

Advanced Research and Invention Agency Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

Schedule 1

BARONESS RANDERSON

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.

BARONESS CHAPMAN OF DARLINGTON

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.

Clause 6

LORD FOX
LORD CLEMENT-JONES

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.

Clause 8

LORD CALLANAN

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.

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.

Schedule 3

LORD CALLANAN

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.

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).

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.

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
- (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);

Schedule 3 - continued

- (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 “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

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.

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

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.

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

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 CALLANAN

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

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

10 November 2021
