

Non-Domestic Rating (Multipliers and Private Schools) Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Before Clause 1

LORD FOX
BARONESS PINNOCK

1 Before Clause 1, insert the following new Clause—

“Purpose

The purpose of this Act is to vary some non-domestic rating multipliers and to remove the charitable exemption from private schools.”

Member's explanatory statement

This amendment sets out the purpose of this Act and is intended to invite the House to consider whether the Bill meets the Government's stated aims of protecting the high street and encouraging investment.

Clause 1

LORD THURLOW

2★ Clause 1, page 2, leave out lines 1 to 2

Member's explanatory statement

This amendment, connected to another in the name of Lord Thurlow, seeks to remove the power to introduce higher multipliers for more valuable properties.

BARONESS SCOTT OF BYBROOK

3 Clause 1, page 2, line 5, at end insert –

“(1A) Regulations under subsection (1)(a) must provide discretion for billing authorities with regard to the application of the higher multiplier.”

Member's explanatory statement

This amendment seeks to introduce an element of discretion for billing authorities in the application of the higher multiplier.

BARONESS SCOTT OF BYBROOK

Baroness Scott of Bybrook gives notice of her intention to oppose the Question that Clause 1 stand part of the Bill.

Clause 2

LORD THURLOW

4★ Clause 2, page 2, leave out lines 38 to 40

Member's explanatory statement

This amendment, connected to another in the name of Lord Thurlow, seeks to remove the power to introduce higher multipliers for more valuable properties.

Clause 3THE EARL OF LYTTON
BARONESS PINNOCK

5 Clause 3, page 3, line 26, after “hereditament” insert “other than a qualifying retail, hospitality or leisure hereditament”

Member's explanatory statement

This would have the effect of leaving large RHL properties paying the standard multiplier rather than the supplement in line with previous policy intentions.

BARONESS PINNOCK
LORD FOX

6★ Clause 3, page 3, line 26, after “hereditament” insert “other than a qualifying healthcare hereditament”

Member's explanatory statement

This amendment, together with Baroness Pinnock’s amendments to page 3, line 37, page 4, line 6, and page 4, line 17, would have the effect of retaining the standard multiplier for hospitals, medical and dental schools, or any other healthcare setting to be determined by regulations.

BARONESS PINNOCK
LORD FOX

- 7★ Clause 3, page 3, line 26, after "hereditament" insert "other than an excluded hereditament"

Member's explanatory statement

This amendment provides a regulation-making power to allow certain hereditaments to be excluded from the higher multiplier. It is intended to probe the impact of the higher multiplier on hereditaments such as universities and local authority-maintained buildings.

BARONESS SCOTT OF BYBROOK

- 8 Clause 3, page 3, line 27, after "more," insert "and is not a retail premises which is open to customers for more than 18 hours a day,"

Member's explanatory statement

This amendment, along with another in the name of Baroness Scott of Bybrook, seeks to exempt businesses that open for longer than 18 hours a day because they are often the only retailer in the local area.

BARONESS SCOTT OF BYBROOK

- 9 Clause 3, page 3, line 27, after "more," insert "and is not a premises which is shared with a Post Office,"

Member's explanatory statement

This amendment, along with another in the name of Baroness Scott of Bybrook, seeks to exempt businesses which host a Post Office because they provide an essential service to the community.

BARONESS SCOTT OF BYBROOK

- 10 Clause 3, page 3, line 27, after "more," insert "and is not a premises which is shared with a Banking Hub,"

Member's explanatory statement

This amendment, along with another in the name of Baroness Scott of Bybrook, seeks to exempt businesses which host a banking hub because they provide an essential service to the community.

BARONESS SCOTT OF BYBROOK

- 11★ Clause 3, page 3, line 27, after "more," insert "and is not an "anchor store","

Member's explanatory statement

This amendment, along with others in the name of Baroness Scott of Bybrook, seeks to exempt anchor stores because they drive business on the high street.

BARONESS SCOTT OF BYBROOK

- 12 Clause 3, page 3, line 31, after “hospitality” insert “, manufacturing”

Member's explanatory statement

This amendment seeks to include the manufacturing industry in the types of business that can qualify for the lower multiplier.

THE EARL OF LYTTON

- 13 Clause 3, page 3, line 32, after “hereditament” insert “or other qualifying hereditament”

Member's explanatory statement

This amendment would provide some flexibility for additional property uses outside of retail, hospitality and leisure to qualify from the lower multiplier/s should it be decided to be appropriate in the future and remove an imbalance between the measures proposed for supplements and those relating to reduced multipliers.

LORD FOX
BARONESS PINNOCK

- 14 Clause 3, page 3, line 34, at end insert –

“(9BA) Subsection (9B)(b) does not apply to grassroots music venues.”

Member's explanatory statement

This amendment is intended to probe the impact of the higher multiplier on grassroots music venues such as the Royal Albert Hall or the Roundhouse.

BARONESS SCOTT OF BYBROOK

- 15 Clause 3, page 3, line 35, after “hospitality” insert “, manufacturing”

Member's explanatory statement

This amendment seeks to include the manufacturing industry in the types of business that can qualify for the lower multiplier.

BARONESS PINNOCK
LORD FOX

- 16 Clause 3, page 3, line 36, leave out from “hereditament” to end of line 37 and insert “means hereditaments that are wholly or mainly being used –

- (a) as shops, restaurants, cafes, drinking establishments, cinemas or live music venues,
- (b) for assembly and leisure, or
- (c) as hotels, guest and boarding premises or self-catering accommodation.”;

Member's explanatory statement

This amendment is intended to probe what hereditaments will be included in the definition of retail, hospitality or leisure.

BARONESS SCOTT OF BYBROOK

- 17 Clause 3, page 3, line 36, leave out “has such meaning” and insert “and “Banking Hub” have such meanings”

Member's explanatory statement

This amendment, along with another in the name of Baroness Scott of Bybrook, seeks to exempt businesses which host a banking hub because they provide an essential service to the community.

BARONESS SCOTT OF BYBROOK

- 18★ Clause 3, page 3, line 37, leave out “Treasury in regulations” and insert “relevant local authority”

Member's explanatory statement

This amendment seeks to probe whether it should be the local authorities that define hereditaments.

THE EARL OF LYTTON

- 19 Clause 3, page 3, line 37, at end insert –

“(9D) In sub-paragraph (9B) “other qualifying hereditament” has such meaning as may be prescribed by the Treasury in regulations.”

Member's explanatory statement

This amendment would provide some flexibility for additional property uses outside of retail, hospitality and leisure to qualify from the lower multiplier/s should it be decided to be appropriate in the future and remove an imbalance between the measures proposed for supplements and those relating to reduced multipliers.

BARONESS PINNOCK
LORD FOX

- 20★ Clause 3, page 3, line 37, at end insert –

“(9D) In sub-paragraph (9B), “qualifying healthcare hereditament” includes hospitals, medical and dental schools, and any other healthcare settings as may be prescribed by the Treasury in regulations.”

Member's explanatory statement

This amendment, together with Baroness Pinnock’s amendments to page 3, line 26, page 4, line 6, and page 4, line 17 would have the effect of retaining the standard multiplier for hospitals, medical and dental schools, or any other healthcare setting to be determined by regulations.

BARONESS SCOTT OF BYBROOK

21★ Clause 3, page 3, line 37, at end insert –

“(9D) In sub-paragraph (9B) the £500,000 threshold must be increased on 1 April each year by at least the CPI.

(9E) The CPI is the Consumer Price Index percentage recorded by the Office for National Statistics for September of the financial year preceding the relevant year concerned.”

Member's explanatory statement

This amendment, along with others in the name of Baroness Scott of Bybrook, seeks to increase the £500,000 threshold with inflation to ensure businesses don't get drawn into the higher rate.

THE EARL OF LYTTON
BARONESS PINNOCK

22 Clause 3, page 4, line 6, after “hereditament” insert “other than a qualifying retail, hospitality or leisure hereditament”

Member's explanatory statement

This would have the effect of leaving unoccupied large RHL properties paying the standard multiplier rather than the supplement in line with previous policy intentions.

BARONESS PINNOCK
LORD FOX

23★ Clause 3, page 4, line 6, after “hereditament” insert “other than a qualifying healthcare hereditament”

Member's explanatory statement

This amendment, together with Baroness Pinnock's amendments to page 3, line 26, page 3, line 37, and page 4, line 17, would have the effect of retaining the standard multiplier for hospitals, medical and dental schools, or any other healthcare setting to be determined by regulations.

BARONESS PINNOCK
LORD FOX

24★ Clause 3, page 4, line 6, after "hereditament" insert "other than an excluded hereditament"

Member's explanatory statement

This amendment provides a regulation-making power to allow certain hereditaments to be excluded from the higher multiplier. It is intended to probe the impact of the higher multiplier on hereditaments such as universities and local authority-maintained buildings.

BARONESS SCOTT OF BYBROOK

- 25 Clause 3, page 4, line 7, after “more,” insert “and is not a retail premises which is open to customers for more than 18 hours a day,”

Member's explanatory statement

This amendment, along with another in the name of Baroness Scott of Bybrook, seeks to exempt businesses that open for longer than 18 hours a day because they are often the only retailer in the local area.

BARONESS SCOTT OF BYBROOK

- 26 Clause 3, page 4, line 7, after “more,” insert “and is not a premises which is shared with a Post Office,”

Member's explanatory statement

This amendment, along with another in the name of Baroness Scott of Bybrook, seeks to exempt businesses which host a Post Office because they provide an essential service to the community.

BARONESS SCOTT OF BYBROOK

- 27 Clause 3, page 4, line 7, after “more,” insert “and is not a premises which is shared with a Banking Hub,”

Member's explanatory statement

This amendment, along with another in the name of Baroness Scott of Bybrook, seeks to exempt businesses which host a banking hub because they provide an essential service to the community.

BARONESS SCOTT OF BYBROOK

- 28★ Clause 3, page 4, line 7, after “more,” insert “and is not an “anchor store”,”

Member's explanatory statement

This amendment, along with others in the name of Baroness Scott of Bybrook, seeks to exempt anchor stores because they drive business on the high street.

BARONESS SCOTT OF BYBROOK

- 29 Clause 3, page 4, line 11, after “hospitality” insert “, manufacturing”

Member's explanatory statement

This amendment seeks to include the manufacturing industry in the types of business that can qualify for the lower multiplier.

THE EARL OF LYTTON

- 30 Clause 3, page 4, line 12, after “hereditament” insert “or other qualifying hereditament”

Member's explanatory statement

This amendment would provide the same flexibility for additional property uses outside of retail, hospitality and leisure to qualify from the lower multiplier/s should it be decided to be appropriate in the future but in relation to unoccupied hereditaments.

LORD FOX
BARONESS PINNOCK

31 Clause 3, page 4, line 14, at end insert –

“(6AB) Subsection (6A)(b) does not apply to grassroots music venues.”

Member's explanatory statement

This amendment is intended to probe the impact of the higher multiplier on grassroots music venues such as the Royal Albert Hall or the Roundhouse.

LORD THURLOW

32★ Clause 3, page 4, leave out lines 15 to 17

Member's explanatory statement

This amendment seeks to remove the power of the Treasury to define a retail, hospitality and leisure property, as local authorities determine what constitutes a retail, hospitality and leisure relief property in line with the Government guidance.

BARONESS SCOTT OF BYBROOK

33 Clause 3, page 4, line 15, after “hospitality” insert “, manufacturing”

Member's explanatory statement

This amendment seeks to include the manufacturing industry in the types of business that can qualify for the lower multiplier.

BARONESS PINNOCK
LORD FOX

34 Clause 3, page 4, line 16, leave out from “hereditament” to end of line 17 and insert “means hereditaments that are wholly or mainly being used –

- (a) as shops, restaurants, cafes, drinking establishments, cinemas or live music venues,
- (b) for assembly and leisure, or
- (c) as hotels, guest and boarding premises or self-catering accommodation.”;

Member's explanatory statement

This amendment is intended to probe what hereditaments will be included in the definition of retail, hospitality or leisure.

BARONESS SCOTT OF BYBROOK

- 35 Clause 3, page 4, line 16, leave out “has such meaning” and insert “and “Banking Hubs” have such meanings”

Member's explanatory statement

This amendment, along with others in the name of Baroness Scott of Bybrook, seeks to exempt businesses which host a banking hub because they provide an essential service to the community.

BARONESS SCOTT OF BYBROOK

- 36★ Clause 3, page 4, line 16, leave out “has such meaning” and insert “and “anchor store” have such meanings”

Member's explanatory statement

This amendment, along with others in the name of Baroness Scott of Bybrook, seeks to exempt anchor stores because they drive business on the high street.

BARONESS SCOTT OF BYBROOK

- 37★ Clause 3, page 4, line 17, leave out “Treasury in regulations” and insert “relevant local authority”

Member's explanatory statement

This amendment seeks to probe whether it should be the local authorities that define hereditaments.

THE EARL OF LYTTON

- 38 Clause 3, page 4, line 17, at end insert –

“(6C) In sub-paragraph (6A), “other qualifying hereditament” has such meaning as may be prescribed by the Treasury in regulations.”;

Member's explanatory statement

This amendment would provide the same flexibility for additional property uses outside of retail, hospitality and leisure to qualify from the lower multiplier/s should it be decided to be appropriate in the future but in relation to unoccupied hereditaments.

BARONESS PINNOCK
LORD FOX

39★ Clause 3, page 4, line 17, at end insert –

“(6C) In sub-paragraph (6A), "qualifying healthcare hereditament" includes hospitals, medical and dental schools, and any other healthcare settings as may be prescribed by the Treasury in regulations.”

Member's explanatory statement

This amendment, together with Baroness Pinnock's amendments to page 3, line 26, page 3, line 37, and page 4, line 6, would have the effect of retaining the standard multiplier for hospitals, medical and dental schools, or any other healthcare setting to be determined by regulations.

BARONESS SCOTT OF BYBROOK

40★ Clause 3, page 4, line 17, at end insert –

“(6C) in sub-paragraph (6A) the £500,000 threshold must be increased on 1 April each year by at least the CPI.

(6D) the CPI is the Consumer Price Index percentage recorded by the Office for National Statistics for September of the financial year preceding the relevant year concerned.”

Member's explanatory statement

This amendment, along with others in the name of Baroness Scott of Bybrook, seeks to increase the £500,000 threshold with inflation to ensure businesses don't get drawn into the higher rate.

LORD FOX
BARONESS PINNOCK

41 Clause 3, page 4, line 36, at end insert –

“(8AB) Subsection (8A)(b) does not apply to grassroots music venues.”

Member's explanatory statement

This amendment is intended to probe the impact of the higher multiplier on grassroots music venues such as the Royal Albert Hall or the Roundhouse.

BARONESS PINNOCK
LORD FOX

42 Clause 3, page 4, line 38, leave out from “hereditament” to end of line 39 and insert “means hereditaments that are wholly or mainly being used –

- (a) as shops, restaurants, cafes, drinking establishments, cinemas or live music venues,
- (b) for assembly and leisure, or

- (c) as hotels, guest and boarding premises or self-catering accommodation.”

Member's explanatory statement

This amendment is intended to probe what hereditaments will be included in the definition of retail, hospitality or leisure.

BARONESS SCOTT OF BYBROOK

- 43★ Clause 3 page 4, line 39, leave out “Treasury in regulations” and insert “relevant local authority”

Member's explanatory statement

This amendment seeks to probe whether it should be the local authorities that define hereditaments.

BARONESS SCOTT OF BYBROOK

- 44★ Clause 3, page 4, line 39, at end insert –

“(8C) in sub-paragraph (8A) the £500,000 threshold shall be increased on 1 April each year by at least the CPI

(8D) the CPI is the Consumer Price Index percentage recorded by the Office for National Statistics for September of the financial year preceding the relevant year concerned.”

Member's explanatory statement

This amendment, along with others in the name of Baroness Scott of Bybrook, seeks to increase the £500,000 threshold with inflation to ensure businesses don't get drawn into the higher rate.

BARONESS SCOTT OF BYBROOK

Baroness Scott of Bybrook gives notice of her intention to oppose the Question that Clause 3 stand part of the Bill.

Member's explanatory statement

This amendment seeks to clarify why the number £500,000 was picked as the threshold.

After Clause 3

LORD THURLOW

- 45★ After Clause 3, insert the following new Clause –

“Reduced multiplier funds

- (1) The funds required for the implementation of section 3 (Application of multipliers) must be allocated from the Consolidated Fund.

- (2) The Treasury must ensure that sufficient funds are made available to cover all costs associated with the provision in section 3.
- (3) The Chancellor of the Exchequer must report annually to Parliament on the expenditure incurred and the funds allocated for this provision.”

Member's explanatory statement

This amendment seeks to ensure that the lower retail, hospitality and leisure multiplier is funded by the Treasury and not other ratepayers.

After Clause 4

BARONESS SCOTT OF BYBROOK

46 After Clause 4, insert the following new Clause—

“Review of impact on businesses, high streets and economic growth

- (1) The Secretary of State must review the impact of sections 1 to 4 of this Act on—
 - (a) businesses,
 - (b) high streets, and
 - (c) economic growth.
- (2) The review must consider—
 - (a) the impact on different types of business, including small businesses;
 - (b) the impact on businesses operating mainly or solely on high streets;
 - (c) whether the provisions have had a measurable impact on economic growth, and if so what that impact has been.
- (3) The Secretary of State must lay a report of the review before Parliament within six months of the day on which those sections take effect.”

Member's explanatory statement

This amendment would require the Secretary of State to review the impact of sections 1 to 4 of this Act within six months.

LORD FOX
BARONESS PINNOCK

47 After Clause 4, insert the following new Clause—

“Review of effect on non-domestic rating policy

- (1) Within six months of the day on which this Act is passed, the Chancellor of the Exchequer must conduct a review of how the measures in this Act have impacted non-domestic rating policy.
- (2) The review must assess—
 - (a) potential changes required to non-domestic ratings as a result of the measures within this Act;

- (b) what alternatives to non-domestic ratings, if any, the Government has considered.

- (3) The report of the review must be laid before Parliament.”

Member's explanatory statement

This amendment would require the Chancellor to review the effects of this Act on wider non-domestic rating policy and consider alternatives, for example a commercial landowner levy.

LORD FOX
BARONESS PINNOCK

48 After Clause 4, insert the following new Clause –

“Impact assessment

- (1) The Secretary of State must publish and lay before Parliament an impact assessment of sections 1 to 4 of this Act on –
 - (a) businesses,
 - (b) high streets, and
 - (c) economic growth.
- (2) An impact assessment under subsection (1) must consider –
 - (a) the impact on different types of businesses, including small businesses;
 - (b) the impact on businesses operating mainly or solely on high streets;
 - (c) whether the provisions will have a measureable impact on economic growth.”

Member's explanatory statement

This amendment, and another in the name of Lord Fox to Clause 6, would require the Secretary of State to publish an impact assessment on sections 1 to 4 of the Act before they come into force.

LORD FOX
BARONESS PINNOCK

49 After Clause 4, insert the following new Clause –

“Sections 1 to 4: impact on businesses

- (1) After regulations have been laid under sections 1 to 3 of this Act, and before such regulations take effect, the Secretary of State must conduct an assessment of the expected impact of sections 1 to 4 of this Act on businesses.
- (2) The assessment must compare the amount of non-domestic rates expected to be paid by businesses before changes made by sections 1 to 4 have come into effect with the amount paid in each financial year between 1 April 2020 and 31 March 2026, taking account of –
 - (a) the types of businesses affected,
 - (b) the size of such businesses, and

- (c) how the impact is expected to differ depending on the number of hereditaments a business occupies.
- (3) The Secretary of State must lay before Parliament a report setting out the findings of the assessment.”

Member's explanatory statement

This new clause would require the Secretary of State to examine the effect of the introduction of the new multipliers on the amount of business rates paid by businesses occupying a single site compared with those occupying multiple sites; and on different types of businesses, depending on their size and the type of business.

BARONESS PINNOCK
LORD FOX

50 After Clause 4, insert the following new Clause—

“Sections 1 to 4: impact of retail, hospitality and leisure relief

- (1) The Secretary of State must, within six months of the day on which this Act is passed, conduct an assessment of the expected impact of sections 1 to 4 of this Act on relevant businesses.
- (2) The assessment must compare the amount of non-domestic rates expected to be paid by relevant businesses once sections 1 to 4 come into force with the amount paid in each financial year between 1 April 2020 and 31 March 2026, taking into account retail, hospitality and leisure relief.
- (3) The Secretary of State must lay before Parliament a report setting out the findings of the assessment.
- (4) In this section, a “relevant business” is a business occupying a qualifying retail, hospitality or leisure hereditament.”

Member's explanatory statement

This amendment is intended to assess the cumulative impact on businesses of the changes in this Bill with the expected removal of retail, hospitality and leisure relief.

BARONESS PINNOCK
LORD FOX

51 After Clause 4, insert the following new Clause—

“Application of sections 1 to 4

Sections 1 to 4 of this Act apply to relevant hereditaments in city and town centres, district and local centres, as defined by the National Planning Policy Framework.”

Member's explanatory statement

This amendment is intended to probe the intended application of this Act to high streets.

BARONESS PINNOCK
LORD FOX

52 After Clause 4, insert the following new Clause –

“Sections 1 to 4: impact on local government areas

- (1) The Secretary of State must, within six months of the day on which this Act is passed, conduct an assessment of the expected impact of sections 1 to 4 of this Act on relevant businesses.
- (2) The assessment must compare the amount of non-domestic rates expected to be paid by relevant businesses once sections 1 to 4 come into force with the amount paid in each financial year between 1 April 2020 and 31 March 2026.
- (3) The assessment must consider how the impact is expected to differ depending on local government area.
- (4) The Secretary of State must lay before Parliament a report setting out the findings of the assessment.
- (5) In this section, a “relevant business” is a business occupying a qualifying retail, hospitality or leisure hereditament.”

Member's explanatory statement

This new clause would require the Secretary of State to examine the effect of the introduction of retail, hospitality and leisure multipliers on the amount of business rates paid by businesses in different council areas.

BARONESS SCOTT OF BYBROOK

53★ After Clause 4, insert the following new Clause –

“Annual report

- (1) Within one year of the day on which sections 1 to 4 come into force, and annually thereafter, the Secretary of State must report on the amount raised as a result of the provisions in sections 1 to 4.
- (2) The Secretary of State must lay a copy of these reports before Parliament.”

Member's explanatory statement

This amendment would require a report on the amount raised from changes in clauses 1 to 4 in this Bill.

BARONESS SCOTT OF BYBROOK

54★ After Clause 4, insert the following new Clause –

“Annual report (No. 2)

- (1) Within one year of the day on which sections 1 to 4 come into force, and annually thereafter, the Secretary of State must report on the amount raised as a result of

the provisions in sections 1 to 4 by type of business, including charities and pop up shops.

(2) The Secretary of State must lay a copy of these reports before Parliament.”

Member's explanatory statement

This amendment would require an annual report on what type of shops are paying business rates.

Clause 5

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK

55 Clause 5, page 5, line 16, at end insert “, subject to sub-paragraph (5A).”

Member's explanatory statement

This amendment is consequential on the other amendments in the name of Baroness Scott of Bybrook which allow for the exemptions of certain schools.

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK

56 Clause 5, page 5, line 23, leave out “or other consideration”

Member's explanatory statement

This probing amendment seeks to understand what “or other consideration” refers to in regard to whether an institution is considered a private school

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK

57 Clause 5, page 5, leave out lines 26 to 37

Member's explanatory statement

This amendment seeks to probe whether institutions providing foundation courses would be considered private schools.

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK

58 Clause 5, page 5, line 27, leave out “wholly or mainly”

Member's explanatory statement

This amendment seeks to establish what the percentage cut off will be for institutions providing education for those over the compulsory school age but under 19.

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK

- 59 Clause 5, page 5, line 34, leave out “or other consideration”

Member's explanatory statement

This probing amendment, and another in the name of Baroness Barran, seeks to understand what “or other consideration” refers to in regard to whether an institution is considered a private school.

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK

- 60 Clause 5, page 5, line 38, leave out “wholly or mainly”

Member's explanatory statement

This probing amendment seeks to understand how many students will be required to have an EHC plan in an institution to be exempt from private school status.

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK

- 61 Clause 5, page 5, line 39, leave out “for whom an EHC plan is maintained” and insert “with special educational needs and disabilities as defined in the Children and Families Act 2014”

Member's explanatory statement

This amendment would change the definition to exempt pupils with SEND.

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK

- 62 Clause 5, page 5, line 40, at end insert –

“(5A) An institution is not to be considered a private school for the purposes of sub-paragraph (3) if it is wholly or mainly concerned with providing full-time education for less than an annual fee of £27,642 per pupil.”

Member's explanatory statement

This amendment seeks to exempt schools that charge less than the average fee for private schools, as they are often smaller, local schools.

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK

- 63 Clause 5, page 5, line 40, at end insert –

“(5A) An institution is not to be considered a private school for the purposes of sub-paragraph (3) if it is wholly or mainly concerned with providing full-time

education where at least 7% of gross income is spent on means-tested fee assistance.”

Member's explanatory statement

This amendment seeks to exempt schools where they offer bursaries or other means-tested assistance to pupils that amounts to more than 7 per cent of their gross income.

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK
LORD BLACK OF BRENTWOOD

64 Clause 5, page 5, line 40, at end insert –

“(5A) An institution is not to be considered a private school for the purposes of sub-paragraph (3) if it is wholly or mainly concerned with providing full-time education for gifted arts students.”

Member's explanatory statement

This amendment seeks to exempt schools that offer arts education, such as music and drama.

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK

65 Clause 5, page 5, line 40, at end insert –

“(5A) An institution is not to be considered a private school for the purposes of sub-paragraph (3) if it has a religious character or other special character and there is no maintained school or academy of the same character within the specified distance from the school.

(5B) In this paragraph –

“religious character” has the meaning given under section 69 (duty to secure provision of religious education) of the School Standards and Framework Act 1998;

“other special character” has the meaning as defined by the Secretary of State by regulation;

“specified distance” is the distance specified under section 444(5) (offence: failure to secure regular attendance at school of registered pupil) of the Education Act 1996.

(5C) Regulations under this section are to be made by statutory instrument.

(5D) A statutory instrument containing regulations under this section may not be made unless a draft instrument has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

This amendment seeks to exempt schools that are faith schools.

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK

66 Clause 5, page 5, line 40, at end insert –

“(5A) An institution is not to be considered a private school for the purposes of sub-paragraph (3) if it is wholly or mainly concerned with providing full-time education where at least 10% of students have at least one parent or guardian serving in the military.”

Member's explanatory statement

This amendment seeks to exempt schools where at least 10 per cent of students have a parent or guardian who is serving in the military.

LORD MOYNIHAN

67 Clause 5, page 5, line 40, at end insert –

“(5A) An institution is not to be considered a private school for the purposes of sub-paragraph (3) if 10% of students are in receipt of bursaries or scholarships for sporting excellence.”

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK

68★ Clause 5, page 5, line 40, at end insert –

“(5A) An institution is not to be considered a private school for the purposes of sub-paragraph (3) if it provides early years provision.”

Member's explanatory statement

This amendment seeks to exempt schools where they provide nursery care.

LORD MOYNIHAN

69 Clause 5, page 6, line 11, at end insert –

“(8) Sports facilities or any area used primarily for sport in a hereditament which is wholly or mainly used for the purposes of carrying on a private school must not be included in the value of land for the purposes of calculating the chargeable amount under this paragraph.”

Member's explanatory statement

This amendment seeks to ensure that no part of a private school which is used primarily for sport is included in the value of the land used by the valuation agency for the purposes of calculating business rates.

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK

The above named Lords give notice of their intention to oppose the Question that Clause 5 stand part of the Bill.

After Clause 5

LORD STOREY
LORD SHIPLEY

70 After Clause 5, insert the following new Clause—

“Section 5: impact assessment

The Secretary of State must, within six months of this Act being passed, conduct an assessment of the expected impact of section 5 on state schools.”

Member's explanatory statement

This amendment is intended to probe potential knock-on consequences of the measures in section 5 of this Bill on state schools.

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK

71★ After Clause 5, insert the following new Clause—

“Impact assessment (No. 2)

- (1) Within one year of the day on which section 5 comes into force, and again within three years, the Secretary of State must publish an impact assessment assessing the impact of the provisions in section 5 on the facilities that private schools provide to state-funded schools.
- (2) The Secretary of State must lay a copy of these reports before Parliament.”

Member's explanatory statement

This amendment would require an impact assessment on rescinded facilities that private schools offer to state-funded schools.

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK

72★ After Clause 5, insert the following new Clause—

“Annual statement

- (1) Within one year of the day on which this Act is passed, and annually thereafter, the Secretary of State must make a statement on how many pupils are diverted into the state system as a result of the provisions in section 5.

(2) The Secretary of State must lay a copy of these reports before Parliament.”

Member's explanatory statement

This amendment would require an annual statement of how many pupils have been moved into the state system as a result of Clause 5.

Clause 6

LORD FOX
BARONESS PINNOCK

73 Clause 6, page 6, line 21, at beginning insert “Subject to the impact assessment required under section (*Impact assessment*) having been laid before Parliament three months before the start of the first financial year,”

Member's explanatory statement

This amendment is consequential on Lord Fox’s amendment to after Clause 4 “Impact assessment”.

LORD THURLOW

74★ Clause 6, page 6, line 22, leave out “2026” and insert “2027”

Member's explanatory statement

This amendment seeks to delay the introduction of amendments 1 to 4 from 2026 to 2027 to allow more time for impact assessments and consultations to be conducted.

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK

75 Clause 6, page 6, line 23, leave out from “effect” to end of line 24 and insert “after an impact assessment is published assessing the impact of the provisions in section 5 on children in private schools who receive means-tested fee assistance and their access to university”

Member's explanatory statement

This amendment would require an impact assessment on how Clause 5 will affect the ability of pupils with means-tested assistance currently in private schools to access university before the Act is passed.

BARONESS BARRAN
BARONESS SCOTT OF BYBROOK

76 Clause 6, page 6, line 24, leave out “2025” and insert “2026”

Member's explanatory statement

This amendment would delay the provisions of Clause 5 from coming into being until 2026, so that schools had time to prepare.

Non-Domestic Rating (Multipliers and Private Schools) Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

20 February 2025

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