

# Economic Activity of Public Bodies (Overseas Matters) Bill

## AMENDMENTS

### TO BE MOVED

#### IN COMMITTEE OF THE WHOLE HOUSE

*[Supplementary to the Marshalled List]*

#### **The Schedule**

LORD DUBS

LORD COLLINS OF HIGHBURY

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 5**

LORD COLLINS OF HIGHBURY

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.*

**Clause 6**

LORD WALLACE OF SALTAIRE

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.*

**Clause 7**

LORD WALLACE OF SALTAIRE

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

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

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

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 CHAPMAN OF DARLINGTON

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

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.*

**Clause 8**

LORD WALLACE OF SALTAIRE

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

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

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'.*

**Clause 12**

LORD COLLINS OF HIGHBURY

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.*



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*27 March 2024*

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