

# Children and Families Bill

---

---

TWELFTH  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

---

*The amendments have been marshalled in accordance with the Instruction of 8th July 2013, as follows –*

Clause 88  
Schedule 6  
Clauses 89 to 98

Schedule 7  
Clauses 99 to 112

*[Amendments marked ★ are new or have been altered]*

Amendment  
No.

**After Clause 88**

BARONESS FINLAY OF LLANDAFF  
LORD FAULKNER OF WORCESTER  
BARONESS TYLER OF ENFIELD  
BARONESS MASSEY OF DARWEN

**263**

Insert the following new Clause –

**“Offence of failing to prevent smoking in a private vehicle when children are present**

- (1) The Health Act 2006 is amended as follows.
- (2) After section 8 insert –

**“8A Offence of failing to prevent smoking in a private vehicle when children are present**

- (1) It is the duty of any person who drives a private vehicle to ensure that that vehicle is smoke-free whenever a child or children under the age of 18 are in such vehicle or part of such vehicle.
- (2) A person who fails to comply with the duty in subsection (1) commits an offence.

Amendment  
No.

**After Clause 88 – continued**

- (3) A person convicted of an offence under this section who has not previously been convicted of such an offence shall have the option of attending a smoke-free driving awareness course in place of paying a fine under subsection (4).
  - (4) A person who does not wish to attend an awareness course or who has previously been convicted of an offence under this section is liable on summary conviction to a fine of £60.
  - (5) The Secretary of State may introduce regulations to alter the level of penalty payable under subsection (4).
  - (6) The Secretary of State shall update all relevant regulations regarding the offence created under subsection (2) within six months of this section coming into force.
  - (7) The Secretary of State shall introduce regulations within six months of this section coming into force to prescribe the format of the awareness course in subsection (3).”
- (3) In section 79(4)(a), for “or 8(7)” substitute “, 8(7), or 8A(5)”.”

LORD FAULKNER OF WORCESTER  
BARONESS TYLER OF ENFIELD  
BARONESS FINLAY OF LLANDAFF  
LORD McCOLL OF DULWICH

264

Insert the following new Clause –

**“Children’s health: standardised tobacco packaging**

- (1) The Tobacco Advertising and Promotion Act 2002 is amended as follows.
- (2) After section 12 (television and radio broadcasting), insert –

**“12A Children’s health: standardised packaging**

- 6 (1) The Secretary of State may, if satisfied that doing so is in the interests of preventing harm to the health of children under the age of 18 or of promoting the health of children under the age of 18, make regulations specifying retail tobacco packaging requirements.
- 10 (2) Regulations made under subsection (1) may provide that retail packaging or tobacco products of any such description, or falling within any such class as may be specified in the regulations, shall not, except in such circumstances as may be so specified, be of any such colour or shape, or display any such mark or trade mark, or any other particulars as may be so specified.
- (3) A person is guilty of an offence if –
  - (a) in the course of a business he or she owns or manages retail or commercial premises or a leisure facility;
  - (b) he or she sells or supplies products which might reasonably be expected to attract, or be aimed at, children under the age of 18;
  - (c) he or she sells or supplies, or has in the premises or facility for sale or supply, any tobacco product; and

Amendment  
No.

**After Clause 88 – continued**

(d) the retail packaging of the tobacco product does not comply with a specified retail tobacco packaging requirement.

(4) In this section –

“container” includes any pack, carton, box, tin, packet, bag, pouch, tube or other container;

“retail packaging” means –

- (a) container for retail sale in which a tobacco product is directly placed;
- (b) any container for retail sale that contains a smaller container in which a tobacco product is directly placed;
- (c) any cigarette paper in which tobacco is contained and anything else forming part of a cigarette other than the tobacco;
- (d) any plastic or other wrapper that covers any retail packaging of the type described in paragraphs (a) to (c);
- (e) any plastic or other wrapper that covers a tobacco product, being a tobacco product that is for retail sale; or
- (f) anything (other than a tobacco product) that is placed inside or is affixed or otherwise attached to retail packaging of the type described in paragraphs (a) to (e) but does not include the lining of a cigarette pack if the lining complies with retail packaging requirements;

a “retail tobacco packaging requirement” is a requirement relating to any of the following particulars –

- (a) the colour of retail packaging;
- (b) the shape and material of retail packaging;
- (c) trade marks or registered trade marks displayed on retail packaging;
- (d) trade marks or registered trade marks displayed on retail packaging;
- (e) the labelling of or on packages, packaging or tobacco products, or associated with retail packaging or tobacco products;
- (f) the contents of retail packaging (including the shape and size of tobacco products);
- (g) any covert or overt markings, coded numbering or any other security features on retail packaging or tobacco products;
- (h) any other particulars relating to retail packaging or tobacco products as may be prescribed by the Secretary of State;

a “specified retail packaging requirement” is a retail tobacco packaging requirement specified in regulations made under subsection (1);

“trade mark” and “registered trade mark” have the same meaning as in section 1 of the Trade Marks Act 1994.””

Amendment  
No.

**After Clause 88 – continued**

BARONESS HUGHES OF STRETFORD  
LORD HUNT OF KINGS HEATH  
BARONESS JONES OF WHITCHURCH  
BARONESS WHEELER

[Amendments 265 and 266 are amendments to Amendment 264]

- 265 Line 6, leave out “may” and insert “must”  
266 Line 10, leave out “may” and insert “must”

BARONESS MASSEY OF DARWEN  
BARONESS WALMSLEY

- 266A Insert the following new Clause –

**“Children’s rights duty**

Any person whose functions are of a public nature must in the exercise of his or her functions have due regard to the need to –

- (a) respect, protect and fulfil children’s rights; and
- (b) actively seek and give due weight to the views of children in matters affecting them.”

- 266AZZZA [Withdrawn]

**Schedule 6**

VISCOUNT ECCLES

- 266AZZA Page 189, line 13, leave out “may” and insert “must”

**Clause 89**

LORD STEVENSON OF BALMACARA

- 266AZA Page 59, line 10, at end insert –

“(7) Entitlements provided by regulations made under this section may be transferred to another family member or other related party in the following exceptional circumstances –

- (a) where a mother is incapacitated;
- (b) where a medical practitioner prescribes that the mother is unable to look after the child; or
- (c) where the mother dies in childbirth.”

**Amendment  
No.**

**Clause 89 – continued**

BARONESS LISTER OF BURTERSETT  
LORD STEVENSON OF BALMACARA

**266AA** Page 60, leave out lines 9 and 10 and insert –

- “(8) Regulations under section 75E may provide for the taking of leave under section 75E in a single period, or in non-consecutive periods, or in periods shorter than the period which constitutes, for the employee, a week’s leave.”

LORD TOUHIG

**266AAA** Page 66, line 38, at end insert –

- “( ) Where, during an employee’s shared parental leave, it is not reasonably practicable by reason of redundancy for the employer to continue to employ him or her under an existing contract of employment, the employee is entitled to be offered a suitable alternative vacancy that arises during the shared parental leave period.
- ( ) The shared parental leave period means the period from the date of notification of intention to take shared parental leave, ending at 52 weeks from the birth of the employee’s baby.
- ( ) Where there is a suitable alternative vacancy with the employer or his successor or an associated employer, it must be offered before the end of the existing contract of employment and takes effect immediately on the ending of the previous contract.
- ( ) The new contract of employment must be both suitable work for the employee and appropriate for him or her to do in the circumstances and its provisions as to the capacity and place in which he or she is to be employed, and as to the other terms and conditions of employment are not substantially less favourable than if he or she had continued to be employed under the previous contract.”

LORD STEVENSON OF BALMACARA

**266AB** Page 66, line 39, leave out “may” and insert “must”

**266AC** Page 66, line 43, leave out “may” and insert “must”

Amendment  
No.

**After Clause 89**

BARONESS LISTER OF BURTERSETT  
BARONESS YOUNG OF HORNSEY

**266B** Insert the following new Clause –

**“Rights to father quota of leave**

(1) In Part 8 of the Employment Rights Act 1996, after section 80E insert –

**“80EA Entitlement to father quota**

- (1) The Secretary of State may make regulations entitling an employee who satisfies specified conditions as to the relationship with a child or expected child or with the child’s mother to be absent from work on leave under this subsection for the purpose of caring for the child.
- (2) Regulations under subsection (1) shall provide that such leave shall be taken before the end of a period of 56 weeks beginning with the date of the child’s birth.
- (3) Provision under subsection (1) shall secure that where an employee is entitled to leave under this section in respect of a child he is entitled to at least four weeks’ leave.”

(2) In the Social Security Contributions and Benefits Act 1992, after section 171ZT insert –

**“171ZTA Entitlement to father quota**

- (1) Regulations shall provide that where an employee is entitled to a father quota of leave under section 75E of the Employment Rights Act 1996, the employee is to be entitled to payments known as “father quota pay”.
- (2) Father quota pay under subsection (1) shall be at the earnings related weekly rate of 90 per cent of the employee’s average earnings for the first six weeks in respect of which it is payable, followed by a fixed weekly rate thereafter which shall not be less than the weekly rate of the full time national minimum wage in respect of the remaining portion of the father quota pay period.”

LORD STEVENSON OF BALMACARA

**266C** Insert the following new Clause –

**“Right to return to the same job after shared parental leave**

- (1) An employee who returns to work after any period of –
  - (a) ordinary maternity leave,
  - (b) ordinary adoption leave,
  - (c) paternity leave,
  - (d) shared parental leave of 26 weeks or less, or
  - (e) parental leave of four weeks or less, which was –
    - (i) a period of isolated leave, or

**Amendment  
No.**

**After Clause 89 – continued**

- (ii) a consecutive period of any statutory leave under subsection (1) of 26 weeks or less,  
is entitled to return from leave to the job in which the employee was employed before the employee’s absence.
- (2) An employee who returns to work after any period of –
- (a) additional maternity leave,
  - (b) additional adoption leave,
  - (c) parental leave of more than four weeks, or
  - (d) a consecutive period of any statutory leave under subsection (1) of more than 26 weeks,
- is entitled to return from leave to the job in which the employee was employed before the employee’s absence, or, if it is not reasonably practicable for the employer to permit the employee to return to that job, to another job which is both suitable for the employee and appropriate for the employee to do in the circumstances.
- (3) The reference in subsections (1) and (2) to the job in which an employee was employed before the employee’s absence is a reference to the job in which the employee was employed –
- (a) if the employee’s return is from an isolated period of statutory leave, immediately before that period began, or
  - (b) if the employee’s return is from consecutive periods of statutory leave, immediately before the first such period.”

BARONESS LISTER OF BURTERSETT

**266CA** Insert the following new Clause –

**“Annual review of shared parental leave**

As soon as reasonably practicable after the end of every year beginning with the day on which this Act is passed, the Secretary of State must –

- (a) prepare a report on the operation of the shared parental leave provisions in this Part of this Act, including a review of the take-up of shared parental leave by fathers; and
- (b) lay a copy of that report before both Houses of Parliament.”

**Clause 90**

LORD TOUHIG

**266D** Page 68, line 24, at end insert –

- “(za) in subsection (2) at the end there is inserted “for each child born as a result of the pregnancy in addition to the entitlement to allow the Secretary of State to regulate for additional maternity leave under section 73;”

Amendment  
No.

**After Clause 90**

LORD TOUHIG

**266E** Insert the following new Clause –

**“Statutory maternity pay for multiple births**

- (1) The Social Security Contributions and Benefits Act 1992 is amended as follows.
- (2) In section 164 (statutory maternity pay – entitlement and liability to pay), in subsection (9) after paragraph (a), there is inserted –
  - “(aa) specify circumstances in which there is a liability to make additional statutory maternity payments to a woman who has given birth to more than one child as a result of a single pregnancy;”.

**Clause 93**

BARONESS MASSEY OF DARWEN  
BARONESS DRAKE

**267** Leave out Clause 93 and insert the following new Clause –

**“Statutory rights to leave and pay of prospective adopters with whom looked after children are placed, special guardians and family and friends carers**

- (1) In section 75A of the Employment Rights Act 1996 (ordinary adoption leave), after subsection (1) there is inserted –
  - “(1A) The conditions that may be prescribed under subsection (1) include conditions as to –
    - (a) being a local authority foster parent;
    - (b) being approved as a prospective adopter;
    - (c) being notified by a local authority in England that a child is to be, or is expected to be, placed with the employee under section 22C of the Children Act 1989;
    - (d) becoming a special guardian under section 14A of the Children Act 1989;
    - (e) becoming a family and friends carer in prescribed circumstances.”
- (2) In section 75B of the Employment Rights Act 1996 (additional adoption leave), after subsection (1) there is inserted –
  - “(1A) The conditions that may be prescribed under subsection (1) include conditions as to –
    - (a) becoming a special guardian under section 14A of the Children Act 1989;
    - (b) becoming a family and friends carer in prescribed circumstances.”



**Amendment  
No.**

**Clause 93 – continued**

- (3) In section 80B of the Employment Rights Act 1996 (entitlement to ordinary paternity leave: adoption) –
- (a) in subsection (5), after paragraph (a) there is inserted –
    - “(aa) make provision excluding the right to be absent on leave under this section in the case of an employee who, by virtue of provision under subsection (6A), has already exercised a right to be absent on leave under this section in connection with the same child;”;
  - (b) after subsection (6) there is inserted –
    - “(6A) Regulations under subsection (1) shall include provision for leave in respect of a child –
      - (a) placed, or expected to be placed, under section 22C of the Children Act 1989 by a local authority in England with a local authority foster parent who has been approved as a prospective adopter;
      - (b) for whom a special guardian has been appointed under section 14A of the Children Act 1989;
      - (c) placed in a family and friends care arrangement in prescribed circumstances.
  - (6B) This section has effect in relation to regulations made by virtue of subsection (6A) as if –
    - (a) references to being placed for adoption were references to being placed under section 22C of the Children Act 1989 with a local authority foster parent who has been approved as a prospective adopter or to being placed with a special guardian under section 14A of the Children Act 1989 or to being placed in a family and friends care arrangement in prescribed circumstances;
    - (b) references to placement for adoption were references to placement under section 22C or section 14A with such a person or to placement with a family and friends carer in prescribed circumstances;
    - (c) paragraph (aa) of subsection (5) were omitted.”

Amendment  
No.

**Clause 93** – *continued*

- (4) In section 171ZB of the Social Security Contributions and Benefits Act 1992 (entitlement to ordinary statutory paternity pay: adoption), after subsection (7) there is inserted –
- “(8) This section has effect in a case involving a child placed under section 22C of the Children Act 1989 by a local authority in England with a local authority foster parent who has been approved as a prospective adopter, or placed with a special guardian under section 14A of the Children Act 1989 or placed in a family and friends care arrangement in prescribed circumstances, with the following modifications –
- (a) the references in subsection (2) to a child being placed for adoption under the law of any part of the United Kingdom are to be treated as references to a child being placed under section 22C in that manner or to being placed with a special guardian under section 14A or to being placed in a family and friends care arrangement in prescribed circumstances;
  - (b) the reference in subsection (3) to the week in which the adopter is notified of being matched with the child for the purposes of adoption is to be treated as a reference to the week in which the prospective adopter is notified that the child is to be, or is expected to be, placed with the prospective adopter under section 22C or the week the special guardian is expected to be appointed or the week the child is expected to be placed in a family and friends care arrangement in prescribed circumstances;
  - (c) the reference in subsection (6) to placement for adoption is to be treated as a reference to placement under section 22C of section 14A or to placement with a family and friends carer in prescribed circumstances;
  - (d) the definition in subsection (7) is to be treated as if it were a definition of “prospective adopter” or “special guardian” or “family and friends carer in prescribed circumstances”.
- (9) Where, by virtue of subsection (8), a person becomes entitled to statutory paternity pay in connection with the placement of a child under section 22C or 14A of the Children Act 1989 or placement with a family and friends carer in prescribed circumstances, the person may not become entitled to payments of statutory paternity pay in connection with the placement of the child for adoption.”
- (5) In section 171ZE of the Social Security Contributions and Benefits Act 1992 (rate and period of pay), after subsection (11) there is inserted –
- “(12) Where statutory paternity pay is payable to a person by virtue of section 171ZB(8), this section has effect as if –
- (a) the references in subsections (3)(b) and (10) to placement for adoption were references to placement under section 22C or 14A of the Children Act 1989 or placement with a family and friends carer in prescribed circumstances;
  - (b) the references in subsection (10) to being placed for adoption were references to being placed under section 22C or 14A or to being placed with a family and friends carer in prescribed circumstances.”

**Amendment  
No.**

**Clause 93 – continued**

- (6) In section 171ZL of the Social Security Contributions and Benefits Act 1992 (entitlement to statutory adoption pay), after subsection (8) there is inserted –
- “(9) This section has effect in a case involving a child who is, or is expected to be, placed under section 22C of the Children Act 1989 by a local authority in England with a local authority foster parent who has been approved as a prospective adopter, or placed with a special guardian under section 14A of the Children Act 1989 or placed in a family and friends care arrangement in prescribed circumstances, with the following modifications –
- (a) the references in subsections (2)(a) and (4A)(a) to a child being placed for adoption under the law of any part of the United Kingdom are to be treated as references to a child being placed under section 22C in that manner or to being placed with a special guardian under section 14A or to being placed in a family and friends care arrangement in prescribed circumstances;
  - (b) the reference in subsection (3) to the week in which the person is notified that he has been matched with the child for the purposes of adoption is to be treated as a reference to the week in which the person is notified that the child is to be, or is expected to be, placed with him under section 22C or the week the special guardian is expected to be appointed or the week the child is expected to be placed in a family and friends care arrangement in prescribed circumstances;
  - (c) the references in subsection (4B)(a) to adoption are to be treated as references to placement under section 22C or 14A or placement with a family and friends carer in prescribed circumstances;
  - (d) the reference in subsection (5) to placement, or expected placement, for adoption is to be treated as a reference to placement, or expected placement, under section 22C or 14A or placement with a family and friends carer in prescribed circumstances.
- (10) Where, by virtue of subsection (9), a person becomes entitled to statutory adoption pay in respect of a child who is, or is expected to be, placed under section 22C or 14A of the Children Act 1989 or placement with a family and friends carer in prescribed circumstances, the person may not become entitled to payments of statutory adoption pay as a result of the child being, or being expected to be, placed for adoption.”

Amendment  
No.

**Clause 93 – continued**

- (7) In section 171ZN of the Social Security Contributions and Benefits Act 1992 (rate and period of pay), after subsection (8) there is inserted –
- “(9) Where statutory adoption pay is payable to a person by virtue of section 171ZL(9), this section has effect as if the reference in subsection (2E) to the week in which the person is notified that he has been matched with a child for the purposes of adoption were a reference to the week in which the person is notified that a child is to be, or is expected to be, placed with him under section 22C of the Children Act 1989 or the week the special guardian is expected to be appointed or the week the child is expected to be placed in a family and friends care arrangement in prescribed circumstances.
- (8) In the Social Security Contributions and Benefits Act 1992 –
- (a) in section 171ZJ(1), at the appropriate place there is inserted –
- ““local authority” has the same meaning as in the Children Act 1989 (see section 105(1) of that Act);”;
- ““local authority foster parent” has the same meaning as in the Children Act 1989 (see section 22C(12) of that Act);”;
- (b) in section 171ZS(1), at the appropriate place there is inserted –
- ““local authority” has the same meaning as in the Children Act 1989 (see section 105(1) of that Act);”;
- ““local authority foster parent” has the same meaning as in the Children Act 1989 (see section 22C(12) of that Act);”.”

**After Clause 93**

BARONESS DRAKE  
BARONESS MASSEY OF DARWEN

267A

Insert the following new Clause –

**“Kinship carers’ adjustment leave**

- (1) A qualifying employee who satisfies prescribed conditions may be absent from work at any time during an adjustment leave period.
- (2) An adjustment leave period is a period calculated in accordance with regulations made by the Secretary of State.
- (3) The regulations under subsection (2) above shall include provision for determining the extent of an employee’s entitlement to leave under this section but shall secure that where an employee is entitled to leave under this section he is entitled to at least four weeks’ leave, or for a longer period to be prescribed.
- (4) An employee who exercises his rights under subsection (1) –
- (a) is entitled, for such purposes and to such extent as may be prescribed, to the benefit of the terms and conditions of employment which would have applied if he had not been absent,
- (b) is bound, for such purposes and to such extent as may be prescribed, by any obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1)), and

Amendment  
No.

**After Clause 93 – continued**

- (c) is entitled to return from leave to a job of a prescribed kind.
- (5) For the purposes of this section, an employee is a qualifying employee if he is a family and friends (kinship) carer looking after a child full-time because the parent(s) is unable to look after the child, in the first 12 months after the child moves in.”

**267B** Insert the following new Clause –

**“Carer’s leave**

- (1) A qualifying employee who satisfies prescribed conditions may be absent from work for a specified period to provide care for a child or vulnerable adult.
- (2) An adjustment leave period is a period calculated in accordance with regulations made by the Secretary of State.
- (3) The regulations under subsection (2) above shall include provision for determining the extent of an employee’s entitlement to leave under this section but shall secure that where an employee is entitled to leave under this section he is entitled to two week’s leave in any given year.
- (4) The leave may be taken in a two week block or part-time, with the agreement of the employer.
- (5) An employee who exercises his rights under subsection (1) –
- (a) is entitled, for such purposes and to such extent as may be prescribed, to the benefit of the terms and conditions of employment which would have applied if he had not been absent,
  - (b) is bound, for such purposes and to such extent as may be prescribed, by any obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1)), and
  - (c) is entitled to return from leave to a job of a prescribed kind.
- (6) For the purposes of this section, an employee is a qualifying employee if he has caring responsibilities for a child or vulnerable adult.”

LORD STEVENSON OF BALMACARA

**267BA** Insert the following new Clause –

**“Review of statutory rights to leave and pay for kinship carers and special guardians**

Before the end of one year beginning with the day on which this Act is passed, the Secretary of State must –

- (a) carry out a review of the impact of the lack of statutory pay and leave on kinship carers and special guardians remaining in employment; and
- (b) publish, and lay before both Houses of Parliament, a report of the conclusions of the review.”

Amendment  
No.

**After Clause 97**

BARONESS DRAKE  
BARONESS MASSEY OF DARWEN

**267C** Insert the following new Clause –

**“Extension of emergency leave entitlement to grandparents**

In section 57A(3) of the Employment Rights Act 1996 (time off for dependants), after paragraph (d) there is inserted –

“(e) a grandchild”.

LORD KNIGHT OF WEYMOUTH

**267D** Insert the following new Clause –

**“Parental bereavement leave**

In the Employment Rights Act 1996, after section 57A there is inserted –

**“57AA Parental bereavement leave**

- (1) The Secretary of State must make regulations entitling an employee who satisfies specified conditions –
  - (a) as to duration of employment, and
  - (b) as to relationship with a child,
 to be absent from work on leave under this section in consequence of the death of a child.
- (2) Regulations under subsection (1) shall secure that, where an employee has a right to leave under this section, he or she is entitled to a leave period of at least 2 weeks.
- (3) Regulations under subsection (1) shall secure that an employee who exercises his or her right under subsection (1) –
  - (a) is entitled, for such purposes and to such extent as may be prescribed, to the benefit of the terms and conditions of employment which would have applied if he or she had not been absent,
  - (b) is bound, for such purposes and to such extent as may be prescribed, by any obligations arising under those terms and conditions (except in so far as they are inconsistent with subsection (1)), and
  - (c) is entitled to return from leave to a job of a prescribed kind.
- (4) In subsection (3)(a) “terms and conditions of employment” includes –
  - (a) matters connected with an employee’s employment whether or not they arise under his or her contract of employment; and
  - (b) terms and conditions about remuneration.”

Amendment  
No.

**After Clause 98**

LORD STEVENSON OF BALMACARA

**267E** Insert the following new Clause –

**“Review of the provisions of this Part**

- (1) The Secretary of State must from time to time –
  - (a) carry out a review of the provisions under this Part;
  - (b) set out the conclusions of the review in a report; and
  - (c) publish and lay a copy of the report before both Houses of Parliament.
- (2) The report must in particular –
  - (a) set out the objectives intended to be achieved by this Part including, the objective of encouraging fathers to share in caring for their children;
  - (b) assess the extent to which these objectives are achieved for all families including those with premature or multiple births; and
  - (c) assess, having regard to the objectives set out in paragraph (a) –
    - (i) the number of families having access to the provisions under this Part and whether this could be increased;
    - (ii) whether the amount of paid leave available to fathers independently of any shared parental leave arrangements is suitable;
    - (iii) whether and how shared parental leave could be taken on a part time basis.
- (3) The first report under subsection (1) must be published before the end of three years beginning with the day on which this Part comes into force.”

BARONESS PITKEATHLEY  
BARONESS LISTER OF BURTERSETT

**267EA** Insert the following new Clause –

**“Welfare of disabled children**

- (1) The Children Act 1989 is amended as follows.
- (2) After section 23A insert –

**“23AA Welfare of disabled children**

Regulations, subject to approval by resolution of both Houses of Parliament, shall provide for those who care for disabled children to have the same entitlement to a carer’s assessment as young carers and adults caring for adults.”

**Clause 99**

LORD STEVENSON OF BALMACARA  
BARONESS BRINTON

**267F** Page 92, line 26, after “take” insert “reasonable”

**Amendment No.** **Clause 99 – continued**

**267G** Page 92, leave out lines 29 to 33

BARONESS BRINTON

**267GA** Page 92, line 33, at end insert –

“( ) The Secretary of State may, by regulations, provide for circumstances in which subsections (2) and (3) do not apply in cases where there is a severe medical need which requires further antenatal appointments or longer appointment periods.”

**267GB** Page 94, line 7, at end insert –

“( ) Regulations under this section must be made by statutory instrument.

( ) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by resolution of, both Houses of Parliament.”

LORD STEVENSON OF BALMACARA  
BARONESS BRINTON

**267H** Page 95, line 21, after “take” insert “reasonable”

**267J** Page 95, leave out lines 25 to 29

LORD STEVENSON OF BALMACARA

**267K** Page 95, leave out lines 25 to 27 and insert –

“(2) In relation to a singleton pregnancy, an employee is not entitled to take time off for the purpose specified in subsection (1) on more than two occasions, and in relation to a multiple pregnancy, an employee is not entitled to take time off for the purpose specified in subsection (1) on more than six occasions.”

BARONESS BRINTON

**267KA** Page 95, line 33, at end insert –

“( ) The Secretary of State may, by regulations, provide for circumstances in which subsections (2) and (3) do not apply in cases where there is a severe medical need which requires further antenatal appointments or longer appointment periods.”

**267KB** Page 97, line 2, at end insert –

“( ) Regulations under this section must be made by statutory instrument.

( ) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by resolution of, both Houses of Parliament.”



Amendment  
No.

**Clause 104**

LORD STEVENSON OF BALMACARA

- 267L** Page 112, line 10, leave out “If an employer allows an employee to appeal” and insert “Where an employee appeals”
- 267M** Page 112, line 34, leave out “the employer allow the employee to appeal” and insert “an employee appeals”

*Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 104 stand part of the Bill.*

**After Clause 106**

BARONESS BENJAMIN  
VISCOUNT COLVILLE OF CULROSS  
LORD STEVENSON OF BALMACARA

- 268** Insert the following new Clause –

**“PART 8A**

CHILDREN PARTICIPATION IN PERFORMANCES

**Children participation in performances**

- (1) Section 25 of the Children and Young Persons Act 1933 (restrictions on persons under eighteen going abroad for the purpose of performing for profit) is amended as follows.
- (2) For subsection (1)(a) substitute –
  - “(a) for the purposes of taking part in a performance to which section 37(2) of the Children and Young Persons Act 1963 applies,”.
- (3) In subsection (1) –
  - (a) for “this section” substitute “section 37 of the Children and Young Persons Act 1963”,
  - (b) omit paragraph (a) and after “granted in respect of him under” omit “this” and after “section” insert “37 of the Children and Young Persons Act 1963”.
- (4) Subsections (2) to (11) of the Children and Young Persons Act 1933 are omitted.
- (5) Section 37 of the Children and Young Persons Act 1963 (restrictions on persons under 16 taking part in public performances, etc.) is amended as follows.
- (6) After subsection (2) insert –
  - “(2A) For the purposes of subsection (2), a performance does not include participation in –
    - (a) filming by private individuals for uploading onto the internet for transmission (“user generated content”);

Amendment  
No.

**After Clause 106 – continued**

- (b) observational documentaries in which the child’s life and routine remains to a significant degree the same as it would have been had filming not been taking place;
  - (c) unplanned and spontaneous filming where parental consent is subsequently obtained for the purposes of broadcasting;
  - (d) filming in the context of news and current affairs journalism, or filming in the public interest in circumstances where it is not practicable to apply for a licence, without prejudice to the effect of sections 39 and 49; or
  - (e) any further category as the Secretary of State may specify by way of regulations.”
- (7) After subsection (3) insert –
- “(3A) Where subsection (2A)(b) to (e) applies such that no licence is required, the person responsible for filming the child shall carry out an assessment of risk prior to the filming taking place, save where it is not possible to do so, in which case such a risk assessment must be carried out as soon as possible after such filming takes place.”
- (8) In subsection (4) after “will not suffer” insert “and in particular, that the child would not be subjected to any risk beyond that involved in the ordinary course of their life”.
- (9) In subsection (5) after “imposed by the authority” insert “; such conditions shall however, seek to minimise any differences in conditions imposed in relation to different media and any such differences must be necessary and objectively justified for the purposes of protecting the child against a specified risk, and in particular, regulations shall not prohibit the recording or broadcast of live performances where the child’s participation in that live performance is permitted by the relevant licence”.
- (10) After subsection (1)(b) insert –
- “(c) go abroad for the purposes of a performance to which subsection 2 applies save that this subsection shall not apply in any case where it is proved that the child was only temporarily resident within the United Kingdom.”
- (11) Section 38 is repealed.
- (12) Section 42 is repealed.”

LORD STEVENSON OF BALMACARA  
BARONESS HUGHES OF STRETFORD

268A

Insert the following new Clause –

**“Promoting flexible working: review**

- (1) Before the end of one year beginning with the day on which this Act is passed, the Secretary of State must –
  - (a) carry out a review looking into ways of promoting flexible working; and
  - (b) publish, and lay before both Houses of Parliament, a report of the conclusions of the review.

**Amendment  
No.**

**After Clause 106 – continued**

- (2) A review under subsection (1) will consider in particular –
- (a) how to promote the right to request flexible working among employees;
  - (b) how to encourage employers to discuss flexible working at the earliest opportunity; and
  - (c) whether all advertisements for employment opportunities in the public sector should specify the possibility of discussing flexible working at interview.”

**Clause 107**

LORD NASH

- 269** Page 114, line 34, leave out subsection (6) and insert –
- “(6) A statutory instrument containing (whether alone or with other provision) –
- (a) the first regulations to be made under section 49,
  - (b) an order under section 54(1) or 55(1), or
  - (c) an order under section 108 which amends or repeals any provision of primary legislation,
- is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

BARONESS HUGHES OF STRETFORD  
BARONESS JONES OF WHITCHURCH

- 270** Page 114, line 36, after “legislation” insert “, or a statutory instrument containing an order under section 4,”
- 271** Page 114, line 36, after “legislation” insert “, or a statutory instrument containing an order under section 49,”
- 272** Page 114, line 36, after “legislation” insert “, or a statutory instrument containing an order under section 51(4),”
- 273** Page 114, line 36, after “legislation” insert “, or a statutory instrument containing an order under sections 54 and 55,”

**Clause 111**

LORD NASH

- 273A** Page 116, line 5, after “18” insert “, (*Local authority functions relating to children etc: intervention*)”
- 273B** Page 116, line 5, after “18” insert “, (*Objectives and standards for establishments and agencies in England*)”
- 273C** Page 116, line 5, after “18” insert “, (*National minimum standards for establishments and agencies in England*)”

**Amendment  
No.**

**Clause 112**

LORD NASH

**274**

Page 116, line 14, leave out “is” and insert “and section (*Duty to support pupils with medical conditions*) (duty to support pupils with medical conditions) are”







# Children and Families Bill

---

---

TWELFTH  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

---

*18th November 2013*

---

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS  
LONDON – THE STATIONERY OFFICE LIMITED

HL Bill 32 – XII

(34711)

55/3



ISBN 978-0-10-854402-6



9 780108 544026