premises on which they are sold, or
  - (b) the sale of meals or refreshments prepared to order for immediate consumption off those premises.”

7 After section 45 insert –

#### **“45ZA Sunday working for shop workers: additional hours**

- (1) Subsection (2) applies where a shop worker has given an objection notice to his or her employer and the notice has not been withdrawn.
- (2) The shop worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by the employer done on the ground that the shop worker refused (or

proposed to refuse) to do shop work for additional hours on Sunday or on a particular Sunday.

- (3) Subsection (2) does not apply to anything done on the ground that the shop worker refused (or proposed to refuse) to do shop work for additional hours on any Sunday or Sundays falling before the end of the relevant period.
- (4) A shop worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his or her employer on the ground that the shop worker gave (or proposed to give) an objection notice to the employer.
- (5) Subsections (2) and (4) do not apply where the detriment in question amounts to dismissal (within the meaning of Part 10).
- (6) For the purposes of this section, a shop worker who does not do shop work for additional hours on Sunday or on a particular Sunday is not to be regarded as having been subjected to any detriment by –
  - (a) a failure to pay remuneration in respect of doing shop work for additional hours on Sunday which the shop worker has not done, or
  - (b) a failure to provide any other benefit where the failure results from the application (in relation to a Sunday on which the shop worker has not done shop work for additional hours) of a contractual term under which the extent of the benefit varies according to the number of hours worked by, or the remuneration paid to, the shop worker.
- (7) Subsections (8) and (9) apply where –
  - (a) an employer offers to pay a sum specified in the offer to a shop worker if he or she agrees to do shop work for additional hours on Sunday or on a particular Sunday, and
  - (b) the shop worker –
    - (i) has given an objection notice to the employer that has not been withdrawn, or
    - (ii) is not obliged under a contract of employment to do shop work for additional hours on Sunday.
- (8) A shop worker to whom the offer is not made is not to be regarded for the purposes of this section as having been subjected to any detriment by any failure –
  - (a) to make the offer to the shop worker, or
  - (b) to pay the shop worker the sum specified in the offer.
- (9) A shop worker who does not accept the offer is not to be regarded for the purposes of this section as having been subjected to any detriment by any failure to pay the shop worker the sum specified in the offer.
- (10) In this section –

“additional hours” and “objection notice” have the meanings given by section 41A(2);

“relevant period” means the period determined by section 43ZA(2) (but subject to section 41D(3)).”

8 In section 48 (complaints to employment tribunals), after subsection (1) insert –

“(1YA) A shop worker may present a complaint to an employment tribunal that he or she has been subjected to a detriment in contravention of section 45ZA.”

9 After section 101 insert –

**“101ZA Shop workers who refuse to work additional hours on Sunday**

(1) Subsection (2) applies where a shop worker has given an objection notice that has not been withdrawn and he or she is dismissed.

(2) The shop worker is to be regarded for the purposes of this Part as unfairly dismissed if the reason (or the principal reason) for the dismissal is that he or she refused, or proposed to refuse, to do shop work for additional hours on Sunday or on a particular Sunday.

(3) Subsection (2) does not apply where the reason (or principal reason) for the dismissal is that the shop worker refused (or proposed to refuse) to do shop work for additional hours on any Sunday or Sundays falling before the end of the relevant period.

(4) A shop worker who is dismissed is to be regarded for the purposes of this Part as unfairly dismissed if the reason (or principal reason) for the dismissal is that the worker gave (or proposed to give) an objection notice to the employer.

(5) In this section –

“additional hours” and “objection notice” have the meanings given by section 41A(2);

“relevant period” means the period determined by section 43ZA(2) (but subject to section 41D(3)).”

10 In section 108 (qualifying period of employment), in subsection (3) after paragraph (d) insert –

“(da) subsection (2) of section 101ZA applies (read with subsection (3) of that section) or subsection (4) of that section applies,”.

11 In section 236 (orders and regulations), in subsection (3) after “27B,” insert “41A that include provision under subsection (4)(c) of that section,”.

*Employment Act 2002*

12 In section 38 of the Employment Act 2002 (failure to give statement of employment particulars etc) –

- (a) in subsection (2)(b), after “change)” insert “or under section 41B or 41C of that Act (duty to give a written statement in relation to rights not to work on Sunday)”;
- (b) in subsection (3)(b), after “1996” insert “or under section 41B or 41C of that Act”.

**In the Title**

- 54** Line 1, at end insert “provision about Sunday working;”





# Enterprise Bill [HL]

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## COMMONS AMENDMENTS

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*10th March 2016*

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