

Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 1

LORD HUNT OF KINGS HEATH
BARONESS GARDEN OF FROGNAL
THE EARL OF LYTTON

The above-named Lords give notice of their intention to oppose the Question that Clause 1 stand part of the Bill.

Member's explanatory statement

This is a probing amendment intended to draw out the Government's plans when providing guidance to local authorities on how to administer relief for English language schools and other businesses that have suffered a loss of business as a result of the pandemic.

After Clause 1

BARONESS PINNOCK
LORD FOX

1 Insert the following new Clause—

“Review of the impact of section 1 on small businesses

- (1) Within six months of the day on which this Act is passed, the Secretary of State must carry out a review of the impact of section 1 of this Act on small businesses.
- (2) The review in subsection (1) must cover, but is not limited to, the impact of the changes to the system of determining a material change in circumstances introduced by section 1.
- (3) The review must make a recommendation as to whether further financial support is needed to support small businesses in light of the changes made by this Act.
- (4) The Secretary of State must lay a copy of the review before Parliament.”

Member's explanatory statement

This amendment would require the Secretary of State to carry out a review of the impact of section 1 on small businesses.

2 Insert the following new Clause –

“Assessment of the impact of section 1 on the system of business rates

- (1) Within 12 months of the day on which this Act is passed, the Secretary of State must carry out an assessment of whether the changes introduced by section 1 make the system of business rates effective.
- (2) The review in subsection (1) must cover, but is not limited to, whether the changes introduced by section 1 improve the ability of the current system of business rates to –
 - (a) provide an effective form of funding for local authorities; and
 - (b) support town centres and local high streets.
- (3) The assessment must make a recommendation as to whether further legislation is needed on factors which may or may not be taken into account in making a relevant determination to ensure the business rates system is fair and effective.
- (4) The Secretary of State must lay a copy of the assessment before Parliament.”

Member's explanatory statement

This amendment would require the Secretary of State to carry out an assessment of whether the changes in section 1 improve the wider system of business rates.

Clause 2

LORD LEA OF CRONDALL

3 Page 3, line 12, at end insert –

“(ba) after subsection (1) insert –

“(1ZA) Where the company in question has been dissolved without becoming insolvent, the court, when considering a person’s conduct under subsection (1)(b), is to take into account that person’s conduct as a director of all previous dissolved or liquidated companies in which they have been a director, and may take account of evidence other than that provided by the Insolvency Service.””

After Clause 3

BARONESS BLAKE OF LEEDS

4 Insert the following new Clause –

“Duty to report on directors of dissolved companies

- (1) The Secretary of State must lay a report before each House of Parliament no later than three months after the day on which this Act is passed, and during each three month period thereafter.
- (2) Each report under subsection (1) must include the number of former directors of dissolved companies the Insolvency Service has –
 - (a) investigated, and

After Clause 3 - continued

- (b) disqualified both in the three-month period prior to the report being published, and in total since section 1 came into force.”

Member’s explanatory statement

This new Clause would place an obligation on the Secretary of State to report the number of former directors of dissolved companies investigated and disqualified by the Insolvency Service.

- 5 Insert the following new Clause—

“Impact on Insolvency Service finances

Within one month of this Act being passed, the Secretary of State must make a statement on the impact of this Act on the financial situation of the Insolvency Service.”

Member’s explanatory statement

This amendment would place an obligation on the Secretary of State to make a statement on the impact of this Act on the financial situation of the Insolvency Service.

- 6 Insert the following new Clause—

“Impact on local authority finances and advice given

Within one month of this Act being passed, the Secretary of State must make a statement on—

- (a) the impact of this Act on local authority finances, and
- (b) advice given to local authorities in relation to the implementation of this Act.”

Member’s explanatory statement

This amendment would place an obligation on the Secretary of State to make a statement on the impact of this Act on local authority finances and advice given to local authorities.

- 7 Insert the following new Clause—

“Duty to establish inquiry into unlawful behaviours in relation to dissolved companies

The Secretary of State must, within one month of this Act being passed, cause an inquiry to be held under the Inquiries Act 2005 into potential unlawful behaviours by former directors of dissolved companies, including in relation to any professional advice they commission.”

Member’s explanatory statement

This amendment would legislate for an inquiry into potential unlawful behaviours by former directors of dissolved companies.

LORD FOX
BARONESS PINNOCK
LORD LEIGH OF HURLEY

8 Insert the following new Clause—

“Reporting requirement

- (1) Within one year of the day on which this Act is passed, and every three years thereafter, the Secretary of State must publish a report on the resources and the powers available to the Secretary of State, the Department for Business, Energy and Industrial Strategy, and the Insolvency Service in relation to this Act.
- (2) The report in subsection (1) must include but is not limited to—
 - (a) whether the appropriate resources are available to undertake the additional investigations required as a result of this Act, in addition to existing investigations into insolvent companies;
 - (b) whether the appropriate mechanisms are available to the Secretary of State to prosecute directors of dissolved companies, and to recoup money on behalf of creditors;
 - (c) how much money has been returned to creditors as a result of investigations under this Act, including the proportion of this money returned to the Government.
- (3) The report must make a recommendation as to whether further legislation should be brought forward, or increased resources should be made available, in light of the report.
- (4) The Secretary of State must lay a copy of the report before Parliament.”

Member’s explanatory statement

This new Clause would add a requirement on the Secretary of State to report on the resources and the powers available to the Secretary of State, the Department for Business, Energy and Industrial Strategy, and the Insolvency Service in relation to this Act.

Clause 4

LORD CORMACK

9 Page 7, line 4, leave out paragraph (a)

10 Page 7, line 12, at end insert—

“(4A) Section 1 comes into force at the end of the period of six months beginning with the day on which this Act is passed.”

Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

8 November 2021
