

Children and Families Bill

FIFTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 4th December 2013, as follows –

Clauses 80 to 94	Clauses 96 to 105
Schedule 5	Schedule 7
Clause 95	Clauses 106 to 119
Schedule 6	

[Amendments marked ★ are new or have been altered]

Amendment
No.

Before Clause 80

EARL HOWE

57B Insert the following new Clause –

“Regulation of retail packaging etc of tobacco products

- 3 (1) The Secretary of State may make regulations under subsection (6) or (8) if the Secretary of State considers that the regulations may contribute at any time to reducing the risk of harm to, or promoting, the health or welfare of people under the age of 18.
- (2) Subsection (1) does not prevent the Secretary of State, in making regulations under subsection (6) or (8), from considering whether the regulations may contribute at any time to reducing the risk of harm to, or promoting, the health or welfare of people aged 18 or over.
- (3) The Secretary of State may treat regulations under subsection (6) or (8) as capable of contributing to reducing the risk of harm to, or promoting, the health or welfare of people under the age of 18 if the Secretary of State considers that –
- (a) at least some of the provisions of the regulations are capable of having that effect, or

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Before Clause 80 – continued

- (b) the regulations are capable of having that effect when taken together with other regulations that were previously made under subsection (6) or (8) and are in force.
- (4) Regulations under subsection (6) or (8) are to be treated for the purposes of subsection (1) or (2) as capable of contributing to reducing the risk of harm to, or promoting, people's health or welfare if (for example) they may contribute to any of the following –
 - (a) discouraging people from starting to use tobacco products;
 - (b) encouraging people to give up using tobacco products;
 - (c) helping people who have given up, or are trying to give up, using tobacco products not to start using them again;
 - (d) reducing the appeal or attractiveness of tobacco products;
 - (e) reducing the potential for elements of the packaging of tobacco products other than health warnings to detract from the effectiveness of those warnings;
 - (f) reducing opportunities for the packaging of tobacco products to mislead consumers about the effects of using them;
 - (g) reducing opportunities for the packaging of tobacco products to create false perceptions about the nature of such products;
 - (h) having an effect on attitudes, beliefs, intentions and behaviours relating to the reduction in use of tobacco products.
- (5) Regulations under subsection (6) or (8) are to be treated for the purposes of subsection (1) as capable of contributing to reducing the risk of harm to, or promoting, the health or welfare of people under the age of 18 if –
 - (a) they may contribute to reducing activities by such people which risk harming their health or welfare after they reach the age of 18, or
 - (b) they may benefit such people by reducing the use of tobacco products among people aged 18 or over.
- (6) The Secretary of State may by regulations make provision about the retail packaging of tobacco products.
- (7) Regulations under subsection (6) may in particular impose prohibitions, requirements or limitations relating to –
 - (a) the markings on the retail packaging of tobacco products (including the use of branding, trademarks or logos);
 - (b) the appearance of such packaging;
 - (c) the materials used for such packaging;
 - (d) the texture of such packaging;
 - (e) the size of such packaging;
 - (f) the shape of such packaging;
 - (g) the means by which such packaging is opened;
 - (h) any other features of the retail packaging of tobacco products which could be used to distinguish between different brands of tobacco product;
 - (i) the number of individual tobacco products contained in an individual packet;
 - (j) the quantity of a tobacco product contained in an individual packet.

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No.**

Before Clause 80 – continued

- (8) The Secretary of State may by regulations make provision imposing prohibitions, requirements or limitations relating to—
- (a) the markings on tobacco products (including the use of branding, trademarks or logos);
 - (b) the appearance of such products;
 - (c) the size of such products;
 - (d) the shape of such products;
 - (e) the flavour of such products;
 - (f) any other features of tobacco products which could be used to distinguish between different brands of tobacco product.
- (9) The Secretary of State may by regulations—
- (a) create offences which may be committed by persons who produce or supply tobacco products the retail packaging of which breaches prohibitions, requirements or limitations imposed by regulations under subsection (6);
 - (b) create offences which may be committed by persons who produce or supply tobacco products which breach prohibitions, requirements or limitations imposed by regulations under subsection (8);
 - (c) provide for exceptions and defences to such offences;
 - (d) make provision about the liability of others to be convicted of such offences if committed by a body corporate or a Scottish partnership.
- (10) The Secretary of State may by regulations provide that regulations under subsection (6) or (8) are to be treated for the purposes specified in regulations under this subsection as safety regulations within the meaning of the Consumer Protection Act 1987.
- (11) The Secretary of State may by regulations make provision amending, repealing, revoking or otherwise modifying any provision made by or under an enactment (whenever passed or made) in connection with provision made by regulations under any of subsections (6), (8), (9) or (10).
- (12) The Secretary of State must—
- (a) obtain the consent of the Scottish Ministers before making regulations under any of subsections (6), (8), (9) or (10) containing provision which would (if contained in an Act of the Scottish Parliament) be within the legislative competence of that Parliament;
 - (b) obtain the consent of the Welsh Ministers before making regulations under any of those subsections containing provision which would (if contained in an Act of the National Assembly for Wales) be within the legislative competence of that Assembly;
 - (c) obtain the consent of the Office of the First Minister and deputy First Minister in Northern Ireland before making regulations under any of those subsections containing provision which would (if contained in an Act of the Northern Ireland Assembly) be within the legislative competence of that Assembly.

Amendment
No.

Before Clause 80 – continued

- (13) For the purposes of this section a person produces a tobacco product if, in the course of a business and with a view to the product being supplied for consumption in the United Kingdom or through the travel retail sector, the person –
- (a) manufactures the product,
 - (b) puts a name, trademark or other distinguishing mark on it by which the person is held out to be its manufacturer or originator, or
 - (c) imports it into the United Kingdom.
- (14) For the purposes of this section a person supplies a tobacco product if in the course of a business the person –
- (a) supplies the product,
 - (b) offers or agrees to supply it, or
 - (c) exposes or possesses it for supply.
- (15) In this section –
- “enactment” includes –
- (a) an Act of the Scottish Parliament,
 - (b) a Measure or Act of the National Assembly for Wales, or
 - (c) Northern Ireland legislation;
- “external packaging”, “internal packaging” and “wrapper” have the meanings given by regulations under subsection (6);
- “packaging”, in relation to a tobacco product, means –
- (a) the external packaging of that product,
 - (b) any internal packaging of that product,
 - (c) any wrapper of that product, or
 - (d) any other material attached to or included with that product or anything within paragraphs (a) to (c);
- “retail packaging”, in relation to a tobacco product, means the packaging in which it is, or is intended to be, presented for retail sale;
- “retail sale” means sale otherwise than to a person who is acting in the course of a business which is part of the tobacco trade;
- “tobacco product” means a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked or chewed;
- “travel retail sector” means retail outlets in the United Kingdom at which tobacco products may be purchased only by people travelling on journeys to destinations outside the United Kingdom.”

LORD HUNT OF KINGS HEATH
BARONESS HUGHES OF STRETFORD

[As an amendment to Amendment 57B]

57BA

Line 3, leave out “may” and insert “must”

Amendment
No.

Before Clause 80 – continued

LORD HUNT OF KINGS HEATH
BARONESS HUGHES OF STRETFORD
LORD FAULKNER OF WORCESTER

57BB Insert the following new Clause –

“Protection of Children’s health: offence of smoking in a private vehicle

The Secretary of State may bring forward regulations making it an offence for any person who drives a private vehicle to fail to prevent smoking in the vehicle when a child or children are present.”

BARONESS JONES OF WHITCHURCH
BARONESS MEACHER

57BC Insert the following new Clause –

“Welfare of children: housing benefit

- (1) The Housing Benefit (Amendment) Regulations 2006 are amended as follows.
- (2) In regulation B13 (determination of maximum rent (social sector)), inserted by regulation 5 of the Housing Benefit (Amendment) Regulations 2012 –
 - (a) in paragraph (5), at beginning insert “Subject to paragraph (5A)”; and
 - (b) after paragraph (5) insert –

“(5A) The relevant authority shall make a determination that the restriction to one bedroom under paragraph (5) does not apply if it is in the interests of the welfare of a child or the children living in the dwelling to make such a determination.””

Clause 81

LORD KENNEDY OF SOUTHWARK
BARONESS HOWE OF IDLICOTE
LORD PATEL

57C Page 57, line 16, at end insert –

- “(7) In preparing and implementing individual health care plans and following the guidance issued by the Secretary of State, local authorities, clinical commissioning groups and governing bodies must work together in fulfilling their functions under this Act.”

Amendment
No.

After Clause 81

BARONESS BRINTON

57D Insert the following new Clause –

“Provision and support for bullied children

- (1) The Secretary of State must produce an anti-bullying strategy (“the Strategy”) (and consequential Code of Practice and Statutory Guidelines) for schools and further education institutions on ways of preventing and protecting children and young people from bullying and ensuring effective recovery programmes to counter the consequences of severe bullying.
- (2) The Strategy produced under subsection (1) must include a comprehensive definition of bullying.
- (3) The Strategy shall ensure cross links between the SEN and Anti-Bullying Codes of Practice and Statutory Guidelines, so that schools are aware that some bullied children and young people will have special educational needs.
- (4) Where the impact of bullying results in a pupil or student having social, mental or emotional needs, schools and further education institutions should use the graduated approach detailed in the SEN Code of Practice, but if those needs are complex and will not be met through this approach, then an education, health and care plan should be made.
- (5) Where any bullied child or student who has been out of school or further education institution for a period of three months or longer, and who has mental or emotional problems (whether or not they are impacting on the child or student’s learning), the school or further education institution will have a duty to help provide an urgent referral to the child or young person’s local Child and Adolescent Mental Health Service.
- (6) A bullied pupil or student who is unable to attend their school or institution, but who is still on the roll, must be brought to the attention of the local authority by their school or institution within three months of starting to miss school.
- (7) Where a pupil or student is brought to the attention of the local authority under subsection (6), it has a duty to find alternative provision that is suitable for the pupil or student and their needs, and the pupil or student’s educational establishment has a duty to co-operate with the local authority.
- (8) During an inspection, OFSTED will expect a school or institution to provide details of the plan for any child out of school for an extended period who is still on the school roll.”

**Amendment
No.**

Clause 82

BARONESS JONES OF WHITCHURCH
BARONESS HUGHES OF STRETFORD

57E Page 57, line 34, at end insert –

“(4AD) For the avoidance of doubt, a direction made pursuant to the provisions of subsection (4A) as amended by subsection (4AA) shall not have the automatic effect of transferring the functions of the Director of Children’s Services and the Lead Member of Children’s Services in sections 18 and 19 of the Children’s Act 2004 to the Secretary of State’s nominee.

(4AE) Before giving a direction to an authority pursuant to the provisions of subsection (4A), the Secretary of State must give the authority 14 days’ notice in writing of the proposed direction.

(4AF) The proposed direction shall include a determination as to which functions shall be exercised by the Secretary of State or a person nominated by him and which functions shall be exercised by the authority, including those set out in subsection (4AD) above.

(4AG) The authority may make written representations to the Secretary of State about the proposed direction within that period.

(4AH) The Secretary of State may modify or withdraw a direction under this section by notice in writing to the authority or authorities to which it was given.”

57F Page 58, line 2, at end insert –

“(6D) For the avoidance of doubt, a direction made pursuant to the provisions of subsection (6)(a) as amended by subsection (6A) shall not have the automatic effect of transferring the functions of the Director of Children’s Services and the Lead Member of Children’s Services in sections 18 and 19 of the Children’s Act 2004 to the Secretary of State’s nominee.

(6E) Before giving a direction to a best value authority pursuant to subsection (6)(a), the Secretary of State must give the best value authority 14 days’ notice in writing of the proposed direction.

(6F) The proposed direction shall include a determination as to which functions shall be exercised by the Secretary of State or a person nominated by him and which functions shall be exercised by the best value authority, including those set out in subsection (6D).

(6G) The best value authority may make written representations to the Secretary of State about the proposed direction within that period.

(6H) The Secretary of State may modify or withdraw a direction under this section by notice in writing to the best value authority or authorities to which it was given.”

Amendment
No.

After Clause 82

LORD NASH

57G

Insert the following new Clause –

“Application of suspension etc powers to establishments and agencies in England

- (1) In section 14A of the Care Standards Act 2000 (power of Welsh Ministers to suspend registration of person in respect of establishment or agency), in subsection (1) –
 - (a) for “Welsh Ministers” substitute “registration authority”, and
 - (b) omit “for which the Welsh Ministers are the registration authority”.
- (2) In subsection (2) of that section, for “Welsh Ministers give” substitute “registration authority gives”.
- (3) In section 15(4A) of that Act (duty of Welsh Ministers to give notice of decision to grant application for cancellation or variation of suspension) –
 - (a) for “Welsh Ministers decide” substitute “registration authority decides”,
 - (b) for “they” substitute “it”, and
 - (c) for “their” substitute “its”.
- (4) In section 20B of that Act (urgent procedure for suspension or variation etc: Wales), in the heading omit “: Wales”.
- (5) In subsection (1) of that section –
 - (a) in paragraph (a) omit “for which the Welsh Ministers are the registration authority”, and
 - (b) in paragraph (b) –
 - (i) for “Welsh Ministers have” substitute “registration authority has”, and
 - (ii) for “they act” substitute “it acts”.
- (6) In subsection (2) of that section, for “Welsh Ministers” in both places substitute “registration authority”.
- (7) In subsection (4)(b) of that section, for “Welsh Ministers” substitute “registration authority’s”.

BARONESS MASSEY OF DARWEN
BARONESS DRAKE

58

Insert the following new Clause –

“Local authority’s duty to investigate: work with families

In section 47 of the Children Act 1989 after subsection (8) insert –

- “(8A) Where, as a result of complying with this section, a local authority conclude that a child may need to become looked after in order to safeguard and promote their welfare, the local authority must, unless emergency action is required, seek to identify and consider the willingness and suitability of any relative, friend of other person connected with the child, to care for them as an alternative to them becoming looked after by unrelated carers.”

Amendment
No.

After Clause 82 – *continued*

59

Insert the following new Clause –

“Support for family and friends carers when children are not looked after

After section 17B of the Children Act 1989 insert –

“17C Support for family and friends carers when children are not looked after

Each local authority must make arrangements for the provision within their area of family and friends care support services, including –

- (a) counselling, advice and information; and
- (b) such other services as are prescribed, in relation to family and friends care.””

After Clause 85

LORD NASH

59ZA

Insert the following new Clause –

“Provision of free school lunches

- (1) The Education Act 1996 is amended as follows.
- (2) In section 512ZB (provision of free school lunches and milk at maintained schools) –
 - (a) in subsection (2)(a) after “subsection (4)” insert “or (4A) (or both)”, and
 - (b) after subsection (4) insert –
 - “(4A) A person is within this subsection if the person –
 - (a) is a registered pupil at a maintained school or pupil referral unit in England, and
 - (b) is in reception, year 1, year 2 or any other prescribed year group at the school.
 - (4B) The Secretary of State may by order provide for the following to be treated as persons within subsection (4A) –
 - (a) registered pupils, or any description of registered pupils, at a maintained nursery school in England;
 - (b) children, or any description of children, who receive relevant funded early years education, or any description of such education, in England.
 - (4C) In subsection (4A) –
 - “maintained school” means –
 - (a) a community, foundation or voluntary school, or
 - (b) a community or foundation special school;
 - “reception” means a year group in which the majority of children will, in the school year, attain the age of 5;
 - “year 1” means a year group in which the majority of children will, in the school year, attain the age of 6;

Amendment
No.

After Clause 85 – continued

“year 2” means a year group in which the majority of children will, in the school year, attain the age of 7;

“year group” means a group of children at a school the majority of whom will, in a particular school year, attain the same age.”;

- (c) in subsection (5), after ““prescribed”” insert “, “relevant funded early years education””.

- (3) After section 512A insert –

“512B Provision of school lunches: Academies

- (1) Academy arrangements in relation to an Academy school or an alternative provision Academy must include provision imposing obligations on the proprietor that are equivalent to the school lunches obligations.
- (2) “The school lunches obligations” are the obligations imposed in relation to maintained schools and pupil referral units in England by –
- (a) section 512(3) (provision of school lunches on request), and
 - (b) section 512ZB(1) (provision of free school lunches to eligible persons).
- (3) Academy arrangements in relation to an Academy (other than a 16 to 19 Academy) that are entered into before the date on which section (*Provision of free school lunches*)(3) of the Children and Families Act 2014 comes into force are to be treated as if they included the provision required by subsection (1), to the extent that they do not otherwise include such provision.”

BARONESS MASSEY OF DARWEN
LORD RAMSBOTHAM

- 59A** Insert the following new Clause –

“Independence of the Children’s Commissioner

In Schedule 1 to the Children Act 2004, in paragraph 1 (status) after subparagraph (2) insert –

- “(3) The Secretary of State shall not undermine the Children’s Commissioner’s independence and shall ensure that the Children’s Commissioner is under as few constraints as reasonably possible in determining –
- (a) the Commissioner’s activities,
 - (b) the Commissioner’s timetables, and
 - (c) the Commissioner’s priorities.””

**Amendment
No.**

Clause 86

LORD RAMSBOTHAM
BARONESS MASSEY OF DARWEN

59B Page 59, line 15, at end insert—

“() initiate and intervene in legal proceedings, including proceedings under section 7 of the Human Rights Act 1998 where the Children’s Commissioner is not the victim or potential victim of the unlawful act to which the proceedings relate”

LORD NASH

59C Page 60, line 2, after “must” insert “, in particular,”

Clause 92

LORD NASH

59D Page 63, line 9, leave out “involve children” and insert “consult children or otherwise involve them”

59E Page 63, line 10, at end insert “, and

(d) a summary of how the Commissioner has taken into account the results of any such consultation and anything else resulting from involving children in the discharge of his or her functions.”

Clause 93

LORD RAMSBOTHAM
BARONESS MASSEY OF DARWEN

59F Page 63, line 37, at end insert—

“() A child is within this subsection if he or she is detained in pursuance of—
(a) an order made by a court, or
(b) an order of recall made by the Secretary of State.
() A child is within this subsection if he or she has been identified by a professional as a potential victim of trafficking.
() A child is within this subsection if he or she is a separated migrant child.”

Amendment
No.

After Clause 95

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

60 Insert the following new Clause –

“Children’s health: standardised tobacco packaging

- (1) The Children and Young Persons (Protection from Tobacco) Act 1991 is amended as follows.
- (2) After section 3A (sales from vending machines in England and Wales) there is inserted –

“3B Standardised packaging

- (1) The appropriate national authority must, 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 in England and Wales.
- (2) Regulations made under subsection (1) must 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 the person owns or manages retail or commercial premises or a leisure facility; and
 - (b) the person sells or supplies, or has in the premises or facility for sale or supply, any tobacco product; and
 - (c) the retail packaging of the tobacco product does not comply with a specified retail tobacco packaging requirement.
- (4) A person (“person A”) is guilty of an offence if –
 - (a) person A manufactures any tobacco product; and
 - (b) either –
 - (i) person A packages the product for retail sale; or
 - (ii) person A enters into a contract or arrangement, or arrives at an understanding, for another person (person B) to package the product for retail sale; and
 - (c) (in a case falling within paragraph (b)(ii)) the tobacco product is packaged for retail sale by person B; and
 - (d) the retail packaging does not comply with a specified retail tobacco packaging requirement.
- (5) Sections 13, 14 and 15 of the Tobacco Advertising and Promotion Act 2002 (enforcement etc.) apply for the purposes of this section and regulations made under it as they apply for the purposes of provisions of that Act.

Amendment
No.

After Clause 95 – continued

- (6) The power of the appropriate national authority to make regulations under this section –
- (a) is exercisable by statutory instrument,
 - (b) may be exercised to make different provision for different cases or circumstances, and
 - (c) includes power to make supplementary, incidental, consequential or transitional provision.
- (7) A statutory instrument containing regulations made under this section may not be made –
- (a) by the Secretary of State unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament, and
 - (b) by the Welsh Ministers unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.
- (8) In this section –
- “the appropriate national authority” –
- (a) in relation to England, means the Secretary of State; and
 - (b) in relation to Wales, means the Welsh Ministers;
- “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;

Amendment
No.

After Clause 95 – continued

- (d) the labelling of or on packages, packaging or tobacco products, or associated with retail packaging or tobacco products;
 - (e) the contents of retail packaging (including the shape and size of tobacco products);
 - (f) any covert or overt markings, coded numbering or any other security features on retail packaging or tobacco products; or
 - (g) 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.””

LORD HUNT OF KINGS HEATH
BARONESS HUGHES OF STRETFORD

61 Insert the following new Clause –

“Protection of children’s health: standardised tobacco packaging

The Secretary of State shall, within six months of this Act coming into force, bring forward legislation making it an offence, where the sale or supply of any tobacco product would have a detrimental impact on the health or wellbeing of children under 18, for anyone to sell or supply any tobacco product, the retail packaging of which is not free of any colour, shape, trademark or any other mark as may be specified in regulations by the Secretary of State.”

LORD RIBEIRO
BARONESS FINLAY OF LLANDAFF
BARONESS TYLER OF ENFIELD
LORD FAULKNER OF WORCESTER

62 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 there is inserted –

“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 95 – 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)”.”

Clause 99

LORD NASH

- 62A** Page 92, line 22, at end insert –
- “(3CA) Regulations may provide for a reduction in the duration of the maternity allowance period as it applies to a woman to be revoked, or to be treated as revoked, subject to prescribed restrictions and conditions.”
- 62B** Page 92, line 23, leave out “(3C)” and insert “(3CA)”
- 62C** Page 93, line 2, at end insert –
- “(3D) Regulations may provide for a reduction in the duration of the maternity pay period as it applies to a woman to be revoked, or to be treated as revoked, subject to prescribed restrictions and conditions.”
- 62D** Page 93, line 32, at end insert –
- “(2CA) Regulations may provide for a reduction in the duration of the adoption pay period as it applies to a person to be revoked, or to be treated as revoked, subject to prescribed restrictions and conditions.”

Amendment
No.

After Clause 100

BARONESS DRAKE
BARONESS MASSEY OF DARWEN

63

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) 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 a period prescribed by the Secretary of State.
- (4) An employee who exercises his or her 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 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.
- (5) For the purposes of this section, an employee is a qualifying employee if –
 - (a) he or she is a family and friends (kinship) carer looking after a child full-time because the parent(s) is unable to look after the child, and
 - (b) he or she meets the criteria set out in the regulations under subsection (2).”

Clause 103

LORD NASH

63A

Page 98, line 16, leave out “(2C)” and insert “(2CA)”

Amendment
No.

After Clause 104

BARONESS HOWARTH OF BRECKLAND
LORD KNIGHT OF WEYMOUTH

63AZA Insert the following new Clause –

“Parental bereavement leave

In the Employment Rights Act 1996, after section 57A insert –

“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 to leave under this section –
 - (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.””

63AZB [*Withdrawn*]

Amendment
No.

After Clause 113

BARONESS LISTER OF BURTERSETT
BARONESS PITKEATHLEY
[In substitution for Amendment 63AZB]

63AZC Insert the following new Clause –

“Review of care leave

The Secretary of State must, within the scheduled review of parental leave, make arrangements –

- (a) to conduct research into the current labour market outcomes of carers, and
- (b) assess the need for further types of leave arrangements for employees in the United Kingdom, in addition to those that currently exist, with a view to helping families combine care for a disabled child or adult with work, and
- (c) for a report on the outcome to be produced and published.”

Clause 114

LORD NASH

63AA Page 121, line 35, at end insert –
“() regulations under section (*Application of Part to detained persons*)(3),”

EARL HOWE

63B Page 121, line 36, after “55(1),” insert –
“(ba) regulations under subsection (6), (8), (9) or (10) of section (*Regulation of retail packaging etc of tobacco products*),
(bb) regulations under subsection (11) of that section which amend, repeal or revoke any provision of an enactment within the meaning of that section,”

Clause 118

LORD NASH

64 Page 123, line 2, at end insert –
“(1A) Section (*Contact between prescribed persons and adopted person’s relatives*) –
(a) so far as it relates to England, comes into force on such day as the Secretary of State appoints by order, and
(b) so far as it relates to Wales, comes into force on such day as the Welsh Ministers appoint by order.”

64ZA Page 123, line 5, after “82,” insert “(*Application of suspension etc powers to establishments and agencies in England*),”

64A Page 123, line 5, leave out “and 84” and insert “, 84 and (*Extension of licensing of child performances to children under 14*)”

**Amendment
No.****Clause 118** – *continued*

- 64B** Page 123, line 6, at end insert –
“() Part 6 comes into force on 1 April 2014.”
- 65** Page 123, line 9, after “subsection” insert “(1A),”
- 65A** [Renumbered as Amendment 64A]

Clause 119

EARL HOWE

- 65B** Page 123, line 18, at end insert –
“(3A) Section (*Regulation of retail packaging etc of tobacco products*) extends to the whole of the United Kingdom.”

LORD NASH

- 65C** Page 123, line 24, at end insert “, subject to subsection (8).
(8) Subsection (7) does not apply to the repeal made by section (*Extension of licensing of child performances to children under 14*), which extends to England and Wales only.”

In the Title

LORD NASH

- 66** Line 2, after “needs” insert “or disabilities”

Children and Families Bill

FIFTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

28th January 2014

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