



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Tuesday 2 February 2016

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 1-29, NC1-NC4

PUBLIC BILL COMMITTEE

ENTERPRISE BILL [*LORDS*]

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Anna Soubry

★ Clause 19, page 17, line 40, leave out “Welsh ministerial” and insert “devolved Welsh” 1

Member’s explanatory statement

This amendment, amendments 3, 4, 6, 7 and 9 and subsections (1) and (2) of the new clause inserted by amendment NC2 replace references in the Regulatory Enforcement and Sanctions Act 2008, and in the amendments made by the Bill to that Act, to a Welsh ministerial matter with references to a devolved Welsh matter. Subsection (4) of the new clause inserted by amendment NC2 defines a “devolved Welsh matter” so that, in addition to Welsh ministerial matters, it also covers matters within the legislative competence of the National Assembly for Wales.

Enterprise Bill [*Lords*], continued

Anna Soubry

2

- ★ Clause 19, page 18, line 35, leave out “in Wales” and insert “in relation to Wales”
Member’s explanatory statement

This amendment, amendments 5 and 8 and subsection (3) of the new clause inserted by amendment NC2 replace references in the Regulatory Enforcement and Sanctions Act 2008, and in the amendments made by the Bill to that Act, to functions exercisable “in Wales” with references to functions exercisable “in relation to Wales”. This is consistent with the wording of section 108 of the Government of Wales Act 2006.

Anna Soubry

3

- ★ Clause 19, page 18, line 36, leave out “Welsh ministerial” and insert “devolved Welsh”

Member’s explanatory statement

See the explanatory statement for amendment 1.

Anna Soubry

4

- ★ Clause 19, page 28, line 20, leave out “Welsh ministerial” and insert “devolved Welsh”

Member’s explanatory statement

See the explanatory statement for amendment 1.

Anna Soubry

5

- ★ Clause 19, page 28, line 33, leave out “in Wales” and insert “in relation to Wales”
Member’s explanatory statement

See the explanatory statement for amendment 2.

Anna Soubry

6

- ★ Clause 19, page 28, line 34, leave out “Welsh ministerial” and insert “devolved Welsh”

Member’s explanatory statement

See the explanatory statement for amendment 1.

Anna Soubry

7

- ★ Clause 19, page 29, line 38, leave out “Welsh ministerial” and insert “devolved Welsh”

Member’s explanatory statement

See the explanatory statement for amendment 1.

Anna Soubry

8

- ★ Clause 19, page 30, line 8, leave out “in Wales” and insert “in relation to Wales”
Member’s explanatory statement

See the explanatory statement for amendment 2.

Enterprise Bill [Lords], continued

Anna Soubry

9

- ★ Clause 19, page 30, line 9, leave out “Welsh ministerial” and insert “devolved Welsh”

Member’s explanatory statement

See the explanatory statement for amendment 1.

Anna Soubry

10

- ★ Clause 26, page 43, line 31, after “English list” insert “or a Welsh list”

Member’s explanatory statement

This amendment and amendments 11 to 15 extend the amendments made by clause 26 to section 55 of the Local Government and Finance Act 1988, which currently apply to England only, so that the Welsh Ministers have the same power by regulations to make provision in relation to proposals to alter local or central non-domestic rating lists for Wales.

Anna Soubry

11

- ★ Clause 26, page 44, line 5, leave out “Consolidated Fund” and insert “appropriate fund”

Member’s explanatory statement

This amendment and amendment 14 ensure that, where regulations under section 55 of the Local Government and Finance Act 1988 provide for valuation officers to impose financial penalties regarding the provision of false information in relation to a proposal to alter a Welsh list, the regulations must require the sums received to be paid into the Welsh Consolidated Fund.

Anna Soubry

12

- ★ Clause 26, page 44, line 14, after “English list” and insert “or a Welsh list”

Member’s explanatory statement

See the explanatory statement for amendment 10.

Anna Soubry

13

- ★ Clause 26, page 44, line 24, leave out “Consolidated Fund” and insert “appropriate fund”

Member’s explanatory statement

This amendment and amendment 14 enable regulations under section 55 of the Local Government and Finance Act 1988 to make provision about the payment of fees into the Welsh Consolidated Fund where the fees are paid by ratepayers in relation to appeals relating to proposals to alter a Welsh list.

Enterprise Bill [*Lords*], *continued*

Anna Soubry

14

★ Clause 26, 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.”

Member’s explanatory statement*See the explanatory statement for amendments 11 and 13.*

Anna Soubry

15

★ Clause 26, 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.”

Member’s explanatory statement*See the explanatory statement for amendment 10.*

Anna Soubry

16

★ Clause 26, 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.”

Member’s explanatory statement*This amendment and amendments 17 and 18 provide for regulations made by the Welsh Ministers under section 55 of the Local Government and Finance Act 1988 as amended by amendments 10 to 15 to be subject to procedure before the National Assembly for Wales equivalent to the procedure before Parliament which is required for corresponding regulations made by the Secretary of State under that section.*

Anna Soubry

17

★ Clause 26, 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.”

Member’s explanatory statement*See the explanatory statement for amendment 16.*

Enterprise Bill [Lords], continued

Anna Soubry

18

- ★ Clause 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.”

Member’s explanatory statement

See the explanatory statement for amendment 16.

Anna Soubry

19

- ★ Clause 38, 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;”

Member’s explanatory statement

This amendment provides for paragraph 2 of Schedule 2 to come into force on Royal Assent.

Anna Soubry

20

- ★ Clause 38, page 54, line 44, at end insert “(so far as not already in force under subsection (1)).”

Member’s explanatory statement

This clarifying amendment acknowledges that although Schedule 2 is generally to come into force 2 months after Royal Assent, one of its provisions (paragraph 2) will come into force on Royal Assent under subsection (1) of the clause (see amendment 19).

Anna Soubry

21

- ★ Clause 38, 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).”

Member’s explanatory statement

This amendment provides for clause 29 to come into force by regulations made by the Treasury (instead of by regulations made by the Secretary of State).

Anna Soubry

22

- ★ Clause 38, page 55, line 6, leave out “The remaining” and insert “Subject to subsections (1) to (4), the”

Member’s explanatory statement

This clarifying amendment acknowledges that provisions that are to come into force by regulations under subsection (5) of clause 38 may already have come into force for particular purposes under preceding provisions of the clause.

 Enterprise Bill [*Lords*], continued

Anna Soubry

23

- ★ Clause 39, page 55, line 15, leave out “and 15” and insert “, 15 and 18 to 21”

Member’s explanatory statement

This amendment is made for drafting consistency. It ensures that the extent of paragraphs 18 to 21 of Schedule 1 is governed by clause 39(4), which provides for an amendment to have the same extent as the enactment amended. The enactments amended by those paragraphs extend to England and Wales, Scotland and Northern Ireland, so the clause’s effect is not changed.

Anna Soubry

24

- ★ Clause 39, 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);”

Member’s explanatory statement

This amendment clarifies that subsections (5) to (9) of section 14 extend to England and Wales, Scotland and Northern Ireland.

Anna Soubry

25

- ★ Clause 39, page 55, line 16, at end insert—

“() section (*Apprenticeships: information sharing*) (*apprenticeships: information sharing*);”

Member’s explanatory statement

This amendment provides for NC3 to have UK wide extent.

Anna Soubry

26

- ★ Clause 39, page 55, line 17, leave out “Part 5” and insert “sections 22 and 23”

Member’s explanatory statement

This amendment clarifies that the extent of clause 24 (which amends the Limitation Act 1980) is governed by section 39(4) (which means that it extends to England and Wales), unlike the other provisions of Part 5 (sections 22 and 23) which extend to England and Wales, Scotland and Northern Ireland.

Anna Soubry

27

- ★ Clause 39, page 55, line 25, leave out subsection (2)

Member’s explanatory statement

This amendment is made for drafting consistency. It removes subsection (2) of clause 39, which is not needed because the same effect is achieved by the general provision in subsection (4) of the clause.

Anna Soubry

28

- ★ Clause 39, page 55, line 29, at beginning insert “Subject to subsection (1),”

Member’s explanatory statement

This clarifying amendment acknowledges that the extent of certain amendments of enactments made by the Bill is provided for by subsection (1).

Enterprise Bill [*Lords*], continued

Anna Soubry

29

- ★ Clause 40, page 55, line 33, leave out subsection (2)

Member's explanatory statement

This amendment removes the privilege amendment inserted by the Lords.

 NEW CLAUSES

Anna Soubry

NC1

- ★ To move the following 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.””

Member's explanatory statement

This amendment gives power to the Welsh Ministers (instead of a Minister of the Crown) to make orders applying the regulators’ principles and code of practice in relation to functions relating to matters within the legislative competence of the National Assembly for Wales, or in respect of which functions are exercisable by the Welsh Ministers.

Enterprise Bill [Lords], continued

Anna Soubry

NC2

★ To move the following 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;”.

Member’s explanatory statement*See the explanatory statements for amendments 1 and 2.*

Enterprise Bill [*Lords*], *continued*

Anna Soubry

NC3

- ★ To move the following 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

Enterprise Bill [Lords], continued

- (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.

Enterprise Bill [Lords], continued

- (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”.

Enterprise Bill [Lords], continued
Member's explanatory statement

This amendment inserts a new Part into the Apprenticeships, Skills, Children and Learning Act 2009 providing for the sharing of information between HMRC and the Secretary of State, and between HMRC and certain devolved authorities, for purposes connected with apprenticeships.

Anna Soubry

NC4

★ To move the following 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).”

Member's explanatory statement

This clause expands the Secretary of State's funding powers in relation to English apprenticeships.

ORDER OF THE HOUSE [2 FEBRUARY 2016]

That the following provisions shall apply to the Enterprise Bill [Lords]:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 25 February 2016.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in Legislative Grand Committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Enterprise Bill [*Lords*], *continued*

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.
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