

# UK Infrastructure Bank Bill [HL]

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**After Clause 1**

BARONESS NOAKES

After Clause 1, insert the following new Clause –

**“Regulation**

- (1) In section 22 of the Financial Services and Markets Act 2000 (regulated activities), after subsection (1B) insert –
  - “(1C) An activity is a regulated activity for the purposes of this Act if it is an activity carried out by the UK Infrastructure Bank, a company registered in England and Wales with the company registration number 06816271.”
- (2) The Bank is to be treated as having been designated as a PRA-regulated activity under section 22A of the Financial Services and Markets Act 2000 (designation of activities requiring prudential regulation by PRA).”

**Clause 2**

LORD TUNNICLIFFE

Clause 2, page 1, line 9, at end insert –

- “(2A) The statement must also outline how the Bank will, when carrying out its activities, balance the objectives under subsection (3), to ensure its activities do not cause environmental harm.”

***Member's explanatory statement***

*This amendment is to facilitate a debate around the balancing of UKIB's objectives, which have the potential to come into conflict.*

**Clause 2 - continued**

LORD TUNNICLIFFE

Clause 2, page 1, line 11, leave out from “change” to the end of line 13 and insert “and biodiversity loss, including by –

- (i) supporting efforts to meet the target for 2050 set out in section 1 of the Climate Change Act 2008 (the target for 2050), or
- (ii) contributing to the realisation of the species abundance target set out in regulations under section 3 of the Environment Act 2021 (environmental targets: species abundance), and”

***Member's explanatory statement***

*This amendment would broaden the climate change objective to take in the Government's species abundance target under the Environment Act.*

LORD SHARKEY

Clause 2, page 1, line 14, leave out paragraph (b) and insert –

- “(b) to help increase biodiversity, the growth of nature and the provision of nature based solutions, including by supporting actions to meet environmental targets and environmental improvement plans originating from Part 1, Chapter 1 of the Environment Act 2021,
  - (c) to support private business and local authorities to move towards a circular economy, and
  - (d) to support regional and local economic growth.
- (3A) Where an investment is made under subsection (3)(d), it must also meet either the Bank's objectives under subsection (3)(a) or (3)(b), or at least have no harmful effect on climate or biodiversity.”

***Member's explanatory statement***

*This amendment ensures that the environmental objectives of the Bank are not restricted to climate change, but also includes the nature and biodiversity crises. It also brings movement towards a circular economy into scope. When regional and local economic growth are the objective it ensures that there is no negative effect on the environment.*

LORD TEVERSON

Clause 2, page 1, line 17, at end insert “including the nation's housing, commercial, industrial and public building stock for the purposes of improving energy efficiency,”

***Member's explanatory statement***

*This amendment ensures that the bank may undertake projects that uprate the energy efficiency of the UK's building stock.*

**Clause 2 - continued**

BARONESS NOAKES

Clause 2, page 1, line 22, at end insert –

- “(4A) In carrying out its activities under subsection (4), the Bank must ensure that its activities are undertaken only where there is an undersupply of private sector financing in respect of those activities.”

LORD TUNNICLIFFE

Clause 2, page 2, line 4, at end insert “, the circular economy, and protection of the natural environment.”

***Member's explanatory statement***

*This amendment would expand the Bill's definition of infrastructure to include investment in the circular economy and protection of the natural environment.*

LORD SHARKEY

Clause 2, page 2, line 5, leave out subsections (6) and (7)

***Member's explanatory statement***

*This would remove the ability of the Treasury to amend provisions in the Act relating to the Bank's activities or the meaning of infrastructure.*

BARONESS KRAMER

Clause 2, page 2, line 11, at end insert –

- “(8) The Treasury must lay before Parliament a copy of an undertaking (the “operational independence undertaking”) provided by the Treasury to the Bank for the purpose of facilitating the Bank's ability to act as its directors consider appropriate in the light of the objects in its articles of association.”

***Member's explanatory statement***

*This amendment would help secure the operational independence of the Bank.*

**Clause 3**

LORD SHARKEY

Clause 3, page 2, line 17, leave out subsection (4) and insert –

- “(4) The statement and any revisions to the statement may not take effect until they have been laid before and approved by each House of Parliament.”

***Member's explanatory statement***

*This amendment would require Parliamentary approval for the strategic priorities of the Bank, and any changes to those priorities.*

**Clause 3 - continued**

LORD SHARKEY

Clause 3, page 2, line 19, leave out “provide for” and insert “require”

***Member's explanatory statement***

*This amendment seeks to probe the meaning behind “provide for” in this subsection.*

**Clause 4**

BARONESS KRAMER

Clause 4, page 2, line 25, leave out “direction” and insert “recommendation”

***Member's explanatory statement***

*This amendment, along with other amendments to Clause 4, would help secure the operational independence of the Bank.*

LORD TUNNICLIFFE

Clause 4, page 2, line 26, at end insert “, but it must not direct the Bank with regard to any particular investment decision.”

***Member's explanatory statement***

*This amendment is to probe the nature of Treasury directions and whether, under the current drafting, it would be possible for the Treasury to issue instructions in relation to specific projects.*

BARONESS KRAMER

Clause 4, page 2, line 27, leave out “comply with a direction” and insert “have regard to a recommendation”

***Member's explanatory statement***

*This amendment, along with other amendments to Clause 4, would help secure the operational independence of the Bank.*

LORD TEVERSON

Clause 4, page 2, line 27, at end insert –

“(2A) The directions given by the Treasury under subsection (1) must reflect the reports and recommendations of the National Infrastructure Commission.”

BARONESS KRAMER

Clause 4, page 2, line 29, leave out “direction” and insert “recommendation”

**Clause 4 - continued*****Member's explanatory statement***

*This amendment, along with other amendments to Clause 4, would help secure the operational independence of the Bank.*

BARONESS KRAMER

Clause 4, page 2, line 30, leave out “direction” and insert “recommendation”

***Member's explanatory statement***

*This amendment, along with other amendments to Clause 4, would help secure the operational independence of the Bank.*

**Clause 7**

BARONESS KRAMER

Clause 7, page 3, line 14, leave out “fourteen” and insert “thirteen”

***Member's explanatory statement***

*This amendment would change the maximum number of board members from fourteen to thirteen.*

BARONESS KRAMER

Clause 7, page 3, line 14, after “directors” insert “, the total number equalling an odd amount”

***Member's explanatory statement***

*This amendment mandates that the total number of board members must be an odd number.*

BARONESS KRAMER

Clause 7, page 3, line 14, at end insert –

“(aa) non-executive directors must hold a majority on the board;”

***Member's explanatory statement***

*This amendment mandates that the majority of board members must be non-executive directors.*

**After Clause 7**

LORD TUNNICLIFFE

After Clause 7, insert the following new Clause—

**“Directors: expertise and regional representation**

When appointing directors, the Bank must have regard to the desirability of the board containing directors with knowledge or experiences relating to—

- (a) the Bank’s objectives, and
- (b) the nations and regions of the United Kingdom.”

***Member’s explanatory statement***

*This amendment is designed to probe UKIB’s process for appointing its board and the extent to which that board will contain relevant expertise relating to the Bank’s objectives and the different nations and regions of the UK.*

**After Clause 8**

LORD TEVERSON

After Clause 8, insert the following new Clause—

**“Senior Managers and Certification Regime**

In its recruitment and employment of staff the Bank will comply with the Senior Managers and Certification Regime as overseen by the Financial Conduct Authority.”

***Member’s explanatory statement***

*Although the Bank is not regulated under the Financial Services and Markets Act 2000, this amendment would ensure that its employees are fit and proper persons to carry out their duties within the Bank.*

**Clause 9**

BARONESS NOAKES

Clause 9, page 4, line 2, after “must” insert “appoint a person or persons to”

BARONESS NOAKES

Clause 9, page 4, line 5, at end insert—

- “(c) whether or not the activities of the Bank have been confined to those where there is an undersupply of private sector financing.”

**Clause 9 - continued**

BARONESS NOAKES

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

- “(1A) The person or persons appointed under subsection (1) must be independent of the Treasury and the Bank.”

BARONESS NOAKES

Clause 9, page 4, line 9, leave out “10” and insert “4”

BARONESS KRAMER  
LORD TUNNICLIFFE

Clause 9, page 4, line 9, leave out “10” and insert “3”

***Member's explanatory statement***

*This amendment changes the publishing period of the first report from 10 years to 3 years.*

BARONESS NOAKES  
BARONESS KRAMER

Clause 9, page 4, line 11, leave out “7” and insert “3”

LORD TUNNICLIFFE

Clause 9, page 4, line 11, leave out “7” and insert “5”

***Member's explanatory statement***

*This amendment would require reviews of UKIB's effectiveness to take place every five years after the initial review, rather than the current seven years.*

LORD TEVERSON

Clause 9, page 4, line 11, at end insert –

- “(5) Within 6 months of the passing of this Act an independent body must be established to ensure that the objectives of the Bank have been met and that investments made by the Bank have complied with its objectives.
- (6) The independent body must have full access to information about investments made, and must publish an annual letter assessing the Bank's performance against its objectives which must be included in the Bank's annual report.
- (7) The independent body must maintain commercial confidentiality as appropriate.
- (8) The initial members of the independent body are to be selected by a panel nominated by the Institute for Government, after which the newly appointed members will decide their own legal structure, constitution and methods of working.

**Clause 9 - continued**

- (9) The independent body must agree with the Bank, every five years, a budget which is sufficient to enable the independent body to fulfil its duties, which are to be funded by the Bank.”

***Member's explanatory statement***

*This amendment ensures that there are sufficient checks that the Bank is complying with its obligations, and that there is transparency.*





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*25 May 2022*

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