

Advanced Research and Invention Agency Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 2nd November 2021, as follows –

Clause 1	Clauses 8 and 9
Schedule 1	Schedule 3
Clauses 2 to 7	Clauses 10 to 15
Schedule 2	Title.

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

After Clause 1

LORD RAVENSDALE
LORD BROWNE OF LADYTON
LORD FOX

- 1** Insert the following new Clause –
“ARIA’s purpose
ARIA’s purpose is to fund projects with high transformational potential in pursuit of a sustainable and resilient society, planet and economy.”

Member’s explanatory statement

The purpose of this amendment is to provide a broad sustainability purpose for ARIA which will ensure that it funds projects which align with core strategic challenges such as decarbonisation and which are sustainable.

Schedule 1

BARONESS NOAKES

- 2** Page 6, line 18, leave out paragraph (c)

LORD LANSLEY

- 3** Page 6, line 21, leave out paragraph (b)

Schedule 1 - continued

BARONESS RANDERSON

- 4 Page 6, line 21, at end insert –
 “(ba) a representative of the Welsh Government,
 (bb) a representative of the Scottish Government,
 (bc) a representative of the Northern Ireland Executive, and”

Member’s explanatory statement

This amendment would require representation from the devolved administrations on ARIA.

LORD LANSLEY

- 5 Page 6, line 22, at end insert –
 “(3A) Before appointing an individual as a chair under sub-paragraph (3), the Secretary of State must provide information to the House of Commons Select Committee on Science and Technology about the intended appointment and make arrangements for that individual to appear before the committee if it so requests.”

BARONESS NOAKES

- 6 Page 6, line 24, at end insert –
 “(5) A person is disqualified for appointment as a non-executive member if that person is or has been in the five years preceding the appointment –
 (a) a Minister of the Crown, or
 (b) a person serving in a government department in employment in respect of which remuneration is payable out of money provided by Parliament.”

LORD LANSLEY

- 7 Page 6, line 26, at end insert –
 “(1A) Before appointing an individual as the first Chief Executive Officer under sub-paragraph (1), the Secretary of State must provide information to the House of Commons Select Committee on Science and Technology about the intended appointment and make arrangements for that individual to appear before the committee if it so requests.”

BARONESS NOAKES

- 8 Page 7, line 36, leave out paragraph (a)

BARONESS CHAPMAN OF DARLINGTON

- 9 Page 8, line 43, at end insert “including for the purpose of exercising its functions in a specific region.”

Member’s explanatory statement

This amendment would allow ARIA to establish committees in specific regions of the UK.

BARONESS NOAKES

- 10 Page 9, line 10, at end insert “provided that a majority of those members are non-executive members.”

BARONESS CHAPMAN OF DARLINGTON

- 11 Page 9, line 35, at end insert –
“(aa) produce a value for money study, and”

Member’s explanatory statement

This amendment would ensure that the National Audit Office produces a value for money study of ARIA.

- 12 Page 10, line 5, at end insert –
“(2A) The report must include a list of all projects supported in the financial year.”

Member’s explanatory statement

This amendment would ensure that the annual report includes a list of all projects supported in the financial year.

- 13★ Page 10, line 5, at end insert –
“(2A) The report must include a statement as to whether any funds have been given by ARIA to any company which records (at the time at which the funds are given) members of the House of Commons or the House of Lords in its –
(a) register of members;
(b) register of people with significant control;
(c) register of directors;
(d) register of secretaries.”

Member’s explanatory statement

This amendment would ensure that the annual report includes whether any funds have been given by ARIA to companies which list members of Parliament in their company registers.

- 14★ Page 10, line 5, at end insert –
“(2A) The report must include a statement as to whether any funds have been given by ARIA to companies also listed in the Electoral Commission register of donations and loans to political parties.”

Member’s explanatory statement

This amendment would ensure that the annual report includes whether any funds have been given by ARIA to companies listed in the Electoral Commission’s register of donations and loans to political parties.

- 15 Page 10, line 7, at end insert –
“(5) A Minister of the Crown must make a statement to both Houses of Parliament on the report.”

Member's explanatory statement

This amendment would ensure that a Minister of the Crown must make a statement to both Houses of Parliament on the report.

LORD RAVENSDALE
LORD BROWNE OF LADYTON

16 Page 10, line 7, at end insert –

ESG Strategy

“15A ARIA is expected to develop its own environmental and social governance (“ESG”) strategy to consider the impacts of the exercise of its functions and the projects which it funds.”

BARONESS NOAKES

17 Page 10, line 23, leave out paragraph (a)

LORD LANSLEY

18 Page 10, line 24, at end insert “and other property”

19 Page 10, line 25, at end insert –

“(ca) acquire and license intellectual property,”

BARONESS NOAKES

20 Page 10, line 26, leave out paragraph (d)

Clause 2

BARONESS CHAPMAN OF DARLINGTON
LORD FOX

21 Page 1, line 17, at end insert –

“(2A) In exercising its functions, ARIA must have regard to its core mission.

(2B) The Secretary of State must publish a statement every two years on steps taken by ARIA in regard to its core mission

(2C) In this section, “core mission” means –

(a) for the period until the target established in section 1 of the Climate Change Act 2008 has been met, undertaking activities which support the achievement of the target,

(b) thereafter, mission or missions which the Secretary of State establishes by regulations every five years, and

(c) regulations under this section –

(i) must be made by statutory instrument, and

(ii) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.”

Member's explanatory statement

This amendment would ensure that ARIA has a core mission. That core mission would initially be supporting the achievement of the net zero emissions in the UK.

LORD LANSLEY

22 Page 2, line 3, at end insert –

“(ba) intellectual property may be vested in the Agency or shared with the beneficiaries of support;”

BARONESS CHAPMAN OF DARLINGTON

23 Page 2, line 15, at end insert –

“(7) In exercising its functions, ARIA must have regard to the desirability of –

- (a) increasing prosperity across each region of England, Scotland, Wales and Northern Ireland, and
- (b) reducing economic inequalities between each region of England, Scotland, Wales and Northern Ireland.

(8) The annual report prepared under paragraph 15 of Schedule 1 must contain –

- (a) the geographical distribution of ARIA’s investments over the past year,
- (b) the economic impact of this investment in each region and nation of the UK, and
- (c) an independent assessment of whether ARIA has contributed to or reduced economic inequalities between each region of England, Scotland, Wales and Northern Ireland.”

Member’s explanatory statement

This amendment would ensure that ARIA has regard to increasing prosperity across each region, whilst reducing regional inequalities. The amendment would also ensure that the annual report includes information in relation to this.

24 Page 2, line 15, at end insert –

“(7) ARIA is –

- (a) a public authority within the meaning of section 3 of the Freedom of Information Act 2000, and Schedule 1 to that Act is amended accordingly, and
- (b) a central government authority within the meaning of regulation 2(1) of the Public Contracts Regulations 2015, and Schedule 1 of those Regulations is amended accordingly.”

Member’s explanatory statement

This amendment would subject ARIA to Freedom of Information requests.

LORD LANSLEY

25 Page 2, line 15, at end insert –

“(7) In exercising its functions, ARIA must have regard to any UK Research and Innovation Strategy in force at the time, and seek not to duplicate research funded by or through UKRI.”

Clause 2 - continued

LORD RAVENSDALE
LORD BROWNE OF LADYTON
LORD FOX

26 Page 2, line 15, at end insert –

- “(7) In exercising its functions ARIA must give due consideration to the following –
- (a) compliance with the duty imposed by section 1 of the Climate Change Act 2008 (UK net zero emissions target),
 - (b) adaptation to climate change, or
 - (c) meeting other environmental goals, such as restoration or enhancement of the natural environment.”

Member’s explanatory statement

This amendment seeks to include the UK’s net zero target and environmental goals as matters which ARIA must give due consideration to when exercising its functions.

Clause 3

LORD LANSLEY

27 Page 2, line 17, leave out from “may” to end of line 20 and insert “seek to support scientific research which has the potential to have transformational effects and large-scale benefits as set out in section 2(6), and to enable the development and exploitation of such research, taking into account the potential for the processes of discovery and inquiry to secure significant advances in technology.

- (2) Where the realisation of such benefits is uncertain but is expected significantly to exceed costs, ARIA must accept that the projects it supports may entail a high risk of failure.”

Member’s explanatory statement

This amendment would provide a framework for the decisions about projects by the Agency, seeking transformational effects, large-scale benefits and the potential for advances in technology; and to provide that the Agency accept a high risk of failure where the benefits are expected significantly to exceed costs.

Clause 4

LORD LANSLEY

28 Page 2, line 23, at end insert –

- “(2A) The conditions may, in particular, include provision under which the revenue attributable to research supported by grants paid by the Secretary of State, including revenue acquired through the exploitation of the intellectual property derived from the research, is to be retained by ARIA and reinvested to support the exercise of its functions.”

Clause 4 - continued

BARONESS CHAPMAN OF DARLINGTON

29 Page 2, line 26, at end insert—

- “(4) The conditions may, in particular, include provision under which sums paid by the Secretary of State must be used in areas of low economic prosperity.
- (5) Areas of low economic prosperity may be determined by the Secretary of State.”

Member’s explanatory statement

This amendment would allow the Secretary of State to make conditions that specific grants may only be spent in areas of low economic prosperity.

LORD BROWNE OF LADYTON

30 Page 2, line 26, at end insert—

- “(4) If ARIA gives a grant, or part of grant, made to it under this section to another entity, the giving of the grant must be subject to the condition that a person or entity may not gain control of that entity for 5 years after the date on which the grant is given.
- (5) If ARIA gives a grant, or part of grant, made to it under this section for the purposes of supporting a specific asset, the giving of the grant must be subject to the condition that a person or entity may not gain control of that asset for 5 years after the date on which the grant is given.
- (6) In this section, “entity” means any entity, whether or not a legal person, that is not an individual, and includes a company, a limited liability partnership, any other body corporate, a partnership, an unincorporated association and a trust.”

Member’s explanatory statement

This amendment would ensure that any grant made by ARIA is subject to the condition that the entity or asset supported may not be subject to a takeover for 5 years.

Clause 5

BARONESS CHAPMAN OF DARLINGTON

31 Page 2, line 30, at end insert—

- “(1A) A Minister of the Crown must make a statement to both Houses of Parliament if the direction includes the making of new grants under section 4.”

Member’s explanatory statement

This amendment is intended to probe whether the government intends to give grants to ARIA as part of national security directions.

Clause 6

LORD FOX
LORD CLEMENT-JONES

32 Page 2, line 40, at end insert –

“(2A) ARIA must provide the House of Commons Select Committee on Science and Technology with such information, in such form, as the Chair of that committee may request, including by sending representatives of ARIA to appear before the committee.

This is subject to subsections (4) and (5).”

Member’s explanatory statement

This amendment would allow the Chair of the House of Commons Science and Technology Committee to request information from ARIA on its operation.

After Clause 7

BARONESS CHAPMAN OF DARLINGTON

33 Insert the following new Clause –

“Regional Inequalities Advisory Board

- (1) An advisory board to ARIA is to be established.
- (2) The purpose of the advisory board is to ensure that ARIA supports the reduction of inequalities between each region and nation of the United Kingdom.
- (3) The board is to consist of members appointed by the Secretary of State from each region of England, Scotland, Wales and Northern Ireland.
- (4) The board is to advise ARIA on –
 - (a) the geographical distribution of ARIA’s investments,
 - (b) the economic impact of this investment in each region and nation of the United Kingdom,
 - (c) steps taken to reduce economic inequalities between each region and nation of the United Kingdom.”

Member’s explanatory statement

This amendment would establish an advisory board to ensure that ARIA supports the reduction of inequalities between each region and nation of the UK.

Clause 8

BARONESS CHAPMAN OF DARLINGTON

34 Page 3, line 21, at end insert –

“(2A) Regulations may not be made under this section unless the distribution of ARIA’s investments since the date on which this Act is passed is equal per capita across each region and nation of the United Kingdom.”

Member's explanatory statement

This amendment is intended to probe whether ARIA will invest equally across regions and nations of the UK.

LORD CALLANAN

35 Page 3, line 35, leave out from “any” to end of line 36

Member's explanatory statement

This amendment removes the power to treat legislative references to the Advanced Research and Invention Agency as references to another body which will be unnecessary as a result of the power to modify, amend, repeal or revoke those references under the power introduced by the Minister's amendment at page 4, line 4.

36 Page 4, line 4, at end insert –

“(7) Consequential provision made under this section by virtue of section 11(2) may modify any provision, whenever passed or made, of, or made under –

- (a) primary legislation, or
- (b) retained direct EU legislation.

(8) In subsection (7) –

“modify” includes amend, repeal or revoke;

“primary legislation” means –

- (a) an Act (including this Act);
- (b) an Act of the Scottish Parliament;
- (c) an Act or Measure of Senedd Cymru;
- (d) Northern Ireland legislation.”

Member's explanatory statement

This amendment replaces the power in Clause 10 to amend primary legislation in consequence of regulations under Clause 8 (dissolution of the Advanced Research and Invention Agency) with an extension of the power for those regulations to make consequential provision, which is also extended to allow amendments of legislation whenever made, covering legislation passed or made up to the time the body is dissolved.

LORD FOX

Lord Fox gives notice of his intention to oppose the Question that Clause 8 stand part of the Bill.

Schedule 3

LORD CALLANAN

37 Page 13, leave out lines 1 to 14

Member's explanatory statement

This amendment removes the amendments that would have treated the Advanced Research and Invention Agency as a reserved matter in relation to Scotland and Northern Ireland and funding provided to it through the Science and Technology Act 1965 as a reserved matter in Scotland.

38 Page 13, line 14, at end insert –

“Income Tax (Earnings and Pensions) Act 2003

6A In section 61L(1) of the Income Tax (Earnings and Pensions) Act 2003 (meaning of “public authority”), after paragraph (b) insert –

“(ba) the Advanced Research and Invention Agency;”.

Member’s explanatory statement

This amendment provides for the Advanced Research and Invention Agency to be a public authority for the purposes of Chapter 10 of Part 2 of the Income Tax (Earnings and Pensions) Act 2003 (workers’ services provided through intermediaries to public authorities or medium or large clients).

LORD CLEMENT-JONES

LORD FOX

39 Page 13, line 14, at end insert –

“Freedom of Information Act 2000

6A In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (Other public bodies and offices: general), at the appropriate place insert –

“Advanced Research and Invention Agency”

Member’s explanatory statement

This amendment would designate ARIA as a public authority for the purpose of the Freedom of Information Act 2000, thereby making it subject to FOI requests.

LORD CALLANAN

40 Page 13, leave out lines 15 to 30

Member’s explanatory statement

This amendment removes the amendments that would have treated the Advanced Research and Invention Agency as a reserved matter in relation to Wales and funding provided to it through the Science and Technology Act 1965 as outside the functions of the Welsh Ministers.

41 Page 13, line 35, at end insert –

“Small Business, Enterprise and Employment Act 2015

10A The Small Business, Enterprise and Employment Act 2015 is amended as follows.

10B In section 7 (sections 4 to 6: interpretation), in subsection (2), for the definition of “public authority” substitute –

““public authority” means –

- (a) a public authority within the meaning of the Freedom of Information Act 2000 (see section 3 of that Act), or
- (b) the Advanced Research and Invention Agency;”.

10C In section 22 (sections 21 and 23 to 25: “qualifying regulatory provisions” etc), in subsection (8), for the definition of “public authority”(but not the “and” immediately after it) substitute –

““public authority” means –

- (a) a public authority within the meaning of the Freedom of Information Act 2000 (see section 3 of that Act), or

Schedule 3 - continued

- (b) the Advanced Research and Invention Agency;”.
- 10D In section 27 (sections 21 to 25 etc: interpretation), in subsection (6), for the definition of “public authority”(but not the “and” immediately after it) substitute—
- ““public authority” means—
- (a) a public authority within the meaning of the Freedom of Information Act 2000 (see section 3 of that Act), or
- (b) the Advanced Research and Invention Agency;”.
- 10E In section 28 (duty to review regulatory provisions in secondary legislation), in subsection (4), for the words following ““public authority”” substitute “means—
- (a) a public authority within the meaning of the Freedom of Information Act 2000 (see section 3 of that Act), or
- (b) the Advanced Research and Invention Agency.”

Enterprise Act 2016

- 10F In section 13 of the Enterprise Act 2016 (definitions used in Part 1), in the definition of “public authority”—
- (a) omit “or” at the end of paragraph (a);
- (b) after paragraph (b) insert “, or
- (c) the Advanced Research and Invention Agency.”

Data Protection Act 2018

- 10G The Data Protection Act 2018 is amended as follows.
- 10H In section 7 (meaning of “public authority” and “public body”)—
- (a) in subsection (1), after paragraph (b)(but before the “and” at the end of that paragraph) insert—
- “(ba) the Advanced Research and Invention Agency;”;
- (b) in subsection (4), for “described in subsection (1)(a) or (b)” substitute “described or mentioned in subsection (1)(a), (b) or (ba)”.
- 10I(1) Section 21 (definitions for purposes of Chapter 3 of Part 2) is amended as follows.
- (2) In subsection (5), in the definition of “FOI public authority”—
- (a) omit “or” at the end of paragraph (a);
- (b) after paragraph (b) insert “, or
- (c) the Advanced Research and Invention Agency.”
- (3) At the end insert—
- “(8) In relation to the Advanced Research and Invention Agency—
- (a) for the purposes of subsection (6)(a)—
- (i) section 3(2) of the Freedom of Information Act 2000 is to be read as if “public authority” included that Agency, and
- (ii) section 3(2) of the Freedom of Information (Scotland) Act 2002 (asp 13) is to be read as if “authority” included that Agency, and
- (b) subsection (7) does not apply.”

Social Security Contributions (Intermediaries) Regulations

Schedule 3 - continued

- 10J(1) In regulation 3A of the Social Security Contributions (Intermediaries) Regulations 2000 (S.I. 2000/727) (meaning of “public authority”), after paragraph (b) insert—
 “(ba) the Advanced Research and Invention Agency,”.
- (2) In regulation 3A of the Social Security Contributions (Intermediaries)(Northern Ireland) Regulations 2000 (S.I. 2000/728) (meaning of “public authority”), after paragraph (b) insert—
 “(ba) the Advanced Research and Invention Agency,”.

Member’s explanatory statement

This amendment inserts amendments of the Small Business, Enterprise and Employment Act 2015, the Enterprise Act 2016, the Data Protection Act 2018 and certain regulations to treat the Advanced Research and Invention Agency in the same way as a body that is a public authority for the purposes of the Freedom of Information Act 2000.

BARONESS CHAPMAN OF DARLINGTON

42 Page 13, line 37, leave out paragraph 11

LORD CALLANAN

43 Page 14, line 3, at end insert—

“UK GDPR

12 (1) In Article 2 of the UK GDPR (material scope), in paragraph (5)(d), for “and (7)” substitute “to (8)”.

(2) In sub-paragraph (1), “UK GDPR” has the same meaning as in the Data Protection Act 2018 (see sections 3(10) and 205(4) of that Act).”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment at page 13, line 35, so far as it inserts section 21(8) of the Data Protection Act 2018.

Clause 10

LORD CALLANAN

Lord Callanan gives notice of his intention to oppose the Question that Clause 10 stand part of the Bill.

Member’s explanatory statement

Leaving out Clause 10, together with the Minister’s amendment at Clause 8, page 4, line 4, has the effect of removing the power to make amendments in consequence of any provision of the Bill.

Clause 11

LORD CALLANAN

44 Page 4, line 29, leave out “any of the following” and insert “regulations under section 8”

Member's explanatory statement

This amendment is consequential on leaving out Clause 10.

45 Page 4, line 32, leave out paragraphs (a) and (b)

Member's explanatory statement

This amendment is consequential on the Minister's amendment at page 4, line 29.

Clause 12

LORD CALLANAN

46 Page 5, leave out lines 4 to 8

Member's explanatory statement

This amendment is consequential on the Minister's amendment at Clause 8, page 4, line 4.

Clause 14

LORD FOX

LORD CLEMENT-JONES

47 Page 5, line 23, at end insert –

“(1A) Before regulations may be made under this section, the Secretary of State must lay before Parliament a copy of the framework agreement outlining –

- (a) the relationship between ARIA and the Department for Business, Energy and Industrial Strategy,
- (b) the relationship between ARIA and any other relevant government departments,
- (c) the interaction between ARIA and existing research and development, innovation, translation and funding institutions; and
- (d) any further relevant reporting requirements of ARIA.”

Member's explanatory statement

This amendment would require the Secretary of State to publish a copy of ARIA's framework agreement before regulations can be made to commence the substantive parts of the bill.

LORD CALLANAN

48 Page 5, line 28, leave out “10” and insert “11”

Member's explanatory statement

This amendment is consequential on the Minister's amendment to leave out Clause 10.

Advanced Research and Invention Agency Bill

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15 November 2021
