

# Economic Activity of Public Bodies (Overseas Matters) Bill

## SECOND MARSHALLED

## LIST OF AMENDMENTS

## TO BE MOVED

## IN COMMITTEE OF THE WHOLE HOUSE

*The amendments have been marshalled in accordance with the Instruction of 20th February 2024, as follows –*

Clauses 1 to 3  
Schedule

Clauses 4 to 17  
Title

[Amendments marked ★ are new or have been altered]

**Amendment  
No.**

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### Clause 2

#### LORD WALLACE OF SALTAIRE

10 Clause 2, page 2, line 3, leave out from “decision-maker” to end of line 4 and insert “is acting on behalf of a public body.”

***Member's explanatory statement***

*This, alongside another to Clause 2 in the name of Lord Wallace of Saltaire, is a probing amendment to clarify the distinction between a public body and a public authority.*

#### BARONESS NOAKES

11 Clause 2, page 2, line 3, leave out “subject to section 6 of the Human Rights Act 1998 (acts of public authorities)” and insert “a public authority for the purposes of the Freedom of Information Act 2000”

***Member's explanatory statement***

*This amendment provides an alternative definition of the public bodies covered by the Bill.*

#### BARONESS NOAKES

12 Clause 2, page 2, line 4, at end insert “but it does not apply if the decision-maker is a public authority only by virtue of subsection (3)(b) of that section”

***Member's explanatory statement***

*This amendment probes the extent to which the Bill applies to bodies which are not public sector bodies.*

LORD WALLACE OF SALTAIRE

**13** Clause 2, page 2, line 4, at end insert —

“(1A) For the purpose of this section a public body is defined as one which receives 50 per cent or more of its funding from government, and whose functions are clearly of an official nature.”

***Member's explanatory statement***

*This, alongside another to Clause 2 in the name of Lord Wallace of Saltaire, is a probing amendment to clarify the distinction between a public body and a public authority.*

LORD COLLINS OF HIGHBURY  
BARONESS CHAPMAN OF DARLINGTON  
LORD WALLACE OF SALTAIRE

**14** Clause 2, page 2, line 4, at end insert —

“(1A) For the purpose of this section an act of a public authority does not include a private function or act of a hybrid authority.

(1B) In this section, “hybrid authority” means a private body which is a public authority by virtue of the fact they are performing a public function.”

***Member's explanatory statement***

*This is to probe further details about the statement in the explanatory notes to this clause that “Any ‘hybrid’ public authorities (private bodies which are public authorities by virtue of the fact they are performing a public function) will not be in scope of the bill in relation to their private functions and acts.”*

**Clause 3**

LORD COLLINS OF HIGHBURY

**14A** Clause 3, page 2, line 17, leave out subsections (2) and (3)

***Member's explanatory statement***

*This would remove the regulation making power for Ministers to add exceptions to the bill by secondary legislation. This is to probe when Ministers would expect to use this power.*

## LORD HAIN

- 15 Clause 3, page 2, line 24, at end insert –  
“(2A) Regulations under subsection (2) may not amend the Schedule to remove environmental misconduct as an exception from the application of section 1.”

***Member's explanatory statement***

*This amendment seeks to ensure that the Secretary of State cannot remove environmental misconduct as an exception in the Schedule by regulations.*

BARONESS BRYAN OF PARTICK  
BARONESS RITCHIE OF DOWNPATRICK  
LORD HAIN  
LORD THOMAS OF CWMGIEDD

- 16 Clause 3, page 2, line 28, leave out paragraphs (b) to (d)

***Member's explanatory statement***

*This amendment and others are consequential to another in the name of Baroness Bryan of Partick to Clause 17, removing Wales, Scotland and Northern Ireland from the territorial application of the Bill.*

BARONESS BRYAN OF PARTICK  
BARONESS RITCHIE OF DOWNPATRICK  
LORD HAIN  
LORD THOMAS OF CWMGIEDD

- 17 Clause 3, page 2, line 34, leave out paragraph (f)

***Member's explanatory statement***

*This amendment and others are consequential to another in the name of Baroness Bryan of Partick to Clause 17, removing Wales, Scotland and Northern Ireland from the territorial application of the Bill.*

LORD VERDIRAME  
LORD ETHERTON

- 18 Clause 3, page 2, line 36, at end insert –

“(3A) Regulations under subsection (2)(b) may include descriptions of considerations (including disregard thereof) to give effect to the United Kingdom’s obligations under international law.”

***Member's explanatory statement***

*This amendment seeks to provide for a clearer way of implementing the international law exception in paragraph 6 of Part 2 of the Schedule.*

LORD COLLINS OF HIGHBURY  
LORD HAIN  
LORD WARNER

- 19 Clause 3, page 2, line 40, at end insert –
- “(4A) Section 1 does not apply to a decision which has been made in accordance with a Statement of Policy Relating to Human Rights.
- (4B) A “Statement of Policy Relating to Human Rights” –
- (a) is a public authority’s policy criteria relating to disinvestment in cases concerning contravention of human rights, and
  - (b) must be applied consistently by the public authority to all foreign countries.
- (4C) Within 60 days of the passing of this Act, the Secretary of State must publish, and lay before Parliament, guidance on the form, content and application of a Statement for the purposes of this section.
- (4D) Public authorities must have regard to the guidance referenced in subsection (4C) when devising a Statement for the purposes of this section.”

***Member's explanatory statement***

*This amendment would exempt public bodies from the prohibition in section 1 where the decision has been made in accordance with a Statement of Policy Relating to Human Rights. A Statement may not single out individual nations – the policy would have to be applied consistently, and in accordance with guidance published by the Secretary of State.*

LORD WARNER  
LORD COLLINS OF HIGHBURY  
BARONESS BLOWER  
LORD OATES

- 20 Clause 3, page 3, line 7, leave out subsection (7)

**The Schedule**

LORD HAIN  
BARONESS RANDESON  
LORD THOMAS OF CWMGIEDD

- 20A The Schedule, page 12, line 10, at end insert –

*“Devolved bodies (Wales)*

- 1A Section 1 does not apply to a decision of a person acting for the purposes of –
- (a) the Welsh Ministers, or
  - (b) a devolved Welsh authority within the meaning of section 157A of the Government of Wales Act 2006.”

**Member's explanatory statement**

*The Bill already provides for some bodies to which Clause 1 will not apply. This amendment adds the Welsh Government and devolved Welsh authorities to that list. Devolved Welsh authorities include county and county borough councils in Wales.*

LORD WILLETTS  
BARONESS CHAPMAN OF DARLINGTON  
LORD WALLACE OF SALTAIRE  
LORD JOHNSON OF MARYLEBONE

**21** The Schedule, page 12, line 21, at end insert –

“3A Section 1 does not apply to –

- (a) a registered higher education provider in England, as defined by section 3(10) of the Higher Education and Research Act 2017;
- (b) an institution within the higher education sector in Wales, as defined by section 91 of the Further and Higher Education Act 1992;
- (c) an institution within the higher education sector in Scotland, as defined by section 56 of the Further and Higher Education (Scotland) Act 1992;
- (d) a higher education institution in Northern Ireland, as defined by article 30 of the Education and Libraries (Northern Ireland) Order 1993.”

**Member's explanatory statement**

*This amendment would remove universities and other higher education providers from the requirement to act in accordance with Clause 1.*

LORD COLLINS OF HIGHBURY  
BARONESS CHAPMAN OF DARLINGTON

**22** The Schedule, page 12, line 21, at end insert –

“3A Section 1 does not apply to –

- (a) a school, as defined by section 4 of the Education Act 1996;
- (b) an early years provider, as defined by Part 3 of the Childcare Act 2006.”

**Member's explanatory statement**

*This probes whether a school or nursery would come under the scope of the bill.*

LORD COLLINS OF HIGHBURY  
BARONESS CHAPMAN OF DARLINGTON

**23** The Schedule, page 12, line 21, at end insert –

“3A Section 1 does not apply to a body providing a public function where that body is a charity as defined by section 1 of the Charities Act 2011.”

**Member's explanatory statement**

*This probes whether a charity which is delivering a public function - this may include, for example, a charity contracted by a local authority to provide a refuge service - would come under the scope of the bill.*

LORD COLLINS OF HIGHBURY  
BARONESS CHAPMAN OF DARLINGTON

24 The Schedule, page 12, line 21, at end insert –

“3A Section 1 does not apply to a body providing a public function where that body is a community interest company.”

**Member's explanatory statement**

*This probes whether a community interest company which is delivering a public function would come under the scope of the bill.*

LORD COLLINS OF HIGHBURY  
BARONESS CHAPMAN OF DARLINGTON

25 The Schedule, page 12, line 21, at end insert –

“3A Section 1 does not apply to national governing bodies of sports, whether or not they are in receipt of public funding.”

**Member's explanatory statement**

*This probes whether a national governing body of sport (NGB) which is receipt of public funding would be covered in any part by this bill.*

LORD COLLINS OF HIGHBURY  
BARONESS CHAPMAN OF DARLINGTON

26 The Schedule, page 12, line 21, at end insert –

“3A Section 1 does not apply to a body providing a public function where that body is a charity as defined by section 1 of the Charities Act 2011, and it is primarily focused on delivering humanitarian projects, services or aid in a foreign territory.”

**Member's explanatory statement**

*This probes whether charitable organisations which are delivering public functions and are primarily focused on overseas activities and humanitarian aid – so by their nature are making regular decisions based on territorial considerations – would come under the scope of the bill.*

BARONESS DRAKE  
LORD THOMAS OF CWMGIEDD  
LORD SHIPLEY  
LORD WILLETTS

27 The Schedule, page 12, line 26, after “financial”, insert “risk, impact and”

***Member's explanatory statement***

*This amendment seeks to allow decision-makers in public bodies to consider the financial risk and impact associated with, for example, the delivery of contracted goods and services and the investments in the Local Government Pension Scheme, without falling foul of the prohibition.*

BARONESS NOAKES  
LORD PANNICK

28 The Schedule, page 13, line 2, leave out paragraph 6

***Member's explanatory statement***

*This amendment probes the scope of paragraph 6 and its intended purpose.*

LORD VERDIRAME  
LORD ETHELTON

29 The Schedule, page 13, line 2, leave out from “consideration” to end of line 5 and insert “if so required by a regulation adopted under section 3(2)(b) to give effect to the United Kingdom’s obligations under international law.”

***Member's explanatory statement***

*This amendment is consequential to the amendment to Clause 3.*

BARONESS BLOWER

30 The Schedule, page 13, line 5, at end insert “and conventions, including the Genocide Convention, the Universal Declaration on Human Rights or any United Nations Security Council Resolution supported by the United Kingdom.”

LORD HENDY  
BARONESS BLOWER

31 The Schedule, page 13, line 5, at end insert –

“6A Section 1 does not prevent regard to a consideration so far as the decision-maker reasonably considers it relevant to whether the goods, services or works subject to a procurement decision or their manufacture, provision or supply to the decision maker would or might involve a breach of international law.”

***Member's explanatory statement***

*This amendment would extend consideration of breach of international law from breaches by the UK to breaches by territories outside the UK in the manufacture, provision or supply of goods, services or works.*

LORD HENDY  
LORD COLLINS OF HIGHBURY  
BARONESS BLOWER

32 The Schedule, page 13, line 38, at end insert –

- “(c) conduct that amounts to, or would if carried out in any part of the United Kingdom amount to, a violation of an internationally recognised core labour standard as defined in the fundamental labour standards of the International Labour Organization, which are –
- (i) freedom of association and the effective recognition of the right to collective bargaining,
  - (ii) the elimination of all forms of forced or compulsory labour,
  - (iii) the effective abolition of child labour,
  - (iv) the elimination of discrimination in respect of employment and occupation,
  - (v) decent working conditions for all, with regard to, inter alia, wages and earnings, working hours, maternity leave and other conditions of work,
  - (vi) health and safety at work, including the prevention of occupational injury or illness and compensation in cases of such injury or illness, and
  - (vii) non-discrimination in respect of working conditions, including for migrant workers.”

***Member's explanatory statement***

*This amendment would allow a public body, when taking procurement decisions (as defined in section 2(2)), to consider violations or potential violations of International Labour Organization fundamental labour standards (all of which the UK has ratified). The wording is drawn from Article 399(2) and (6) of the Trade and Cooperation Agreement of 2020 (the “Brexit Deal”) agreed by HM Government.*

BARONESS JONES OF MOULSECOOMB  
LORD COLLINS OF HIGHBURY

32A The Schedule, page 15, line 22, at end insert “, environmental protection, environmental targets, environmental treaties or environmental law (as defined by the Environment Act 2021).”

***Member's explanatory statement***

*This amendment would expand the environmental grounds on which a public body is allowed to make certain economic decisions.*



BARONESS JONES OF MOULSECOOMB  
LORD COLLINS OF HIGHBURY

- 32B** The Schedule, page 15, line 26, leave out sub-paragraphs (a) and (b) and insert –
- “(a) reduces the level of environmental protection, including in a country or territory other than the United Kingdom, or
  - (b) caused, or had the potential to cause, harm to the natural environment, including the life and health of –
    - (i) plants, wild animals and other living organisms,
    - (ii) their habitats, or
    - (iii) land (except buildings or other structures), air and water, and the natural systems, cycles and processes through which they interact.”

***Member's explanatory statement***

*This amendment seeks to extend the definition of environmental misconduct to include damage regardless of whether it is legal or illegal, and to include species, habitats and the natural world.*

LORD DUBS  
LORD COLLINS OF HIGHBURY

- 32C** The Schedule, page 15, line 29, at end insert –
- “Environmental considerations*
- 11 (1) Section 1 does not prevent regard to a consideration so far as it relates to action which may be detrimental for the purpose of achieving the Paris Agreement goal or other climate change goal.
  - (2) “The Paris Agreement goal” means the goal of holding the increase in the average global temperature to well below 2°C above pre-industrial levels referred to in Article 2(1)(a) of the agreement done at Paris on 12 December 2015.”

***Member's explanatory statement***

*This would provide that a public body can consider the impact of a state’s action on the environment and the achievement of international climate change goals. This mirrors language in the Pensions Schemes Act 2021, which puts requirements on trustees to consider climate change as a factor in the governance of a scheme.*

**Clause 4**

LORD WILLETTS  
LORD COLLINS OF HIGHBURY  
LORD JOHNSON OF MARYLEBONE  
LORD WALLACE OF SALTAIRE

- 33** Clause 4, page 3, line 18, leave out paragraph (b)

**Member's explanatory statement**

*This amendment would remove the prohibition on a person publishing a statement indicating that they would have acted in a way prohibited by Clause 1 if it were legal to do so.*

LORD COLLINS OF HIGHBURY  
LORD HAIN  
LORD WALLACE OF SALTAIRE  
THE LORD BISHOP OF MANCHESTER

*The above-named Lords give notice of their intention to oppose the Question that Clause 4 stand part of the Bill.*

**Clause 5**

LORD WALLACE OF SALTAIRE

34 Clause 5, page 3, line 27, leave out “or statement”

**Member's explanatory statement**

*This amendment, along with similar amendments to this Clause from Lord Wallace of Saltaire, would mean legal proceedings would only apply to decisions and not statements.*

LORD WALLACE OF SALTAIRE

35 Clause 5, page 3, line 28, leave out “, or the subject matter of the statement,”

**Member's explanatory statement**

*This amendment, along with similar amendments to this Clause from Lord Wallace of Saltaire, would mean legal proceedings would only apply to decisions and not statements.*

BARONESS YOUNG OF OLD SCONE  
LORD WALLACE OF SALTAIRE

36 Clause 5, page 3, leave out line 30

**Member's explanatory statement**

*This amendment would, in line with standard practice and other legislation, require other means of enforcement provided by this Act to be exhausted before decisions or statements could be enforced via an application for judicial review.*

LORD WALLACE OF SALTAIRE

37 Clause 5, page 3, line 31, leave out “or statement”

**Member's explanatory statement**

*This amendment, along with similar amendments to this Clause from Lord Wallace of Saltaire, would mean legal proceedings would only apply to decisions and not statements.*

LORD WALLACE OF SALTAIRE

38 Clause 5, page 3, line 32, leave out “, or the subject matter of the statement,”

**Member's explanatory statement**

*This amendment, along with similar amendments to this Clause from Lord Wallace of Saltaire, would mean legal proceedings would only apply to decisions and not statements.*

LORD COLLINS OF Highbury

38A Clause 5, page 4, line 6, at end insert –

- “(6A) A proposed applicant who has sufficient interest in the subject-matter of an application relating to a local government scheme, as defined in section 12(4), is limited to –
- (a) a member of a pensions committee or sub-committee,
  - (b) a member of a local government administering authority,
  - (c) a member of a statutory body,
  - (d) a member of a Local Government Pension Scheme (LGPS),
  - (e) an officer for an LGPS Fund,
  - (f) an employer under the LGPS, and
  - (g) an individual involved in the acquisition, management, retention, or disposal of an asset held wholly or principally for investment purposes.”

**Member's explanatory statement**

*This amendment would define who has standing to bring a judicial review relating to a local government pension fund.*

LORD SHIPLEY

39 Clause 5, page 4, line 9, at end insert –

- “(7A) Where a decision relates to a Local Government Pension Scheme, a person who has standing to make an application under subsection (5) is a person who –
- (a) is a member of a Pensions Committee or Sub-Committee,
  - (b) is a member of a local government administering authority,
  - (c) is a member of a statutory body,
  - (d) is a member of a Local Government Pension Scheme (LGPS),
  - (e) is an officer for an LGPS Fund,
  - (f) is an employer under the LGPS, or
  - (g) is an individual involved in the acquisition, management, retention, or disposal of an asset held wholly or principally for investment purposes.”

***Member's explanatory statement***

*This amendment would define the pool of individuals who would be eligible to instigate judicial review against a Local Government Pension Scheme to try and prevent against vexatious claims.*

BARONESS BRYAN OF PARTICK  
BARONESS RITCHIE OF DOWNPATRICK  
LORD HAIN  
LORD THOMAS OF CWMGIEDD

40 Clause 5, page 4, line 13, leave out subsection (9)

***Member's explanatory statement***

*This amendment and others are consequential to another in the name of Baroness Bryan of Partick to Clause 17, removing Wales, Scotland and Northern Ireland from the territorial application of the Bill.*

LORD WALLACE OF SALTAIRE

*Lord Wallace of Saltaire gives notice of his intention to oppose the Question that Clause 5 stand part of the Bill.*

**Clause 6**

LORD WALLACE OF SALTAIRE

40A Clause 6, page 4, line 28, at end insert –

“(3A) In relation to a decision or statement made by, or for the purposes of, a local government pension scheme, the enforcement authority is the Pensions Regulator.”

***Member's explanatory statement***

*This is a probing amendment, to establish whether it is more appropriate for a single regulator to enforce the terms of this Bill, or for that authority to be allocated to bodies sector by sector.*

LORD WALLACE OF SALTAIRE

41 Clause 6, page 4, line 29, leave out subsection (4)

***Member's explanatory statement***

*This amendment would remove the Office for Students as an enforcement authority under this section.*

LORD WALLACE OF SALTAIRE  
LORD COLLINS OF HIGHBURY

42 Clause 6, page 4, line 38, leave out subsection (6)

**Member's explanatory statement**

*This amendment would remove the ability of the Secretary of State to amend this section by regulations.*

**Clause 7**

LORD COLLINS OF HIGHBURY

**42A** Clause 7, page 5, line 7, leave out subsections (3) and (4) and insert –

- “(3) The conditions in this subsection are that –
- (a) a person has made a decision to which section 1 applies, and
  - (b) the information is necessary to the enforcement authority in assessing whether the person, in making that decision, has contravened section 1.
- (4) The conditions in this subsection are that –
- (a) a person who is subject to section 1 (see section 4(2)) has published a statement, and
  - (b) the information is necessary to the enforcement authority in assessing whether the person, in publishing that statement, has contravened section 4.”

**Member's explanatory statement**

*This narrows the power of an enforcement agency to require information under this clause. It provides that a person may only be required to hand over information where they have made a decision/statement, rather than just ‘are likely to make’, and the information is ‘necessary’, rather than just ‘likely to be useful’ to the enforcement agency. This is to probe the threshold for what will be considered ‘likely’.*

LORD WALLACE OF SALTAIRE

**42B** Clause 7, page 5, line 8, leave out “, or is about to make,”

**Member's explanatory statement**

*This amendment, alongside others in the name of Lord Wallace of Saltaire to Clauses 7 and 8, would remove the ability of information notices and compliance notices to be given to public bodies prior to an actual contravention.*

LORD WALLACE OF SALTAIRE

**42C** Clause 7, page 5, line 12, leave out “, or is likely to contravene,”

**Member's explanatory statement**

*This amendment, alongside others in the name of Lord Wallace of Saltaire to Clauses 7 and 8, would remove the ability of information notices and compliance notices to be given to public bodies prior to an actual contravention.*

## LORD WALLACE OF SALTAIRE

**42D** Clause 7, page 5, line 14, leave out “, or is about to publish,”

***Member's explanatory statement***

*This amendment, alongside others in the name of Lord Wallace of Saltaire to Clauses 7 and 8, would remove the ability of information notices and compliance notices to be given to public bodies prior to an actual contravention.*

## LORD WALLACE OF SALTAIRE

**42E** Clause 7, page 5, line 18, leave out “, or is likely to contravene,”

***Member's explanatory statement***

*This amendment, alongside others in the name of Lord Wallace of Saltaire to Clauses 7 and 8, would remove the ability of information notices and compliance notices to be given to public bodies prior to an actual contravention.*

BARONESS BRYAN OF PARTICK  
BARONESS RITCHIE OF DOWNPATRICK  
LORD HAIN  
LORD THOMAS OF CWMGIEDD

**43** Clause 7, page 5, line 26, leave out subsection (7)

***Member's explanatory statement***

*This amendment and others are consequential to another in the name of Baroness Bryan of Partick to Clause 17, removing Wales, Scotland and Northern Ireland from the territorial application of the Bill.*

## BARONESS CHAPMAN OF DARLINGTON

**43A** Clause 7, page 5, line 32, leave out subsection (8)

***Member's explanatory statement***

*This would remove the provision that this bill supersedes any other obligation of confidence or restriction on the disclosure of information.*

## LORD WALLACE OF SALTAIRE

**43B** Clause 7, page 5, line 39, leave out from “legislation” to the end of line 41

***Member's explanatory statement***

*This amendment is to probe the way this bill appears to qualify data protection legislation.*

## LORD WALLACE OF SALTAIRE

*Lord Wallace of Saltaire gives notice of his intention to oppose the Question that Clause 7 stand part of the Bill.*

## Clause 8

## LORD WALLACE OF SALTAIRE

**43C** Clause 8, page 6, line 6, leave out “, or is likely to contravene,”

***Member's explanatory statement***

*This amendment, alongside others in the name of Lord Wallace of Saltaire to Clauses 7 and 8, would remove the ability of information notices and compliance notices to be given to public bodies prior to an actual contravention.*

## LORD COLLINS OF HIGHBURY

**43D** Clause 8, page 6, line 16, after “notice “insert “, including its reasons for being satisfied as mentioned in subsection (1),”

***Member's explanatory statement***

*This is a recommendation of the Constitution Committee. It would put a duty on an enforcement agency, before issuing a compliance notice, to provide the public authority with the reasons they plan to issue one. This is to allow the public authority to be fully informed when they make representations.*

## Clause 10

## LORD COLLINS OF HIGHBURY

**43E** Clause 10, page 7, line 19, leave out subsection (1)

***Member's explanatory statement***

*This is a probing amendment, to reflect the Constitution Committee's concern that 'The power in Clause 10 to set a maximum financial penalty by way of regulations is unsatisfactory'.*

## LORD WALLACE OF SALTAIRE

**44** Clause 10, page 7, line 20, at end insert –

“(1A) The maximum penalty prescribed by regulations must not exceed 2% of the annual budget of the public body penalised.”

***Member's explanatory statement***

*This amendment places a limit on the maximum penalty for contraventions under this Act.*

**Clause 11**

LORD WALLACE OF SALTAIRE

*Lord Wallace of Saltaire gives notice of his intention to oppose the Question that Clause 11 stand part of the Bill.*

**Clause 12**

BARONESS BLACKSTONE  
LORD HANNAY OF CHISWICK  
BARONESS JANKE

45 Clause 12, page 8, line 6, leave out “management”

***Member's explanatory statement***

*This amendment would remove management from the definition of a fund investment decision, to allow investors to carry out stewardship activities include engagement and voting, without falling foul of the prohibition.*

BARONESS BRYAN OF PARTICK  
BARONESS RITCHIE OF DOWNPATRICK  
LORD HAIN  
LORD THOMAS OF CWMGIEDD

46 Clause 12, page 8, line 11, leave out paragraph (b)

***Member's explanatory statement***

*This amendment and others are consequential to another in the name of Baroness Bryan of Partick to Clause 17, removing Wales, Scotland and Northern Ireland from the territorial application of the Bill.*

LORD COLLINS OF HIGHBURY

46A Clause 12, page 8, line 13, at end insert –

“(4A) Section 1 does not apply in relation to a fund investment decision made by the scheme manager if the decision has been made in accordance with established investment principles.

(4B) “Established investment principles” means –

- (a) the United Nations Guiding Principles on Business and Human Rights,  
or
- (b) the United Nations Principles of Responsible Investment.”

***Member's explanatory statement***

*This would provide that a pension fund can continue to take ESG issues (environmental, social and governance) into account in line with existing established investment principles and best practice.*



**Clause 13**

BARONESS BRYAN OF PARTICK  
BARONESS RITCHIE OF DOWNPATRICK  
LORD HAIN  
LORD THOMAS OF CWMGIEDD

47 Clause 13, page 8, line 31, leave out subsection (3)

***Member's explanatory statement***

*This amendment and others are consequential to another in the name of Baroness Bryan of Partick to Clause 17, removing Wales, Scotland and Northern Ireland from the territorial application of the Bill.*

**After Clause 15**

LORD WARNER

48 After Clause 15, insert the following new Clause—

**“Review of this Act’s compliance with the Human Rights Act 1998**

- (1) The Secretary of State must, within 6 months of the passing of this Act, lay before Parliament a review of the Act’s compliance with the obligations under the Human Rights Act 1998.
- (2) The review under subsection (1) must, in particular, assess the Act’s interaction with the right to freedom of expression under Article 10 of the European Convention on Human Rights.”

***Member's explanatory statement***

*This amendment aims to probe to extent to which the Bill is compliant with Article 10 of the ECHR and, if not, whether it is then non-compliant with section 6 of the Human Rights Act 1998.*

LORD HAIN

49 After Clause 15, insert the following new Clause—

**“Impact assessment: trade and diplomatic relations**

- (1) Within six months of the passing of this Act, the Secretary of State or the Minister for the Cabinet Office must conduct an impact assessment of this Act's impact on the United Kingdom's trade and diplomatic relations with the following countries—
  - (a) Afghanistan;
  - (b) Bangladesh;
  - (c) Belarus;
  - (d) Central African Republic;
  - (e) China;
  - (f) Colombia;

- (g) Democratic People's Republic of Korea;
  - (h) Democratic Republic of the Congo;
  - (i) Egypt;
  - (j) Eritrea;
  - (k) Ethiopia;
  - (l) Haiti;
  - (m) Iran;
  - (n) Iraq;
  - (o) Libya;
  - (p) Mali;
  - (q) Myanmar (Burma);
  - (r) Nicaragua;
  - (s) Occupied Palestinian Territories;
  - (t) Pakistan;
  - (u) Russia;
  - (v) Saudi Arabia;
  - (w) Somalia;
  - (x) South Sudan;
  - (y) Sri Lanka;
  - (z) Sudan;
  - (za) Syria;
  - (zb) Turkmenistan;
  - (zc) Uzbekistan;
  - (zd) Venezuela;
  - (ze) Yemen;
  - (zf) Zimbabwe.
- (2) The Secretary of State or the Minister for the Cabinet Office must produce a report on the outcome of the impact assessment.
- (3) The report mentioned in subsection (2) must be laid before Parliament as soon as reasonably practicable after the impact assessment has been conducted.”

***Member's explanatory statement***

*This new Clause would require the Government to undertake an assessment of the impact of the Act on the UK's trade and diplomatic relations with the countries identified by the FCDO as human rights priority countries.*

LORD WALLACE OF SALTAIRE  
LORD COLLINS OF HIGHBURY

**49A** After Clause 15, insert the following new Clause –

**“Review of this Act’s impact on faith communities**

- (1) The Secretary of State must, within 6 months of the day on which this Act comes into force, lay before Parliament a review of the Act’s effect on community cohesion with a particular focus on interfaith relations.
- (2) The review under subsection (1) must in particular assess any adverse impacts which have resulted from implementation of the Act on faith communities and outline any proposed measures to mitigate this impact.”

*Member’s explanatory statement*

*This amendment would require the Secretary of State to review the impact of this Act on community cohesion and interfaith relations.*

**Clause 17**

BARONESS BRYAN OF PARTICK  
BARONESS RITCHIE OF DOWNPATRICK  
LORD HAIN  
LORD THOMAS OF CWMGIEDD

**50** Clause 17, page 10, line 38, leave out “and Wales, Scotland and Northern Ireland” and insert “only”

*Member’s explanatory statement*

*This amendment to Clause 17, removes Wales, Scotland and Northern Ireland from the territorial application of the Bill.*

BARONESS CHAPMAN OF DARLINGTON

**51** Clause 17, page 10, line 39, at end insert –

- “(1A) Section 1 does not apply to decisions made by –
- (a) Scottish Ministers, unless a motion has been passed by the Scottish Parliament indicating its consent to this Act;
  - (b) Welsh Ministers, unless a motion has been passed by Senedd Cymru indicating its consent to this Act;
  - (c) a Northern Ireland department, unless a motion has been passed by the Northern Ireland Assembly indicating its consent to this Act.”

*Member’s explanatory statement*

*This would provide that the Act does not apply to decisions made by Scottish Ministers, Welsh Ministers or a Northern Ireland department unless an appropriate legislative consent motion has been passed.*

BARONESS BRYAN OF PARTICK  
 BARONESS RITCHIE OF DOWNPATRICK  
 LORD HAIN  
 LORD THOMAS OF CWMGIEDD

52 Clause 17, page 11, line 1, leave out “13(2) and (3) and”

*Member's explanatory statement*

*This amendment is consequential on the amendment to Clause 17, page 10, line 38 in the name of Baroness Bryan of Partick.*

LORD WARNER

53 Clause 17, page 11, line 3, leave out subsection (3) and insert –

“(3A) This section comes into force on the day on which this Act is passed.

(3B) The rest of this Act may not come into force until before 31 January 2025 or until the Secretary of State has laid a statement before Parliament explaining how the Act furthers the foreign policy objectives of the United Kingdom in relation to the Occupied Palestinian Territories and Gaza.”

BARONESS CHAPMAN OF DARLINGTON  
 THE LORD BISHOP OF MANCHESTER

54 Clause 17, page 11, line 13, at end insert –

“(4A) The Secretary of State may not lay regulations to bring section 1 into force until the Secretary of State has laid before Parliament a comprehensive list of the bodies to which section 1 will apply.”

*Member's explanatory statement*

*This would require the Secretary of State to provide a comprehensive list of which bodies come into scope of this bill, before the provisions in Clause 1 can be brought into force.*

BARONESS CHAPMAN OF DARLINGTON

55 Clause 17, page 11, line 13 at end insert –

“(4A) The Secretary of State may not lay regulations to bring section 1 into force until the Secretary of State has published guidance on in what circumstances an individual is considered to be a “decision-maker” for the purposes of that section, and laid it before Parliament.”

*Member's explanatory statement*

*This would require the Secretary of State to publish guidance to clarify in what circumstances an individual is “a decision-maker” for the purposes of this bill.*

BARONESS BRYAN OF PARTICK  
BARONESS RITCHIE OF DOWNPATRICK  
LORD HAIN  
LORD THOMAS OF CWMGIEDD

56 Clause 17, page 11, line 19, leave out paragraph (b)

***Member's explanatory statement***

*This amendment is consequential on the amendment to Clause 17, page 10, line 38 in the name of Baroness Bryan of Partick.*

# Economic Activity of Public Bodies (Overseas Matters) Bill

SECOND MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*15 April 2024*

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